

The Punjab Motor Transport Vehicles (Toll) Rules, 1993

PUNJAB

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Rule

THE-PUNJAB-MOTOR-TRANSPORT-VEHICLES-TOLL-RULES-1993 of 1993

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The Punjab Motor Transport Vehicles (Toll) Rules, 1993Published vide Punjab Government Notification No. GSR. 60/PA.9/93/S.13/93, dated 29.7.1993No. GSR. 60/PA.9/93/S.13/93. - In exercise of the powers conferred by section 13 of the Punjab Motor Transport Vehicles (Toll) Act, 1992 (Punjab Act 9 of 1993), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Punjab Motor Transport Vehicles (Toll) Rules, 1993.(2)They shall come into force at once.

2. Definitions.

- In these rules unless the context otherwise requires, -(a)"Act" means the Punjab Motor Transport Vehicles (Toll) Act, 1992;(b)"Form" means a form appended to these rules; and(c)"Government" means the Government of Punjab in the Department of Transport.

3. Mode of payment of and collection of toll.

[Section 9] - The driver or the person incharge of a motor transport vehicle shall pay the toll levied under section 3 of the Act in cash to the Toll Tax Officer or the person authorised by him at the barriers established for the collection of toll, against receipt in Form T.

4. Disposal of the detained motor transport vehicle or any part or accessory thereof.

[Section 6] - (1) When the Toll Tax Officer or the person authorised by him detains any motor transport vehicle or any part or accessory thereof as envisaged in sub-section (2) of section 6 of the Act, he shall prepare a detention order in Form T.T.II (in triplicate) and deliver a copy thereof to the driver or the person incharge of the motor transport vehicle and obtain his signatures or thumb-impression on the third copy of the said Form.(2)The Toll Tax Officer or the person authorised by him, may keep the motor transport vehicle or any part or accessory thereof in his custody for twenty-four hours from the time of its detention, and if during the said period of detention the driver or the person incharge of the motor transport vehicle is not able to pay the toll or penalty as the case may be or both, then the Toll Tax Officer, or the person authorised by him shall send or cause to hand over such vehicle or any part or accessory thereof detained, to the officer incharge of the nearest Police Station for safe custody and he may for that purpose require the driver or the person incharge of the motor transport vehicle to drive the motor transport vehicle to the said Police Station.(3)The Toll Tax Officer or the person authorised by him shall give the first copy of the detention order to the driver or the person incharge of the motor transport vehicle and the second copy thereof shall be given to the officer-in-charge of the Police Station in whose custody such vehicle or any part or accessory thereof is kept, and the third copy thereof shall be retained by the Toll Tax Officer for his record.(4)The motor transport vehicle or any part or accessory thereof detained under sub-rule (1) shall be released on payment of the toll or penalty, as the case may be, or both and where the motor transport vehicle or any part or accessory thereof is in the custody of Police Station, release order in Form T.T. III shall be issued by the Toll Tax Officer or the person authorised by him to the Officer incharge of the concerned Police Station.(5)On receipt of the release order issued by the Toll Tax Officer or the person authorised by him, the motor transport vehicle or any part or accessory thereof shall be released forthwith by the Officer incharge of the concerned Police Station.(6)If within a period of fifteen days from the date of detention of the motor transport vehicle or any part or accessory thereof, the toll or penalty, as the case may be, or both are not paid by the operator, the driver or any other person incharge of the motor transport vehicle, then the motor transport vehicle or any part or accessory thereof, shall be sold by public auction by the Toll Tax Officer or the person authorised by him, at the risk and cost of the operator and out of the sale proceeds so received, the Toll Tax Officer or the person authorised by him, shall after deducting the toll or penalty as the case may be or both and the expenses incurred in conducting the public auction, deliver the remaining amount of the sale proceeds to the operator or driver or person incharge of the motor transport vehicle, as the case may be.

5. Adjustment of toll or penalty from the security.

[Section 6] - If the operator or the driver or person incharge of the motor transport vehicle is not able to pay the toll or penalty, as the case may be, or both, and instead furnishes security in cash then the Toll Tax Officer or the person authorised by him, shall refund the amount of the security which remained after deducting therefrom the amount of toll or penalty, as the case may be or both.

6. Appellate Authority.

[Section 48] - The State Transport Commissioner or any officer appointed by him, not below the name of Deputy State Transport Commissioner, shall be the Appellate Authority for the purposes of this Act. Form T.T.I [See rule 3] Book No. _____ Receipt No. _____
Dated _____ DEPARTMENT OF TRANSPORT, PUNJAB Head of Account : 0041 - Taxes on vehicles Received from _____ in respect of Vehicle No. _____ a sum of Rs. _____ (in words) rupees _____ by cash on account of toll or penalty or both or cash security on its entry in the State of Punjab on the above date. Signature of the Toll Tax Officer/the authorised person. Form T.T.II Detention Order (in triplicate) [See rule 4(1)]

No. _____ Dated _____

Whereas the driver or incharge of a motor transport vehicle No. _____ has failed to make payment of toll at the time of entry in the State of Punjab; And whereas after affording a reasonable opportunity of being heard in person, he has further failed to explain the reasons for not making the payment of the toll due; I am, therefore, satisfied that a breach of the provisions of the Punjab Motor Transport Vehicle (Toll) Act, 1992 has been committed. Now, therefore, I order to detain the aforesaid motor vehicle or any part or accessory thereof for realization of toll. Toll Tax Officer/Authorised person Dated, the Endorsement No. A copy to :-

1. The owner/driver of the motor transport vehicle.

2. Police Officer.

3. Office File.

Toll Tax Officer. Form T.T.III Release Order [See rule 4(4)] Whereas the motor transport vehicle No. _____ or any part or accessory thereof was detained, _____ vide order No. _____, dated _____ for not making payment of toll or penalty as the case may be or both due, amounting to Rs. _____. And whereas the said payment has now been realised from the owner/driver/the person incharge of the motor transport vehicle. I, therefore, order the release of motor transport vehicle or any part or accessory thereof. Toll Tax Officer/the authorised person Dated, Chandigarh the Endorsement No. _____

1. Owner/driver/the person incharge of the motor transport vehicle.

2. Police Officer.

3. Office file.

Toll Tax Officer/Authorised person. To, The Incharge of the Police Station _____