

# Himachal Pradesh Passengers and Goods Taxation Act, 1955

HIMACHAL PRADESH

India

## Himachal Pradesh Passengers and Goods Taxation Act, 1955

### Act 15 of 1955

- Published on 17 November 1956
- Commenced on 17 November 1956
- [This is the version of this document from 17 November 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

Himachal Pradesh Passengers and Goods Taxation Act, 1955(Act No. 15 of 1955)[Dated 17.11.1956](Received the assent of the President of India on the 25th November, 1955, and was published in Hindi, in R.H.P. Extra., dated the 23rd December, 1955, at p. 415-423, and in English in R.H.P., dated the 17th November, 1956 at p. 648-651).An Act to provide for levying a tax on passengers and goods carried by road in [\*\*\*] [The word 'certain' omitted vide Act No. 20 of 1997 effective w.e.f. 14-8-97.] motor vehicles.Be It enacted by the Legislative Assembly of the State of Himachal Pradesh in the Sixth Year of Republic of India as follows : -

### 1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh Passengers and Goods Taxation Act, 1955.(2)It shall extend to the whole of the State of Himachal Pradesh.(3)It shall come into force at once.

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)[ "Assessing Authority" means any person authorized by the State Government to make any assessment under this Act;] [Existing clause (a) re-numbered as (aa) and new clause (a) inserted vide Act No. 8 of 1991.];(aa)[ "business" includes: - [Clause (aa) Substituted vide Act No. 20 of 1997 effective w.e.f. 14-8-1997.](i)the business of carrying passengers and goods by motor vehicles;(ii)any trade, commerce or manufacture, or any adventure or concern in the nature of trade, commerce, or manufacture whether or not such trade, commerce, manufacture, adventure or concern is carried on with a motive to make gain or profit and whether or not any gain or profit accrues from such trade, commerce, manufacture, adventure or concern; and(iii)any transaction in connection with, or incidental or ancillary to, such trade, commerce, manufacture, adventure or concern;](b)"Commissioner" means the [Excise and Taxation Commissioner] [Substituted for the

words 'Financial Commissioner' by H.P. Act No. 7 of 1966, section 2.] of Himachal Pradesh;(c)[ "fare" or "freight" includes sums fixed by the competent authority under the Motor Vehicles Act for the hire of motor vehicles for carriage of passengers and the transport of goods therein and includes the sum payable for a season ticket, and where no such fare or freight has been fixed, also includes such sum as specified in Schedule-I] [Clause (c) Substituted vide Act No. 20 of 1997 effective w.e.f. 14-8-97.];(d)"goods" include live-stock, and anything carried by a motor vehicle except living persons, but does not include the personal luggage of passengers travelling in the vehicles when such luggage is not charged for, and the equipment ordinarily used with the vehicle;(da)[ "kilogram" means kilogram as defined in the Standards of Weights and Measures Act, 1976.] [Clause (da) Added vide Act No. 1 of 1997 w.e.f. 1.10.96.](db)[ "mini-bus" means a stage carriage having the capacity to carry not more than 30 passengers excluding the driver and the conductor;] [Existing clause (dd) Inserted vide Act No. 8 of 1991 re-numbered as clause (db) vide Act No. 1 of 1997 w.e.f. 1.10.96.];(e)[ "motor vehicle" means any transport vehicle, which is mechanically propelled and adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source, or a trailer when attached to any such vehicle and includes - [Clause (e) Substituted vide Act No. 10 of 1988, Act No. 8 of 1991, w.e.f. 1.10.1990 and again Substituted vide Act No. 20 of 1997 w.e.f. 14-8-1997.](i)a motor vehicle used for carriage of passengers or goods or both for hire or reward in contravention of the provisions of the Motor Vehicles Act; and(ii)a maxi cab, which is constructed or adapted to carry more than six passengers, but not more than twelve passengers;](ea)[ "Motor Vehicles Act" means the Motor Vehicles Act, 1939 (4 of 1939) and the Motor Vehicles Act, 1988 (59 of 1988), as the case may be;] [Clause (ea) Inserted vide Act, No. 20 of 1997.](f)[ "owner" means the owner of the motor vehicle used for carrying passengers or transporting goods in or through the territory of the State of Himachal Pradesh, and includes, - [Clause (f) Substituted vide Act No. 1 of 1978 w.e.f. 14.11.1977.](a)the de-facto and de-jure owners;(b)any person for the time being in-charge of such vehicle;(c)any person responsible for the management of the place of business of such owners;(d)the Government or Corporation constituted under the Road Transport Corporation Act, 1950 (64 of 1950);](g)[ "passenger" means any person travelling in a motor vehicle, but shall not include the driver or the conductor or any employee of the owner of the vehicle travelling in the bonafide discharge of his duties in connection with the vehicle;] [Clause (g) Substituted vide Act No. 20 of 1997, w.e.f. 14.8.1997.](ga)[ "prescribed" means prescribed by rules framed under this Act;] [Clause (gg) Inserted vide Act No. 8 of 1991 w.e.f. 20.4.1991 re-numbered as (ga) vide Act No. 20 of 1997 w.e.f. 14-8-97.](gb)[ "private service vehicle" means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business; [Clauses (gb) and (gc) Inserted vide Act No. 20 of 1997 w.e.f. 14.8.1997.](gc)"road" means a track for travel or transportation to and fro, serving as a means of communication, between two places;](h)[ "prescribed authority" means any officer of the Excise and Taxation Department, not below the rank of an Excise and Taxation Inspector, appointed under sub-section (1) of section 7 of this Act;] [New clauses (h) Inserted vide Act No. 1 of 1997 w.e.f. 1.10.1996.](i)[ "Schedule" means the Schedule appended to this Act;] [Clause (i) Inserted vide Act, No. 1 of 1997 w.e.f. 1.10.1996.](ia)[ "transport vehicle" means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle;] [Clause (ia) Inserted vide Act No. 20 of 1997 w.e.f. 14.8.97.](j)[ "State" means the State of Himachal Pradesh. [Clause (h) renumbered as clause (j) vide Act, No. 1 of 1997 w.e.f. 1.10.1996.](k)[ "tax" means the tax levied

under section 3 and 3-B of the Act; and](1)[ all words and expressions used in this Act but not defined shall have the meanings assigned to them in the [Motor Vehicles Act, 1988 (59 of 1988).] [Clause (j) renumbered as clause (l) vide Act, No. 1 of 1997 w.e.f. 1.10.1996.]

### 3. Levy of Tax.

- [(1) There shall be levied, charged and paid to the State Government a tax,-(i)on all fares in respect of all passengers carried by motor vehicles at such rates not exceeding fifty percent of the value of fares, and(ii)on all freights in respect of all goods transported by motor vehicles at such rates not exceeding five percent of the value of freight,as the Government may, by notification, direct, subject to a minimum of five paise in any one case, the amount of tax being calculated to the nearest multiple of five paise by ignoring two paise or less and counting more than two paise as five paise.] [Sub-section (1) Substituted vide Act No. 1 of 1997 w.e.f. 1-10-1996.][\* \* \* ] [Explanation omitted vide Act No. 20 of 1997 w.e.f. 14.8.1997.](1A)[ Notwithstanding anything contained in sub-section (1), when passengers are carried and goods are transported by a motor vehicle and -(i)no fare or freight, whether chargeable or not has been charged, or(ii)fare or freight has been charged at a concessional rate,the tax at the rates as directed by notification by the Government under sub-section (1), shall be levied, charged and paid as if the passengers were carried or goods were transported either on fares and frights fixed by the competent authority under the Motor Vehicles Act for different classes of roads and motor vehicles in the State or on the fares and freights, for different classes of roads and motor vehicles, specified in Schedule-I to this Act, whichever is higher:Provided that the State Government may, by notification, amend Schedule-I, and thereupon the Schedule-I, shall stand amended accordingly:Provided further that every notification amending Schedule-I, shall be laid on the Table of the Legislative Assembly.] [New sub-section (1A) added vide Act No. 20 of 1997 w.e.f. 14.8.1997.](2)Where any fare or freight charged is a lump sum paid by a person on account of a season ticket or as subscription or contribution for any privilege, right or facility which is combined with the right of such person being carried or his goods transported by a motor vehicle, without any further payment or at a reduced charge, the tax shall be levied on the amount of such lump sum or on such amount as appears to the prescribed authority to be fair and equitable having regard to the fare or freight fixed by a competent authority under the Motor Vehicles Act, [1988] [Substituted for the figure '1939' vide Act No. 8 of 1991.](2A)[ Where a motor vehicle plies for hire or reward in contravention of the provisions of the Motor Vehicles Act, 1988 (4 of 1988) the owner of such vehicle shall, without, prejudice to any action which is or may be taken under that Act, be liable to pay tax at the rate specified in sub-section (1) or such amount of fares and freights as may be determined in the prescribed manner by the prescribed authority.] [Sub-section (2-A) Inserted vide Act No. 10 of 1988.](3)Where passengers are carried or goods transported by a motor vehicle from any place outside the State [or from any place outside the State to any place outside the State but through the State or from any place within the State to any other place within the State but through the intervening territory of another State] [Inserted vide Act No. 7 of 1966, section 3.] to any place within the State, or from any place within the State to any place outside the State the tax shall be payable in respect of the distance covered within the State at the rate laid down in sub-section (1) and shall be calculated on such amount as bears the same proportion to the total fare and freight as the distance covered in the State bears to the total distance of the journey.

**3A. [ Levy of surcharge. [Section 3-A added vide Act No. 4 of 1972 repealed by 11 of 1973 and again new section added vide Act No. 1 of 1978.]**

- Notwithstanding anything contained in sub-section (1) of section 3 of the Act, from and after the commencement of this section, there shall further be levied and paid to the State Government a surcharge on the tax payable by every passenger carried by a [transport vehicle, excluding a goods vehicle/carriage] for each journey at a rate of 20% subject to a minimum of 5 paise in any one case, the amount of surcharge being calculated to the nearest multiple of 5 paise by ignoring 2 paise or less and counting more than 2 paise as 5 paise, for the purpose of [payment of ex-gratia grant to a passenger] [Substituted for the words 'insurance of a passenger' vide Act No. 6 of 1985 w.e.f. 14.11.1977.] under the scheme to be prepared and notified by the State Government in the Official Gazette:][Provided that such scheme may be framed by the State Government with retrospective effect from which the surcharge was levied.] [Proviso to Section 3-A added vide Act No. 6 of 1985 w.e.f. 14.11.1977.]

**3B. [ Levy of additional goods tax. [Section 3-B inserted vide Act No. 1 of 1997 w.e.f. 1.10.96.]**

(1)In addition to the tax levied under section 3, on and from the commencement of the Himachal Pradesh Passengers and Goods Taxation (Amendment) Act, 1996, there shall be levied, charged and paid to the State Government, an additional tax on the transport of the goods specified in column (2) of the [Schedule-II] at the rates given in column (3) thereof for every slab of [two hundred and fifty] [Substituted for the words 'one hundred and fifty' vide Act No. 5 of 2005.] kilometers or part thereof covered/being covered by road within the State.(2)The tax under sub-section (1) shall be paid by a person-in-charge or the driver of the motor vehicle, as the case may be, in the prescribed manner, into the Government Treasury or the State Bank of India or to the prescribed authority of the district through which the transport of goods is affected subject to the condition that such authority shall issue him a receipt, in the prescribed form, in token of having received the amount specified therein.]

**4. Method of collection of tax.**

- The [tax and surcharge] [Substituted for the word 'tax' vide Act No. 6 of 1977.] shall be collected by the owner of the motor vehicle and paid to the State Government in the prescribed manner:[Provided that in case of goods carriages or motor cabs, maxi cabs and scooter rickshaws, wherever an owner opts to pay the tax or tax and surcharge in lump-sum, the Government may accept a lump-sum in lieu of the tax or tax and surcharge, as the case may be, payable under sections 3 and 3-A, on freight or fare in the manner prescribed.Provided further that in case of motor vehicles (including the stage carriages or contract carriages), other than those specified in the first proviso, in which the passengers are carried, wherever an owner opts to pay the tax and surcharge in lump-sum, the State Government may accept a lump-sum, in lieu of the tax and surcharge payable under sections 3 and 3-A, in the manner prescribed, taking into consideration the registered capacity of the vehicle and the distance to be covered by such motor vehicles under the permit

issued for such vehicles] [Proviso to section 4 added vide Act No. 4 of 1972, and amended by 27 of 1984, substituted by Act No. 8 of 1991 w.e.f. 1.10.1990 and again substituted by Act No. 1 of 1997 w.e.f. 1.10.1996.]

#### **4A. [ Collection of additional goods tax by a person selling or causing or authorizing to cause dispatch or transport of goods. [New section 4-A Inserted vide Act No. 7 of 2006.]**

(1)Notwithstanding anything to the contrary contained in sub-section (2) of section 3-B, a person selling or causing or authorizing to cause dispatch of goods for transport and duly authorized by the State Government, by notification, shall in the prescribed manner, collect the amount of tax payable under section 3-B from the person-in-charge or the driver of the motor vehicle, as the case may be, in or on which goods are to be transported and the person making such collection shall, in the prescribed manner, make payment of the same into the Government treasury.(2)The person making such collection shall issue a certificate in the prescribed manner, to the person in-charge or the driver of the motor vehicle, as the case may be, in or on which goods are to be transported and, on the production of the certificate, no tax shall be payable under sub-section (2) of section 3-B of the Act.(3)If any person contravenes any or all of the provisions of sub-sections (1) and (2), the prescribed authority shall, after giving opportunity of being heard, by an order in writing, direct that such person shall pay by way of penalty a sum not exceeding twice the amount of tax payable under sub-section (1).(4)The provisions of section 12 shall mutatis mutandis apply for recovery of any amount of tax payable and or any penalty imposed but not deposited under this section.]

#### **5. Method of levy.**

(1)Save as otherwise provided by this Act no passenger shall be allowed to travel by the owner in a motor vehicle unless he is issued a ticket in the prescribed form for the journey, noting that the [tax and surcharge] [Substituted vide Act No. 1 of 1978.] has been paid:Provided that if a journey being outside the State, the [tax and surcharge] [Substituted vide Act No. 1 of 1978.] shall become chargeable on entry within the State, in the prescribed manner.(2)Save as otherwise provided by this Act, no goods shall be allowed to be carried in a motor vehicle unless the person, in charge of the vehicle or a passenger, as the case may be, has in his possession a receipt in the prescribed form issued by the owner of the motor vehicle, showing the freight charged or the freight chargeable at the usual current rate and denoting, that the tax due under the Act has been paid.

#### **6. [ Keeping of accounts and submission of returns. [Section 6 Substituted vide Act No. 8 of 1991.]**

(1)An owner shall keep such accounts and submit to the Assessing Authority such returns at such intervals as may be prescribed.(2)The owner shall pay the full amount of tax and surcharge due from him under this Act, in the prescribed manner before furnishing returns referred to in sub-section (1) and attach proof of payment with such returns:Provided that where the amount of passenger tax and surcharge is paid by way of adhesive stamps, the treasury receipt for the purchase of such

stamps shall be attached with the returns.]

## **7. Taxing authorities.**

(1) For carrying out the purposes of this Act, the Commissioner may be assisted by such other person or persons as the State Government may appoint in this behalf. (2) The Commissioner, and the person or persons appointed under sub-section (1) shall exercise such powers and perform such duties as may be assigned to them under this Act.

### **7A. [ Assistance to taxing authorities. [Section 7-A added vide Act No. 10 of 1988.]**

- All police officers shall be bound to assist the Commissioner and all other persons appointed to assist him under sub-section (1) of section 7 of this Act, when required, in performance of their duties under this Act, and, for that purpose, shall have the same powers which they have in the discharge of their ordinary police duties.]

## **8. Registration of owner.**

- [(1) No owner shall ply his motor vehicle in the State unless he is in possession of a valid registration certificate as provided hereinafter.] [Existing section 8 re-numbered as sub-section (1) vide Act No. 10 of 1988.] (2) [ Notwithstanding anything contained in sub-section (1) on an application, accompanied by a fee of rupees twenty, made by an owner of a vehicle which is not registered in this State under the provisions of the [Motor Vehicles Act, 1988 (59 of 1988)] [Sub-section (2) added vide 10 of 1988.] and is plied on a temporary permit granted under section [87] [Substituted for the figure '62' vide Act No. 8 of 1991.] of that Act for a period not exceeding four months and on advance payment of the tax and surcharge, payable under this Act, the Assessing Authority may dispense with the requirement of a valid registration certificate under this section.]

## **9. Grant of Registration certificate.**

(1) A registration certificate shall be granted in the prescribed manner to any owner applying therefor to the prescribed authority [\*\*\*] [The words 'in the district in which his vehicle is registered under the Motor Vehicles Act, 1939' omitted by section 5 of H.P. Act No. 7 of 1966.]. (2) Every such registration certificate shall be valid without renewal till it is cancelled or suspended. (3) No registration certificate shall be granted to any person who has not registered his motor vehicle under the Motor Vehicles Act, [1988] [Substituted for the figures '1939' vide Act No. 8 of 1991.], and if any such registration under that Act is suspended or cancelled, any registration certificate granted under this Act shall be deemed to be suspended or cancelled, as the case may be. (4) [ \* \* \* ] [Sub-section (4) omitted vide Act No. 8 of 1991.] (5) If an owner, who has been granted a certificate of registration under sub-section (1) transfers, discontinues or closes his business, he shall inform the prescribed authority within thirty days of his doing so, and the said authority shall

cancel the registration certificate from the date of transfer, discontinuance or closing down of the business.(6)(i)On the death of an Owner any person claiming to be the legal representative of the deceased shall inform the prescribed authority of this fact within a period of thirty days.(ii)The prescribed authority shall thereupon transfer the certificate in the name of the applicant.(7)When any owner transfers any motor vehicle, the transferee shall be liable to pay [tax, surcharge] [Substituted for the words 'Tax' vide Act No. 1 of 1978] and penalty, if any, remaining unpaid by the transferor up to the date of transfer as if he was the registered owner, and the transferee shall not ply the said motor vehicle without getting himself registered or getting his registration certificate amended, if he is already registered.

### **9A. [ Owner to furnish security. [Sections 9-A, 9-B and 9-C added vide Act No. 8 of 1991.]**

(1)Where it appears to the Assessing Authority necessary so to do, for the proper realization of the tax or surcharge levied under this Act, it may, after giving an opportunity of being heard require any owner to furnish security of an amount not exceeding twenty thousand rupees in the manner prescribed.(2)Where the security furnished by an owner under sub-section (1) is in the form of surety bond and the surety becomes insolvent or is otherwise incapacitated or dies or withdraws, the owner shall, within fifteen days of the occurrence of any of the aforesaid events, inform the Assessing Authority and shall within thirty days of such occurrence furnish a fresh surety bond.(3)The Assessing Authority may, by an order in writing for good and sufficient cause and after giving the owner a reasonable opportunity of being heard, forfeit the whole or any part of the security furnished by the owner for realizing any amount of tax or penalty payable by him under this Act.(4)Where by reason of an order under sub-section (3), the security furnished by any owner is rendered insufficient, he shall make up the deficiency in such manner and within such time as may be prescribed.(5)The Assessing Authority may, on application by an owner, release the security furnished by him or any part thereof, if the same is no longer required to be retained for the purposes of this Act.

### **9B. Assessment of tax and surcharge.**

(1)Where the Assessing Authority is satisfied without requiring the presence of the owner or the production by him of any evidence that the returns furnished in respect of any period are correct and complete, it shall assess the amount of tax or surcharge on the basis of such returns.(2)Where the Assessing Authority is not satisfied without requiring presence of owner or production of evidence that the returns furnished in respect of any period are correct and complete, it shall serve on such owner a notice in the prescribed manner requiring him on a date and place specified therein either to attend in person or to produce or to cause to be produced any evidence on which the owner may rely in support of such returns.(3)On the date specified in the notice or as soon afterwards as may be, the Assessing Authority shall, after hearing such evidence as the owner may produce, and such other evidence as the Assessing Authority may require on specified points assess the amount of tax or surcharge due from the owner.(4)If any owner, having furnished returns in respect of any period fails to comply with the notice issued under sub-section (2), the Assessing Authority shall within three years after the expiry of such period assess, to the best of his judgement the amount of

tax or surcharge due from the owner.(5)If the Assessing Authority is satisfied that any owner is liable to pay tax or surcharge under this Act in respect of any period but who has will fully failed to apply for registration or to pay the tax or surcharge as the case may be, the said authority may, after giving the owner a reasonable opportunity of being heard, assess the amount of tax or surcharge, if any, due from the owner and also direct that the owner shall pay in the prescribed manner by way of penalty a sum not exceeding five times the amount of tax or surcharge so assessed subject to a minimum of five hundred rupees.

### **9C. Re-assessment of tax and surcharge.**

(1)If in consequence of an information which has come into his possession, the Assessing Authority discovers that the tax or surcharge due from the owner has been under-assessed or has escaped assessment in any year, the Assessing Authority may at any time within five years following the close of the year for which re-assessment is to be made and after giving a reasonable opportunity, in the prescribed manner, of being heard proceed to re-assess the tax or surcharge payable, which has been under-assessed or has escaped assessment.(2)The Assessing Authority may, at any time, within one year from the date of any order passed by him and subject to such conditions as may be prescribed, rectify any clerical or arithmetical error apparent from the record.].

### **10. [ Exemptions. [Section 10 substituted vide Act No. 10 of 1988]**

- Wherever it is expedient to do so in national or public interest the State Government may, by general or special order and subject to specific conditions, if any, exempt any person or class of persons from the operation of all or any of the provisions [other than the provisions of Section 3-B] of this Act.]

### **11. Supply of time table and table of fares and freights.**

- An owner shall, in the prescribed manner, furnish to the prescribed authority a table of fares and freights of public service vehicles and public carriers, a table regulating timings of arrival and departure of motor vehicles and such other particulars connected with the business as the prescribed authority may by order from time to time require.

### **12. Arrears of [tax and surcharge] [Substituted for the word 'tax' vide Act No. 6 of 1977.] to be recovered as arrears of land revenue.**

- Any arrears of [tax and surcharge] [Substituted for the word 'tax' vide Act No. 6 of 1977.] or penalty imposed under this Act shall be recoverable as an arrear of land revenue.

### **12A. [ Payment of interest. [Section 12-A Inserted vide Act No. 1 of 1999.]**

(1)If any owner fails to pay the amount of tax or surcharge due from him under this Act, except to the extent mentioned in sub-section (2), he shall, in addition to the amount of tax or surcharge, be



liable to pay simple interest on the amount of tax or surcharge due and payable by him, at the rate of one per centum per month, from the date immediately following the last date on which the owner should have either filed the return or paid the tax or surcharge under this Act, for a period of one month and thereafter at the rate of one and a half per centum per month till the default continues.(2)If the amount of tax or surcharge or penalty due from an owner is not paid by him within the period specified in the notice of demand or, if no period is specified within thirty days from the service of such notice, the owner shall, in addition to the amount of tax or surcharge or penalty, be liable to pay simple interest on such amount at the rate of one per centum per month from the date immediately following the date on which the period specified in the notice or the period of thirty days, as the case may be, expires, for a period of one month and thereafter at the rate of one and a half per centum per month till the default continues:Provided that where the recovery of any tax or surcharge or penalty is stayed by an order of any court, the amount of tax or surcharge or penalty shall, after the order of stay is vacated, be recoverable alongwith interest at the aforesaid rate on the amount ultimately found to be due and such interest shall be payable from the date the tax or surcharge or penalty first became due.(3)The amount of interest payable under this section shall -(i)be calculated by considering if part of a month is more than fifteen days as one month and any amount if more than fifty rupees but less than one hundred rupees as one hundred rupees;(ii)for the purposes of collection, and recovery, be deemed to be tax under this Act;(iii)be in addition to the penalty, if any, imposed under this Act.]

### **13. Powers of entry and inspection.**

(1)The driver of a motor vehicle shall cause the vehicle to stop and remain stationary, when required so to do by any prescribed authority in order to enable the said authority to carry out any duty imposed by or under this Act and the said authority may also enter and travel in the motor vehicle for doing so.(2)A person authorised under sub-section (1) shall wear such uniform or such other distinguishing insignia as may be prescribed, may enter and inspect any place ordinarily used by the owner for garaging a vehicle or keeping accounts of his business for the purpose of seeing or verifying whether the provisions of this Act or any rules framed thereunder are being complied with and countersign any documents during the course of such inspection.(3)[ The prescribed authority may, in order to ensure that any provision of this Act is not being evaded by the owner of a motor vehicle, inspect and, if necessary, seize the log book from the driver of such motor vehicle and give a temporary acknowledgement therefore to the driver.] [Inserted by H.P. Act No. 1 of 1978.](4)[ All accounts, registers, documents and other books of an owner of a motor vehicle shall at all reasonable times be open to inspection by the Commissioner or any other prescribed authority and the Commissioner or such authority may countersign any or all of such accounts, registers, documents and books.(5)If the Commissioner or the prescribed authority has reason to suspect that any owner of a motor vehicle is attempting to evade payment of the tax under this Act, the Commissioner or such authority may, for reasons to be recorded, seize such accounts, registers, documents or other books of such owner as may be necessary, and shall grant a receipt for the same, and retain the same only so long as may be necessary for examination thereof or for the purpose of any proceeding under this Act.(6)For the purpose of sub-section (4) and (5), the Commissioner or the prescribed authority, as the case may be, may enter any place of business of the owner of a motor vehicle.] [Inserted vide Act No. 10 of 1988.]

**13A. [ Impounding of a licence. [Section 13A as added by H.P. Act No. 7 of 1966, substituted by H.P. Act No. 8 of 1968.]**

- The prescribed authority may, if it has reason to believe that the driver or conductor of a motor vehicle has contravened any provision of this Act, or rules made thereunder or any order or direction made or given thereunder, seize any licence held by such driver or conductor, or any other document relating to the vehicle in his possession, which in the opinion of the prescribed authority will be useful for, or relevant to, any proceeding under section 14A and forward the same to [the Assistant Excise and Taxation Commissioner or as the case may be,] the Excise and Taxation Officer, concerned.(2)The prescribed authority seizing the licence or other document under sub-section (1) shall give to the person surrendering the same a temporary acknowledgement therefor and such acknowledgement shall have effect, until the licence or other document is returned to the driver or conductor, as the case maybe, as if the same had not been seized.]

**13AA. [ Power to detain vehicles. [Inserted vide Act No. 10 of 1988.]**

- Any officer authorized under section 13 may, if he has reason to believe that passengers and goods are being carried by a motor vehicle in or through the State of Himachal Pradesh without payment of tax or penalty, if any, imposed under this Act or where the owner refuses to pay the tax or penalty, if any, or fails to produce any proof regarding the payment thereof, detain the vehicle, and for this purpose take or cause to be taken any steps as he may consider proper for the temporary safe custody of the vehicle:Provided that the vehicle shall be released as soon as the tax or penalty, if any, has been paid.]

**14. Production of tickets.**

- A passenger shall upon demand made during the course of or immediately before or after the journey, produce to any prescribed authority, the ticket, voucher or document relating to his travel, or to the carriage of his goods. On his failure to do so he would be chargeable with twice the fare as penalty.

**14A. [ Penalty. [Section 14A and 14B inserted by H.P. Act No. 9 of 1968, section 5.]**

(1)Whoever contravenes, or fails to comply with, any of the provisions of this Act or the rules made thereunder or any order or direction made or given thereunder, shall, if no other penalty is provided under this Act for such contravention or failure, be liable to imposition of a penalty not exceeding [five thousand rupees but not less than one hundred rupees.](2)[ Any officer appointed under sub-section (1) of section 7 but not below the rank of an Excise and Taxation Officer may, after affording to the person concerned a reasonable opportunity of being heard, impose the penalty specified in sub-section (1).] [Sub-section (2) Substituted vide Act No. 10 of 1988.]

**14B. [ Establishment of check posts or barriers and inspection of goods in transit. [Section 14-B Substituted vide Act No. 1 of 1997 w.e.f. 1.10.1996.]**

(1)With a view to preventing or checking evasion of tax under this Act, the State Government may, by notification, direct the establishment of a check post or the erection of a barrier or both on such road or roads as may be notified.(2)At every check post or barrier or at any other place when so required by an officer-in-charge of the check post or barrier or any other officer, not below the rank of an Excise and Taxation Inspector, the person-in-charge or the driver of the motor vehicle, as the case may be, shall stop or cause to be stopped the motor vehicle, and keep it stationary as long as may reasonably be necessary, and allow the aforesaid officer to examine the contents in the motor vehicle by breaking open the package or packages, if necessary, and inspect all records relating to the goods transported which are in the possession of such person-in-charge or driver, who shall also furnish such other information as may be required by the aforesaid officer, and if considered necessary, such officer may also search the goods and the motor vehicle.(3)The person-in-charge or the driver of the motor vehicle, as the case may be, shall keep with him the receipt in the prescribed form showing the tax and/or additional goods tax paid by him under section [3, 3-B and 4-A] in respect of the goods being transported by him and produce on demand such receipt before an officer-in-charge of a check post or barrier or any other officer, not below the rank of an Excise and Taxation Inspector, checking such motor vehicle at any other place.(4)If the person-in-charge or the driver of motor vehicle, as the case may be, fails to produce the receipt as required under sub-section (3), the officer-in-charge of the check post or barrier or any other officer referred to in sub-section (3), as the case may be, shall recover the tax and/or the additional goods-tax, as the case may be, at the check post or barrier or at the place of inspection and issue him the receipt in the prescribed form.(5)If the transport of the goods on which the tax and/or additional goods tax is payable under this Act, is being affected through the check post or the barrier falling first in the course of transit within the State, the person-in-charge or the driver of motor vehicle may pay the tax at such check post or the barrier and obtain a receipt, in the prescribed form, against such payment.]

**14C. [ Penalties. [Sections 14C and 14D inserted vide Act No. 1 of 1997 w.e.f. 1.10.96.]**

(1)Whosoever, -(a)contravenes or abets the contravention of any of the provisions of this Act or the rules made thereunder or any order or direction made under any such provision or rule; or(b)conceals the particulars of the transport of the goods or deliberately furnishes inaccurate particulars,shall, on conviction, be liable to imprisonment of either description which may extend to six months or a fine which may extend to one thousand rupee or both.(2)No Magistrate shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint in writing made by an officer or authority authorized by the Commissioner, in this behalf.

## **14D. Composition of offences.**

(1)The State Government may, by notification in the Official Gazette, authorize any officer, not below the rank of an Excise and Taxation Officer to compound the offences committed under this Act and rules made thereunder.(2)The officer authorized under sub-section (1), may compound the offence committed under this Act by charging either a sum of rupees one thousand or double the amount of tax, surcharge, or additional goods tax, whichever is higher.(3)On payment of the sum referred to in sub-section (2), no further criminal proceedings shall be taken or continued to be taken against the person concerned in respect of such offence.]

## **15. [ Appeals. [Section 15 substituted by H.P. Act No. 9 of 1968, section 6.]**

(1)An appeal shall lie to the appellate authority appointed by the State Government in this behalf, against any original order passed under this Act, within sixty days of the passing of such order or within such further period as the appellate authority may, for sufficient cause, allow:Provided that no appeal shall be entertained by such authority unless he is satisfied that the amount of [tax and surcharge] assessed and penalty imposed has been paid:Provided further that such authority, if satisfied that an owner is liable to make such payment may, for reasons to be recorded in writing, entertain an appeal without such payment having been made.(2)Save as provided in section 16, an order passed by the appellate authority shall be final.]

## **16. [ Revisions. [Section 16 amended vide Act No. 10 of 1988 and substituted vide Act No. 8 of 1991.]**

(1)The Commissioner may, of his own motion, call for the record of any proceedings which are pending before, or have been disposed of by, any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation there to as he may think fit.(2)The State Government may by notification confer on any officer powers of the Commissioner under sub-section (1) to be exercised subject to such conditions and in respect of such areas as may be specified in the notification.(3)No order shall be made under this section which adversely affects any person unless such person has been given a reasonable opportunity of being heard.][17 and 18. [Omitted by H.P. Act No. 9 of 1968 Section 7.]\*\*\*\*]

## **19. Bar of proceedings.**

- No prosecution shall lie against any person authorized under this Act for anything done or purporting to have been done in good faith under this Act or the rules made thereunder.

## **20. Exclusion of jurisdiction of civil courts.**

- No civil court shall have jurisdiction in any matter, which the State Government or any prescribed authority is empowered by this Act or the rules made thereunder to dispose of or take cognizance of,

and regarding the manner in which the State Government or any prescribed authority exercise any powers vested in it or him by or under this Act or the rules made thereunder.

## 21. Refunds.

- The prescribed authority shall in the prescribed manner, refund to a registered owner, applying in this behalf, any amount of [tax and surcharge] [Substituted for the word 'tax' vide Act No.1 o 1978.] paid by such owner in excess of the amount due from him under this Act.

### 21A. [ Power to amend Schedule. [Section 21-A Inserted vide Act No. 1 of 1997 w.e.f. 1.10.1996.]

(1)The State Government may, [\*\*\*] by notification, add to or delete therefrom any goods specified in column (2) of the Schedule or amend the rate of additional goods tax specified in column (3) thereof and thereupon the said [Schedule-II] [Substituted for the word 'Schedule' vide Act No. 20 of 1997 w.e.f. 14-8-1997.] shall stand amended accordingly:Provided that the rate of the additional goods tax shall not be increased at any one time by more than 50% of the rate specified in the [Schedule-II] [Substituted for the word 'Schedule' vide Act No. 20 of 1997 w.e.f. 14-8-1997.](2)Every notification issued under sub-section (1) shall, as soon as may be, after it is issued, be laid on the Table of the Legislative Assembly.]

## 22. Powers to make Rules.

(1)The State Government may make rules, consistent with this Act, for securing the payment of [tax and surcharge] [Substituted for the word 'tax' vide Act No. 1 of 1978.] and generally for the purposes of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules: -(a)[ prescribing the manner in which and the intervals at which tax and surcharge shall be paid under section 3, 3-A and section 4;] [Clause (a) Substituted vide Act No. 1 of 1978.](aa)[ the manner in which the amount of fares and freights shall be determined for the purpose of payment of tax and surcharge under sub-section (2-A) of section 3;] [Clause (aa) inserted vide Act No. 10 of 1988.](b)prescribing the authority or authorities for the purpose of carrying out any function under any of the provisions of this Act;(c)prescribing the forms of tickets and receipts under section 5;(cc)[ prescribing the returns to be furnished under sub-section (1) of section 6 and intervals at which such returns shall be furnished; [Clauses (cc) and (ccc) Inserted vide Act No. 8 of 1991.](ccc)prescribing the manner of payment of tax and surcharge under sub-section (2) of section 6;(d)[prescribing the manner of granting registration certificate under section 9 and the manner of payment of [tax and surcharge] [Substituted by H.P. Act No. 9 of 1968, section 8(i).] and penalty assessed and imposed under this Act;](dd)[ prescribing the manner in which the security is to be furnished under sub-section (1) of section 9-A and the time within which and the manner in which the security rendered insufficient is to be made up under sub-section (4) of that section; [Clause (dd), (ddd) & (dddd) Inserted vide Act No. 8 of 1991.](ddd)prescribing the manner for serving notice on the owner under sub-section (2) of section 9-B and manner for payment of penalty under sub-section (5) of that

section;(dddd)prescribing the manner for giving reasonable opportunity for re-assessment of tax and surcharge under sub-section (2) of section 9-C;](e)prescribing the manner and the table of fares under section 11;(f)[prescribing the manner in which appeals under this Act may be preferred ;] [Substituted by Act No. 9 of 1968.](g)prescribing the manner in which revision application may be preferred;(h)prescribing the manner in which refund under section 21 shall be made;(hh)[prescribing the manner in which check posts and barriers to prevent evasions of [tax and surcharge] [Inserted by Act No. 9 of 1968 [section 8(ii)].] may be set up and erected];(i)to provide for any other matter for which rules can be or may be prescribed:[Provided that the State Government may, for the purposes of section 3-B of this Act, make rules with retrospective effect so as to be effective from any day on or after 1st day of October, 1996:] [Proviso inserted vide Act No. 1 of 1997 w.e.f. 1-10-96.]; and[Provided further that the State Government may, for the purposes of section 4 of this Act, make rules with retrospective effect so as to be effective from any day on or after 1st day of October, 1990:Provided further that unless the rules are made under the preceding proviso, the State Government may make rules under this Act subject to the condition of previous publication.] [Provisos added vide Act No. 8 of 1991and the word 'Provided' the word 'Provided further'.substituted vide Act No. 1 of 1997, w.e.f. 1.10.1996.](3)[ \* \* \*] [Sub-section (3) omitted by A.O. (5), 1957.]Extension: - The principal Act, as amended by this Act and all rules, notifications and orders made and all directions or instructions issued which are in force immediately before the commencement of this Act in the territory to which the said Act applies are hereby extended to and shall be in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966(31 of 1966).Repeal and saving: - The Punjab Passengers and Goods Taxation Act, 1952(16 of 1952) as applicable to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 and all rules, notifications and orders made, directions and orders made, directions or instructions issued, thereunder, shall upon the commencement of this Act, save as otherwise expressly provided in this Act stand repealed:Provided that such repeal shall not effect -(a)the previous operation of the Act so repealed or anything duly done or suffered thereunder, or(b)any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or(c)any penalty forfeiture or punishment incurred in respect of any offence committed against the Act so repealed,(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty forfeiture or punishment may be imposed as if this Act had not been passed:Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the Act extended by section 9 and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act so extended.Power to remove difficulties: - If any difficulty arises in giving effect to the provisions of the Act, rules or orders or instructions or directions now extended to the territory in which they were not in force before the commencement of this Act, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions, as appear to it be necessary or expedient for the removal of the difficulty.[Validation of assessments etc. [Validation section added vide Act No. 20 of 1997 w.e.f. 14.8.1997.] - (1) Notwithstanding anything contained in any judgement, decree, or order of any court or other authority to the contrary, any assessment, levy, charge or payment of any tax on passengers and goods carried by road (hereinafter referred to as the 'aforesaid tax'), made or purporting to have been made or any action taken or anything done

under the provisions of the principal Act at any time on or after the commencement of that Act, but before the commencement of the Himachal Pradesh Passengers and Goods Taxation (Amendment and Validation) Act, 1997 (hereinafter referred to as 'this Act'), shall be deemed to be valid and effective, as if such assessment, levy, charge, payment or collection or action or thing had been made, taken or done under the provisions of the said Act as amended by this Act and accordingly

- (i) the aforesaid tax assessed, levied, charged, paid or collected or purporting to have been assessed, levied, charged, paid or collected under the provisions of the said Act, before the commencement of this Act shall be deemed to be and always be deemed to have been validly assessed, levied, charged, paid or collected in accordance with law ;
- (ii) no suit or other proceeding shall be maintained or continued in any court or before any authority for the refund of, and no enforcement shall be made by any court or authority of any decree or order directing the refund of, any such aforesaid tax which has been collected ;
- (iii) recoveries, if any, shall be made in accordance with the provisions of the said Act of all amounts which would have been collected thereunder as such aforesaid tax if this Act had been in force at all material times ; and
- (iv) anything done or any action taken (including any rule or order made, notification issued or direction given or exemption granted or penalty imposed) under the said Act before the commencement of this Act shall be deemed always to have been validly done or taken in accordance with this Act.

(2) For the removal of doubts, it is hereby declared that

- (a) nothing in sub-section (1) shall be construed as preventing any person
- (i) from questioning, in accordance with the provisions of this Act, the assessment, levy, charge, payment for collection of the aforesaid tax; or
- (ii) from claiming refund of the aforesaid tax paid by him in excess of the amount due from him under this Act ; and
- (b) no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable as if this Act had not come into force.]