

The National Highways fee (Determination of Rates and Collection) Rules, 2008

UNION OF INDIA

India

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Rule

THE-NATIONAL-HIGHWAYS-FEE-DETERMINATION-OF-RATES-AND-C of 2008

- Published on 5 December 2008
- Commenced on 5 December 2008
- [This is the version of this document from 5 December 2008.]
- [Note: The original publication document is not available and this content could not be verified.]

The National Highways fee (Determination of Rates and Collection) Rules, 2008Published vide Notification No. G.S.R. 838(E), dated 5.12.2008, published in the Gazette of India, Extraordinary, Part 2, Section 3(i), dated 5.12.2008Last Updated 29th September, 2018 [18/799]In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956) and in supersession of the National Highways (Temporary Bridges) Rules, 1964, the National Highways (Collection of Fees by any person for the Use of Section of National Highways/Permanent Bridge/Temporary Bridge on National Highways) Rules, 1997, the National Highways (Fees for the Use of National Highways Section and Permanent Bridge-Public Funded Project) Rules, 1997 and the National Highways (Rate of Fees) Rules, 1997, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for collection of fee for use of sections of national highways, permanent bridges, by-passes and tunnels, namely:--

1. Short title and commencement.

(1)These rules may be called the National Highways Fee (Determination of Rates and Collection) Rules, 2008.(2)They shall come into force on the date of their publication in the Official Gazette.(3)They shall not apply to agreements and contracts executed and bids invited prior to the publication of these rules.(4)[They shall apply to the agreement and contracts executed and bids invited relating to Public funded projects and the build, operate and transfer (annuity) projects prior to the publication of the said rules.] [Inserted by Notification No. G.S.R. 756(E), dated 12.10.2011 (w.e.f. 5.12.2008).]

2. Definitions.

(1) In these rules, unless the context otherwise requires,--(a) "Act" means the National Highways Act, 1956; (b) "base year" means the period from 1st April, 2007 to 31st March, 2008; (ba) ["build, operate and transfer (annuity) project" means a project relating to any Section of a national highway, permanent bridge, bypass or tunnel, as the case may be, for which an agreement is entered into with a concessionaire, for payment of annual grant for construction of section of highway;] [Inserted by Notification No. G.S.R. 756(E), dated 12.10.2011 (w.e.f. 5.12.2008).] (c) "by-pass" means a section of the national highway by-passing a town or city; (d) "concessionaire" means a person with whom an agreement has been entered into under section 8-A of the Act; (e) "elevated highway" means any section of national highway raised above ground level through support of piers or columns; (f) "executing authority" means an officer or authority notified by the Central Government under section 5 of the Act; (g) "expressway" means a national highway having a divided carriageway suitable for high speed traffic and with control of access; (ga) ["fee plaza" means any building, structure or booth made for collection of fee;] [Inserted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] (h) "financial year" means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year; (ha) ["FASTag" means an onboard unit (transponder) or any such device fitted on the front wind screen of the vehicles; and [Inserted by Notification No. G.S.R. 831(E), dated 21.11.2014 (w.e.f. 5.12.2008).] (hb) "FASTag lane of toll plaza" is an exclusive lane in the toll plaza for movement of vehicles fitted with "FASTag" or any such device.] (hd) ["Electronic Toll Collection Infrastructure" means set of equipment comprising of hardware and software which shall facilitate electronic collection of user fees;] [Inserted by Notification No. G.S.R. 427(E), dated 7.5.2018 (w.e.f. 5.12.2008).] (i) "gross vehicle weight" in respect of any vehicle means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (59 of 1988); (j) "lane" means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimeters; (k) "mechanical vehicle" means any vehicle driven under its own power including a motor vehicle as defined under the Motor Vehicles Act, 1988; (l) "notification" means a notification published in the Official Gazette; (m) "private investment project" means a project relating to section of national highway, permanent bridge, by-pass or tunnel, as the case may be, for which an agreement is entered into with a concessionaire; (n) "public funded project" means a project which is not a private investment project, as defined in clause (m) above and includes a private investment project in respect of which the agreement has expired; [* * *] [Omitted '(o) 'toll plaza' means any building, structure or booth made for collection of fee.' by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] (2) Words and expressions used herein and not defined but defined in the National Highways Authority of India Act, 1988 shall have the meanings respectively assigned to them in that Act.

3. Levy of fees.

(1) The Central Government may by notification, levy fee for use of any section of national highway, permanent bridge, by-pass or tunnel forming part of the national highway, as the case may be, in accordance with the provisions of these rules: Provided that the Central Government may, by notification, exempt any section of national highway, permanent bridge, by-pass or tunnel

constructed through a public funded project from levy of such fee or part thereof, and subject to such conditions as may be specified in that notification.(2)The collection of fee levied under sub-rule (1) of rule 3, shall commence within forty-five days from the date of completion of the section of national highway, permanent bridge, by-pass or tunnel, as the case may be, constructed through a public funded project.(3)[***] [Omitted by Notification No. G.S.R. 778(E), dated 16.12.2013 (w.e.f. 5.12.2008).](4)No fee shall be levied for the use of the section of national highway, permanent bridge, by-pass or tunnel, as the case may be, by two wheelers, three wheelers, [tractors, combine harvesters] [Substituted by Notification No. G.S.R. 248(E), dated 14.3.2017 (w.e.f. 5.12.2008).] and animal drawn vehicles:Provided that three wheelers, [tractors, combine harvesters] [Substituted by Notification No. G.S.R. 248(E), dated 14.3.2017 (w.e.f. 5.12.2008).] and animal-drawn vehicles shall not be allowed to the use the section of national highway, permanent bridge, by-pass or tunnel, as the case may be, where a service road or alternative road is available in lieu of the said national highway, permanent bridge, by-pass or tunnel:Provided further that where service road or alternative road is available and the owner, driver or the person in charge of a two wheeler is making use of the section of national highway, permanent bridge, by-pass or tunnel, as the case may be, he or she shall be charged fifty per cent of the fee levied on a car.Explanation I .-For the purposes of this rule,--(a)"alternative road" means such other road, the carriageway of which is more than ten meters wide and the length of which does not exceed the corresponding length of such section of national highway by twenty per cent thereof;(b)"service road" means a road running parallel to a section of the national highway which provides access to the land adjoining such section of the national highway.(5)The fee notified by the Central Government under these rules shall be rounded off and levied in multiple of the nearest rupees five.

4. Base rate of fee.

(1)The rate of fee for use of the section of national highway, permanent bridge, by-pass or tunnel constructed through public funded project or private investment project shall be identical.(2)[The fee] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] for use of a section of national highway of four or more lanes shall, for the base year 2007-08, be the product of the length of such section multiplied by the following rates, namely:--

Type of Vehicle	Base Rate of Fee Per Km. (In rupees)
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck (Two Axles)	2.20
Three-axle commercial vehicles	2.40
Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi-Axle Vehicle (MAV) (four to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.2

[* * *] [Omitted explanation by Notification No. G.S.R. 220(E) dated 23.3.2015 (w.e.f. 5.12.2008).](3)[and (4) ***] [Omitted by Notification No. G.S.R. 778(E), dated 16.12.2013 (w.e.f. 5.12.2008).]

(3) The rate of fee for use of a section of national highway, having two lanes and on which the average investment for upgradation has exceeded [rupees two and a half crore per kilometer at the 1st April, 2008 prices] [Substituted for the words "Rupees one crore per kilometer" by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)], shall be sixty per cent of the rate of fee specified under sub-rule (2) of rule 4. (4) The rate of fee for use of permanent bridge or tunnel constructed with the cost exceeding Rupees Ten crore, shall, for the base year 2007-08, be as follows:-{|

“Base rate of fee (Rupees Per vehicle Per trip)

Cost of permanent bridge, or tunnel (Rupees in Crore)	Car, Jeep, Light Commercial Van or Light Motor Vehicle	Vehicle, Light Goods Vehicle or Mini Bus	Truck or Bus	Three-axle commercial vehicle	HCM, EME or MAV	Oversized Vehicle
10 to 15	5	7.5	15	16.5	22	30
For every additional Rupees five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore	1	1.5	3	3.3	4.5	6
For every additional Rupees five crore or part thereof, exceeding Rupees one hundred crore and up to Rupees two hundred crore	0.75	1.15	2.25	2.45	3.4	4.5
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.5	0.75	1.5	1.65	2.25	3

Provided that while computing fee for the section of national highway on which a permanent bridge or tunnel costing Rupees Fifty crore or more is situated, the length of such permanent bridge or tunnel shall be excluded from the length of such section of national highway and fee shall be levied at the rates specified for such permanent bridge or tunnel: Provided further that where the cost of such permanent bridge or tunnel, as the case may be, is less than Rupees Fifty crore, and the said permanent bridge or tunnel, form part of the section of national highway, then instead of above rate of fee, the rate of fee specified under sub-rule (2) of rule 4 shall be applicable for such permanent bridge or tunnel. Explanation.- For the purpose of this sub-rule,--(a) the cost for private investment project, shall be the cost as assessed by the executing authority prior to invitation of bids from the concessionaire; (b) the cost for public funded project shall be the cost as assessed by the executing authority six months prior to completion thereof.] (5) [The rate of fee for use of bypass forming part of a section of a national highway constructed with the cost of rupees ten crore or more, for the base year 2007-08, shall be one and a half times the rate of fee specified in sub-rule (2): Provided that while computing the fee for a section of a national highway of which such bypass forms a part, the length of such bypass shall be excluded from the length of such section of national highway: Provided further that where the cost of such bypass is less than rupees ten crore, then the rate of fee for the use said bypass shall be the same as that of the section of the national highway of which it forms a part.] [Inserted by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)] (6) [Notwithstanding anything contained in this rule-(a) the rate of fee for use of a Section of a national highway consisting of bypass or tunnel constructed on or after 11th September, 1956 but before 5th December, 2008, through public funded project or build, operate and transfer (annuity) project, shall be the same, as provided in sub-rule (2) and (3) for the Section of a national highway, and, shall be revised in accordance with the provisions of rule 5; and (b) the rate of fee for use of permanent bridge constructed on or after 11th September, 1956 but before 5th December, 2008, through public funded project or build, operate and transfer (annuity) project. shall be the same as applicable prior to the commencement of these rules, and, shall be revised in accordance with the provisions of rule 5: Provided that notwithstanding whether the Section of the national highway or the bridge has been taken for further lane upgradation or not, the increase in the rate of fee for use of a Section of such national highway, permanent bridge, bypass or tunnel constructed through any public funded project or any build, operate and transfer (annuity) project constructed before the commencement of the said rules, shall not be increased after the commencement of the National Highways Fee (Determination of Rates and Collection) Second Amendment, Rules, 2011 by more than twenty-five per cent of the rates of fee applicable immediately before such commencement and further annual increase shall in no case be more than twenty-five per cent of the rate applicable in the immediately preceding year.] [Inserted by Notification No. G.S.R. 756(E), dated 12.10.2011 (w.e.f. 5.12.2008).] [Provided further that in case of a section of a four-lane highway which has been taken up for up-gradation to six-laning, the increase in rate of fee shall be limited to seventy-five per cent of the fee as specified in sub-rule (2) and revised under rule 5 calculated on and from the date of commencement of the work relating to up-gradation, till the date of completion of the project according to the agreement entered into with the concessionaire without any annual revision: Provided also that no user fee shall be levied for the delayed period between the date of completion as per the agreement entered into with the concessionaire and the date of actual completion of the project. Explanation. - For the purposes of this rule, any provisional completion of the project shall not be treated as completion of the project. (7) The rate of fee for use

of an expressway shall be 1.25 times the rate specified in sub-rule (2). (8) In case of private investment projects, the rate of fee shall be as specified under sub-rule (2) or such lower rates as concessionaire may determine by giving public notice to the users, specifying in all or any category of vehicles. (9) The rate of fee for a section of a four-lane highway shall on and from the commencement of the work relating to upgradation to six laning, be seventy-five per cent. of the fee applicable on the date of commencement of the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2013, till the completion of the project without any annual revision: Provided that no user fee shall be levied for the delayed period between the date of completion as per the agreement entered into with the concessionaire and the date of actual completion of the project. Explanation. - For the purposes of this rule, any provisional completion of the project shall not be treated as completion of the project. (10) [The rate of fee for use of standalone structure as well as structure forming part of a liner highway/expressway, shall be calculated by converting the length of the structure into an equivalent length of highway/expressway by multiplying by a factor of ten. Provided that structure of 60 meters of length or less, on a linear highway/expressway will be considered as part of the normal length of highways/expressways for calculation of fee.] [Inserted by Notification No. G.S.R. 778(E), dated 16.12.2013 (w.e.f. 5.12.2008).] (11) The rate of fee for use of a section of a national highway, having two-lanes with paved shoulders and above but below four-lane on which substantial improvement has been made by widening carriageway by three meters or more shall be sixty per cent of the rate of fee specified under sub-rule (2).]

5. Annual revision of rate of fee.

(1) The rates specified under rule 4 shall be increased without compounding, by three per cent each year with effect from the 1st day of April, 2008 and such increased rate shall be deemed to be the base rate for the subsequent years. (2) The applicable base rates shall be revised annually with effect from April 1 each year to reflect the increase in wholesale price index between the week ending on January 6, 2007 (i.e., 2007) and [the wholesale price index for the month of December of the year] [Substituted for the words "the week ending on or immediately after January 1 of the year" by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)] in which such revision is undertaken but such revision shall be restricted to forty per. cent of the increase in wholesale price index. (3) The formula for determining the applicable rate of fee shall be as follows: - Explanation .- For the purposes of this sub-rule, - (a) applicable rate of fee shall be the rate payable by the user; (b) base rate shall be the rate specified in rule 4 read with sub-rule (1) of rule 5; (c) WPI A means [the wholesale price index for the month of December of the immediately preceding year] [Substituted for the words "the wholesale price index of the week ending on or subsequent to 1st January" by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)] immediately preceding the date of revision under these rules; and (d) WPI B means the wholesale price index of the week ending on 6th January, 2007 i.e. 2007. [Illustration: If the revision is to be made for the year 2008-09 by applying the wholesale price index for the month of December, 2007 (i.e. 216.4), then the rate for car, jeep or van will be 0.6794 as computer below:] [Substituted by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)]

Applicable rate of fee : $0.695 + 0.695 \times (216.4 - 207) \times 0.02087 = 0.679$

6. Collection of fee.

(1) Fee levied under these rules shall be collected by the Central Government or the executing authority or the concessionaire, as the case may be, at the [fee plaza.] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] (2) Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of national highway, permanent bridge, by-pass or tunnel, before crossing the [fee plaza.] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).], pay the fee specified under these rules. (3) The fee collected under these rules shall be paid either in cash or through [pre-paid payment] [Inserted by Notification No. G.S.R. 1114(E), dated 2.12.2016 (w.e.f. 5.12.2008).] smart card [or through FASTag] [Inserted by Notification No. G.S.R. 831(E), dated 21.11.2014 (w.e.f. 5.12.2008).] or on board unit (transponder) or any other like device: Provided that no additional charges shall be realised for making the payment of fee by use of a smart card or on board unit (transponder) or any other such device. [Provided further that user of the vehicle not fitted with "FASTag" entering into "FASTag lane" of the Toll Plazas shall pay a fee equivalent to two times of the fee applicable to that category of vehicles as per sub-rule (2) of rule 4.] [Inserted by Notification No. G.S.R. 831(E), dated 21.11.2014 (w.e.f. 5.12.2008).] [Provided also that if a vehicle user with a valid, functional FASTag or any such device with sufficient balance in the linked account crossing a fee plaza installed with Electronic Toll Collection infrastructure, is not able to pay user fee through FASTag or any such device owing to malfunctioning of Electronic Toll Collection infrastructure, the vehicle user shall be permitted to pass the fee plaza without payment of any user fee. An appropriate zero transaction receipt shall be issued mandatorily for all such transactions.] [Inserted by Notification No. G.S.R. 427(E), dated 7.5.2018 (w.e.f. 5.12.2008).] (4) Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder) or any other such device for payment of fee, shall deposit a refundable security equivalent to the cost of the equipment with the Central Government, the executing authority or the concessionaire, as the case may be, for such installation and no interest shall accrue on such security deposit. (5) The person receiving such fee under sub-rule (2) of rule 6, shall issue to the driver, owner or person in charge of mechanical vehicle a receipt, specifying therein the date and time of such receipt of fee, total amount received, and the class of vehicle for which the fee has been received: Provided that where the fee is paid through smart card or on board unit (transponder) or any other such device, a receipt shall be issued on demand only. (6) [(a) The fee shall be collected by the Central Government or the executing Authority as the case may be and for a specified period in accordance with the terms of agreement entered by the Concessionaire. (b) The fee as notified as per Concession Agreement shall be leviable till the end of the concession period and after the Concession Agreement is over, the fee shall be collected by the Central Government executing authority at a reduced rate of 40% of the fee on the date of transfer of such section of National Highways, bridge, tunnel or bypass, as the case may be, to be revised annually in accordance with these rules: Provided that after the recovery of capital cost through user fee realised, in respect of a public funded project, the fee leviable would be reduced to 40% of the user fee for such section of National Highways, bridge, tunnel or bypass as the case may be, to be revised annually in accordance with these rules.] [Substituted by Notification No. G.S.R. 15(E), dated 12.1.2011.]. (7) In respect of public funded projects the fee levied under these rules shall be collected by the Central Government, or the executing authority, as the case may be, through its own officials or through a contractor.

7. Remittance and appropriation of fee.

(1) In case of public funded projects, the fee collected under the provisions of these rules by every executing authority shall be remitted to the Central Government: Provided that the Central Government may by notification allow any or all executing authorities to appropriate the whole or any part of the fee for such purposes and subject to such conditions as may be specified in the said notification: Provided further that in case of private investment projects, the fee collected under the provisions of these rules shall be appropriated by the concessionaire in accordance with the provisions of and for the performance of its obligations under the agreement entered into by such concessionaire. (2) Every executing authority shall remit to the Central Government, the amount of fee collected over and above the amount permitted to be appropriated by the executing authority under sub-rule (1) of rule 7, within ninety days from the date of the closing of the financial year along with an annual return showing the amount collected and the expenditure incurred on collection of fee, including the administrative and management expenses. (3) The Central Government shall by notification determine the administrative and management expenses which may be allowed to be deducted and retained by the executing authority.

8. Location of [fee plaza.] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).].

(1) The executing authority or the concessionaire, as the case may be, shall establish a [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] beyond a distance of ten kilometers from a municipal or local town area limits: Provided that the executing authority may, for reasons to be recorded in writing, locate or allow the concessionaire to locate a [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] within a distance of ten kilometers of such municipal or local town area limits, but in no case within five kilometers of such municipal or local town area limits: Provided further that where a section of the national highway, permanent bridge, by-pass or tunnel, as the case may be, is constructed within the municipal or town area limits or within five kilometers from such limits, primarily for use of the residents of such municipal or town area, the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] may be established within the municipal or town area limits or within a distance of five kilometers from such limits. (2) Any other [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] on the same section of national highway and in the same direction shall not be established within a distance of sixty kilometers: Provided that where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire to establish another [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] within a distance of sixty kilometers: Provided further that a [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] may be established within a distance of sixty kilometers from another [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] if such [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] is for collection of fee for a permanent bridge, by-pass or tunnel.

9. Discounts.

(1)The executing authority or the concessionaire, as the case may be, shall upon request provide a pass for multiple journeys to cross a [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] within the specified period at the rates specified in sub-rule (2) of rule 9.(2)A driver, owner or person in charge of a mechanical vehicle who makes use of the section of national highway, permanent bridge, by-pass or tunnel, may opt for such pass and he or she shall have to a pay the fee in accordance with the following rates, namely:--

Amount payable	Maximum number of one way journeys allowed	Period of validity
One and half times of the fee for one way journey	Two	Twenty-four hour from the time of payment
Two-third of amount o the fee payable for fifty single journeys	Fifty	One month from date of Payment

(3)A person who owns a mechanical vehicle registered for non-commercial purposes and uses it as such for commuting on a section of national highway, permanent bridge, by-pass or tunnel, may obtain a pass, on payment of fee at the base rate for the year 2007-2008 of Rupees One hundred and fifty per calendar month and revised annually in accordance with rule 5, authorising it to cross the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] specified in such pass:Provided that such pass shall be issued only if such driver, owner or person in charge of such mechanical vehicle resides within a distance of twenty kilometers from the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] specified by such person and the use of such section of national highway, permanent bridge, by-pass or tunnel, as the case may be, does not extend beyond the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] next to the specified [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).]:Provided further that no such pass shall be issued if a service road or alternative road is available for use by such driver, owner or person in charge of a mechanical vehicle.(3A)[A person, who owns a commercial vehicle (excluding vehicle plying under National Permit), registered with address on the Registration Certificate of a particular district and uses such vehicle for commuting on a section of the National Highway, permanent bridge, tunnel or bypass, as the case may be. which is located within that district, shall be levied user fee on all [fee plaza] [Inserted by Notification No. G.S.R. 15(E), dated 12.1.2011.] which are located within that district. at the rate of fifty percent of the prescribed rate of fee:Provided that no such concession shall be provided, if a service road or alternative road is available for use by such commercial vehicles.](4)No pass shall be issued or fee collected from a driver, owner or person in charge of a mechanical vehicle that uses part of the section of a national highway and does not cross a [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).].

10. Rate of fee for overloading.

- [(1) Without prejudice to the liability of the driver or owner or a person in charge of a mechanical vehicle under any law for the time being in force, a mechanical vehicle which is loaded in excess of

permissible [maximum gross vehicle weight in respect of such vehicle] [Substituted by Notification No. G.S.R. 778(E), dated 16.12.2013 (w.e.f. 5.12.2008).] shall not be permitted to use the National Highway or crossing the toll [fee plaza] [Substituted 'plaza' by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] until the excess load has been removed from such mechanical vehicle.(1A)[The driver or owner or person in charge of a mechanical vehicle shall be liable to pay fee, for entering the overloaded vehicle on the national highway, to the user fee collecting agency, equal to fees as follows: -

Percentage of excess load over Maximum Permissible Gross Vehicular Weight	Multiplying factor to base rate of fees	Fees
(1)	(2)	(3)
0% to 20%	Two	[(Fees applicable for such category of mechanical vehicle under sub-rule (2) of rule 4) X (Multiplying factor)]
>20% to 40%	Four	
>40% to 60%	Six	
>60% to 80%	Eight	
>80% and above	Ten]	

[Substituted by Notification No. G.S.R. 920(E), dated 25.9.2018 (w.e.f. 5.12.2008).][This provision shall be applicable on all Toll plazas.] [Inserted by Notification No. G.S.R. 02(E), dated 29.12.2014 (w.e.f. 5.12.2008).](2)The weight of a mechanical vehicle, as recorded at a weighbridge installed at the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).], shall be the basis for levying the fee for overloading under this rule:Provided that where no weigh bridge has been installed at the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).], no fee for overloading shall be levied and collected under this rule and the driver, owner or person in charge of the mechanical vehicle shall be liable to pay fee applicable for such vehicle only.[11. Exemption from payment of fee. - [* * *] [Substituted by Notification No. G.S.R. 950(E), dated 3.12.2010 (w.e.f. 5.12.2008)] No fee shall be levied and collected from a mechanical vehicle, -(a)transporting and accompanying-(i)the President of India;(ii)the Vice-President of India;(iii)the Prime-Minister of India;(iv)the Governor of a State;(v)the Chief Justice of India;(vi)the Speaker of the House of People;(vii)the Cabinet Minister of the Union;(viii)the Chief Minister of a state;(ix)the Judge of the Supreme Court;(x)the Minister of State of the Union;(xi)the Lieutenant Governor of a Union territory;(xii)the Chief of Staff holding the rank of full General or equivalent rank;(xiii)the Chairman of the Legislative Council of a State;(xiv)the Speaker of the Legislative Assembly of a State;(xv)the Chief Justice of a High Court;(xvi)the Judge of a High Court;(xvii)the Member of Parliament;(xviii)the Army Commander or Vice-Chief of Army Staff and equivalent in other services;(xix)the Chief Secretary to a State Government within concerned State;(xx)the Secretary to the Government of India;(xxi)the Secretary, Council of States;(xxii)the Secretary, House of People;(xxiii)the Foreign dignitary on State visit;(xxiv)The Member of Legislative Assembly of a State and the Member of Legislative Council of a State within their respective State, if he or she produces his or her identity card issued by the concerned Legislature of the State;(xxv)the awardee of Param Vir Chakra, Ashok Chakra,

Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his or her photo identity card duly authenticated by the appropriate or competent authority for such award;(b)used for official purposes by -(i)the Ministry of Defence including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made thereunder, as extended to Navy also;(ii)the Central and State armed forces in uniform including para military forces and police;(iii)an executive Magistrate;(iv)the fire-fighting Department or organisation;(v)the National Highways Authority of India or any other Government organisation using such vehicle for inspection, survey, construction or operation of national highways and maintenance thereof;(c)used as ambulance; and(d)used as funeral van.](e)[specially designed and constructed for use of a person suffering from some physical defect or disability.] [Inserted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).]

12. Display of information.

(1)The executing authority or the concessionaire, as the case may be, shall publish a notice specifying the amount of fee to be charged from the mechanical vehicle, in at least one Newspaper, each in English and vernacular language, having a wide circulation in such area.(2)The executing authority shall prominently display in Hindi and English one thousand meters ahead of the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).] and in English and local language five hundred meters ahead of the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).],--(i)the amount of fee payable for each class of vehicles and the discounts available under rule 9;(ii)the categories of vehicles exempted from payment of fee; and(iii)the name, address and telephone or contact number of the executing authority or the concessionaire, as the case may be.(3)The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.

13. Unauthorised collection.

(1)An officer authorised by the Central Government or by the executing authority, as the case may be, may assess the excess fee collected, if any, by the executing authority or the concessionaire, as the case may be, and recover the same from such authority or concessionaire, along with an additional sum equal to twenty-five per cent of the excess fee collected :Provided that no recovery of such excess fee shall be made unless an opportunity of hearing has been given to the executing authority or concessionaire, as the case may be.(2)Any driver, owner or person in charge of a mechanical vehicle aggrieved by unauthorised collection of fee, may lodge a complaint with the officer authorised by the Central Government or the executing authority, as the case may be, in this behalf, who shall after hearing the parties pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.

14. Failure to pay fee.

(1)If any driver, owner or person in charge of a mechanical vehicle does not pay or refuses to pay the fee for use of national highway, permanent bridge, by-pass or tunnel, his or her vehicle shall not be allowed to use such section of national highway, permanent bridge, by-pass or tunnel and in case

such vehicle obstructs the normal flow of traffic, the executing authority or the concessionaire, as the case may be, may get such obstructing vehicle removed from the national highway, permanent bridge, by-pass or tunnel, as the case may be.(2)Where the driver or the person in charge of a mechanical vehicle refuses or fails to pay the fee levied under these rules, the same shall be recovered from the registered owner of the mechanical vehicle.(3)Where the Central Government, executing authority or the concessionaire, as the case may be, has reason to believe that a mechanical vehicle is plying on a section of the national highway, permanent bridge, by-pass or tunnel without payment of fee due, it may stop such vehicle for the purpose of verifying the payment thereof and collect the fee due from such vehicle.

15. Power of Central Government to verify records.

- An officer duly authorised by the Central Government or the executing authority, as the case may be shall have the power to verify the collection of fee, and inspect any document, records, other information, receipts or reports of the executing authority or the concessionaire, as the case may be.

16. Collection of fee in respect of Private Investment Project.

(1)The fee levied under the provisions of sub-rule (3) of rule 3 shall be collected by the concessionaire till its agreement is in force.(2)On and from the date of expiry of the agreement specified under sub-rule (3) of rule 3, the fee levied shall be collected by the Central Government or the executing authority, as the case may be.

17. Bar for installation of additional barrier.

- No barrier shall be installed at any place, other than at the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).], except with the prior permission in writing of the Central Government or the executing authority, as the case may be, who after being satisfied that there is evasion of fee, may allow on such terms and conditions as it may impose, the installation of such additional barrier by the Central Government, the executing authority or the concessionaire, as the case may be, within ten kilometers from the [fee plaza] [Substituted by Notification No. G.S.R. 585(E), dated 8.6.2016 (w.e.f. 5.12.2008).], to check the evasion of fee:Provided that the Central Government or the executing authority, as the case may be, may, at any time, for reasons to be recorded in writing, withdraw such permission:Provided further that where the Central Government or the executing authority, as the case may be, do not allow installation of an additional barrier by the concessionaire, the reasons for such refusal shall be communicated to such concessionaire within a reasonable period.