

The Orissa Transport Vehicles (Levy of Toll) Rules, 1992

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Rule

THE-ORISSA-TRANSPORT-VEHICLES-LEVY-OF-TOLL-RULES-1992 of 1992

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The Orissa Transport Vehicles (Levy of Toll) Rules, 1992 Published vide Notification Orissa Gazette Extraordinary No. 989/17.7.1992, Notification S.R.O. No. 905/92 S.R.O. No. 905/92. - Whereas the draft of the Orissa Transport Vehicles (Levy of Toll) Rules, 1992 was published in the extraordinary issue of the Orissa Gazette No. 611, dated the 27th April 1992, under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 6255-LC-1-A-12/92-T.-dated the 21st April, 1992 inviting objections and suggestions from persons likely to be affected thereby before the expiry of a period of 30 days from the date of publication of the said notification in the Official Gazette; And whereas objections and suggestions have been received and considered by the State Government in respect of the said draft; Now, therefore, in exercise of the powers conferred by Section 14 of the Orissa Transport Vehicles (Levy of Toll) Act, 1992 (13 of 1992), the State Government do hereby makes the following rules, namely :

1. Short title and Commencement.

(1) These Rules may be called the Orissa Transport Vehicles (Levy of Toll) Rules, 1992. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.

(1) In these rules, unless the context otherwise requires- (a) "Act" means the Orissa Transport Vehicles (Levy of Toll) Act, 1992. (b) "Appendix" means an appendix to these rules; (c) "Section" means a Section of the Act. (2) All other words and expressions used but not defined in these rules, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Act.

3. Detention and disposal of vehicle or any part or accessory thereof.

(1) A competent officer while taking action under Sub-section (2) of Section 6 shall prepare a detention order in the form prescribed at Appendix I in triplicate and serve a copy of the order on the driver or any other person in charge of the transport vehicle and obtain his signature on the third copy of the order. (2) Such officer may keep the transport vehicle so detained or any part or accessory thereof in his custody for 24 hours, and if during that period, toll and/or penalty has not been paid, he shall send or cause to be sent the transport vehicle or any part or accessory thereof so detained, to the nearest police-station and may, for that purpose require the driver to drive the vehicle up to the police-station. In such case, the second copy of the detention order shall be given by the officer to the police officer in whose custody the vehicle or any part Or accessory thereof, is kept. (3) The transport vehicles or any part of accessory thereof so detained shall be released on payment of the toll and/or penalty, as the case may be. Where the transport vehicle or any part or accessory thereof is in the custody of the police officer a release order shall be issued by the detaining officer and on receipt of the release order, the transport vehicle or any part or accessory thereof shall be released forthwith by the police officer. (4) If during the period of one month from the date of detention, toll and/or penalty is not paid, the transport vehicle or any part or accessory thereof so detained may be disposed of by the Regional Transport Officer by public auction at the risk and expenses of the operator of the vehicle concerned and the sale-proceeds shall be disbursed to the operator after deducting therefrom the amount of toll and/or penalty due along with the expenditure incurred on the auction.

4. Appellate authority.

(1) Any person aggrieved by an order made under Section 6 or under Section 7 may prefer an appeal-(a) to the Regional Transport officer having jurisdiction, if the order appealed against is passed by an Officer who is subordinate in rank to the Regional Transport Officer; (b) to the Chairman, Regional Transport Authority if the order appealed against is passed by an Officer of the rank of Regional Transport Officer; (c) to the Additional Commissioner Transport or in his absence to the Deputy Commissioner Transport (Taxation) if the order appealed against is passed by officer acting as Taxing Officer in the office of the State Transport Authority. (2) The appeal shall be disposed of by the appellate authority within a period of thirty days from the date of its filing after giving an opportunity of hearing to the parties concerned.

5. Manner of Levy, payment and collection of toll.

(1) The driver of the operator of the transport vehicle shall pay the toll at the rate prescribed by the State Government in cash to the Toll Tax Officer or the person authorised by him under Sub-section (1) of Section 6 or to the officer of the Orissa Motor Vehicles Department at the barriers established for the collection of toll. The officer shall issue a receipt in the form prescribed at Appendix-2 for the amount paid. This receipt shall be kept by the driver with the vehicle and shall be produced before any Toll Tax Officer or, any person authorised by him or any Officer of the Orissa Motor Vehicles Department on demand. (2) If the Toll Tax Officer or any person authorised by him or any officer of the Orissa Motor Vehicles Department has reason to believe that a transport vehicles has entered

the limit of Orissa without payment of toll due, he may, at any time after giving due opportunity to the driver or person in charge of the transport vehicles for making a representation, levy toll on him and realise the same.

6. Lump sum payment of toll.

(1)The rate for payment of toll in respect of a transport vehicle in lump sum shall be eighty-five percent of the total amount of toll which would be payable if the vehicle would have entered into the State on all days throughout the month. The lump sum toll for a number of consecutive months shall be assessed accordingly.(2)On payment of the lump sum toll in respect of a transport vehicle the concerned Regional Transport Officer shall issue a certificate in the form prescribed at Appendix-3 under his seal and signature authorising the vehicle to enter into the State through any of the checkgates during the period for which lump sum toll has been paid.(3)The toll or the lump sum toll once paid shall not be refunded or adjusted.(4)The certificate issued under Sub-rule (2) shall be produced by the driver or the operator for inspection on demand by the Toll Tax Officer or any other person authorised by the Toll Officer under Sub-section (1) of Section 6 or any Officer of the Orissa Motor Vehicles Department.Appendix-1[Sub-rule (1) of Rule 3]Detention order of vehicles/part of vehicle/accessory of transport vehicle

1. Date

TimePlace

2. Name and designation of the officer detaining the vehicles/part of the vehicle/accessory of the vehicle.

3. Name and address of the operator or person in charge of the vehicle.

4. Name and address of the owner of vehicle.

5. Name and address of witnesses.

1.

2.

6. Description of Transport Vehicles

(i)Registration mark(ii)Chassis No.(iii)Engine No.(iv)Description of goods, if loaded.

7. Brief description of the vehicle/part of vehicle/accessory of vehicle detained.

The above vehicle/part of the above vehicle/accessory of the above vehicle has been detained under Sub-section (2) of Section 6 of the Orissa Transport Vehicles (Levy of Toll) Act, 1992 and is given in the custody of the police-station..... The vehicle may not be released without the order of the undersigned or the order of the Appellate Authority. The operator/person in-charge/driver or the vehicle is directed to remain with the vehicle for its safety. If the vehicle is loaded, then permission is accorded to remove its goods by any other vehicle.

Signature of Toll Tax Officer Signature of Witnesses

Signature of Operator 1.2.

Signature of Toll Tax Officer.

Appendix-2[Sub-rule (1) of Rule 5]ReceiptSeries No.....Serial

No.....Date.....Received from..... towards..... Rs.....

Paise..... (in words.....)Signature and Designation ofReceiving

OfficerDate.....Appendix-3[Sub-rule (2) of Rule 6]Certificate of payment of lump sum

Transport Vehicles Toll

Certificate No. Year Date

This is to certify that the operator whose particulars are detailed below has paid the lump sum toll under the Orissa Transport Vehicles (Levy to Toll) Act, 1992, in respect of the transport vehicle mentioned below. The production of this certificate shall be the evidence of the payment of toll for the purpose of its entry into Orissa through any of the check-gates during the period

from.....to.....Particulars :(1)Name of the operator-(2)Address of the operator

-(3)Registration mark of the Vehicle -(i)Chassis No.(ii)Engine No.(4)Type of Transport

Vehicle(5)Period of validity of the Certificate from.....to.....(in words)(6)Total

amount of toll assessable(7)Lump-sum toll paid Rs.....(in words)Place :Date :Seal :Signature of the Regional Transport Officer