

Modified Bombay Motor Vehicles Tax Act

Abstract of relevant portion of enabling legislation for private sector participation in road projects

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PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature having been assented to by the Governor on the 27th June 1994 is hereby published for general information.

KUM H K JHAVERI

Secretary to the Government of Gujarat
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO.9 of 1994

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 28th June 1994)

AN ACT

further to amend the Bombay Motor Vehicles Tax Act, 1953
It is hereby enacted in the forty-fifth Year of the Republic of India as follows :

GUJARAT GOVERNMENT GAZETTE EX 28/6/1994 (PART-IV)

AMENDMENT
OF SECTION
20 OF BOM
LXV 1958

3. In the Principal Act, in Section 20,

► In sub-section (1), after the words "Kutch Area of the State of Bombay", the words, brackets, figures and letters "and subject to the provisions of Sub sections (1A), (1B), (1C), (1D), (1E) and (1F)" shall be inserted. (2) after sub-section (1), the following sub-sections shall be inserted, namely:

BOM. III
OF 1875

"(1A) Notwithstanding anything contained in sub section (1) and the provisions of the Tolls on Roads and Bridges Act, 1875, but subject to provisions of sub sections (1B), (1C), (1D), (1E) and (1F)", the State Government may levy toll on motor vehicles and trailers drawn by such vehicles passing over-

GUJ. 9 OF
1994

► Any bridge including an approach road thereto or section of a new road or by-pass which is constructed,

	reconstructed, improved or, as the case may, repaired by the State Government or by any person at his expenses after the commencement of the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1994 and the total capital outlay of construction, reconstruction, improvements or, as the case may be, repairs, of which is not less than fifty lakhs of rupees: or
▶	Any bridge including an approach road thereto or section of a new road or by-pass, which, in the opinion of the State Government, is of a special service to the public.
Explanation - For the purpose of this section	
▶	the expression "capital outlay" shall include the anticipated cost of certain essential ongoing or imminent works like improvement, strengthening, widening, structural repairs and maintenance;
▶	the expression "person" shall include any company or association or body of individuals, whether incorporated or not, or a firm;
▶	for the removal of doubt, it is hereby clarified that the expression "constructed" shall include a bridge including an approach road thereto or section of a new road or by-pass which is ready for use.
(1B)	<p>The toll livable under sub-section (1A) shall be levied at such rate, for such period and on such bridges including an approach road thereto or section of a new road or by-pass, as the State Government may from time to time, by notification in the Official Gazette, declare:</p> <p>Provided that not more than the capital outlay, interest thereon at such rates as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section:</p> <p>GUJARAT GOVERNMENT GAZETTE EX., 28/6/1994 (PART-IV)</p> <p>Provided further that when the bridge including an approach road thereto or section of a new road or by-pass is constructed, reconstructed, improved or, as the case may be, repaired by a person other than the State Government, not more than the capital outlay, return on investment at such rate as the State Government may fix and the expenses of collection of toll shall be levied and collected under this section.</p>
(1C)	When the toll livable under Sub-Section (1A) on any bridge including an approach road thereto or section of a new road or by-pass which is constructed, reconstructed, improved or as the case may be, repaired,
▶	by the State Government, the State Government itself or through an agent authorised by it in this behalf
▶	by any person, such person or his servants, shall collect the toll on such terms and conditions and in such manner as may be prescribed.
(1D)	Where any additional bridge, being the bridge on or below the same stream, river or creek or road or rail-track including any approach road thereto is constructed as augmentation of the facility of the use of the existing bridge including an approach road thereto then the network of such bridge including an approach road thereto shall be deemed to be one single entity for the purpose of levy of toll, so however, that not more than the capital outlay of such additional bridge including an approach road thereto, and the expenses of collection of toll shall be recovered.
(1E)	The motor vehicles and trailers drawn by such vehicles liable to pay the toll under sub-section (1A) shall not be allowed to pass over the bridge including an approach road thereto or section of a new road or by-pass unless the toll is paid and the State Government or the agent authorised by the State Government or as the case may be, by a person referred to in sub-section (1C) shall have power to prevent such vehicles from passing over the bridge.
(1F)	(a) All motor vehicles and trailers drawn by such vehicles used by or on behalf of the State Government or of the Central Government shall be exempted from the payment of toll
	(b) Subject to such condition as it may impose, the State Government may, if it considers necessary so to do in the public interest, by notification in the Official Gazette, exempt any specified class or classes of motor vehicles and trailers drawn by such vehicles from the payment of toll";
▶	in sub-section (2), for the words, brackets and figure "sub-section (1)" the words, brackets, figures and letters "sub-sections (1), (1A), (1B), (1C), (1D), (1E), (1F)" shall be substituted.
▶	GUJARAT GOVERNMENT GAZETTE EX. 28/6/1994 (PART-IV) in the marginal note, after the words "motor vehicles", the words "except in certain exigencies" shall be added.
▶	In the principal Act, in Section 23, in sub-section (2), after clause (1), the following clause shall be inserted, namely:-

AMENDMENT OF SECTION 23
OF BOM. LXV OF 1958 REPEAL
AND SAVINGS

"(m) to prescribe the terms and conditions and the manner of collection of toll".



(1) The Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994 is hereby repealed.

GUJ.
ORD,
2 OF 1994

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall in so far as it is not inconsistent with the principal Act as amended by this Act be deemed to have been done or taken under the principal Act as amended by this Act.