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LEGISLATIVE SUPPLEMENT

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GOVERNMENT OF PUNJAB

**DEPARTMENT OF PUBLIC WORKS
(BUILDINGS AND ROADS BRAANCH)**

Notification

The 8th July 2004

NO. S.O. 11/P.A.13/1998/Ss. 2,3 and 4/2004. --- WHEREAS the Governor of the State of Punjab (hereinafter called the "State Government") shall be entering into agreement (hereinafter called the "Concession Agreement") with person or persons (hereinafter called the "Concessionaire") for construction, operation and maintenance of whole or sections of the State Highways (hereinafter called the "Highways"), bypasses of such Highways (hereinafter called the "Bypasses"), bridges (hereinafter called "Bridges") and Road Over bridges/ Road Under bridges on/under Railway tracks (hereinafter called the "ROBs/RUBs") in the State of Punjab at their cost and expense;

AND WHEREAS, having regard to the expenditure involved in construction, maintenance and operation of the such Highways, Bypasses, Bridges and ROBs/RUBs, interest on the capital invested, reasonable returns on investment, the volume of traffic and other relevant factors, the State Government has decided to determine the rates of toll to be levied and collected from certain **users of such highways, Bypasses, Bridges and ROBs/RUBs;**

NOW, THEREFORE, in exercise of the powers conferred by clauses (c) and (g) of section 2, sub-section (1) of section 3 read with Clause (ii) of sub-section (1) of section 4 of the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998 (Punjab Act No.13 of 1998) (hereinafter referred to as the "Act"), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to notify that toll shall be levied and paid on mechanical vehicles using such Highways, Bypasses, Bridges and ROBs/RUBs, and authorizes the Concessionaries of each such highway, Bypasses, bridge and ROB/RUB to collect and retain the toll from different categories of mechanical vehicles at the rates specified below, subject to the terms and conditions of the respective Concession Agreements, the said Act and the terms set forth hereinafter.

1. **Basic Toll Rates for Highways.** ---Basic Toll Rates for Highway shall be as specified in Column (3) below and subject to the minimum Toll Charges set forth in Column (4) below.

Serial No.	Category of Vehicle	Basic Toll Rate Per Vehicle	Minimum Toll Charge
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		(In Rs. Per Km)	(In Rs. Per trip)
1	2	3	4
1	Car/Three Wheeler	0.35	10
2	Light Commercial Vehicle (LCV)/Tractor with Trailer	0.53	15
3	Bus/Truck/Road Roller	1.05	30
4	Heavy Truck	1.60	40
5	Earth Moving and other Propelled Equipment	2.00	50

2. **Basic Toll Rates for Bypass.** --- Basic Toll Rates for Bypass shall, in respect of all categories of vehicles, be 50 per cent (fifty per cent) higher than the Basic Toll Rates payable for Highways under this notification.

3. **Basic Toll Rates for Bridges.** ----(1) Basic Toll Rates for Bridges shall, in respect of Cars, be as follows: -

Length of Bridge	Basic Toll Rate (In Rupee per trip per car)
50-100 metre	„ 2.50
Subsequent 100m or part thereof	„ 2.00

(2) Basic Toll Rates for Bridges shall, in respect of other categories of vehicles (i.e. other than Cars), be determined by increasing the Basic Toll Rate set forth in paragraph 3(1) above pro-rata in the same proportion as the Basic Toll Rate for cars specified in column 3 of the Table in the paragraph 1 above bears to the Basic Toll Rates for other vehicles specified in the said Column 3.

4. **Basic Toll Rates for Road Overbridges/Underbridges (ROBs/RUBs).** -(1) Basic Toll Rates for Road Overbridges/Underbridges on/under Railway tracks (ROBs/RUBs) shall, in respect of Cars. Be as follows: -

Length of ROB/RUB	Basic Toll Rate (In Rupee per trip per car)
Up to 500 metres	„ 2.50
Subsequent 10m or part thereof	„ 1.00

(2) Basic Toll Rates ROB/RUBs shall, in respect of other categories of vehicles (i.e. other than Cars), be determined by increasing the basic Toll Rate set forth in paragraph 4(1) above pro rata in the same proportion as the Basic Toll Rate for Cars specified in column 3 of the Table in paragraph 1

above bears to the Basic Toll Rates for other vehicles specified in the said column 3.

5. **Basic Toll Rates for Single/Intermediate Lane Roads.** – The Basic Toll Rates referred to in paragraph 1 to 4 above shall be reduced by one half in case such Highway, Bypass, Bridge and ROB/RUB has carriageway of a single lane or intermediate lane with paved width of 6 metres or less.

6. **Annual Revision of Basic Toll Rates.** – The Basic Toll Rates referred to in paragraphs 1 to 5 above shall be increased annually by 10 per cent (ten per cent) thereof for a period of seven successive years commencing from April 1, 2011.

Illustration:

For a Highway that is commissioned on April 1, 2006 the Basic Toll Rate Shall be 42 paise per car per km.

(2) In addition to the annual revision effected under paragraph 6(1) above the applicable Basic Toll Rates shall be adjusted and revised annually on April 1 of each year to reflect the variation in WPI occurring between January 1, revision for each Highway, Bypass, Bridges and ROB and RUB shall be undertaken as follows: -

(a) On the 1st April immediately preceding the completion of a highway, Bypass, Bridge, ROB or RUB, as the case may be (the “date of revision”), the Basic Toll Rates, as applicable under Bypass, Bridge, ROB or RUB, as the case may be, to reflect the variation in WPI occurring between January 1 immediately preceding the date of revision hereunder. The formula for determining the basic toll charges payable by a user of such Highway, Bypass, Bridge, ROB or RUB as the case may be (the “Basic Toll Charge”) shall be as follows: -

$$\text{Basic Toll Charge} = \text{Base Toll Rate} \times \frac{\text{WPI * A}}{\text{WPI * B}}$$

Where,

Basic Toll Rate is the applicable Basic Toll Rate on the date of revision specified in this sub-paragraph (a); WPI*A is the WPI on January 1 immediately preceding the date of revision specified in this sub-paragraph (a); and WPI*B is the WPI as on January 1, 2004.

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Illustration:

For a Highway that is commissioned April 1, 2006 the Toll Charge shall, assuming on inflation of (say) 10 per cent (ten per cent) in WPI between January 1, 2004 and January 1, 2006 be a sum of (I) the Basic Toll Rate as on April 1, 2006 i.e. 42 paise; and (ii) inflation of 10 per cent (ten per cent) on 42 paise, i.e. 4.2 paise. The Toll Charge as on April 1, 2006 shall thus be 46.2 paise per car per km.

- (b) For the period subsequent to the date of revision under sub-paragraph (a) above, the annual revision on account of inflation shall be restricted to 40 per cent (forty per cent) of the rate of inflation occurring after the revision under sub-paragraph (a) above and such revision shall be effected on April 1 every year. The formula for determining the Toll Charge under this subparagraph (b) shall be as follows: -

$$\text{Toll Charge} = b + (c - d) + \left[b \frac{\text{WPI} * c}{\text{WPI} * A} - b \right] \times 0.4$$

Where,

.b is the Basic Toll Charge determined for the respective Highways, Bypass, Bridge ROB or RUB, as the case may be, as per sub-paragraph (a) above;

c is the Basic Toll Rate as on April 1 of the year of revision;

d is the Basic Toll Rate that formed part of the Basic Toll Charge computed under Sub-paragraph (a) above;

WPI*C is the WPI as on January 1 of the year of revision; and

WPI*A is the WPI computed as such under sub-paragraph (a) above.

Illustration:

For a Highway commissioned on April 1, 2006 the annual revision on April 1, 2007 shall be the sum of (i) the Basic Toll Charges as on April 1, 2006 under Para 6(2) (b) above, i.e. 46.2 paise; (ii) annual increase of 3.5 paise under Para 6(2) (a); and (iii) assuming on inflation of 5 per cent (five per cent) in WPI between January 1 2006 and January 1, 2007 40 per cent (forty per cent) of such inflation, i.e. 2 per cent (two per cent) of (i) above, amounting to 0.92 paise. The Toll Charge as on April 1, 2007 shall thus be 47.12 paise per car per km.

- (c) In the event that a Concession Agreement stipulates two phases of construction and the second phase thereof includes (i) construction of a Bypass, Bridge or ROB/RUB, as the case may be, and/or (ii) widening of the carriageway of Highway, Bypass, Bridge or ROB/RUB, as the case may

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be, by 3 (three) metres or more (the "augmentation"), the Toll Charges to be levied and collected for such second phase shall be determined as follows: -

- (i) Upon completion of augmentation and commissioning thereof for use of traffic, the Toll Charges shall be determined in accordance with the formula specified in sub-paragraph (a) above as if the date of revision thereunder is the 1st April that immediately precedes the date of such commissioning.
- (ii) Subsequent annual revisions hereunder shall be determined in accordance with sub-paragraph (b) of this paragraph 6(2) as if the Basic Toll Charges thereunder is the amount determined under sub-paragraph (i) hereinabove.
- (3) Notwithstanding anything to the contrary contained herein, if revision of toll charges shall fall due before completion of 6 (six) months from the date on which such Toll charges were levied and collected, such revision shall be kept in abeyance until the completion of the aforesaid 6 (six) months.

7. Levy of Minimum Toll Charges. –The Minimum Toll Charges in column (4) of the Table in paragraph 1 above shall apply to all highways, Bypasses, Bridges and ROB/RUBs. The said minimum Toll Charges shall be revised and increased annually in accordance with provisions of paragraph 6 above.

8. Combined Toll collection for Roads and Bridges/Bypasses/ROBs/RUBs. – Notwithstanding anything to the contrary contained in paragraph 1 to 7 above, where any Bridge, Bypass, ROB or RUB, as the case may be, forms part of a Highway on which Toll Charges are being levied and collected pursuant hereto, the applicable Toll Charges for such Bridge, Bypass, ROB or RUB shall be reduced by 30 percent (thirty per cent) and added to the Toll Charges levied and collected for such Highway. A similar reduction shall be effected where a Bridge, ROB or RUB, as the case may be, forms part of a Bypass:

Provide, however, that no minimum Toll Charges shall levied on a Bridge, ROB or RUB, that is combined with a Highway or Bypass hereunder.

9. Peak and Off-Peak Toll Charge. –(1) Each Concessionaire may ,at any time April 1, 2009, but after obtaining prior written approval of the State Government, which approval the Government may in its discretion deny, levy for use of the Higher and discounted Toll Charge (the "Differential Toll Charge") for use of the Highway, Bypass, Bridge, ROB or RUB, as the case may be, during peak and off-peak hours respectively in accordance with this paragraph 9:

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Provided, however, that such Differential Toll Charge shall not apply to Local Traffic and to frequent users availing of a lower Toll Charge under paragraph 13 below.

(2) Each such Concessionaire shall for this purpose designate not more than six hours in a day as peak hours and a period equal to twice the peak hours as off-peak hours. During peak hours, a Concessionaire may levy and collect a premium of up to 25 per cent (twenty per cent) on the applicable Toll Charges or such higher premium as the State Government may by order such Concessionaire shall offer a discount during off-peak hours at a rate equal to twice the premium for peak hours. For the avoidance of doubt, the determination of Differential Fee shall be with reference to the time of entry of a user at the Toll Plaza.

(3) If the levy and collection of Differential Toll Charges results in a increase in the revenues of the Concessionaire, then 80 per cent (eighty per cent) of the additional revenue in each year resulting from the differential Toll Charges shall be deposited in a separate fund to be specified by the State Government and deployed for providing such additional facilities for users of the Highway, Bypass, Bridge, ROB or RUB, as the case may be, as the state Government may specify under the respective Concession Agreement. For the purposes of this paragraph 9(3), additional revenue from differential Toll Charges shall mean the gross amount collected at Differential Toll Charges pursuant to this paragraph 9, less gross revenues which would have been collected Differential Toll Charges pursuant to this paragraph 9 has not been exercised by the Concessionaire.

10. Toll Collection Points (Toll Plazas). ----(1) For collection of Toll Charges under this Notification, the Concessionaire shall establish and operate Toll collection points (the "Toll Plazas") in accordance with provisions of the respective Concession Agreement:

Provided, however, that the distance between two Toll Plazas on a Highway, not being a Bypass, Bridge, ROB or RUB shall not be less than 20 (twenty) Km:

Provided further that a Toll Plaza set up for collection of Toll Charges on a Highway shall, as far as possible, be located beyond 5 (five) Km, from the municipal boundaries of a city or town situated on such Highway.

(2) The Concessionaire may in its discretion set up additional toll collection points and entry barriers for the purpose of checking vehicles that may be using approach roads for evasion of Toll Charges payable under this Notification:

Provided that no such additional toll collection points or entry barriers shall be set up beyond a distance of about 5 (five) Km on either side of a Toll Plaza.

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11. Exempted Vehicles.--- Vehicles specified in Schedule – I to this Notification shall be exempted from payment of Toll Charges under this Notification.

12. Exemption for Local Traffic. --- (1) No Toll Charges shall be levied or collected from a vehicle that uses part of the Highway and does not cross a Toll Plaza.

(2) Local Traffic shall be entitled to ply on the Highway, Bypass, Bridge or ROB/RUB, as the case may be, and cross the Toll Plaza on production of a monthly pass to be issued by the Concessionaire on payment of a monthly fee equally to five times the applicable Toll Charge for a single one-way journey.

(3) The Concessionaire shall issue a monthly pass for local Traffic on written request to be made by a local user and accompanied by (a) proof of residence such as a certificate from the Tehsildar/Naib-Tehsildar/Block Development and Panchayat Officer or a Ration Card or Voter Identification Card, and (b) the registration papers of the personal car for which such pass is required. Only a car registered in the name of the local user and bearing the address as specified in the aforesaid proof of residence shall be eligible for a monthly pass. Upon presentation of the proof of residence and the registration papers, the Concessionaire shall retain a photocopy thereof and return the original documents forthwith.

13. Discounted Rates for frequent users.---(1) A frequent user, who shall purchase coupons/tickets for 20 (twenty) or more one-way trips to be undertaken by the same vehicle within the calendar month of the date of such purchase, shall be entitled to a discount of 20 per cent (twenty per cent) on the Toll Charges payable for such vehicle.

(2) Upon request from any person, the Concessionaire shall issue a return coupon/ticket on payment of a sum equal to 160 per cent (one hundred and sixty per cent) of the Toll Charges payable for the respective vehicle if it were to undertake a single one-way trip on the Highway, Bypass, Bridge or ROB/RUB, as the case may be. Such return pass shall entitle the specified vehicle to undertake a return journey on the same day as the outward journey.

14. Additional Charges for evasion of Toll Charges. --- The Concessionaire shall be entitled to levy and collect an additional sum equal to the applicable Toll Charges from a person found to be evading payment thereof. Such additional such shall be deemed to be predetermined liquidated damages for attempt to make unauthorized use of Highway, Bypass, Bridge or ROB/RUB, as the case may be, without payment of Toll Charges due and payable under this Notification.

15. Additional Charges for overloading--- (1) Without prejudice to the liability of the vehicle owner/operator under any law for the time being in force, the Concessionaire shall be entitled to levy an additional charge (the "Additional Charge") on overloaded vehicles. Such Additional Charge shall not exceed 50 per cent (fifty per cent) of the applicable Toll Charges in case the overloading is between 10 per cent (ten per cent) and 20 per cent (twenty per cent) of the permissible load of the vehicle. The Additional Charge of overloading beyond such 20 per cent (twenty per cent) shall not exceed 100 per cent (one hundred per cent) of the applicable Toll Charges.

(2) The Additional Charge levied hereunder shall be deemed to be a toll within the meaning of section 3 of the Act.

(3) The weight of a vehicle as recorded at a weighbridge installed at the Toll Plaza shall be the basis for levying the Additional Charge under this paragraph 15:

Provided, however, where no weighbridge has been installed at the Toll Plaza, no Additional Charge on overloaded vehicles shall be levied and collected.

16. Rounding off of Toll Charges---Toll Charges to be collected from each vehicle under this Notification shall be rounded off to the nearest Rupee.

17. Commencement of Tolling---Levy and collection of Toll Charges shall commence upon completion/provisional completion of construction of the Highway. **Bypass Bridge or ROB/RUB**, as the case may be, in accordance with the provisions of the respective Concession Agreement.

18. Display of Toll Charges. —(1) The Concessionaire shall, near the entry point of the Highway or Bypass, as the case may be, and near the toll Plaza, prominently display the applicable Toll Charges for information of users approaching from side of the Highway, Bypass, Bridge or ROB/RUB, as the case may be.

(2) The Concessionaire shall from time to time, by written notice, inform the Secretary, P.W.D. of the applicable Toll Charges and the detailed calculation thereof. Such information shall be communicated at least 30 days prior to the date levy of Toll Charges or revision thereof, as the case may be.

19. Unauthorized Collection. —(1) In the event that a Concessionaire collects from any person a sum of money not due and payable hereunder, the concessionaire shall be liable to refund to such person forthwith the amount so collected along with a sum computed @ 5 per cent (five per cent) of the amount so collected, for each day from the date of collection till the date of refund, by way of damages. In the event that such amount together with damages computed in the manner as aforesaid is not paid to such person for any reason

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whatsoever, the same shall be deposited with the Executive Engineer, Public Works Department, having jurisdiction over the Highway, Bypass, Bridge, ROB or RUB, as the case may be, within a period of 15 (fifteen) days from the date of such collection.

(2) Any dispute relating to amounts payable by the Concessionaire under paragraph 19(1) shall be settled by the Executive Engineer having jurisdiction over the Highway, Bypass, Bridge, ROB or RUB, as the case may be, by an order in writing and appeal, if any, against such order shall lie with the Superintending Engineer having jurisdiction over the Highway, Bypass, Bridges, ROB or RUB, as the case may be.

(3) Any person aggrieved in connection with the collection of toll may lodge a complaint to the Executive Engineer, Public Works Department, having jurisdiction over the Highway, Bypass, Bridge, ROB or RUB, as the case may be. The Executive engineer shall pass orders in accordance with the provisions of section 7 of the Act and appeal, if any, against such order shall lie under section 8 of the Act with the Superintending Engineer having jurisdiction over the Highway, Bypass, Bridge, ROB or RUB, as the case may be.

20. Application of this Notification. ---(1) This notification shall come into force with effect from the date of its publication in the Official Gazette.

(2) This Notification shall apply to all Highway, Bypass, Bridge, ROB or RUBs that are constructed, operated and maintained by a Concessionaire under a Concession Agreement, and notified under section 2 of the Punjab Mechanical Vehicles (Bridges and Roads Tolls) Act, 1998.

21. Definitions. —(1) For the purposes of this Notification, and unless the context otherwise requires: -

“**Bridge**” means and includes any bridge, which is constructed, operated and maintained under a Concession Agreement;

“**Bus**” means any passenger motor vehicle with a Gross Vehicle Weight exceeding 12,000 (twelve thousand) kilograms;

“**Bypass**” means and includes a Bypass on a Highway which is constructed operated and maintained under a Concession Agreement;

“**Car**” means and includes any mover transport vehicle, car, jeep, van, omnibus, or three-wheeled motor vehicle with a Gross Vehicle Weight not exceeding 7500 (seven thousand five hundred) kilograms, but does not include a Motor Cycle, Tractor or Road Roller;

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“Gross Vehicle Weight” or “GVW” means in respect of any vehicle the total weight of the vehicle and load certified and registered under the Applicable Laws;

“Heavy Truck” means any goods carrier with a Gross Vehicle Weight exceeding 20,000 (twenty thousand) kilograms and includes trucks with three or more axles;

“Highways” or “State Highways” shall mean all roads designated by the State Government as State highways or Major district Roads and includes Bypasses, Bridges, Road Overbridges and Underbridges referred to hereinabove, but limited to the section or part which is constructed, operated and maintained under a Concession Agreement;

“Light Commercial Vehicle” or “LCV” means any passenger vehicle or goods carrier with a Gross Vehicle weight exceeding 7500 (seven thousand five hundred) kilograms and includes a Tractor with Trailer but does not include Tractor, Bus, Truck or Heavy Trucks;

“Local Traffic” means the traffic on account of commuting by a private Car between a rural area and its nearest city or town by means of the Highway or Bypass, as the case may be;

Provided (i) such private Car is owned by a person who resides in such rural area, (ii) such rural area is situated within a distance of 5 (five) km from the Toll Plaza, and (iii) such rural area has no alternative road connecting such city or town when the length of such alternative road does not increase the travel distance by more than 20 percent (twenty per cent) of the corresponding distance on the Project Highway;

For avoidance of doubt, a road that connects such rural area to its nearest city or town shall not be deemed to be on alternative road for purposes hereof if it increases the travel distance by more than 20 percent (twenty per cent) of the corresponding distance on the Highway.

“Road Overbridge/Underbridge” or “ROB/RUB” means and includes a Road over bridges/under bridge that crosses above/under a Railway track and which is constructed, operated and maintained under a Concession Agreement;

“Toll Charge” means the toll per kilometer or metre, as the case may be, payable by the user of a Highway, Bypass, Bridge or Road Overbridge/Underbridge under this Notification;

“Tractor” means a motor vehicle which is not itself constructed to carry any load other than the equipment used for the purpose of propulsion, but does not include a road roller;

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“Tractor with Trailer” means a Tractor with an attached vehicle laden with goods other than agricultural produce or agricultural equipment;

“Truck” means any goods carrier with a Gross Vehicle Weight exceeding 12,000 (twelve thousand) kilograms and includes a road roller, but does not include a Heavy Truck; and

“WPI” means the Wholesale Price Index as published by the Ministry of Industry, Government of India or any Index published in substitution thereof by the Government of India.

SCHEDULE-I

(Refer paragraph 11)

The following categories of vehicle shall be exempted from payment to Toll Charges: -

- (a) Official vehicles transporting and accompanying the President of India, Vice President of India, Prime Minister of India, chief Justice of the supreme Court, Ministers of G.O.I., Governors, Lt. Governors, Chief Ministers, Presiding Officers and Leaders of Opposition of the Central and the State legislatures, Judges of the Supreme Court, Chief Justices of the High Court, foreign dignitaries on state visit, and heads of foreign missions stationed in India;
- (b) Official vehicles of Central and State armed forces in uniform including Para military forces and police, and of Executive Magistrates;
- (c) Vehicles transporting a Member of Parliament or Member of the State Legislative Assembly, if such Member produces an Identity Card issued by the Parliament or the Legislative Assembly, as the case may be;
- (d) Flag cars of the State Government;
- (e) Ambulances, fire tenders and funeral vans; and
- (f) Vehicles of persons using the highways for inspection, survey, construction, or operation and maintenance thereof.

R.S. SANDHU,

Secretary to Government Punjab,
Department of Public Works.