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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 16 दिसम्बर, 2013

सा.का.नि. 778(अ).—केंद्रीय सरकार राष्ट्रीय राजमार्ग अधिनियम, 1956 (1956 का 48) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रीय राजमार्ग फीस (दर का निर्धारण एवं संग्रहण) नियम, 2008 में और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त शीर्षक और प्रारम्भ.— (1) इन नियमों का संक्षिप्त नाम राष्ट्रीय राजमार्ग फीस (दर का निर्धारण एवं संग्रहण) संशोधन नियम, 2013 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. राष्ट्रीय राजमार्ग फीस (दर का निर्धारण एवं संग्रहण) नियम, 2008 (जिसे इसमें इसके पश्चात् मूल नियम कहा गया है) में—
नियम 3 में उप-नियम (3) का लोप किया जाएगा;
(क) मूल नियमों के नियम 4 में—

(i) उप-नियम (3) और उप नियम (4) लोप किए जाएंगे;

(ii) उप-नियम (6) में, परन्तुक के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

‘परंतु यह और कि 4 लेन वाले किसी राजमार्ग के खंड के मामले में, जिसे 6 लेन तक उन्नयन किए जाने का कार्य प्रारंभ किया गया है, फीस की दर में वृद्धि बिना किसी वार्षिक पुनरीक्षण के, रियायतग्राही के साथ किए गए करार के अनुसार परियोजना पूरा होने की तारीख तक उन्नयन से संबंधित कार्य के प्रारंभ होने की तारीख से ही संगणित, उप-नियम (2) में यथा विनिर्दिष्ट और नियम-5 के अंतर्गत यथा संशोधित फीस के 75% तक सीमित होगी:

परंतु यह भी कि रियायतग्राही के साथ किए गए करार के अनुसार परियोजना के पूरा किए जाने की तारीख और परियोजना पूरी होने की वास्तविक तारीख के बीच की अवधि में विलंब के लिए कोई उपयोक्ता फीस नहीं उदग्रहीत की जाएगी।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 16th December, 2013

G.S.R. 778(E).—In exercise of the powers conferred by Section 9 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby makes the following rules further to amend the National Highways Fee (Determination of Rates and Collection) Rules, 2008, namely:—

1. Short title and commencement.—(1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the principal rules),—

(a) in rule 3, sub-rule (3) shall be omitted;

(b) in rule 4 of the principal rules.—

(i) sub-rules (3) and (4) shall be omitted;

(ii) in sub-rule (6), after the proviso, the following shall be inserted, namely:—

“Provided further that in case of a section of a four-lane highway which has been taken up for upgradation 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 upgradation, 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.” ;

(iii) after sub-rule (6), the following sub-rules shall be inserted, namely:—

“(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 shall be calculated by converting the cost of the structure into an equivalent length of highway/ expressway by dividing by an equalisation factor equal to average cost per km of highway/expressways on 1st April of that year.

Provided that for a permanent bridge or a tunnel in a linear highway/expressway project forming part of the highway/expressway, the rate of fee shall be calculated by converting the cost of the structure, excluding the length of the approaches to the structure, into an equivalent length of highway/expressway by dividing such cost by an equalisation factor equal to the cost per km. of such highway/expressway excluding the cost of structures.

Explanation:— For the purposes of this sub-rule, “stand-alone structure” shall mean an independent bridge or tunnel or flyover taken up as specific project to complement an existing facility or to create a new facility for users which brings about tangible benefits in terms of savings in time and vehicle operating costs and enhances the efficiency of the existing road network.

(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).”.

(c) in rule 10 of the principal rules, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(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 load specified for its category under sub-rule (2) of rule 4, shall not be permitted to use the National Highway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.

(1A) The driver or owner or a person in charge of a mechanical vehicle shall be liable to pay fee, for entering the overloaded vehicle on the national highway to the toll collecting agency, equal to ten times of the fee applicable to such category of mechanical vehicles under sub-rule (2) of rule 4." .

[No. H-25016/2011-P&P(Toll)(Vol.III)]

ALKESH SHARMA, Jt. Secy.

Note : The National Highways Fee (Determination of Rates and Collections) Rules, 2008 were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* G.S.R. No. 838 (E) dated the 5th December, 2008 and amended *vide* G.S.R. No. 950(E) dated 3rd December, 2010, G.S.R. No. 15(E) dated 12th January, 2011 and G.S.R. No. 756(E) dated 12th October, 2011).