

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS**NOTIFICATION**

New Delhi, the 2nd April, 2012

S.O. 712(E).—Whereas, the Central Government, vide notification of the Government of India in the erstwhile Ministry of Shipping, Road Transport and Highways (Department of Road Transport and Highways) number S.O. 1094 (E), dated the 4th July, 2007, issued under section 11 of the National Highways Authority of India Act, 1988 (68 of 1988), (hereinafter referred to as the said Act), has entrusted, the stretch from km 39.860 to km 41.945 (Zirakpur – Punjab – Haryana Border section) in the State of Punjab, from km 40.000 to km 62.200 (Punjab – Haryana Border – Haryana – Himachal Border section) in the State of Haryana and from km 62.200 to km 67.200 (Haryana – Himachal Border – Delhi section) in the State of Himachal Pradesh of National Highway No. 22 to the National Highways Authority of India (hereinafter referred to as the Authority);

And Whereas, pursuant to the provisions of section 14 of the said Act, the Authority has entered into an agreement with Himalyan Expressway Limited, having its registered office at Kalka Sadan, Kalka Shimla Road, Pinjore, Kalka – 134 102, Haryana, India (hereinafter referred to as the Concessionaire) for Design, Engineering, Construction, Finance, Operation and Maintenance of Zirakpur - Parwanoo section including Pinjore – Kalka – Parwanoo Bypass of NH-22 from km 39.960 – km 67.550 of National Highway Number 22 (New NH-5) in the States of Punjab, Haryana and Himachal Pradesh (hereinafter referred to as the said section) on Build, Operate and Transfer (BOT) basis;

Now, therefore, in exercise of the powers conferred by section 8A of the National Highways Act, 1956 (48 of 1956), read with 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 Central Government, having regard to the expenditure involved in building, maintenance, management and operation of the said section, interest on the capital invested, reasonable return, the volume of traffic and the period of agreement entered into between the Authority and the Concessionaire, hereby notifies that there shall be levied and collected fees at the base rates specified in column (3) of the following Table (hereinafter referred to as the said Table), on the categories of vehicles specified in column (2) of the said Table for the use of the said section, and authorises the Concessionaire to collect and retain the said fees on and from the date of commercial operation of the said section or publication of

this notification in the Official Gazette, whichever is later, till the termination date, namely:-

Table

S. No.	Categories of vehicles.	Base rate of fees per vehicle per one way trip per km (in rupees).
(1)	(2)	(3)
1.	Car or Jeep or Van	0.40
2.	Light Commercial Vehicle (LCV)	0.70
3.	Truck or bus	1.40
4.	MAV (>2 Axles), Earth Moving Equipment or Heavy Construction Machinery.	2.25

Notes:-

1. For the purposes of this notification,-
 - (i) "actual fee" means the fee actually charged from the road users of the said section on the basis of-
 - (i) length of the project highway, and
 - (ii) base rate given in the said Table duly indexed, and shall be rounded off to the nearest one rupee.
 - (ii) "date of commercial operation" means the date on which commercial operation of the said section or part thereof begins after issue of the completion certificate or the provisional completion certification as the case may be, by the Independent Consultant, upon completion of the said section in accordance with the provisions of the agreement entered into between the Authority and the Concessionaire in respect of the said section (hereinafter referred to as the said agreement) ;
 - (iii) "local traffic" means the following type of traffic in relation to the fee payable for car or jeep or van;
 - (i) "Local Traffic" category I" means and includes users falling into any of the following categories, namely:-
 - (1) residents of villages, towns or cities whose boundary falls within a radius of ten kilometers of the fee collection booth (toll plaza);
 - (2) establishments or industrial units located within a radius of ten kilometers of the fee collection booth (toll plaza);
 - (3) employees of establishments or industrial units located or which have their office, within a radius of ten kilometers of the fee collection booths (toll plaza); and

- (4) self employed persons or businessmen having place of work within a radius of ten kilometers of the fee collection booth (toll plaza);
- (b) "Local Traffic category II" means and includes local users falling into any of the following categories, namely:-
- (1) residents of villages, towns or cities whose boundary falls within a radius of more than ten kilometers but upto twenty kilometers of the fee collection booth (toll plaza);
 - (2) establishments or industrial units located within a radius of more than ten kilometers but upto twenty kilometers of the fee collection booth (toll plaza);
 - (3) employees of establishments or industrial units located or which have their office, within a radius of more than ten kilometers but upto twenty kilometers of the fee collection booth (toll plaza); and
 - (4) self employed persons or business men having place of work within a radius of more than ten kilometers but upto twenty kilometers of the fee collection booth (toll plaza);
- (iv) "termination date" means the date on which the said agreement expires pursuant to the provisions of the said agreement or is terminated by termination notice;
- (v) words and expressions used in this notification and not defined but defined in the said agreement shall have the same meaning respectively assigned to them in the said agreement.
2. The actual amount of fee and the revision thereof effective from 1st September every year shall be computed as follows:-

$$\text{Base Fee} \times \frac{\text{WPI-B}}{\text{WPI-A}} \times \text{length of the said section.}$$

Where,

- WPI-A = is the Wholesale Price Index on June, 1997 (131.40).
 - WPI-B = is the Average Wholesale Price Index available for the year ending March, 31st preceding the fee revision date.
 - WPI means the Whole Sale Price Index as released by the Office of the Economic Advisor, Ministry of Commerce and Industry, Government of India or any other index replacing the same.
3. The fee shall be collected at the fee plaza only, situated at km 51.400.
4. When a vehicle has to cross the said section more than once in a day, the user shall have the option to pay the fee for multiple trips

at one and half times the rates as specified in column (3) of the said Table while crossing the toll plaza in the first trip itself and where vehicle has to use the said section continuously and frequently for the entire month, then the user may have a monthly pass on payment of charges equal to thirty times the rate applicable for single trip as specified in column (3) of the said Table.

Explanation - For the purpose of this notification "day" shall be counted as continuous period of twenty-four hours.

5. No fee shall be charged or collected in respect of the following vehicles, namely:-

(i) Vehicles-

(A) having VIP symbols or officially belonging to -

- (a) the President of India;
- (b) the Vice-President of India;
- (c) the Governor of a State and Lieutenant Governor of a Union territory;
- (d) a Foreign dignitary on State visit to India;
- (e) a Foreign Diplomat stationed in India using cars with "CD"/"CC" number plates;
- (f) the Chairman of Rajya Sabha , Speaker of Lok Sabha , Chairman of a State Legislative Council , Speaker of a State Legislature Assembly, a Minister for the Union or State, Leader of Opposition in Lok Sabha, Rajya Sabha, State Legislatures having the status of Cabinet Minister if he is sitting in the vehicle;
- (g) a Member of Parliament in the entire country , a Member of Legislative Assembly of a State, a Member of Legislative Council of a State, in the respective State if he produces his identity card issued by the Parliament or concerned Legislature of a State, as the case may be;

(B) belonging to awardees of Gallantry awards such as Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his photo identity card duly authenticated by the appropriate or competent authority for such award;

(ii) Defence vehicles, including those eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and the rules made thereunder (as extended to Navy);

(iii) Police vehicles, Fire fighting vehicles, Ambulances, Funeral vans, Post and Telegraph Department's vehicles, Central and State Government vehicles on duty.

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6. Concessionaire shall not collect fees from Local Traffic in the excess of the following discounted rate:-

(a) Car or Jeep or Van:

- i) Local Traffic Category I: Monthly pass of Rs 150.00;
- ii) Local Traffic Category II: Monthly pass of Rs 300.00;

(b) School buses: Monthly passes for school buses, for school students, crossing the toll plaza shall be given at a monthly rate of rupees one thousand after obtaining written request of the school principal along with the recognition of the school and the registration of the bus.

(c) Light Commercial Vehicle or Trucks (Local Transport Operators): Concessional fee may be taken from the Local Transport Operators on production of proof for plying within twenty kilometers, i.e., goods challan showing origin and destination clearly specifying the return details of the vehicle and the fee for such transport shall be rupees twenty five for trucks for each entry and rupees fifteen for Light Commercial Vehicle for each entry:

Provided that where a separate service lane is opened for free use by local traffic, the Concessionaire shall collect fee from such local traffic only, if they use the four lane National Highway.

- 7. As and when a service lane is constructed, the Concessionaire shall not collect any fee from the users of such lane.
- 8. The Concessionaire shall publish substance of this notification in two local newspapers (one of which shall be in vernacular language), which shall also state the date of commercial operation as per the provisions of this notification, at least ten days prior to the date of commercial operation and such substance shall also be repeated, ten days prior to giving effect to revised fees as per this notification.
- 9. The Concessionaire shall nominate an officer as in-charge of fee collection and the Concessionaire and the said officer shall be responsible to ensure that fee is collected at not more than the agreed rates and the fees collected is smooth without causing undue hardship to the road users and for all matters connected therewith.
- 10. The rate of fee, the categories of vehicles exempted from payment of fee and the name, address and telephone number of Concessionaire to whom complaints, if any, should be addressed, shall be conspicuously and prominently displayed 500 meters ahead of the toll booth, 100 meters ahead of the toll booth and at the toll booth

also, the height of the display boards and size of letters being such that the driver can easily read the display boards.

11. The actual fee to be charged from users shall be computed by the Concessionaire and sent to the Authority for validation as soon as possible after 31st March, in every year, but at least forty-five days before the revised rate is to be effected so as to enable the Authority to provide any comments or seek clarifications, if any, within a period of fifteen days from the date of receipt of the said proposal and if the Authority does not offer comments or seek clarifications during this period, the revised fee, as proposed by the Concessionaire, shall be deemed to have been confirmed by the Authority.

[F. No. NHAI/13013/585/11-12/CO/GC Zirakpur Parwanoo (Km 33.960 to 67.550) BOT]

U. D. BHARGAVA, Director