Uttar Pradesh Shasan
Audhyogik Vikas Anubhag-3

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification

NOTIFICATION

No.2747/77-3-17-37M/12

Lucknow: dated 15th December,2017

In exercise of the powers under section 2 read with section 9 of the INDIAN Toll Act, 1851 (Act no.8 of 1851) as amended in its application to Uttar Pradesh and all other power enabling him, in this behalf the Governor is pleased to modify "The Uttar Pradesh Expressway (Levy of Tolls and fixing of Fees and Realisation Thereof) Rules, 2010" with a view to regulating the fees to be charged and the toll levied or and realised from all persons, incharge of vehicles, using the expressway and all bridges including interchanges and flyovers, railway over bridges and under bridges, bypass line of expressway constructed on Public Private Partnership/Engineering Procurement & Construction/Any other mode under the control of the State Government or any other authorities by notification authorised by it or concessionaire/agency authorised under provisions of concession agreement/agreement in this behalf.

In the Uttar Pradesh Expressway (Levy of Tolls and Fixing of Fees and Realisation thereof) Rules, 2010 for the Rules 1 to 18 setout in Column-I below the rules as setout in Column-II shall be substituted; namely:-

THE UTTAR PRADESH EXPRESSWAY (LEVY OF TOLLS AND FIXING OF FEES AND REALISATION THEREOF) (FOURTH AMENDMENT) RULES, 2017.

	Column I	Column II
	Existing rules	**Rules as hereby substituted**
1. Short-title and commen-cement	1(1) These rules may be called **The Uttar Pradesh Expressway (Levy of Tolls and fixing of Fees and realisation thereof) Rules, 2010** 1(2)They shall come into force at once.	1(1) These modified rules may be called **The Uttar Pradesh Expressway (Levy of Tolls and fixing of Fees and realisation thereof) (Fourth Amendment) Rules, 2017** 1(2) They shall come into force from the date of publication thereof in the Gazette.
2. Defin-ition	(1) In these rules, unless the context otherwise requires: **(a) "Act"** means the Indian Toll Act 1851; **(b) "Base year"** means the period commencing on the 1st day of April 2009 and ending with 31st day of March 2010;	(1) In these rules, unless the context otherwise requires: **(a) "Act"** means the **Indian Toll Act 1851**; **(b) "Authorised Agency"** means a person who has entered into an agreement with the Uttar Pradesh Government/Executing Authority notified by the State Government for collection of Toll; **(c) "Toll Agreement"** means an agreement entered into between the Uttar Pradesh Government/ Executing Authority notified by the State Government and any person or persons for collection of toll; **(d) "Base year"** means the period commencing on the 1st day of April 2009 and ending with 31st day of March 2010;

	(c) "Bypass" means a section of the expressway bypassing a town or city.	**(e) "Bypass"** means a section of the expressway bypassing a town or city.
	(d) "Bridge" means a structure having a length of exceeding 6 metres between the inner faces of the dirt walls for carrying traffic or other moving loads over a depression or obstruction such as channel, road or railway;	**(f) Bridge"** means a structure having a length of exceeding 6 metres between the inner faces of the dirt walls for carrying traffic or other moving loads over a depression or obstruction such as channel, road or railway;
	(e) "Car" or **"Jeep"** or **"Van"** or **"light motor vehicle"** means any mechanical vehicle the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988 does not exceed twelve excluding the driver.	**(g) "Car"** or **"Jeep"** or **"Van" or "light motor vehicle"** means any mechanical vehicle the gross vehicle weight of which does not exceed seven thousand five hundred kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988 does not exceed twelve excluding the driver.
	(f) "Concession agreement" means an agreement entered into between the Uttar Pradesh Government/authority notified by the State Government and any person or persons for construction, operation or maintenance of infrastructure.	**(h) "Concession agreement"** means an agreement entered into between the Uttar Pradesh Government/authority notified by the State Government and any person or persons for construction, operation or maintenance of infrastructure.
	(g) "Concessionaire" means a person who has entered into a concession agreement with the Uttar Pradesh Government/authority notified by the State Government;	**(i)"Concessionaire"** means a person who has entered into a concession agreement with the Uttar Pradesh Government/authority notified by the State Government;
	(h) "Executing authority" means an officer or authority notified by the State Government	**(j)"Executing authority"** means an officer or authority notified by the State Government for implementing the Expressway Project.
	(i) "Expressway" means a highway having a divided carriageway suitable for high speed traffic and with control of access which is constructed, operated or maintained under a concession agreement;	**(k) "Expressway"** means a highway having a divided carriageway suitable **for high spee**d traffic and with control of access which is constructed, operated or maintained under a concession agreement/agreement;
	(j) "Elevated highway" means any section of Expressway raised above ground level through support of piers or columns.	**(l)"Elevated highway"** means any section of Expressway raised above ground level through support of piers or columns.
	(k) "Financial year" means the period of twelve calendar moths commencing on the 1st day of April of a year and ending with 31st day of March of the succeeding year.	**(m) "Financial year"** means the period of twelve calendar months commencing on the 1st day of April of a year and ending with 31st day of March of the succeeding year.
	(l) "Gross vehicle weight" in respect of any	**(n) "Gross vehicle weight"** in respect of

	means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (Act, No. 59 of 1988);	any means the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle under the Motor Vehicles Act, 1988 (Act no. 59 of 1988);
	(m) "Heavy construction machinery" or **earth moving equipment"** or **multi axle vehicle"** or **heavy truck** means heavy construction machinery or earth moving equipment or mechanical vehicle including a multi axle vehicle with three to six axles or vehicle with a gross vehicle weight exceeding twenty thousand kilogram but less than sixty thousand kilogram; and	**(o) "Heavy construction machinery"** or **earth moving equipment"** or **multi axle vehicle" or heavy truck** means heavy construction machinery or earth moving equipment or mechanical vehicle including a multi axle vehicle with three to six axles or vehicle with a gross vehicle weight exceeding twenty thousand kilogram but less than sixty thousand kilogram;
	(n) "Interchange" means a grade separated intersection with connecting roadways;	**(p) "Interchange"** means a grade separated intersection with connecting roadways;
	(o) "Lane" means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimeters;	**(q) "Lane"** means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimeters;
	(p) "Light Commercial Vehicle" or **"light goods vehicle"** or **"mini bus"** means any mechanical vehicles with a gross vehicle weight exceeding seven thousand five hundred kilogram but less than twelve thousand kilogram to the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act 1988, exceeds twelve but does not exceed thirty two excluding the driver.	**(r) Light Commercial Vehicle"** or **"light goods vehicle"** or **"mini bus"** means any mechanical vehicle with a gross vehicle weight exceeding seven thousand five hundred kilogram but less than twelve thousand kilogram to the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act 1988, exceeds twelve but does not exceed thirty two excluding the driver;
	(q) "Mechanical vehicle" means any vehicle driven under its own power including a motor vehicle as defined ender the Motor Vehicle Act,1988;	**(s) "Mechanical vehicle"** means any vehicle driven under its own power including a motor vehicle as defined under the Motor Vehicle Act,1988;
	(r) "Oversized vehicle" means any goods carrier with seven or more axles or vehicle with a gross weight exceeding sixty thousand kilograms	**(t) "Oversized vehicle"** means any goods carrier with seven or more axles or vehicle with a gross weight exceeding sixty thousand kilograms;
	(s) "Public private partnership project" means a project relating to section of expressway, including all permanent bridges, interchange, flyover, ROB/RUB, bypass or tunnel lying on it for which an agreement is entered into with a concessionaire:	**(u) "Public private partnership project"** means a project relating to section of expressway, including all permanent bridges, interchange, flyover, ROB/RUB, bypass or tunnel lying on it for which an agreement is entered into with a concessionaire;
		(v) "Engineering Procurement and

		Construction project" means a project relating to section of expressway, including all permanent bridges, interchange, flyover, ROB/RUB, bypass or tunnel lying on it for which an agreement is entered into with a Contractor;
	(t) "Railway over/under bridge" (ROB/RUB) means and includes a road over bridge/underbridge that crosses above/under a railway track and which is constructed, operated or maintained under a concession agreement;	**(w)"Railway over/under bridge"** (ROB/RUB) means and includes a road over bridge/underbridge that crosses above/under a railway track and which is constructed, operated or maintained under a concession agreement;
	(u) "Service road" means a road running parallel to a section of the expressway which provides access to the land adjoining such section of the expressway.	**(x) "Service road"** means a road running parallel to a section of the expressway which provides access to the land adjoining such section of the expressway;
	(v) "Toll or fee" means the toll levied per kilometre or permetre, as the case may be, payable by the user of a project highway, permanent bridge, interchange, flyover, ROB/RUB or road overbridge/underbridge, bypass or tunnel under these Rules;	**(y) "Toll or fee"** means the toll levied per kilometre or permetre, as the case may be, payable by the user of a project highway, permanent bridge, interchange, flyover, ROB/RUB or road overbridge/underbridge, bypass or tunnel under these Rules;
	(w) "Toll plaza" means any building, structure or booth made for collection of fee:	**(z) "Toll plaza"** means any building, structure or booth made for collection of fee:
	(x) "Truck" or "bus" means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilogram but less than twenty thousand kilogram or the registered passenger carrying as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty two excluding the driver;	**(aa) "Truck" or "bus"** means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilogram but less than twenty thousand kilogram or the registered passenger carrying as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty two excluding the driver;
	(y) Wholesale Price Index **(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.	**(bb)** Wholesale Price Index **(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.
3. LEVY OF FEE	(1) The State Government may, by notification, levy fee for use of any section of expressway, for express evacuation for travelers permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel forming part of the expressway, as the case may be, in accordance with the provision of these rules;	(1) The State Government may, by notification, levy fee for use of any section of expressway, for express evacuation for travelers permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel forming part of the expressway, as the case may be, in accordance with the provision of these rules;
	(2) In the case of private investment project, the collection of fee levied under sub-rule (1)	(2) In the case of private/public investment project, the collection of fee

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<td>shall be made during the concession period in accordance with the terms of the agreement entered into by the Concessionaire and shall commence from the date of completion of the Expressway . No pedestrian or non-motorized vehicle or unregistered vehicle is allowed to use any section of the expressway permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be.

Provided that in an emergency situation such as breakdown of running vehicle, the occupant of the vehicle shall be allowed to use expressway, permanent bridge, interchange, flyover, ROB/RUB bypass or tunnel.

(3) No fee shall be levied for the use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, from vehicles plying on service roads only.

Provided further that irrespective of availability of service road, the owner, driver or the person in charge of a two wheeler, three wheeler and legally registered tractor is making use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, he or she shall be charged fifty per cent of the fee levied on a car.

(4) The fee notified by the State Government under these rules shall the rounded off and levied in multiple of the nearest Rupees five.</td>
<td>levied under sub-rule (1) shall be made during the concession/toll agreement period in accordance with the terms of the agreement entered into by the Concessionaire/Authorised Agency and shall commence from the date of completion of the Expressway/or from an agreed date. No pedestrian or non-motorized vehicle or unregistered vehicle is allowed to use any section of the expressway permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be:

Provided that in an emergency situation such as breakdown of running vehicle, the occupant of the vehicle shall be allowed to use expressway, permanent bridge, interchange, flyover, ROB/RUB bypass or tunnel.

(3) No fee shall be levied for the use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, from vehicles plying on service roads only.

Provided further that irrespective of availability of service road, the owner, driver or the person in charge of a two wheeler, three wheeler and legally registered tractor is making use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, he or she shall be charged fifty per cent of the fee levied on a car.

(4) The fee notified by the State Government under these rules shall the rounded off and levied in multiple of the nearest Rupees five.</td>
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<td>4. BASE RATE OF FEE</td>
<td>(1) The rate of fee for use of a section of Expressway of six/eight lanes shall, for the base year 2009 -10, be the product of length of such section multiplied by the following rates, namely:
<table>
<tr><th>Type of Vehicle</th><th>Base rate of fee per km (in Rupees) based on WPI of week ending on 3rd Jan. 2009 (WPI 229.20) for the</th></tr>
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</td>
<td>(1) The rate of fee for use of a section of Expressway of six/eight lanes shall, for the base year 2009 -10, be the product of length of such section multiplied by the following rates, namely:</td>
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	year 2009-2010
Car, Jeep, Van or Light Motor Vehicle	0.80
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.30
Bus or Truck	2.75
Heavy Construction Machinery(HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (Three to Six Axles)	4.30
Oversized Vehicles (Seven or more Axles)	5.25

(2) The rate of fee for the use of structures interalia including permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel constructed with the completed cost exceeding Rupees ten crore shall, for the base year 2009-2010, be as follows:

Base rate of fee (Rupees per vehicle per trip)					
Cost of permanent bridge or tunnel (Rupees in crore)	Car, Jeep, Van or Light Motor Vehicle	Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	Truck or Bus	HCM, EME or MAV	Oversized Vehicle
10 to 15	5.00	7.50	15.00	22	30.00
For every additional five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore	1.00	1.50	3.00	4.50	6.00
	0.75	1.15	2.25	3.40	4.50

Type of Vehicle	Base rate of fee per km (in Rupees) based on WPI of week ending on 3rd Jan. 2009 (WPI 229.20) for the year 2009-2010
Car, Jeep, Van or Light Motor Vehicle	0.80
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.30
Bus or Truck	2.75
Heavy Construction Machinery(HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (Three to Six Axles)	4.30
Oversized Vehicles (Seven or more Axles)	5.25

(2) The rate of fee for the use of structures interalia including permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel constructed with the completed cost exceeding Rupees ten crore shall, for the base year 2009-2010, be as follows:

Base rate of fee (Rupees per vehicle per trip)					
Cost of permanent bridge or tunnel (Rupees in crore)	Car, Jeep, Van or Light Motor Vehicle	Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	Truck or Bus	HCM, EME or MAV	Oversized Vehicle
10 to 15	5.00	7.50	15.00	22	30.00
For every additional five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore	1.00	1.50	3.00	4.50	6.00

up to Rupees two hundred crore.					
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.50	0.75	1.50	2.25	3.00

Provided that while computing fee from commercial operation date, for the section of expressway on which structures interalia including a permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel costing Rupees fifty crore or more is situated, the length of such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel shall be excluded from the length of such section of expressway and fee shall be levied at the rates specified above for such permanent bridge, interchange, flyover, ROB/RUB, bypass and tunnel.

Provided further that where the cost of such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, is less than Rupees fifty crore, and the said permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, form part of the section of expressway, then instead of above rate of fee, the rate of fee specified under sub rule (1) of rule 4 shall be applicable for such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel.

Explanation: - for the purpose of this sub-rule:
the cost for private investment project, shall be the completion cost as assessed by the statutory auditor of the Concessionaire;

For every additional Rupees five crore or part thereof, exceeding Rupees one hundred crore and up to Rupees two hundred crore.	0.75	1.15	2.25	3.40	4.50
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.50	0.75	1.50	2.25	3.00

Provided that while computing fee from commercial operation date, for the section of expressway on which structures interalia including a permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel costing Rupees fifty crore or more is situated, the length of such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel shall be excluded from the length of such section of expressway and fee shall be levied at the rates specified above for such permanent bridge, interchange, flyover, ROB/RUB, bypass and tunnel:

Provided further that where the cost of such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be, is less than Rupees fifty crore, and the said permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, form part of the section of expressway, then instead of above rate of fee, the rate of fee specified under sub-rule (1) of rule 4 shall be applicable for such permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel.

Explanation: - for the purpose of this sub-rule:
the cost for project, shall be the completion cost as assessed by the statutory auditor of the Concessionaire in case of PPP Projects and by the Executing Authority/or by its authorized person in case of EPC/any other

<table>
<tr><td></td><td></td><td>mode of project.</td></tr>
<tr><td>5. Annual revision of rate of fee</td><td>(1) The rates specified under rule 4 shall be increased each year with effect from the 1st day of April, 2010.

(2) The applicable rates shall be revised annually with effect from April 1 each year to reflect the increase in wholesale price index between the week ending on January 3, 2009 (i.e. 229.20) and the week ending on/or immediately after January 1 of the year in which such revision is undertaken but such revision shall be restricted to forty per cent of the increase in wholesale price index (rounded to nearest 5 paise).

(3) The formula for determining the applicable rate of fee shall be as follows:

Applicable rate of fee = base rate + base rate $\times \left\{ \frac{\text{WPI A-WPI B}}{\text{WP1 B}} \right\} \times 0.4$

Explanation:
(a) applicable rate of fee shall be the revised rate payable by the user under rule 4 sub rule(1);

(b) base rate for Expressway for the year 2009-10 excluding the completed cost of structures interalia permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel shall be as :-

<table><tr><th>Type of Vehicle</th><th>Base rate of fee per km (in Rupees) based on WPI of week ending on 3trd Jan. 2009 (WPI 229.20) for the year 2009-2010</th></tr><tr><td>Car, Jeep, Van or Light Motor Vehicle</td><td>0.80</td></tr><tr><td>Light Commercial Vehicle, Light Goods Vehicle or Mini Bus</td><td>1.30</td></tr><tr><td>Bus or Truck</td><td>2.75</td></tr><tr><td>Heavy Construction Machinery(HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (Three to Six Axles)</td><td>4.30</td></tr><tr><td>Oversized Vehicles (Seven or more Axles)</td><td>5.25</td></tr></table></td><td>(1) The rates specified under rule 4 shall be increased each year with effect from the 1st day of April, 2010.

(2) The applicable rates shall be revised annually with effect from April 1 each year to reflect the increase in wholesale price index between the week ending on January 3, 2009 (i.e. 229.20) and the week ending on/or immediately after January 1 of the year in which such revision is undertaken but such revision shall be restricted to forty per cent of the increase in wholesale price index (rounded to nearest 5 paise).

(3) The formula for determining the applicable rate of fee shall be as follows:

Applicable rate of fee = base rate + base rate $\times \left\{ \frac{\text{WPI A-WPI B}}{\text{WP1 B}} \right\} \times 0.4$

Explanation:
(a) applicable rate of fee shall be the revised rate payable by the user under sub- rule (1) of rule 4;

(b) base rate for Expressway for the year 2009-10 excluding the completed cost of structures interalia permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel shall be as :-

<table><tr><th>Type of Vehicle</th><th>Base rate of fee per km (in Rupees) based on WPI of week ending on 3trd Jan. 2009 (WPI 229.20) for the year 2009-2010</th></tr><tr><td>Car, Jeep, Van or Light Motor Vehicle</td><td>0.80</td></tr><tr><td>Light Commercial Vehicle, Light Goods Vehicle or Mini Bus</td><td>1.30</td></tr><tr><td>Bus or Truck</td><td>2.75</td></tr><tr><td>Heavy Construction Machinery(HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (Three to Six Axles)</td><td>4.30</td></tr><tr><td>Oversized Vehicles (Seven or more Axles)</td><td>5.25</td></tr></table></td></tr>
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	(c) In case of structures interalia including permanent bridges, interchanges, flyovers, ROB/RUBs, bypass or tunnel where completion cost assessed by statutory auditor of the Concessionaire is Rs. 50 crores or more, the toll fee as per sub rule 4 (2) shall in addition to the above rates in sub rule 5(3)(b) or sub rule 4(1) also be revised.	(c) In case of structures interalia including permanent bridges, interchanges, flyovers, ROB/RUBs, bypass or tunnel where completion cost assessed by statutory auditor of the Concessionaire/ Executing Authority /or by its authorized person is Rs. 50 crores or more, the toll fee as per sub-rule (2) of rule 4 shall in addition to the above rates in sub rule 5(3) (b) or sub-rule 4(1) also be revised.
	(d) WPI A means the wholesale price index of the week ending on or subsequent to 1st January immediately preceding the date of revision under these rules; and	(d) WPI A means the wholesale price index of the week ending on or subsequent to 1st January immediately preceding the date of revision under these rules; and
	(e) WPI B means the wholesale price index of the week ending on 3rd January, 2009 i.e. 229.20.	(e) WPI B means the wholesale price index of the week ending on 3rd January, 2009 i.e. 229.20.
	Illustration:	**Illustration:**
	If the revision of toll rates for an Expressway is to be made for the year 2010 -11 and 2011 -12 by applying the wholesale price index (say 240 in week ending on or subsequent to 02 Jan, 2010 and 260 in week ending on or subsequent to 01 Jan, 2011), then the rate for car, jeep or van will be as computed below:	If the revision of toll rates for an Expressway is to be made for the year 2010 -11 and 2011 -12 by applying the wholesale price index (say 240 in week ending on or subsequent to January 2, 2010 and 260 in week ending on or subsequent to January 1, 2011), then the rate for car, jeep or van will be as computed below:
	Applicable rate of fee for car, jeep or van per km:	Applicable rate of fee for car, jeep or van per km:
	(i) For the year 2010 -11= 0.80 + 0.80 $\frac{(240 - 229.20)}{229.20}$ x 0.4 = 0.815 say Rs. 0.80 (ii) For the year 2011-12=0.80+0.80 $\frac{(260-229.20)}{229.20}$ x0.4= 0.843 say Rs.0.85	(i) For the year 2010 -11= 0.80 + 0.80 $\frac{(240 - 229.20)}{229.20}$ x 0.4 = 0.815 say Rs. 0.80 (ii) For the year 2011-12=0.80+0.80 $\frac{(260-229.20)}{229.20}$ x0.4= 0.843 say Rs.0.85
	(4) Annual revision of rate of fee under these rules shall be effective from first of April every year.	(4) Annual revision of rate of fee under these rules shall be effective from first of April every year.
6. Collection of fee	(1) Fee levied under these rules shall be collected by the concessionaire at the toll plaza.	(1) Fee levied under these rules shall be collected by the concessionaire/ authorized agency at the toll plaza.
	(2) Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, before crossing the toll	(2) Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, before crossing the toll

	plaza, pay the fee specified under these rules.	plaza, pay the fee specified under these rules.
	(3) The fee collected under these rules shall be paid either in cash or through smart card or on board unit (transponder) or any other suitable device. Provided that additional charge as decided by concessionaire shall be realized for making the payment of fee by use of a smart card or on board unit (transponder) or any other suitable device.	(3) The fee collected under these rules shall be paid either in cash or through smart card or on board unit (transponder) or any other suitable device. Provided that additional charge as decided by concessionaire/authorized agency shall be realized for making the payment of fee by use of a smart card or on board unit (transponder) or any other suitable device.
	(4) Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder/OBU) or any other suitable device for payment of fee, shall deposit a refundable security towards the cost of the equipment with the concessionaire for such installation and no interest shall accrue on such security deposit.	(4) Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder/OBU) or any other suitable device for payment of fee, shall deposit a refundable security towards the cost of the equipment with the concessionaire/authorized agency for such installation and no interest shall accrue on such security deposit.
	(5) The person receiving such fee under sub-rule (2) of rule 6, shall issue to the driver, owner person in charge of mechanical vehicle a receipt specifying therein the date and time of such receipt of fee, total amount received, and the class of vehicle for which the fee has been received; Provided that where the fee paid through smart card or on board unit (transponder) or any other suitable device, a receipt shall be issued on demand only. Any driver, owner or person Incharge of a mechanical vehicle not in possession of OBU or smart card but opts to use dedicated lanes meant for OBU/smart card may be required to pay additional fees equal to five times of the applicable fees to the concessionaire in addition to applicable fees.	(5) The person receiving such fee under sub-rule (2) of rule 6, shall issue to the driver, owner person in charge of mechanical vehicle a receipt specifying therein the date and time of such receipt of fee, total amount received, and the class of vehicle for which the fee has been received; Provided that where the fee paid through smart card or on board unit (transponder) or any other suitable device, a receipt shall be issued on demand only. Any driver, owner or person Incharge of a mechanical vehicle not in possession of OBU or smart card but opts to use dedicated lanes meant for OBU/smart card may be required to pay additional fees equal to five times of the applicable fees to the concessionaire/ authorized agency in addition to applicable fees.
7. Remittance and appropriation of fee	(1) In case of private investment projects, the fee collected under the provision of these rules shall be appropriated by the concessionaire in accordance with the provision of and for the performance of its obligation under the agreement entered into by such concessionaire.	(1) In case of private/public investment projects, the fee collected under the provision of these rules shall be appropriated by the concessionaire/ authorized agency in accordance with the provision of and for the performance of its obligation under the agreement entered into by such concessionaire/ authorized agency.

8. Location of the plaza	(1) Normally the executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometers from a municipal or local town area limits; but in exceptional cases where a section of the expressway, permanent bridge, interchange, flyover, ROB /RUB, bypass or tunnel, as the case may be, is constructed within the municipal or town area limits or within five kilometers from such limits, primarily for use of the residents of such municipal or town area, the toll plaza may be established within the municipal or town area limits or within a distance of five kilometers from such limits. (2) Normally no other toll plaza on the same section of expressway and in the same direction shall not be established within distance of sixty kilometers; but in exceptional cases where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire to establish another toll plaza within a distance of sixty kilometers: Provided that toll plaza/plazas may be established within a distance of sixty kilometers from another toll plaza if such toll plaza is for collection of fee for a permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel or expressway to avoid leakage of toll.	(1)Normally the executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometers from a municipal or local town area limits; but in exceptional cases where a section of the expressway, permanent bridge, interchange, flyover, ROB /RUB, bypass or tunnel, as the case may be, is constructed within the municipal or town area limits or within five kilometers from such limits, primarily for use of the residents of such municipal or town area, the toll plaza may be established within the municipal or town area limits or within a distance of five kilometers from such limits. (2) Normally no other toll plaza on the same section of expressway and in the same direction shall be established within distance of sixty kilometers; but in exceptional cases where the executing authority deems necessary, it may for reasons to be recorded in writing, establish or allow the concessionaire/authorized agency to establish another toll plaza within a distance of sixty kilometers: Provided that toll plaza/plazas may be established within a distance of sixty kilometers from another toll plaza if such toll plaza is for collection of fee for a permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel or expressway to avoid leakage of toll.
9. Discounts	(1) The executing authority or the concessionaire, as the case may be, shall upon request provide a pass for multiple journeys to cross a toll plaza within the specified period at the rates specified in sub-rule (2). (2) The Concessionaire shall, upon request from any person, issue a return pass on payment of a sum equal to 160% (one hundred and sixty per cent) of the Fee payable for the respective vehicle if it were to undertake a single one-way trip on the Expressway. Such return pass shall entitle the specified vehicle to undertake a return journey on the same day as the outward journey.	(1) The Concessionaire/ Authorised Agency, as the case may be, shall on request provide a pass for multiple journeys to cross a toll plaza within the specified period at the rates specified in sub-rule (2). (2) The Concessionaire/Authorized Agency shall, upon request from any person, issue a return pass on payment of a sum equal to 160% (one hundred and sixty per cent) of the fee payable for the respective vehicle if it were to undertake a single one-way trip on the Expressway. Such return pass shall entitle the specified vehicle to undertake a return journey on the same

		day as the outward journey.
	(3) The Concessionaire shall, upon request from any person for issue of 20(twenty) or more one-way toll tickets, issue such tickets at a discounted rate equivalent to 80% (eighty per cent) of the Fee payable for the respective particular registered vehicle. Such discounted tickets shall entitle the specified vehicle to commute on the Expressway by using one ticket for a single one-way trip at any time during a period of one calendar month or part thereof.	(3) The Concessionaire/Authorized Agency shall, upon request from any person for issue of 20 (twenty) or more one-way toll tickets, issue such tickets at a discounted rate equivalent to 80% (eighty per cent) of the fee payable for the respective particular registered vehicle. Such discounted tickets shall entitle the specified vehicle to commute on the Expressway by using one ticket for a single one-way trip at any time during a period of one calendar month or part thereof.
	(4) No pass shall be issued or fee collected from a driver, owner or person in charge of a mechanical vehicle that uses part of the section of expressway and does not cross a toll plaza.	(4) No pass shall be issued or fee collected from a driver, owner or person in charge of a mechanical vehicle that uses part of the section of expressway and does not cross a toll plaza.
10. Rate of fee for overload-ing	(1) Without prejudice to the liability of the driver, 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 the permissible load specified for its category under sub-rule (1) of rule 4, shall be liable to pay fee at such rate which is applicable for the next higher category of mechanical vehicles. Provided that the payment of such fee for overloading shall not entitle a driver or owner or a person in charge of a mechanical vehicle to make use of such expressway and his or her vehicle shall be prevented from using the expressway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.	(1) Without prejudice to the liability of the driver, 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 the permissible load specified for its category under sub-rule (1) of rule 4, shall be liable to pay fee at such rate which is applicable for the next higher category of mechanical vehicles. Provided that the payment of such fee for overloading shall not entitle a driver or owner or a person in charge of a mechanical vehicle to make use of such expressway and his or her vehicle shall be prevented from using the expressway or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.
	(2) The weight of mechanical vehicle, as recorded at a weighbridge installed at the toll plaza shall be the basis for levying the fee for overloading under this rule. Provided that where no weighbridge has been installed at the plaza, no fee for overloading shall be levied and collected under this rule and the driver, owner or person in charge of the mechanical vehicle shall be liable to pay fee applicable for such vehicle only.	(2) The weight of mechanical vehicle, as recorded at a weighbridge installed at the toll plaza shall be the basis for levying the fee for overloading under this rule. Provided that where no weighbridge has been installed at the plaza, no fee for overloading shall be levied and collected under this rule and the driver, owner or person in charge of the mechanical vehicle shall be liable to pay fee applicable for such vehicle only.

11. Exemption from payment of fee	(1) No fee shall be levied and collected from a mechanical vehicle: (a) Transporting and accompanying: i. the President of India; ii. the Vice-President of India; iii. the Prime- Minister of India; iv. the Chief Justice of India; v. the Governors; vi. the Lieutenant Governors; vii. the Chief Ministers; viii. the Presiding Officers of Central and State Legislatures having jurisdiction; ix. the Leader of Opposition in Lok Sabha, Rajya Sabha and the State legislatures having jurisdiction; x. the Judges of Supreme Court; xi. the Chairman of the Legislative Council of the State; xii. the Speaker of the Legislative Assembly of the State; xiii. the Chief Justice of high Court; xiv. the Judges of High Court; xv. Ministers of Govt. of India xvi. Ministers of GoUP; xvii. Secretaries and Commissioners of GoUP xviii. Foreign dignitaries on State visit xix. Heads of Foreign Missions stationed in India using cars with CD symbol xx. All Government vehicles (b) Vehicles used for official purposes by:- i. the Ministry of Defense including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made there under, as extended to Navy also; ii. the Central and State armed forces in uniform including para military forces and police; iii. an executive Magistrate on duty; iv. the persons required to use the Expressway for discharging their statutory obligations in relation to the Site; v. a fire-fighting department or organization; vi. Officers of Concerned Expressway Authority; and (c) Vehicles used as ambulance.	(1) No fee shall be levied and collected from a mechanical vehicle: (a)Transporting and accompanying: i. the President of India; ii. the Vice-President of India; iii. the Prime- Minister of India; iv. the Chief Justice of India; v. the Governors; vi. the Lieutenant Governors; vii. the Chief Ministers; viii. the Presiding Officers of Central and State Legislatures having jurisdiction; ix. the Leader of Opposition in Lok Sabha, Rajya Sabha and the State legislatures having jurisdiction; x. the Judges of Supreme Court; xi. the Chairman of the Legislative Council of the State; xii. the Speaker of the Legislative Assembly of the State; xiii. the Chief Justice of High Court; xiv. the Judges of High Court; xv. Ministers of Govt. of India xvi. Ministers of GoUP; xvii. Secretaries and Commissioners of GoUP xviii. Foreign dignitaries on State visit xix. Heads of Foreign Missions stationed in India using cars with CD symbol xx. All Government vehicles (b) Vehicles used for official purposes by:- i. the Ministry of Defense including those which are eligible for exemption in accordance with the provisions of the Indian Toll (Army and Air Force) Act, 1901 and rules made there under, as extended to Navy also; ii. the Central and State armed forces in uniform including para military forces and police; iii. an executive Magistrate on duty; iv. the persons required to use the Expressway for discharging their statutory obligations in relation to the Site; v. a fire-fighting department or organization; vi. Officers of Concerned Expressway Authority; and (c) Vehicles used as ambulance.
12. Disp-	(1) The executing authority or the	(1) The executing authority or the

lay of information-tion	concessionaire, as the case may be, shall publish a notice specifying the amount of fee to be charged from the mechanical vehicle, in at least one Newspaper, each in English and vernacular Language, having a wide circulation in such area.	concessionaire / Authorised Agency, as the case may be, shall publish a notice specifying the amount of fee to be charged from the mechanical vehicle, in at least one Newspaper, each in English and vernacular Language, having a wide circulation in such area.
	(2) The Concessionaire shall prominently display in Hindi and English one thousand meters ahead of the toll plaza and in English and local language five hundred meters ahead of the toll plaza: i. The amount of fee payable for each class of vehicles and the discounts available under rule 9; ii. The categories of vehicles exempted from payment of fee: and iii. The name, address and telephone or contact number of the concessionaire.	(2) The Concessionaire/ Authorized Agency shall prominently display in Hindi and English one thousand meters ahead of the toll plaza and in English and local language five hundred meters ahead of the toll plaza: i. the amount of fee payable for each class of vehicles and the discounts available under rule 9; ii. the categories of vehicles exempted from payment of fee; and iii. the name, address and telephone or contact number of the Executing Authority and Concessionaire/ Authorized Agency.
	(3) The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.	(3) The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.
13. Unau-thorized collection	(1) An officer authorized by the State Government or by the executing authority, as the case may be, may assess the excess fee collected, if any, by the executing authority or the concessionaire, as the case may be, and recover the same from such authority or concessionaire, along with an additional sum equal to twenty five percent of the excess fee collected. Provided that no recovery of such excess fee shall be made unless an opportunity of hearing has been given to the executing authority or concessionaire, as the case may be.	(1) An officer authorized by the State Government or by the executing authority, as the case may be, may assess the excess fee collected, if any, by the Concessionaire/ Authorized Agency or the executing authority as the case may be, and recover the same from such authority or concessionaire/ Authorized Agency, along with an additional sum equal to twenty five percent of the excess fee collected. Provided that no recovery of such excess fee shall be made unless an opportunity of hearing has been given to concessionaire/ Authorized Agency or the executing authority as the case may be.
	(2) Any driver, owner or person in charge of a mechanical vehicle aggrieved by unauthorized collection of fee, may lodge a complaint with the officer authorized by the State Government or the executing authority, as the case may be, in this behalf, who shall after hearing the parties	(2) Any driver, owner or person in charge of a mechanical vehicle aggrieved by unauthorized collection of fee, may lodge a complaint with the officer authorized by the State Government or the executing authority, as the case may be, in this behalf, who shall after hearing the parties

	pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.	pass an order on such complaint for refund of excess payment and damages for the inconvenience suffered by such user within thirty days.
14.Failure to pay fee	(1) If any driver, owner or person in charge of a mechanical vehicle does not pay or refuses to pay the fee for use of expressway or part thereof, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, his or her vehicle shall not be allowed to use such section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel and in case such vehicle obstructs the normal flow of traffic, the executing authority or the concessionaire, as the case may be, may get such obstructing vehicle removed from the expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be.	(1)If any driver, owner or person in charge of a mechanical vehicle does not pay or refuses to pay the fee for use of expressway or part thereof, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, his or her vehicle shall not be allowed to use such section of expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel and in case such vehicle obstructs the normal flow of traffic, the executing authority or the concessionaire/ Authorized Agency, as the case may be, may get such obstructing vehicle removed from the expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel, as the case may be.
	(2) Where the driver or the person in charge of a mechanical vehicle refuses or fails to pay the fee levied under these rules, the same shall be recovered from the registered owner of the mechanical vehicle.	(2) Where the driver or the person in charge of a mechanical vehicle refuses or fails to pay the fee levied under these rules, the same shall be recovered from the registered owner of the mechanical vehicle.
	(3) Where the State Government, executing authority or the concessionaire, as the case may be, has reason to believe that a mechanical vehicle is plying on a section of the expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel without payment of fee due, it may stop such vehicle for the purpose of verifying the payment thereof and collect the fee due along with an additional sum equal to fifty percent of fee from such vehicle.	(3) Where the State Government, executing authority or the concessionaire/ Authorized Agency as the case may be, has reason to believe that a mechanical vehicle is plying on a section of the expressway, permanent bridge, interchange, flyover, ROB/RUB, bypass or tunnel without payment of fee due, it may stop such vehicle for the purpose of verifying the payment thereof and collect the fee due along with an additional sum equal to fifty percent of fee from such vehicle.
15. Power of State Government to verify records	An officer duly authorized by the State Government or the executing authority, as the case may be shall have the power to verify the collection of fee, and inspect any document, records, other information, receipts or reports of the executing authority or the concessionaire, as the case may be.	An officer duly authorized by the State Government or the executing authority, as the case may be shall have the power to verify the collection of fee, and inspect any document, records, other information, receipts or reports of the concessionaire/ Authorized Agency or the executing authority as the case may be.
16. Collection of fee in respect of Private	(1) The fee levied under the provisions of sub-rule (2) of rule 3 shall be collected and retained by the concessionaire till its agreement is in force.	(1) The fee levied under the provisions of sub-rule (2) of rule 3 shall be collected and retained by the concessionaire till its agreement is in

Investment Project	(2) On and from the date of expiry of the agreement specified under sub-rule (2) of rule 3, the fee levied shall be collected by the State Government or the executing authority, as the case may be.	force. (2) On and from the date of expiry of the agreement specified under sub-rule (2) of rule 3, the fee levied shall be collected by the State Government or the executing authority, as the case may be.
17. Collection of fee in respect of Public Investment Project		(1) The fee levied under the provisions of sub-rule (2) of rule 3 shall be collected and appropriated by the Authorized Agency as per the agreement in case of Projects on EPC or any other mode till its agreement is in force. (2) On and from the date of expiry of the agreement specified under sub-rule (2) of rule 3, the fee levied shall be collected by the State Government or the executing authority, as the case may be.
18. Bar for Installation of additional barrier	Normally no barrier shall be installed at any place, other than at the toll plaza, but in exceptional cases the State Government or the executing authority, after being satisfied that there is evasion of fee, may allow installation of additional barriers on such terms and conditions as it may impose. The installation of such barrier by the State Government, the executing authority or the concessionaire, as the case may be, shall be within ten kilometers from the toll plaza, to check the evasion of fee: Provided that the State Government or the executing authority, as the case may be, may, at any time, for reasons to be recorded in writing withdraw such permission. Provided further that where the State Government or the executing authority, as the case may be, do not allow installation of an additional barrier by the concessionaire, the reasons for such refusal shall be communicated to such concessionaire within a fortnight.	Normally no barrier shall be installed at any place, other than at the toll plaza, but in exceptional cases the State Government or the executing authority, after being satisfied that there is evasion of fee, may allow installation of additional barriers on such terms and conditions as it may impose. The installation of such barrier by the State Government, the executing authority or the concessionaire/Authorized Agency, as the case may be, shall be within ten kilometers from the toll plaza, to check the evasion of fee: Provided that the State Government or the executing authority, as the case may be, may, at any time, for reasons to be recorded in writing withdraw such permission. Provided further that where the State Government or the executing authority, as the case may be, do not allow installation of an additional barrier by the concessionaire /Authorized Agency, the reasons for such refusal shall be communicated to such concessionaire / Authorized Agency within a fortnight. By Order **Alok Sinha** Principal Secretary