

Transport Bhavan, 1, Parliament Street
New Delhi- 110 00

Dated the 24th August, 2011

OFFICE MEMORANDUM

Please refer to the Record Note of discussions between Dr. C.P. Joshi, Minister for Road Transport & Highways and Shri Salman Khurshid, Minister of Law & Justice, dated 11.08.2011 circulated vide O.M. dated 23.8.2011 (copy enclosed), the following decisions have been approved by Hon'ble Minister(RT&H):

"Paragraph 3 of the Record Notes of discussion states as under:

Taking all the facts into consideration, it was agreed that the model notifications may be agreed to by the Legislative Department. However, any deviation thereto should be brought for vetting by the Legislative Department.

From the above, it may infer that in all cases of toll notification which conform to the model notifications as vetted by the Legislative Department and attached with the U.O. note of the Ministry of Law & Justice, the Ministry of Road Transport & Highways may issue toll notification without sending the cases to the Ministry of Law & Justice for vetting. However, those cases which deviate from the model notifications have to be sent to the Legislative Department.

Similarly, as per paragraph 6, it may infer that for public funded projects, the amendment of January 2011 to the Fee Rules 2008 will be applied regardless of date of completion of the project."

Necessary action in this regard may please be taken.

This issues with the approval of competent authority.

1. Sr.PPS to DG(RD), M/o RT&H
2. Chairman, NHAI
3. Member(Tech), NHAI
4. PS to ADG, M/o RT&H
5. PS to JS&LA(Legal Affairs)
6. PPS to JS(H), M/o RT&H
7. PPS to JS(LA&IC)
8. PPS to JS(T)
9. Director(RT)

(B.B. Mohapatra)
Director(Toll)

Issued on 24/8/11

Record Note of discussions between Dr. C.P. Joshi, Minister for Road Transport & Highways and Shri Salman Khurshid, Minister of Law & Justice, dated 11.08.2011.

Present:

Ministry of Law & Justice

- (1) Shri Salman Khurshid
Minister of Law & Justice
- (2) Shri V.K. Bhasin,
Secretary(Legislative Deptt.)
- (3) Shri D.R. Meena,
Secretary(Legal Affairs)
- (4) Shri N.K. Nampoothiry
Additional Secretary
- (5) Shri M.K. Sharma
Joint Secretary & Legal Adviser

Ministry of Road Transport & Highways

- (1) Dr. C.P. Joshi
Minister(RTH)
- (2) Shri A.K. Upadhyay
Secretary(RTH)
- (3) Shri Sanjay Bandopadhyay
Joint Secretary(LAC)
- (4) Shri Nitin R. Gokarn
Joint Secretary(T)

1. Background:

- 1.1 The Ministry of Road Transport & Highways explained the background for requesting for this meeting. Section 9 of the National Highway Act confers rule making powers on the Central Government under which user fee notifications (toll notifications) can be issued as provided under Section 7 of the Act. While the occasion for framing or modifying the rules arises once in a while, toll notifications are hundreds in numbers and each notification at present has to be sent to the Ministry of Law for vetting. This causes unnecessary delay. These notifications are generally of 4 standard types. The Ministry of Road Transport and Highways has been requesting for vetting of model notifications

based on which the individual toll notifications can be issued by Ministry of Road Transport & Highways.

- 1.2 The toll notification under National Highway Fee Rules, 1997 were superseded and NH Fee Rules, 2008 became effective. The privately funded projects under PPP mode are governed by long term contracts. For the rest of the projects which are public funded and government owned, the view of M/Road Transport & Highways is that, as and when new rules are notified they should become applicable to the roads regardless of the date when they were completed. M/Law view has been that the new rules would become applicable only for projects to be completed after that date. This does not seem logical nor is it borne out by any provision of the Act. The question of prospective or retrospective application of toll relates to the date on which the toll rates become effective, and not to the date of completion of the road.
- 1.3 EGOM decided that to smoothen the transition from 1997 Rules to 2008 Rules, increase in any order in toll rates would not be more than 25% in a year. A draft rule to give effect to this decision has not been agreed by the M/Law on the same ground of retrospective/prospective application.
- 1.4 After a strike call given by the Transport Owners Association in 2010, an agreement was reached between the M/Road Transport & Highways and the Association along with some relief in some categories. It has not been possible to give effect to them again due to similar interpretational issues raised by the M/Law. They have again given a call to go on indefinite strike from 18.8.2011 midnight.
- 1.5 Ministry of Road Transport & Highways requested that the issues needs immediately resolution.

2. Views Expressed by the Legislative Department.

- 2.1 The representatives of the Legislative Department made the following submissions:-
 - (i) Under the Government of India (Allocation of Business) Rules, 1961, it is the responsibility of the Legislative Department to scrutinize all statutory rules and orders and, therefore, any deviation thereto could be validly done only by suitable amendments

4 /

to the aforesaid rules. An instance of such a deviation was sought in respect of 'exemption' notifications under clause (i) of section 3, Section 3A and section 3D of the National Highways Act, 1956 (48 of 1956).

(ii) It was, therefore, suggested that necessary amendment in the Government of India (Allocation of Business) Rules, 1961 may be got carried out.

(iii) In an meeting earlier with Secretary (RT&H), Legislative Department had assured that till such a decision was taken, toll notifications would be vetted by the Legislative Department on a day to day basis as and when such a reference was furnished by the administrative Ministry.

(iv) Another alternative had been earlier suggested that the Ministry of Road Transport & Highways may take an officer of the Legislative Department on deputation basis so that his services would be available with them for vetting of all notification. Such a course of action has been taken by Ministry of Railways.

(v) It was also submitted that every notification has its own peculiarity as regards the entries as may be made therein and putting them in legal order after the vetting is done for the purpose of examining the draft notification from legal angle and ensuring the uniformity of presentation so that the action could be defended before the Committee on subordinate Legislation, Courts of Law, etc.

3. Taking all the facts into consideration, it was agreed that the model notifications may be agreed to by the Legislative Department. However, any deviation thereto should be brought for vetting by the Legislative Department.

4. Amendment in allocation of Business Rules

In parallel M/Road Transport & Highways would process a proposal for amendment in Allocation of Business Rules, so that the powers of toll notification becomes vested in the M/Road Transport and Highways, as was earlier done in the case of Sections 3(A) 3(D) 3(G) of NH Act, 1956

5. Transition from 1997 to 2008 Rules

M/Law would approve the draft of the Amendment Rules, to give effect to EGOM decision for smooth transition from the rates applicable in 1997 Rules to rates under 2008 Rules and this will be applicable to all public funded roads regardless of date of their completion.

6. Giving effect to 2011 amendment rules

Toll notifications as per this amendment would be approved for public funded projects, regardless of the date of their completion.

49

(To be published in Part II, Section 3, Sub-section (ii) of the Gazette of India, (Extraordinary)

Government of India
Ministry of Road Transport and Highways

New Delhi, dated the

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the erstwhile *Ministry of Road Transport and Highways/Ministry of Shipping Road Transport and Highway*² number S.O. *** (E), dated dd/mm/yyyy [and number S.O. *** (E) dated dd/mm/yyyy]³, issued under section⁴ ***, the Central Government has entrusted the stretch from kilometer *** to kilometer *** [insert *Name of the National Highway section*] of National Highway No. *** in the State of *** [and from kilometer *** to kilometer *** (insert *Name of the National Highway section*) of National Highway No. *** in the State of *** respectively]⁵ to the National Highways Authority of India/State Public Works Department, ***** (name of state)/name of the agency (hereinafter referred to as the "Authority");

Now, therefore, in exercise of the powers conferred by section 7 of the National Highways Act, 1956 (48 of 1956), read with Rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "Rules") , the Central Government hereby levies the fee at rates specified under the said Rules for the use of the section from kilometer *** to kilometer *** on the National Highway No. *** in the State of **** and authorizes the Authority to collect, either through its officials or through a contractor.

Notes :-

1. The fee levied and collected hereunder shall be due and payable at the following Toll Plaza for the net road section length specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ⁵ (in km) for which Fee is payable
Km/Ch. *** (near/between *** village(s) in *** district) ⁶	***
Km/Ch. *** (near/between *** village(s) in *** district) ⁶	***

2. In addition to above, the following fee shall also be due and payable for the use of the following bypass(es) costing Rs 10 crore or more at the following Toll Plaza(s) at one and half times the rate specified in Sub-Rule (2) of Rule 4 of the said Rules for the length of bypass(es) specified for such Toll Plaza(s):

¹ Applicable for Public Funded Projects and BOT (Annuity) Projects in which the rights for user fee collection lies with the Authority.

² Insert the name of the erstwhile administrative ministry which issued the notification.

³ Fill up the star blanks and add or delete, as applicable.

⁴ Section 11 of the National Highways Authority of India Act, 1988 (68 of 1988) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁵ Net length of the road section excluding the length of bypasses costing Rs 10 crore or more and bridges/tunnels/structures costing Rs 50 crore or more.

⁶ Fill up the star blanks for location, village and district in which the Toll Plaza(s) fall(s).

Location of Toll Plaza(s) (chainage)	Length ⁷ of bypass (in km) for which additional fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁹	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁹	***.***

3. In addition to above, the following fee shall also be due and payable at the rate specified in Sub-Rule (4) of Rule 4 of the said Rules for the use of the following bridge(s)/structure(s), cost of which is/are specified hereunder, at the following Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ⁸ (in km) and Cost ⁹ of bridge /tunnel/structure (in Rupees crore) for which additional fee is payable	
	Length	Cost
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁹	***.*** km	Rs ***.*** crore
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁹	***.*** km	Rs ***.*** crore

4. The fee rates shall be displayed for information of the users in accordance with Rules 12 of the said Rules.
5. The fee rates shall be revised annually in accordance with the Rule 5 of the said Rules provided that no revision shall be effected within six months.
6. The estimated capital cost of the project is Rupees***** crores. The Authority shall maintain a record of the recovery of capital cost through user fee realised and after recovery of the capital cost, the fee leviable shall be reduced to 40% of the rates and shall be revised annually in accordance with the said Rules.

(Name of the authorized signatory)
Deputy Secretary to the Government of India
File No. *****

To,
The Manager
Government of India Press

⁷ Net length of bypass excluding length of the bridge/tunnel/structure costing Rupees 50 crore or more and falling in the bypass

⁸ Length of bridge/tunnel/structure including approaches on both sides of the bridge/tunnel/structure

⁹ Cost of the bridge/structure including approaches on both sides of the bridge/tunnel/structure-

Government of India
Ministry of Road Transport and Highways

New Delhi, dated the March, 2009

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the erstwhile *Ministry of Road Transport and Highways/Ministry of Shipping Road Transport and Highway*² number S.O. *** (E), dated dd/mm/yyyy [and number S.O. *** (E) dated dd/mm/yyyy]³, issued under section⁴ ***, the Central Government has entrusted the stretch from kilometer ***.*** to kilometer ***.*** [insert *Name of the National Highway section*] of National Highway No. *** in the State of *** [and from kilometer. ***.*** to kilometer ***.*** (insert *Name of the National Highway section*) of National Highway No. *** in the State of *** respectively]³ to the National Highways Authority of India/State Public Works Department, *****(name of state)/name of the agency (hereinafter referred to as the "Authority");

Now, therefore, in exercise of the powers conferred by section 7 of the National Highways Act, 1956 (48 of 1956), read with Rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "Rules")⁴, the Central Government hereby levies the fee at the base rate specified in columns (2) of the Table 1 for net road section length⁵ (hereinafter referred to as "base rate") [for use of the four and more lane sections or at sixty percent of the base rate for use of two lane/two lane with paved shoulder section] [and at the base rates specified in the Table No.2 for bridges/structures costing Rupees Fifty crore or more] [and at one and half times the base rate for bypasses costing Rupees ten crore or more] on the Type of Vehicles specified in column (1) of Table 1 and 2 below, for the use of the section from kilometer ***.*** to kilometer***.*** on the National Highway No. *** in the State of **** and I authorize the Authority to collect, either through its officials or through a contractor, the said fee, namely:-

Table 1

Type of vehicle	Base rate of fee per km for the base year 2007-08 (in Rupees)
(1)	(2)
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck (Two Axles)	2.20
Three-axle commercial vehicles	2.40
Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (four to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.20

¹ Applicable for Public Funded Projects and BOT (Annuity) Projects in which the rights for user fee collection lies with the Authority.

² Insert the name of the erstwhile administrative ministry which issued the notification.

³ Fill up the star blanks and add or delete, as applicable.

⁴ Section 11 of the National Highways Authority of India Act, 1983 (68 of 1983) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁵ Length of road section excluding the length of bypasses costing Rupees 10 crore or more and bridges/Structures costing Rupees 50 crore or more.

Table 2⁶

Pl. referred
to above

"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	Three-axle commercial vehicles	HCM, EME or MAV	Oversized Vehicle
10 to 15	5	7.50	15	16.50	22	30
For every additional Rupees five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore.	1	1.50	3	3.30	4.50	6
For every additional Rupees five crore or part thereof, exceeding Rupees one hundred crore and upto Rupees two hundred crore.	0.75	1.15	2.25	2.45	3.40	4.50
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.50	0.75	1.50	1.65	2.25	3

Notes :-

1. The fee levied and collected hereunder shall be due and payable at the following Toll Plaza for net road length specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ⁷ (in km) for which Fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district)	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district)	***.***

2. In addition to above, the following fee shall also be due and payable for the use of the following bypass(es) costing Rs 10 crore or more at the following Toll Plaza(s) at one and half times the base rate for the length of bypass(es) specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ⁸ of bypass (in km) for which additional fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district)	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district)	***.***

3. In addition to above, the following fee shall also be due and payable for the use of the following bridge(s)/tunnel(s)/structure(s), cost of which is specified hereunder, at the following Toll Plaza(s):

⁶ Reference to Table 2, may be deleted in case there is no bridge/structures costing Rs 50 crore or more in the section

⁷ Fill up the star blanks for location, village and district in which the Toll Plaza(s) fall(s).

⁸ Net length of bypass excluding length of the bridge/structure costing Rupees 50 crore or more falling therein.

Location of Toll Plaza(s) (chainage)	Length ⁹ (in km) and Cost of bridge /Tunnel/structure (in Rupees crore) for which additional fee is payable	
	Length	Cost
Km/Ch. **** (near/between *** village(s) in *** district) ⁷	**** km	Rs ****. ** crore
Km/Ch. **** (near/between *** village(s) in *** district) ⁷	**** km	Rs ****. ** crore

4. The rate of monthly pass for local personal traffic is Rs. **** (Amount in words)¹⁰ for the year 20**-** which is subject to revision every year as per the provisions of the National Highways Fee (Determination of Rates and Collection) Rules, 2008.

5. For multiple journey on the highway section, passes shall be issued at the following rates, namely.

Amount Payable	Maximum number of one way journeys allowed	Period of validity
One and half times of the fee for one way journey	Two	Twenty four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys	Fifty	One month from date of payment

6. Fee for commercial vehicle (excluding vehicles plying under National permit) registered in the district where the fee plaza falls shall be 50% of the prescribed rate for that category of vehicle provided no service road or alternative road is available for use of such commercial vehicles.

7. Mechanical vehicles which is loaded in excess of permissible load specified for its category under the Rules, shall be liable to pay fee at such rates which is applicable for the next higher category of the vehicles and shall not be entitled to make use of the highway section unless the excess load has been removed from such mechanical vehicle.

8. All definitions including category of mechanical vehicles, its permissible load, category of exempted vehicles, service road, alternative road etc. shall be as per definitions specified in the Rules.

9. The fee rates shall be displayed for information of the users in accordance with Rules 12 of the said Rules.

10. The fee rates shall be revised annually in accordance with the Rule 5 of the said Rules provided that no revision shall be effected within six months.

11. The estimated capital cost of the project is Rupees***** crores. The Authority shall maintain a record of the recovery of capital cost through user fee realised and after recovery of the capital cost, the fee leviable shall be reduced to 40% of the rates and shall be revised annually in accordance with the said Rules.

(Name of the authorized signatory)
Deputy Secretary to the Government of India
File No. ** *

To,
The Manager

⁹ Length of bridge/structure including approaches on both sides of the bridge/structure
¹⁰ Assess the rate of monthly pass for the financial year of publication of the notification

(To be published in Part II, Section 3, Sub-section (ii) of the ~~Government of India~~ or India, (Extraordinary)

Government of India
Ministry of Road Transport and Highways

New Delhi, dated the

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the erstwhile *Ministry of Road Transport and Highways/Ministry of Shipping Road Transport and Highway*² number S.O. *** (E), dated dd/mm/yyyy [and number S.O. *** (E) dated dd/mm/yyyy]³, issued under section⁴ ***, the Central Government has entrusted the stretch from kilometer ***.*** to kilometer ***.*** [insert *Name of the National Highway section*] of National Highway No. *** in the State of *** [and from kilometer. ***.*** to kilometer ***.*** (insert *Name of the National Highway section*) of National Highway No. *** in the State of *** respectively]⁵ to the National Highways Authority of India/State Public Works Department, *****(insert the name of state)/name of the agency (hereinafter referred to as the "Authority");

And whereas, pursuant to the provision of section⁵ [***insert section of the Act], the Authority has entered into an Agreement (hereinafter referred to as said agreement), with [***insert the name of the concessionaire] having its registered office [*** insert the address of the concessionaire] (hereinafter referred to as the "Concessionaire"), the successful bidder for bids submitted on dd/mm/yyyy⁶ for the development of [****insert name of the NH section] section from Km ***.*** to Km ***.*** on National Highway No. *** (hereinafter referred to as the "said section") to [****insert the type of improvement viz. four lane/six lane/two lane /two lane paved shoulder standards] and operation and maintenance of the said section.

Now, therefore, in exercise of the powers conferred by section 8A of the National Highways Act, 1956 (48 of 1956), read with Rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "Rules"), 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 the said agreement entered into between the Authority and the Concessionaire, hereby notifies that there shall be levied and collected fees on mechanical vehicles for the use of the said section at the rates specified under the said Rules for net road section length⁷ and authorizes the said Concessionaire to collect and retain the fee on and from the date of commercial operation or publication of this notification in the Official Gazette, whichever is later, till the termination date as specified in the agreement;

¹ Applicable for Private Investment project on BOT(Toll) mode or OMT and Special Purpose Vehicle (SPV) projects of the Authority.

² Insert the name of the erstwhile administrative ministry which issued the notification.

³ Fill up the star blanks and add or delete, as applicable.

⁴ Section 11 of the National Highways Authority of India Act, 1988 (68 of 1988) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁵ Section 14 of the National Highways Authority of India Act, 1988 (68 of 1988) or section 7 of the National Highway Act, 1956 (Act 48 of 1956)

⁶ Insert the final bid submission date for the project

⁷ Length of road section excluding the applicable length of bypasses and bridges/tunnel/structures

ies :-

The fee levied and collected hereunder shall be due and payable at the following Toll Plaza for the distance specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ⁷ (in km) for which Fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁸	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district) ⁸	***.***

2. In addition to above, the following fee⁹ shall also be due and payable for the use of the following bypass(es) at the following Toll Plaza(s) at one and half times of the base rate for the length of bypass(es) specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ¹⁰ of bypass (in km) for which additional fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district) ³	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district) ³	***.***

3. In addition to above, the following fee shall also be due and payable for the use of the following bridge(s)/structure(s), cost of which is specified hereunder, at the following Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ¹¹ (in km) and Cost of bridge /tunnel/structure ¹² (in Rupees crore) for which additional fee is payable	
	Length	Cost
Km/Ch. ***.*** (near/between *** village(s) in *** district) ³	***.*** km	Rs ***.*** crore
Km/Ch. ***.*** (near/between *** village(s) in *** district) ³	***.*** km	Rs ***.*** crore

4. In case of contracts in which tolling rights have been given from the Appointed date, the additional rate of fee for new bypasses and bridge/Tunnel/Structure shall be made applicable only after completion of such bypasses and structures and the project and completion certificates are issued in accordance with the provisions of the concession agreement.

5. The fee rates shall be displayed for information of the users in accordance with Rules 12 of the said Rules.

6. The fee rates shall be revised annually in accordance with the Rule 5 of the said Rules provided that no revision shall be effected within six months.

(Name of the authorized signatory)
Deputy Secretary to the Government of India

³ Fill up the star blanks for location, village and district in which the Toll Plaza(s) fall(s).

⁹ Note No 2 to be deleted for agreements and contracts executed and bid invited prior to 3rd December, 2010

¹⁰ Net length of bypass excluding length of the bridge/structure costing Rupees 50 crore or more falling thereon.

¹¹ Length of bridge/structure including approaches on both sides of the bridge/structure

¹² The structures include bypasses also for agreements and contracts executed and bid invited prior to 3rd December, 2010

(To be published in Part II, Section 3, Sub-section (ii) of the Gazette of India, (Extraord.

Government of India
Ministry of Road Transport and Highways

New Delhi, dated the

Notification¹

S.O..... (E).- Whereas by notification of the Government of India in the erstwhile *Ministry of Road Transport and Highways/Ministry of Shipping Road Transport and Highway*² number S.O. *** (E), dated dd/mm/yyyy [and number S.O. *** (E) dated dd/mm/yyyy]³, issued under section⁴ ***, the Central Government has entrusted the stretch from kilometer ***.*** to kilometer ***.*** [insert *Name of the National Highway section*] of National Highway No. *** in the State of *** [and from kilometer. ***.*** to kilometer ***.*** (insert *Name of the National Highway section*) of National Highway No. *** in the State of *** respectively]³ to the National Highways Authority of India/State Public Works Department, ***** (name of state)/name of the agency (hereinafter referred to as the "Authority");

And whereas, pursuant to the provision of section⁵ [***insert section of the Act], the Authority has entered into an Agreement (hereinafter referred to as said agreement) with [***insert the name of the concessionaire] having its registered office [***insert the address of the concessionaire] (hereinafter referred to as the "Concessionaire"), the successful bidder for bids submitted on dd/mm/yyyy⁶ for the development of [****insert name of the NH section] section from Km ***.*** to Km ***.*** on National Highway No. *** (hereinafter referred to as the "said section") to [****insert the type of improvement viz. four lane/six lane/two lane /two lane paved shoulder standards] and operation and maintenance of the said section.

Now, therefore, in exercise of the powers conferred by section 8A of the National Highways Act, 1956 (48 of 1956), read with Rule 3 of the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the "Rules"), 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 the agreement entered into between the Authority and the Concessionaire, hereby notifies that there shall be levied and collected fees on mechanical vehicles for the use of the said section at the rate specified in columns (2) of the Table 1 for net road section length⁷ for use of the four and more lane sections [or at sixty percent of the base rate for use of two lane/two lane with paved shoulder section] (hereinafter referred to as "base rate") [and at the base rates specified in the Table No.2 for bridges/structures costing Rupees Fifty crore or more]⁸ [and at one and half times the base rate for bypasses costing

¹ Applicable for Private Investment project on BOT(Toll) mode or OMT and Special Purpose Vehicle (SPV) projects of the Authority.

² Insert the name of the erstwhile administrative ministry which issued the notification.

³ Fill up the star blanks and add or delete, as applicable.

⁴ Section 11 of the National Highways Authority of India Act, 1988 (68 of 1988) for entrustment to NHAI or Section 5 of the National Highway Act, 1956 (48 of 1956) for entrustment to State Government or other agencies, as the case may be.

⁵ Section 14 of the National Highways Authority of India Act, 1988 (68 of 1988) or section 7 of the National Highway Act, 1956 (Act 48 of 1956)

⁶ Insert the final bid submission date for the project

⁷ Length of road section excluding the applicable length of bypasses and bridges/Structures.

⁸ Structures also include 'bypasses' for agreements and contracts executed and bid invited prior to 3rd December, 2010

52
 ... ten crore or more]⁹ on the Type of Vehicles specified in Table 1 and 2 below, and authorize said Concessionaire to collect and retain the fee on and from the date of commercial operation or publication of this notification in the Official Gazette, whichever is later, till the termination date as specified in the agreement;

Table 1

Type of vehicle	Base rate of fee per km for the base year 2007-08 (in Rupees)
(1)	(2)
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck (Two Axles)	2.20
Three-axle commercial vehicles ¹⁰	2.40
Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (four ¹¹ to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.20

Table 2¹²

"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	Three-axle commercial vehicles ¹⁰	HCM, EME or MAV	Oversized Vehicle
10 to 15	5	7.50	15	16.50	22	30
For every additional Rupees five crore or part thereof, exceeding Rupees fifteen crore and up to Rupees one hundred crore.	1	1.50	3	3.30	4.50	6
For every additional Rupees five crore or part thereof, exceeding Rupees one hundred crore and upto Rupees two hundred crore.	0.75	1.15	2.25	2.45	3.40	4.50
For every additional Rupees five crore or part thereof, exceeding Rupees two hundred crore.	0.50	0.75	1.50	1.65	2.25	3

⁹ To be deleted for agreements and contracts executed and bid invited prior to 3rd December, 2010

¹⁰ To be deleted for agreements and contracts executed and bid invited prior to 12th January, 2011

¹¹ To be modified to 'three' for agreements and contracts executed and bid invited prior to 12th January, 2011

¹² Reference to Table 2 may be deleted in case there is no bridge/structure costing Rs 50 crore or more in the section

Notes : -

The fee levied and collected hereunder shall be due and payable at the following Toll Plaza for the distance specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ¹³ (in km) for which Fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.***

2. In addition to above, the following fee⁸ shall also be due and payable for the use of the following bypass(es) at the following Toll Plaza(s) at one and half times of the base rate for the length of bypass(es) specified for such Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ¹⁴ of bypass (in km) for which additional fee is payable
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.***
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.***

3. In addition to above, the following fee shall also be due and payable for the use of the following bridge(s)/structure(s), cost of which is specified hereunder, at the following Toll Plaza(s):

Location of Toll Plaza(s) (chainage)	Length ¹⁵ (in km) and Cost of bridge /structure (in Rupees crore) for which additional fee is payable	
	Length	Cost
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.*** km	Rs ***.*** crore
Km/Ch. ***.*** (near/between *** village(s) in *** district) ¹³	***.*** km	Rs ***.*** crore

4. In case of contracts in which tolling rights have been given from the Appointed date, the additional rate of fee for new bypasses and bridge/Tunnel/Structure shall be made applicable on and after completion of such bypasses and structures and the project and completion certificates shall be issued in accordance with the provisions of the concession agreement.

5. The rate of monthly pass for local personal traffic is Rs. ***.*** (Amount in words)¹⁶ for the year 20*-** which is subject to revision every year as per the provisions of the National Highway Fee (Determination of Rates and Collection) Rules, 2008.

6. For multiple journey on the highway section, passes shall be issued at the following rate namely.

Amount Payable	Maximum number of one way journeys allowed	Period of validity
One and half times of the fee for one way journey	Two	Twenty four hours from the time of payment
Two-third of amount of the fee payable for fifty single journeys or more	Fifty	One month from date of payment

¹³ Fill up the star blanks for location, village and district in which the Toll Plaza(s) fall(s).

¹⁴ Net length of bypass excluding length of the bridge/structure costing Rupees 50 crore or more falling therein.

¹⁵ Length of bridge/structure including approaches on both sides of the bridge/structure

¹⁶ Assess the rate of monthly pass for the financial year of publication of the notification

57.

¹⁷ Fee for commercial vehicle (excluding vehicles plying under National permit) registered in district where the fee plaza falls shall be 50% of the prescribed rate for that category of vehicle provided no service road or alternative road is available for use of such commercial vehicles.

Mechanical vehicles which is loaded in excess of permissible load specified for its category under the Rules, shall be liable to pay fee at such rates which is applicable for the next higher category of the vehicles and shall not be entitled to make use of the highway section unless the excess load has been removed from such mechanical vehicle.

8. All definitions including category of mechanical vehicles, its permissible load, category of exempted vehicles, service road, alternative road etc. shall be as per definitions specified in the Rules

9. The fee rates shall be displayed for information of the users in accordance with Rules 12 of the said Rules.

10. The fee rates shall be revised annually in accordance with the Rule 5 of the said Rules provided that no revision shall be effected within six months.

(Name of the authorized signatory
Deputy Secretary to the Government of India
File No. *****

To,
The Manager
Government of India Press

¹⁷ Note 6 to be deleted for agreements and contracts executed and bid invited prior to 12th January, 2011