

ROAD CONSTRUCTION DEPARTMENT

NOTIFICATION

15th April, 2011

No-RCD-6-(Misc) 143/2010-2160(S)--In exercise of the powers conferred by section 2 of The Indian Tolls (Jharkhand Amendment) Act 2002, the Government of Jharkhand hereby makes the following rules for collection of fee for use of sections of State highways (SH), Major District Roads (MDRs), Other District Roads (ODRs), bridges, Interchanges, Flyovers, ROB/RUBs, bypasses and tunnels, namely :-

1. Short title and commencement. -

- (1) These rules may be called the Jharkhand Highways Fee (Determination of Rates and Collection) Rules, 2011.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) They shall not apply to agreements and contracts executed and bids invited prior to the publication of these rules, unless specifically provided for otherwise.

2. Definitions. -

- (1) In these rules, unless the context otherwise requires.-
 - (a) "Act" means the The Indian Tolls (Jharkhand Amendment) Act, 2002;
 - (b) "base year" means the period from 1st April 2007 to 31st March 2008;
 - (c) "bypass" means a section of the State highway, MDR, ODR bypassing a town or city;
 - (d) "concessionaire" means a person or firm and includes successors, assignees and permitted substitutes with whom an agreement has been entered into under section 2A of the Act;
 - (e) "elevated highway" means any section of State highway, MDR, ODR raised above ground level through support of piers or columns;
 - (f) "executing authority" means an officer or authority subordinate to the Government notified by the state Government under section 2 of the The Indian Tolls (Jharkhand Amendment) Act, 2002;
 - (g) "expressway" means a state highway having a divided carriageway suitable for high speed traffic and with full or partial control of access;
 - (h) "financial year" means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year;
 - (i) "gross vehicle weight" in respect of any vehicle 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 (59 of 1988);

- (j) **"lane"** means a lane forming part of the main carriageway and having a minimum width of three meters and fifty centimeters;
- (k) **"mechanical vehicle"** means any vehicle driven under its own power including a motor vehicle as defined under the Motor Vehicles Act, 1988;
- (l) **"notification"** means a notification published in the Official Gazette;
- (m) **"private investment project"** means a project relating to section of State highway, MDR, ODR bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, as the case may be, for which an agreement is entered into with a concessionaire;
- (n) **"public funded project"** means a project which is not a private investment project, as defined in clause (m) above and includes a private investment project in respect of which the agreement has expired;
- (o) **"toll plaza"** means any building, structure or booth made for collection of fee.
- (p) **"WPI"** means the wholesale price index as published by Ministry of Commerce & Industry, Government of India or any Index published in substitution thereof by the Government of India.
- (q) **"Government"** means the Government of Jharkhand
- (r) **"user fee"** means collection of prescribed fee from any person of various categories of mechanical vehicles for the use of State highway, Major District Road, Other District Road bridge, Interchange, Flyover, ROB/RUB, bypass and tunnel. The user fee is also termed as fee/ Toll / Toll fee.

3. Levy of fee. -

- (1) The Government may by notification, levy fee for use of any section of State highway, MDR, ODR bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel forming part of the State highway, MDR, ODR as the case may be, in accordance with the provisions of these rules;

Provided that the Government may, by notification, exempt any section of State highway, MDR, ODR, bridge, Interchange, Flyover,

ROB/RUB, bypass or tunnel constructed through a public funded project from levy of such fee or part thereof, and subject to such conditions as may be specified in that notification.

(2) The collection of fee levied under sub-rule (1) of rule 3, shall commence within forty five days from the date of completion of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel as the case may be, constructed through a public funded project.

(3) In case of private investment project, the collection of fee levied under sub-rule (1) shall be made in accordance with the terms of the agreement entered into by the concessionaire under Section 2A of the Indian Tolls (Jharkhand Amendment) Act, 2002.

(4) No fee shall be levied for the use of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, as the case may be, by two wheelers, three wheelers, tractors and animal drawn vehicles;

Provided that three wheelers, tractors and animal-drawn vehicles shall not be allowed to use the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, as the case may be, where a service road or alternative road is available in lieu of the said State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel;

Provided further that where service road or alternative road is available and the owner, driver or the person in charge of a two wheeler is making use of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, as the case may be, he or she shall be charged fifty percent, of the fee levied on a car.

Explanation 1. - For the purposes of this rule,-

- (a) "alternative road" means such other road, the carriageway of which is more than 5.5 meters wide and the length of which does not exceed the corresponding length of such section of State highway, MDR, ODR by twenty percent, thereof;
- (a) "service road" means a road running parallel to a section of the State highway, MDR, ODR which provides access to the land adjoining such section of the State highway, MDR, ODR.

- (5) The fee notified by the Government under these rules shall be rounded off and levied in multiple of the nearest Rupees five.

4. Base rate of fee.-

- (1) The rate of fee for use of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel constructed through public funded project or private investment project shall be identical.
- (2) The rate of fee for use of a section of State highway, MDR, ODR of four or more lanes shall, for the base year 2007-08, be the product of the length of such section multiplied by the following rates, namely :-

Type of Vehicle	Base rate of fee per km. (in Rupees)
Car, Jeep, Van or Light Motor Vehicle	0.65
Light Commercial Vehicle, Light Goods Vehicle or Mini Bus	1.05
Bus or Truck	2.20
Heavy Construction Machinery (HCM) or Earth Moving Equipment (EME) or Multi Axle Vehicle (MAV) (three to six axles)	3.45
Oversized Vehicles (seven or more axles)	4.20

Explanation – For the purposes of this rule,-

- a) “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;

- b) "light commercial vehicle" or "light goods vehicle" or "mini bus" means any mechanical vehicle with a gross vehicle weight exceeding seven thousand five hundred kilograms but less than twelve thousand kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds twelve bus does not exceed thirty two excluding the driver;
 - c) "truck" or "bus" means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilograms but less than twenty thousand kilograms or the registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty two, excluding the driver;
 - d) "heavy construction machinery" or "earth moving equipment" or "multi axle vehicle" 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 kilograms but less than sixty thousand kilogram; and
 - e) "oversized vehicle" means any mechanical vehicle having seven or more axles or vehicle with a gross vehicle weight exceeding sixty thousand kilograms.
- (3) The rate of fee for use of a section of State highway, MDR, ODR, having two lanes and on which the average investment for up gradation has exceeded rupees two and a half crore per kilometre, shall be sixty percent, of the rate of fee specified under sub-rule (2) of rule 4.
- (4) The rate of fee for use of bridge, Interchange, Flyover, ROB/RUB, or tunnel constructed shall, for the base year 2007-08, be as follows :-

Base rate of fee (Rupees per vehicle per trip)					
Cost of bridge, Interchange, Flyover, ROB/RUB, 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
up to fifteen crore	5	7.50	15	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	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	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

Provided that while computing fee for the section of State highway, MDR, ODR on which bridge, Interchange, Flyover, ROB/RUB, or tunnel costing Rupees ten crore or more is situated, the length of such bridge, Interchange, Flyover, ROB/RUB, or tunnel shall be excluded from the length of such section of State highway, MDR, ODR and fee shall be levied at the rates specified for such State highway, MDR, bridge, Interchange, Flyover, ROB/RUB, and tunnel;

Provided further that where the cost of such bridge, Interchange, Flyover, ROB/RUB, or tunnel, as the case may be, is less than Rupees ten crore, and the said bridge, Interchange, Flyover, ROB/RUB, and tunnel form part of the section of State highway, MDR, ODR, then instead of above rate of fee, the rate of fee specified under sub-rule (2) of rule 4 shall be applicable for such State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, and tunnel;

- (5) The rate of fee for use of bypass forming part of a section of state highway, MDR, ODR constructed with the cost of Rs. 10 crore or more, shall be one and a half times the rate of fee specified in sub-rule (2):-

Provided that while computing the fee for a section of a state highway, MDR, ODR of which such bypass forms a part, the length of such bypass shall be excluded from the length of such section of state highway, MDR, ODR.

Provided further that where the cost of such bypass is less than rupees 10 crore, then the rate of fee for the use of said bypass shall be the same as that of the section of the state highway, MDR, ODR of which it forms a part.

Explanation :- For the purpose of this sub-rule,-

- (a) the cost for private investment project, shall be the cost as assessed by the executing authority prior to invitation of bids from the concessionaire ;
 (b) the cost for public funded project shall be the cost as assessed by the executing authority six months prior to completion thereof.

5. **Annual revision of rate of fee.** - (1) The rates specified under rule 4 shall be increased without compounding, by three percent each year with effect from the 1st day of April, 2008 and such increased rate shall be deemed to be the base rate for the subsequent years.

(2) The base 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 6, 2007 (i.e. 208.7) and the wholesale price index for the month of December of the year in which such revision is undertaken but such revision shall be forty per cent of the increase in wholesale price index.

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

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

Explanation: - for the purposes of this sub-rule -

- (a) applicable rate of fee shall be the rate payable by the user;
- (b) base rate shall be the rate specified in rule 4 read with sub-rule (1) of rule 5;
- (C) WPI A means the wholesale price index for the month of December of the immediately preceding year the date of revision under these rules; and
- (d) WPI B means the wholesale price index of the week ending on 6th January, 2007 i.e. 208.7.

Illustration :

If the revision is to be made for the year 2008-09 by applying the wholesale price index for the month of December, 2007 (i.e 216.4), then the rate for car, jeep or van will be 0.6794 as computed below:-

$$\text{Applicable rate of fee} = 0.6695 + 0.6695 \times \left(\frac{216.4 - 208.7}{208.7} \right) \times 0.4 = 0.6794$$

- (4) Annual revision of rate of fee under this rule shall be effective from first of April every year.

6. Collection of fee. -

- (1) Fee levied under these rules shall be collected by the Government or the executing authority or an agent so appointed by the Authority or the concessionaire, as the case may be, at the toll plaza.
- (2) Every driver, owner or person in charge of a mechanical vehicle shall for the use of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass and tunnel, 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 like device :

Provided that no additional charges shall be realised for making the payment of fee by use of a smart card or on board unit (transponder) or any other such device.

(4) Any driver, owner or person in charge of a mechanical vehicle who opts for the installation of on board unit (transponder) or any other such device for payment of fee shall deposit a refundable security equivalent to the cost of the equipment with the Government, the executing authority or the concessionaire, as the case may be, 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 or 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 is paid through smart card or on board unit (transponder) or any other such device, a receipt shall be issued on demand only.

(6) The fee shall be collected in perpetuity by the Government or the executing authority, as the case may be, and for a specified period in accordance with the terms of the agreement entered into by the concessionaire.

(7) In respect of public funded projects the fee levied under these rules shall be collected by the Government, or the executing authority, as the case may be, through its own officials or through an agent so appointed by .

7. Remittance and appropriation of fee. - (1) In case of public funded projects, the fee collected under the provisions of these rules by every executing authority or an agent shall be remitted to Government.

Provided that the Government may by notification allow any or all executing authorities to appropriate the whole or any part of the fee for such purposes and subject to such conditions as may be specified in the said notification.

Provided further that in case of private investment projects, the fee collected under the provisions of these rules shall be appropriated by the concessionaire in accordance with the provisions of and for the performance of its obligations under the agreement entered into by such concessionaire.

(2) Every executing authority shall remit to the Government, the amount of fee collected over and above the amount permitted to be appropriated by the executing authority under sub-rule (1) of rule 7, within ninety days from the date of the closing of the financial year along with an annual return showing the amount collected and the expenditure incurred on collection of fee, including the administrative and management expenses.

(3) The Government shall by notification determine the administrative and management expenses which may be allowed to be deducted and retained by the executing authority.

8. Location of toll plaza. – (1) The executing authority or the concessionaire, as the case may be, shall establish a toll plaza beyond a distance of ten kilometres from a municipal or local town area limits:

Provided that the executing authority may, for reasons to be recorded in writing, locate or allow the concessionaire to locate a toll plaza within a distance of ten kilometres of such municipal or local town area limits, but in no case within five kilometres of such municipal or local town area limits:

Provided further that where a section of the State highway, MDR, ODR, 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 kilometres 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 kilometres from such limits.

(2) Any other toll plaza on the same section of State highway, MDR, ODR, and in the same direction shall not be established within a distance of forty kilometres:

Provided that 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 forty kilometres:

Provided further that a toll plaza may be established within a distance of forty kilometres from another toll plaza if such toll plaza is for collection of fee for bridges, Interchange, Flyover, ROB/RUB, bypass or tunnel.

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) of rule 9.

(2) A driver, owner or person in charge of a mechanical vehicle who makes use of the section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, may opt for such pass and he or she shall have to pay the fee in accordance with 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.

(3) A person who owns a mechanical vehicle registered for non-commercial purposes and uses it as such for commuting on a section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, may obtain a pass, on payment of fee at the base rate for the year 2007-2008 of Rupees one hundred and fifty per calendar month and revised annually in accordance with rule 5, authorising it to cross the toll plaza specified in such pass;

Provided that such pass shall be issued only if such driver, owner or person in charge of such mechanical vehicle resides within a distance of twenty kilometres from the toll plaza specified by such person and the use of such section of State highway, MDR, ODR, bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, as the case may be, does not extend beyond the toll plaza next to the specified toll plaza.

Provided further that no such pass shall be issued if a service road or alternative road is available for use by such driver, owner or person in charge of a mechanical vehicle.

(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 a State highway, MDR, ODR and does not cross a toll plaza.

10. Rate of fee for overloading. – (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 (2) of rule 4, shall be bound 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 State highway, MDR, ODR and his or her vehicle shall be prevented from using the State highway, MDR, ODR or crossing the toll plaza until the excess load has been removed from such mechanical vehicle.

(2) The weight of a 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 toll plaza, no fee for overloading shall be levied and collected under this rule and the driver, owner or person incharge 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 Governor of a State
- (v) the Chief Justice of India;
- (vi) the Speaker of the House of the People;
- (vii) the Cabinet Minister of the Union;
- (viii) the Chief Minister of a State;
- (ix) the Judge of the Supreme Court;
- (x) the Minister of State of the Union;
- (xi) the Lieutenant Governor of a Union Territory;
- (xii) the Chief of Staff holding the rank of full General or equivalent rank;
- (xiii) the Speaker of the Legislative Assembly of the State;

- (xiv) the Chief Justice of High Court;
 - (xv) the Judge of High Court;
 - (xvi) the Member of Parliament from the state;
 - (xvii) the Army Commander or Vice Chief of Army Staff and equivalent in other services;
 - (xviii) the Chief Secretary to Government of Jharkhand;
 - (xix) the Secretary to Government of India;
 - (xx) the Secretary, Council of States;
 - (xxi) the Secretary, House of the People;
 - (xxii) the Foreign dignitaries on State visit;
 - (xxiii) the Member of Legislative Assembly of Jharkhand, if he or she produces his or her identity card issued by the Legislature of the State;
 - (xxiv) the awardee of Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardee produces his or her photo identity card duly authenticated by the appropriate or competent authority for such award;
- (b) used for official purposes by,-
- (i) the Ministry of Defence 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) Commissioner of a Division or a District Magistrate or an executive Magistrate;
 - (iv) the fire-fighting department or organisation;
 - (v) the State Highways Authority, Executing Agency or any other organisation or person using such vehicle for inspection, survey, construction or operation and maintenance thereof; and
 - (vi) Secretary to Government of Jharkhand & equivalent officials
 - (vii) Government vehicles on government duty
- (c) Vehicles used as ambulance; and
- (d) Vehicles used as funeral van.

12. Display of Information. - (1) The executing authority or the 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 Hindi, having a wide circulation in such area.

(2) The executing authority 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 or the concessionaire, as the case may be.

(3) The height of the display boards, their quality and size of lettering shall be clearly visible and legible to the users.

13. Unauthorised collection. - (1) An officer authorised by the 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 the 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.

(2) Any driver, owner or person Incharge of a mechanical vehicle aggrieved by unauthorised collection of fee, may lodge a complaint with the officer authorised by the 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.

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 State highway, MDR, ODR , bridge, Interchange, Flyover, ROB/RUB, bypass or tunnel, his or her vehicle shall not be allowed to use such section of State highway, MDR, ODR , 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 State highway, MDR, ODR, 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.

(3) Where the 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 State highway, MDR, ODR, 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 from such vehicle.

In case of non payment of any such toll on demand, it shall also be lawful for the Executing Authority or an agent or the Concessionaire may seize any of the carriage or animals on which it is chargeable, or any part of their burden of sufficient value to defray the toll; and if any toll remains undischarged for twenty four hours with the cost arising from such seizure, the case shall be brought before the Executing Authority or an agent or the Concessionaire appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and all expenses occasioned by such non payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property and the said Executing Authority or agent or the Concessionaire, on receipt of the property, shall forthwith issue a notice that, at noon of the next day exclusive of Sunday, or any closed holiday, he will sell the property by auction:

Release of seized property on tender of dues.

Provided that, if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said Executing Authority or agent or the Concessionaire shall forthwith release the property seized.

15. Power of Government to verify records.- As officer duly authorised by the 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.

16. Collection of fee in respect of Private investment Project.- (1) The fee levied under the provisions of sub-rule (3) of rule 3 shall be collected by the concessionaire till its agreement is in force.

(2) On and from the date of expiry of the agreement specified under sub-rule (3) of rule 3, the fee levied shall be collected by the Government or the executing authority, as the case may be.

17. Bar for installation of additional barrier.- No barrier shall be installed at any place, other than at the toll plaza, except with the prior permission in writing of the Government or the executing authority, as the case may be, who after being satisfied that there is evasion of fee, may allow on such terms and conditions as it may impose, the installation of such additional barrier by the Government, the executing authority or the concessionaire, as the case may be, within ten kilometres from the toll plaza, to check the evasion of fee;

Provided that the 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 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 reasonable period.

18. Power to relax :-When the Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, relax any of the provisions of these rules.

19. **Power to remove difficulties:-** If any difficulty arises in giving effect to the provisions of the said rules, State Government, may by notification in the gazette, make such order not inconsistent with the provisions of the said rule as may appear to it to be necessary or expedient for the removal of the difficulty.

20. **Interpretation :-** If any question arises relating to the interpretation of these rules, it shall be referred to the Government.

By the Order of the Governor of Jharkhand,

N. N. Sinha,

Secretary,

Road Construction Department,
Government of Jharkhand.