

SYNOPSIS

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1. Short title, extent and commencement

(1) This Act may be called the Bihar Motor Vehicles Taxation Act, 1994.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force with immediate effect.

2. Definitions

In this Act unless there is anything repugnant in the subject or context

(a) "Additional Motor Vehicles Tax" means the tax imposed under the provisions of sub-section (2) of Section 5 of this Act.

(b) "Appellate Authority" means the authority specified under Section 26 of this Act.

(c) "Certificate or registration" "goods", "goods carriage", "gross vehicle weight", "invalid carriage Motor cab", "Motorcycle", "Motor Vehicle" "Private Service vehicle", "trailer" "unladen weight", "registering authority", "tractor", "transport vehicle" and any other expression, not specifically defined in this Act shall have the same meaning assigned to them respectively in the Motor Vehicles Act, 1988 (Act No. 59 of 1988).

(d) "One Time Tax" means Tax for Personalized Vehicles as imposed under Section 7 of this Act, which will be effective for 15 years and which shall be calculated from the date of first registration of the motor vehicle.

(e) "One-time fax" means the tax imposed on personalised vehicles under sub-section (1) of Section 7 of the Act.

(f) "Owner" means every registered owner or person having possession or control of a motor vehicle.

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(g) "Passenger" means person travelling in a public service vehicle or any private service vehicle other than the driver or the conductor or an employee of the permit-holder on duty.

(h) "Personalised Vehicle" means a motorcycle (including moped scooter and cycle with attachment for propelling the same by mechanical power) and a Motor car with seating capacity of more than three but not exceeding five which are solely used for personal purposes.

(i) "Prescribed" means prescribed by rules made under this Act.

(j) "Registered owner" means a person in whose name a motor vehicle is registered under the Motor Vehicles Act, 1988.

(k) "Revisional Authority" means the authority specified under Section 27 of this Act.

(l) "Schedule" means the schedules appended to this Act.

(m) "Taxing Officer" means any officer appointed under Section 3.

(n) "State Transport Commissioner" means the Transport Commissioner appointed by the State Government.

(o) "Tax token" means the tax token granted under sub-section (1) of Section 11.

(p) "Tax" means the tax imposed under his Act and includes, Motor Vehicles Tax, Additional Motor Vehicles Tax and differential tax or Onetime tax which ever is applicable.

(q) "Tear" means a financial year.

### **3. Appointment of taxing officers**

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The State Government may, by notification appoint any person as Taxing Officer to exercise and perform within such areas may be specified in such notification, the powers and duties conferred and imposed on the Taxing Officer by this Act, or by Rules made thereunder.

#### **4. Remission for vehicles used solely for agriculture**

Nothing in this Act shall apply to a motor vehicle used solely for the purposes of agriculture.

Explanation. - A motor vehicle used for transporting agricultural produce shall not for the purpose of this section, be deemed to be used solely for the purpose of agriculture.

#### **5. Levy of tax**

(1) Subject to other provision of this Act, on and from the date of commencement of this Act, every owner of a registered motor vehicle shall pay tax on such vehicle at the rate specified in Schedule-I.

(2) Subject to other provisions of this Act, on and from the date of commencement of this Act, every owner of a registered motor vehicle shall pay additional Motor Vehicle Tax on such vehicle at the rate specified in Schedule-II.

Provided that an Omni bus registered for use for private purposes shall not be liable to pay additional motor vehicle tax.

(3) The State Government may, by notification from time to time, increase the rate of tax specified in the Schedules:

Provided that no such increase shall, during any year exceeding fifty percent of the rate of taxes prescribed in the Schedules.

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(4) A rebate of fifty percent of total tax payable, including Additional Tax, shall be allowed on all motor vehicles which fall under the definition of 'Battery Operated Vehicle' as defined in the Central Motor Vehicles Rules, 1989.

(5) A rebate of fifty percent of total tax payable, including Additional Tax, shall be allowed on such stage carriages not more than one year old from the date of first registration at the time of applying for the rebate, with seating capacity not less than 13 persons and plying on routes within the limits of Municipal Corporation as notified by the Government of Bihar: Provided that this rebate shall not be available for such vehicles more than ten years old from the date of first registration.

(6) A "Green Tax" at the rate of ten percent of tax payable, including Additional Tax, shall be payable by every owner of a registered transport vehicle more than 12 years old except on three wheelers, tractors and trailers.

## **6. Tax payable by a manufacturer or a dealer**

A tax at the annual rate specified in Schedule-III in lieu of the rates specified in Schedule-I shall be paid by a manufacturer of or a dealer in motor vehicles, in respect of the motor vehicles in his possession in the course of his business as such manufacturer or dealer under the authorisation of trade certificate granted under the Central Motor Vehicles Rules, 1989.

## **7. Payment of tax**

(1) On personalised vehicles, or vehicle of Omni bus category with seating capacity of six to twelve for private use one time tax for the whole life of the vehicle shall be levied at the time of registration at the rates specified in Schedule-I:

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Provided that the personalised vehicle registered prior to February 1, 1992 for which One-time tax has not been paid, shall have to pay One-time tax at the rates prescribed in Schedule-I within 30 days of the expiry of the existing tax token otherwise an interest at the rate of two per cent per month shall be charged on the amount of tax due together with the arrears and penalty, if any calculated up to 30th November, 1993 at the rate of annual tax leviable prior to 1st February, 1992.

(2) Where a One-time tax for any motor vehicle has been paid and the registration of the vehicle has been cancelled for any reason whatsoever or the vehicle has been removed to any place outside the State on account of transfer of ownership or change of address, a refund of the tax at the rates provided in Schedule-I, shall be payable on an application made with such period, and subject to such conditions as may be prescribed: Provided that in case of removal of vehicle to any place outside the State on account of transfer of ownership or change of address, the refund of tax shall be considered only after receipt of proof of such transfer of ownership, or change of address: Provided further that where the rates of tax leviable under the Act are revised by notification in the Official Gazette the State Government may, from time to time, by notification in the Official Gazette, correspondingly revise the rate of refund and the refund of tax, payable in respect of vehicles registered on or after the date of such notification shall be made at such revised rates.

(3) in case of vehicle other than personalised vehicles the tax may be paid for one or more quarterly periods at the annual rate of the tax payable for the quarter,

(4) In case of motor vehicles temporarily registered under Section 43 of the Motor Vehicles Act, 1988 the tax for vehicles

other than personalised vehicles shall be levied at the rate of 1/12th of the tax payable for the year for such vehicles. In case of extension of the period of temporary registration under the proviso to subsection (2) of Section 43 tax at the rate of 1/12th payable for the year shall be payable on every extension of temporary registration for period of 30 days or part thereof: Provided that for temporary registration of personalised vehicles the rate of tax will be Rs. 50 for a Motorcycle (including moped, Scooter and Cycle with attachment for propelling the same by mechanical power) and Rs. 100 for a motor car.

(5) Notwithstanding anything contained in this section, the Government may, by notification, for time to time, direct that a temporary tax token may be issued in respect of a transport vehicle registered in other State plying temporarily in the State on payment of such tax and subject to such conditions as may be specified in the said notification:

Provided that quarterly tax shall not be collected in respect of transport vehicles coming from other States intending to ply temporarily in the State and in any condition the following rate of tax shall not exceed. Prior to amendment by Act 7, 2006, subsection (3) of Section 7 reads thus: (3) In case of vehicles other than personalised vehicles the tax may be paid for one or more monthly or, quarterly periods at the annual rate of the tax payable for the quarter or months as prescribed by the Government by notification:

Provided that the tax paid for any period less than a quarterly period, shall be 1/12th of the annual rate of tax for every month or part of a month comprising such period: "Provided further that the motor vehicles tax and additional motor vehicles tax on all transport vehicles (excluding goods carriage and motor cabs)

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 shall be calculated on the number of seats for passengers based on wheelbase as indicated in columns 2, 3, 4 and 5 in the following table:

Wheel base (in inch)

Minimum Number of Seats Ordinary Bus Express Bus Semi-Delux Bus

Delux Bus

228 61 58 49 41 216 55 52 44 37 210 54 51 45 36 206 53 50 42
 35 205 53 50 42 35 204 53 50 42 35 203 53 50 42 35 190 48 46
 38 32 180 40 38 32 27

179 38 36 30 25 176 37 35 30 25 167 33 31 26 22 166 33 31 26
 22 165 33 31 26 22 163 32 30 26 21 153 28 27 22 19 142 25 24
 20 17

Buses shall be classified in the Rules as 'Express Bus' 'Semi-Delux' and 'Delux' in accordance with provision of passenger facilities and the age of the vehicle.

(a) In case where the tax token relates to a period not exceeding seven days an amount equal to twenty per cent of tax payable for a quarter in respect of the vehicle registered in the State;

(b) In case where the tax token relates to a period not exceeding fourteen days, an amount equal to thirty per cent of the tax payable for a quarter in respect of the vehicle registered in the State; (c) In case where the tax token relates to a period exceeding fourteen days not exceeding thirty days, an amount equal to forty-five per cent of the tax payable for a quarter in respect of the vehicle registered in the State; and


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(d) In case where the tax token relates to a period exceeding thirty days at a time, an amount equal to the aggregate of forty-five percent of the tax payable for a quarter for the first thirty days in respect of the tax payable for a quarter for the first thirty days in respect of the vehicle registered in the State and thirty per cent of such tax for every period of fourteen days or part thereof in excess of thirty days.

(6) At the time of making payment of any period under subsections (1), (2) or (3).

(a) A valid certificate of registration and a valid certificate of insurance in respect of the motor vehicle complying with the provisions of the Motor Vehicles Act, 1988 shall be produced before the taxing officer; and

(b) It shall be furnished to the taxing officer a declaration in duplicate in the prescribed form with the prescribed particulars specifying the taxing officer from whom the tax token, if any, had been last, obtained and showing that the tax payable against the vehicle has actually been paid.

(7) The tractor and trailer used for transporting agricultural produce shall be clubbed together for the purposes of one-time tax to be levied at the rate of Rs. 3,000/- per tractor-trailer in case the tractor is limited to 25 HP. capacity and the capacity of the trailer does not exceed 3 tonnes; and the rate shall be Rs. 5,000/- per tractor-trailer in case where the tractor has more than 25 HP. capacity and the capacity of the trailer does not exceed 5 tonnes. The State Government shall have the power to notify a Scheme regarding the compounding of fees within a prescribed time-limit in order that any unregistered tractor-trailer being used for agricultural purposes may be got registered. The scheme may be notified under the taxation rules framed.

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(8) (a) One-time tax for the life time of the vehicle shall be levied on tractors used or kept for use for other than agricultural purpose at the rate of one percent of the cost of the vehicle excluding Value Added Tax: Provided one time tax payable by tractors already registered shall be calculated after deducting the tax amount already paid. (b) A one time tax of Rs. 4,000.00 shall be payable by all trailers up to 3,000 kgs. registered laderi weight and Rs. 6,000.00 shall be payable by all trailers more than 3,000 kgs registered laden weight used or kept for use along with tractors for other than agricultural purpose:

Provided one time tax payable by trailers already registered shall be calculated after deducting the tax amount already paid.

8. Payment of differential tax

(1) When a motor vehicle, in respect of which tax for any period has been paid is altered during such period or is proposed to be used during such period in such a manner in respect of which ha higher rate of tax is payable, the owner of the vehicle, shall pay to the taxing officer a differential tax of a sum which is equal to the difference between the tax already paid and the tax which becomes payable in respect of such vehicle for the period for which the higher rate of tax is payable in consequence of the alteration or the proposed use as the case may be.

(2) Payment of differential tax under sub-section (1) shall be made within such time and in such manner as may be prescribed.

Explanation-I. - In determining the differential tax any broken period in a month shall be reckoned as a full month.

Explanation-II. - A motor vehicle shall be deemed to have been altered if there is a change in the manner of its actual use irrespective of the facts as to whether such alteration has not been

taken notice by the Registering Authority under Section 52 of the Motor Vehicles Act, 1988.

9. Tax where to be paid

(1) For newly registered vehicles, the tax shall be paid to the taxing officer in whose jurisdiction or the place of registration falls.

(2) For the vehicles which are already registered on or before the date of commencement of this Act, the tax shall be continued to be paid to the taxing officer to whom the tax was last paid just before the commencement of this Act.

(3) If an owner of a vehicle other than a personalised vehicle changes his place of business or residence and his new place of residence or business falls within the jurisdiction of an other taxing officer, he can (a) either continue to pay the tax at the place where the previously paid tax, or (b) start the payment of the tax to the other taxing officer in whose jurisdiction his new residence or place of business falls:

Provided that the new taxing officer shall not accept the payment of tax till the owner presents before him a "No objection Certificate" from the previous taxing officer in the manner and the form prescribed.

10. Rebate on payment of tax paid in advance

A rebate of 10% on the annual tax payable in respect of transport vehicles shall be allowed if such annual tax is paid in advance.

11. Grant of tax token and receipt of payment of tax

(1) The taxing officer shall grant a receipt and a tax token in the prescribed form in the prescribed manner to every person who

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pays motor vehicle tax or additional motor vehicle tax under Section 7 or differential tax under Section 8 in respect of any motor vehicle.

(2) The taxing officer shall endorse the particulars of tax paid in the certificate of registration granted in respect of the vehicle under the Motor Vehicles Act, 1988.

## **12. Refusal of acceptance of tax**

Subject to other provisions of this Act, the taxing officer shall not accept the tax or penalty, if any, in respect of a motor vehicle for the current period unless the arrears of taxes and penalties due in respect of the vehicle have been fully paid or settled: Provided that in case the amount of outstanding amount of arrears of tax and/or penalty exceeds Rs. 50,000/and Rs. 10,000/- (Ten thousand) for three wheelers and Rs. 25,000/- (twenty five thousand) for Light Motor Vehicles an authority not below the rank of State Transport Commissioner or an officer authorised by him may order to accept such outstanding amount with current tax in monthly instalments, preferably within two months from the filing of application, which shall not in any case be more than six instalments and in such case a provisional tax-token may be issued by the taxing officer.

## **13. Liability of successor to pay arrears**

(1) If the tax payable in respect of any motor vehicle remains unpaid by any person liable for payment thereof and such person before having paid the tax has transferred the ownership of such vehicle or has ceased to be in possession or control of such vehicle, the person to whom the ownership of the vehicle has been transferred or the person who has come in possession or control of such vehicle shall be liable to pay the said tax;

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(2) Nothing contained in this section shall be deemed to affect the liability of the person who has transferred the ownership or has ceased to be in possession or control of such vehicle, for payment of the said tax.

**14. Transport vehicles registered outside Bihar not to be used or kept for use unless tax paid**

Notwithstanding anything contained in Section 7, no transport vehicle under a permit granted by a competent transport authority of any other State under the provisions of Motor Vehicles Act, 1988 (Act no. 59 of 1988) shall be used or kept for use in Bihar unless there has been paid in respect thereof, tax calculated at the appropriate rate specified:

In Schedule-I and additional motor vehicle tax as specified in Schedule-II for the entire period for which the permit is valid in the State of Bihar:

Provided that motor vehicles plying in Bihar, under permits granted by appropriate Transport Authorities of such States as have agreed on reciprocal basis to exempt motor vehicles plying in those States under permit granted by competent Transport Authorities of this State, shall not be required to pay any tax under this section other than the additional motor vehicles tax:

Provided further that the permit holders opting for the State of Bihar under the National Permit Scheme, granted by a competent transport authority of other State under sub-section (12) of Section 88 of the Motor Vehicles Act, 1988 shall be required to pay in respect thereof a sum to be fixed by the State Government as composite fee in lieu of the tax and additional tax on an annual basis in advance by bank draft or by other means prescribed to the officer authorised by such State Government in this behalf.

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15. Power of the State Government to exempt certain motor vehicles from payment of the tax

(1) The State Government may, by notification make an exemption, reduction in the rate or other modification in regard to the tax payable in respect of any motor vehicle or class of motor vehicles.

(2) In view of general and preventive repairs and maintenance of the vehicles, situation of law and order, condition of roads, elections, natural calamities etc. the State Government may by notification specify the number of days in a month for exemption from levy of additional motor vehicles tax for a class of motor vehicles which shall remain in effect for a fixed period unless extended by notification by the State Government:

Provided that the number of days in a month for which exemption from payment of additional motor vehicles tax is allowed, shall not in any case be more than ten days in a month.

Provided further that the State Government may, by notification provide rebate at specified rate in the additional motor vehicle tax on the basis of age of the motor vehicle:

16. Grant of exemption token

The Taxing Officer shall, in respect of motor vehicles which have been exempted from payment of tax under Section 15, grant an exemption token in the prescribed form.

17. Prior intimation of a temporary discontinuance of use of a vehicle

(1) Whenever any motor vehicle becomes incapable of use due to disability caused by mechanical breakdown or litigation or natural calamities or compelling personal reasons or due to other

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causes prescribed by State Government for any period more than a month, the owner shall, on or before the date of expiry of the term for which the tax has been paid, furnish to the taxing officer an undertaking duly signed and verified in the prescribed form and specifying the period aforesaid and the place where the motor vehicle is to be kept along with the current registration certificate, fitness certificate, and tax token, and such other particulars as may be prescribed and shall from time to time by furnishing, further undertaking give prior intimation to the concerned taxing officer of the extension, if any, of the said period and the changes, if any of the place where the motor vehicle shall be kept.

The owner shall also surrender the permit of the vehicle to the Transport Authority which has granted permit to it with intimation to the Taxing Officer:

Provided that no such undertaking shall relate to a period exceeding six months at a time:

(2) If at any time during the period covered by an undertaking as aforesaid the motor vehicle is found being used or is kept at place in contravention of any such undertaking such vehicle shall for the purpose of this Act, be deemed to have been used through the said period without payment of tax.

(3) In the absence of any undertaking delivered under sub-section (1) every motor vehicle liable to pay tax under this Act shall be deemed to have been used or kept for use within the State.

## **18. Refund of tax**

(1) When any person has paid tax in respect of a motor vehicle, he shall be entitled to a refund in the following circumstances.

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(a) Where an undertaking has been delivered under sub-section (1) of Section 17 in respect of such motor vehicle, which has not, in the opinion of taxing officer after due enquiry as prescribed, been found to be false, by the time the application for a refund is made, and the period specified in the said undertaking comprises any period for which tax has been paid in respect of such vehicle for each calendar month of the period for tax has been paid and which remained unexpired on the date of delivery of the said undertaking of an amount equal to one twelfth of the annual tax payable on such vehicle,

(b) Where excess tax has been paid for any period due to over assessment made by the taxing officer or otherwise, the amount paid in excess of the amount payable, and

(c) Where, after payment of tax in respect of vehicle, it is found that the vehicle is not subject to tax, the tax so paid:

Provided that no such refund shall be made unless the person claiming the refund has made an application in that behalf to the concerned Taxing Officer within one year from the date on which the refund became due and every such refund shall be subject to such conditions as may be prescribed:

Provided further that the Taxing Officer will be competent to sanction such refunds upto a limit prescribed and in a case of excess amount refer the matter to the State Transport Commissioner or to any officer authorised by the State Government.

(2) Any amount due to be refunded under clause (a) or clause (b) of subsection (1) may, at the option of the applicant be adjusted towards the tax due for any subsequent period: Provided that, if any, tax or penalty due from the applicant in respect of any

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previous period remains outstanding, the amount to be refunded shall be adjusted first towards the outstanding dues and the balance, if any, shall be refunded.

19. Exemption and write o taxes

If an undertaking has been delivered under sub-section (1) of Section 17 in respect of a Motor Vehicle and the period specified in the said undertaking comprises of any period for which tax has not been paid, the owner of a vehicle shall file an application along with necessary papers before the taxing officer on or before the date the tax was last paid, and the taxing officer shall conduct due enquiry as prescribed and if the undertaking has not been found false till the expiry of period for which exemption of payment for tax is claimed, he shall after being satisfied disposed of the claim in the prescribed manner:

Provided that the taxing officer shall be competent to write oft the arrears of the tax upto a maximum amount which may be prescribed by the State Government in case the arrears exceed the prescribed amount he may refer the matter along with necessary records, to the State Transport Commissioner or to any officer authorised by the State Government.

20. Display of tax token

No motor vehicle shall be used or kept for use within the State unless the valid tax token issued under Section 11 in respect of the said vehicle has been obtained and such token is displayed on the vehicle in the prescribed manner.

21. Recovery of tax, penalty or ne as arrears of land revenue

Any tax, penalty or fine may be recovered in the same manner as arrears of land revenue. The motor vehicle in respect of which

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the tax, penalty or fine is due, the motor vehicle or its accessories may be attached or sold whether or not such motor vehicle or accessories are in possession or control of the person liable to pay the tax, penalty or fine.

21A. It shall be necessary for every vehicle owner, either of commercial vehicles or other vehicles for which one is liable to pay annual tax, to mention his bank accounts, and produce a certificate from such bank concerning his (existing) financial soundness, at the time of registration of the vehicle and/or receiving a permit for it. In case of default in payment of the tax, the bank accounts of the defaulting vehicle owner may be seized by the Taxation Officer or any higher officer of the Transport Department.

## **22. Search and seizure**

(1) Any taxing officer, or any officer of the Motor Vehicles Department not below the rank of Inspector of Motor Vehicle or any other officer specially authorised by the State Transport Commissioner in this behalf may

(a) enter at any time between sunrise and sunset any building or premises where he has reason to believe that a motor vehicle is kept; or

(b) require the driver of any motor vehicle in any public place to stop such vehicle and cause it to remain stationary so long as may reasonably be necessary for the purpose of satisfying himself that the amount of tax in respect of such vehicles has been paid and the tax token has been obtained.

(2) If the tax or penalty or both tax and penalty has not been paid in accordance with the provision of this Act the officer may, while proceeding under sub-section (1) seize the motor vehicles

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and detain it till the tax is paid and on such seizure the said officer shall take such step as he may consider proper for the temporary safe custody of the vehicle, and the owner, the person in-charge or the driver thereof shall be bound to comply with the order and directions as the said officer may in respect of the movement of such vehicle, issue for giving effect to such seizure:

Provided that no such seizure shall be made and vehicle shall be retained in custody except in such manner and under such circumstances and subject to such conditions as may be prescribed by the State Government having regard to the reasonable convenience and facility of transport of the passengers and goods, if any.

23. Liability to pay penalty for non-payment of tax in time

If the tax payable in respect of a vehicle other than personalised vehicle has not been paid during prescribed period, the person liable to pay such tax shall pay, together with arrears to tax, a penalty at the rate prescribed by the State Government.

Provided that the State Government may, by notification make an exemption, reduction or other modification in regard to the penalty payable in respect of any motor vehicle or class of motor vehicles

24. Restriction on use of motor vehicle in certain cases

Any person liable to pay tax under this Act shall not use or allow the use of any motor vehicle where he has reason to believe that the tax token, tax receipt or permit have been forged, tampered or fraudulently obtained.

25. Permits to be invalid in case of non-payment of tax within the prescribed period

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Notwithstanding anything contained in Motor Vehicles Act, 1988 (Act 59 of 1988), if the tax due in respect of a transport vehicle is not paid within the prescribed period, the permit shall be invalid from the date of expiry of the prescribed period till the tax is actually paid.

26. Appeal

(1) Any person aggrieved by any order or direction of the Taxing Officer or by seizure under subsection (2) of Section 32 may, within the prescribed time and in the prescribed manner, prefer an appeal to prescribed authority on payment of such fees, as may be prescribed.

(2) Every appeal shall be heard and disposed of in the prescribed manner.

(3) Every decision on such appeal shall, subject to provisions of Section 27, shall be final and shall not be called in question in any court of law.

(4) The Appellate Authority may on his own motion call for the record of any case in which an order has been passed or a direction has been given by the Taxing Officer, or which relates to seizure or release of the vehicle under Section 22 and may pass such order in relation to the case as it deems fit if it finds that the order in question was without jurisdiction or illegal.

27. Revision

Any person aggrieved by any order of the Appellate Authority passed under Section 26 may, within prescribed time from the date of the order and in the prescribed manner on payment of prescribed fees apply to the prescribed authority praying for a revision of such order on the ground that the decision is not in

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conformity with law and the said Revisional Authority may pass such order as it may deem fit:

Provided that the Revisional Authority shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

28. Penalties

(1) (a) Whoever uses a motor vehicle or keeps a motor vehicle for use without having paid tax or additional tax or differential tax in respect of such vehicle shall be punished with fine, not exceeding in the case of the first offence twice and in the case of a second or any subsequent offence three times the amount of annual tax payable for the motor vehicle in respect of which offence is committed.

(b) Whoever intentionally delivers in respect of a motor vehicle any declaration or undertaking wherein the particulars required by or under this Act, is falsely given or incorrectly stated, shall, on conviction be punished with fine not exceeding for the first offence, twice and for every subsequent offence three times the amount of annual tax payable for the vehicle in respect of which the offence is committed.

(2) Whoever not being a person liable to pay tax drives a motor vehicle knowing of having reasons to believe that the tax payable in respect of such vehicle has not been paid shall, on conviction, be punished for the first offence with fine which may extend to Rs. 300/- and for every subsequent offence with fine which may extend to Rs. 500/-.

(3) Any person who fails to exhibit the tax token in the manner prescribed under Section 20 shall be punished with a fine which may extend to Rs. 500/-.

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(4) Any person who has claimed refund or exemption of tax on the basis of an undertaking given under Section 17 or 18 which is found to be misrepresentation of facts or fraud, shall, on conviction be punished for the first offence with a fine which may extend to the amount claimed for refund or exemption and for every subsequent offence four times the amount claimed for refund or exemption.

(5) Any person who contravenes the provisions of Section 24 shall, be liable for punishment of a simple imprisonment which may extend to six months or to fine which may extend to Rs. 1,000/- or with both and the vehicle shall also be forfeited to the State Government.

(6) Whoever contravene any of the provisions of this Act or the Rules made hereunder shall, if no specific penalty has been prescribed for the offence in the preceding sub-section, be punished with fine which may extend upto Rs. 500/- and in the event of such person having been previously convicted of any offence under this Act or in the Rules made thereunder, with a fine which may extend upto Rs. 1,000/-.

(7) Vehicles registered in other States, if found plying in the State of Bihar without payment of prescribed taxes or without a valid permit, shall be liable to pay, besides the taxes and fees, a penalty of two times of the taxes and fees payable.

(8) (i) Any person who submits a false or incorrect declaration shall be punishable with a fine which may extend to rupees one thousand.

(ii) Any person who fails to exhibit the tax token in the manner prescribed shall, on conviction, be punishable with a fine which may extend to Rupees four hundred.

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(iii) Any person who fails to report change of address shall be punishable with a fine which may extend to rupees five hundred.

(iv) Any person who will fully fails to stop a motor vehicle when required to do so for tax checking shall be punishable with a fine which may extend to rupees one thousand.

(v) Any person who obstructs an officer in the discharge of his duties shall be punishable with a fine which may extend to rupees one thousand.

(vi) Any person liable to pay tax under this Act uses or allows to be used the motor vehicle with forged or tampered or fraudulently obtained tax token shall be punishable with a fine which may extend to rupees two thousand."

### **29. Compounding of offence**

Where any person is accused of an offence under Section 28 except of an offence under sub-section (5) of Section 28, shall be lawful for him to pay to the prescribed officer by way of compounding for such offence, a sum of money as may be prescribed together with the amount of tax and penalty, if any, which may be due from him and such compounding shall have the effect of an acquittal and no further proceedings shall be taken against such person in respect of such offence.

### **30. Bar of jurisdiction**

The liability of a person to pay the tax shall not be questioned or determined in any manner by any authority other than that as provided in this Act or in the Rules made thereunder and no prosecution, suit or other proceeding shall lie against any officer of Government for anything done or intended to be done in good faith under this Act.

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31. Power to make Rules

(1) The State Government may subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely

(i) To prescribe the form of any declaration, certificate and particulars to be stated therein.

(ii) To prescribe the form of undertaking to be delivered under Section 17 and particulars to be stated therein, papers and documents to be appended thereto and the time within which such undertaking shall be delivered.

(iii) To prescribe the form of tax token for personalised vehicles and other vehicles and exemption token and the manner in which those tokens shall be displayed on motor vehicles.

(iv) To prescribe the quarterly period, for the purpose of Section 7.

(v) To prescribe the powers and duties of the Taxing Officer.

(vi) To regulate the manner in which refund or deduction or exemptions may be claimed and the manner of disposal of those claims.

(vii) To regulate the seizure, detention, auction and sale and release of motor vehicles under Sections 21 and 22.

(viii) To prescribe the manner, the time-limit and the fees payable for preferring an appeal or revision and the hearing and disposal thereof.


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(ix) The issue of duplicate tax token and of certified copies of the record of the taxing officer and the fee chargeable thereof.

(x) To prescribe the manner in accordance with which the taxing officer may dispose of the matters before him.

(xi) The forms of "No objection Certificate" under Section 9 and the manner in which such certificate shall be issued.

(xii) Any matter which is to be or may be prescribed.

(3) Every such rule made shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both houses agree in making any amendment in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **32. Repeal and savings**

(1) Bihar Motor Vehicles Taxation Ordinance, 1994 (Bihar Ordinance No. 2 of 1994) is hereby repealed.

(2) Notwithstanding such repeal any notification, rule, regulation, order or notice issued or any appointment of declaration made or exemption granted or any confiscation made or any penalty or fine imposed, any forfeiture, cancellation or any other thing done, or any other action taken under the said Ordinance shall so far as it is not inconsistent with the provisions of this Act, be deemed to have been issued, made granted, done or taken under

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this Act. Any document referring to any of the provisions of the repealed Ordinance shall be construed as referring to the corresponding provision of this Act as if this Act was in force on the date action was done or taken.

(3) Any penalty payable under any of the provisions of the repealed Ordinance may be recovered in the order in this Act but without prejudice to any action already taken for recovery of such penalty under the authority of the repealed Ordinance.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897 (Act 10 of 1897) with regard to the effect of repeals.

