

Reserved on : 26.04.2025
Pronounced on : 02.06.2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.9159 OF 2025 (GM - RES)

BETWEEN:

- 1 . KARAVALI BUS OWNERS ASSOCIATION (R)
REGISTERED UNDER
KARNATAKA SOCIETIES ACT, 1960
DATED 19.10.2020, UDUPI-MANGALORE
SRI GANESH, LIONS MARG
BRAHMAGIRI, UDUPI - 576 101
REPRESENTED BY ITS PRESIDENT
SRI K.RAGHAVENDRA BHAT
S/O SUBRAMANYA BHAT
AGED ABOUT 50 YEARS
PROP: BHARATHI MOTORS
LIONS MARG, BRAHMAGIRI
UDUPI - 576 104.
- 2 . SMT. MANIMALLALA BALLAL
W/O K.RAJAVARMA BALLAL
AGED ABOUT 58 YEARS
BUS OPERATOR, NO.1-10-2
JAYARAJ HOLE BAIL, BIJAI
MANGALORE - 571 004
DAKSHINA KANNADA.

- 3 . SRI K.ANANTHAKRISHNA BHAT
S/O SRINIVAS BHAT
AGED ABOUT 55 YEARS
NO.1-33-R, SREE VISHNU HOUSE
MULLAGUDDE, PERDOOR POST
UDUPI TALUK AND DISTRICT - 576 104
- 4 . SRI SUBHASH RAI
S/O LATE K.B.JAGANNATH RAI
AGED ABOUT 45 YEARS
BUS OPERATOR
NO.15-9-463/10, FLAT NO.104
NEAR SAMRUDIYA APARTMENT
GANESH GARDEN, KADRI
MANGALORE - 570 004
DAKSHINA KANNADA.
- 5 . MR. SHABEER NAWAB SAB
S/O NAWAB SAB
AGED ABOUT 48 YEARS
NO.2111, DEVI NAGAR
K.H. B.COLONY, KUNJATH BAIL
MANGALORE - 575 101.
- 6 . IMTIYAZ AHMED
S/O K.AHMED
AGED ABOUT 40 YEARS
NO.2-39(1), NEAR
NEW PICCO COMPANY
HULIYAR GOLI, UDUPI - 574 106.
- 7 . MRS. CHANDRIKA
W/O M.S.VADIRAJ
AGED ABOUT 42 YEARS
NO.6-40, SRI DEVI PRASAD
THOTTAM POST, VADABHANDESHWARA
MALPE, KODUR, UDUPI - 576 101.

- 8 . SRI MOHAMMED ASHEER SAHEB
S/O SRI K.SAHEB
AGED ABOUT 48 YEARS
BUS OPERATOR
NO.5/26, NEAR OLD POLICE STATION
MANUR VILLAGE AND POST, UDUPI
UDUPI DISTRICT - 571 104.
- 9 . SRI MOHAMMED IMRAN
S/O SRI UMMAR SAHEB
AGED ABOUT 38 YEARS
THUHEED MANZIL, MULLOOR
UDUPI TALUK AND DISTRICT - 576 104.
- 10 . SRI IDDINABERI SULAIMAN AHMED
S/O SULAIMAN AHMED
BUS OPERATOR
AGED ABOUT 55 YEARS
NO.4-112, BHASKAR NAGAR
BADAGRAMA, UCHILA POST
UDUPI DISTRICT - 576 104.
- 11 . SMT. KRISHNAKUMARI SHETTY
W/O VIJAYKUMAR SHETTY
AGED ABOUT 58 YEARS
BUS OPERATOR
NO.3-63(1), MAHAGIRI
NEAR SANNABASAVANAKALLU
GILIYAR, KOTA, UDUPI TALUK AND
UDUPI DISTRICT - 576 104.
- 12 . SRI SATHISH
S/O KRISHNA SHERUGAR
AGED ABOUT 36 YEARS
BUS OPERATOR, H.NO.2/121
KOTE ROAD, KALYANPURA,
TO-NST-EAST, SANTHEKATTE

UDUPI - 576 104.

- 13 . SRI GANANATHA HEGDE
S/O K.JAYACHANDRA HEGDE
AGED ABOUT 45 YEARS
BUS OPERATOR, NO.12-2-75
PREETHAM, S.P. OFFICE ROAD
BRAHMAGIRI, UDUPI - 576 101.
- 14 . SMT. SHASHI S.RAI
W/O SUBHASH RAI
AGED ABOUT 40 YEARS
M/S. SUGAMA TOURIST
MYTHRI COMPLEX
SERVICE BUS STAND
UDUPI - 576 101.
- 15 . SRI HARISH RAI
S/O LATE K.B.JAGANNATH RAI
AGED ABOUT 45 YEARS
BUS OPERATOR, NO.3-W-32-2760/61
JAIL ROAD, KODIYAL BAIL
MANGALORE - 575 001
DAKSHINA KANNADA.
- 16 . SRI K.JAYARAM SHETTY
S/O LATE K.GOPAL SHETTY
AGED ABOUT 43 YEARS
BUS OPERATOR, NO.3-33-291
1/8, FLAT NO.202, 2ND FLOOR
MERCURY APARTMENT
VIJAY CHURCH CROSS
MANGALORE - 575 001
DAKSHINA KANNADA.
- 17 . SRI NELSON PERIERA
S/O DOMNIC PERIERA
AGED ABOUT 52 YEARS

NO.302, SILVER SPRINGS
DOOR NO.17/7-433/11
BEYOND BELAVAI APARTMENT N.R.,
VALENTIA CIRCLE, FATHER MULLER ROAD
MANGALORE - 575 001
DAKSHINA KANNADA.

18 . SMT. SUJATHA V.SHETTY
W/O VASANTHA SHETTY
AGED ABOUT 45 YEARS
BUS OPERATOR, NO.1-108
MAHALAKSHMI
OPP. DHARMAVARAM AUDITORIUM
VARAMBALLI, DHARMAVARA
UDUPI - 576 106.

19 . SRI KISHAN KUMAR HEGDE
S/O K.R.HEGDE
AGED ABOUT 52 YEARS
NO.401, ZEN GARDEN, KITTUR
CHANNAMMA ROAD, AJJARKADU
UDUPI - 576 101.

20 . SMT. PRASADINI K.HEGDE
W/O SRI KISHAN KUMAR HEGDE
AGED ABOUT 50 YEARS
NO.401, ZEN GARDEN, KITTUR
CHANNAMMA ROAD, AJJARKADU
UDUPI - 576 101.

21 . SMT. PREMALATHA N.SHETTY
W/O SRI B.NARAYANA SHETTY
AGED ABOUT 70 YEARS
BUS OPERATOR
SRI VIJAYALAXMI NIVAS
KOTTARA CHOWKI, DEREBAIL
MANGALORE - 575 005
DAKSHINA KANNADA

22 . SRI SATHYARAJA SHETTY
S/O SHASHIDHARA SHETTY
AGED ABOUT 52 YEARS
PROP: SUGAMA TOURIST
MYTHRI COMPLEX
NEAR SERVICE BUS STAND
UDUPI - 576 101.

... PETITIONERS

(BY SRI PUTTIGE R.RAMESH, SR. ADVOCATE A/W.,
SRI A.S.PARASARA KUMAR, ADVOCATE)

AND:

- 1 . UNION OF INDIA
BY THE SECRETARY TO THE GOVERNMENT
MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS, NEW DELHI – 110 001.
- 2 . THE PROJECT DIRECTOR
NATIONAL, HIGHWAYS AUTHORITY OF INDIA
MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS, GOVT. OF INDIA
PROJECT IMPLEMENTATION
UNIT NO.3-29, BETHEL
THARE THOTA, NEAR PUMPWELL (NH-66)
MANGALORE - 575 002.
- 3 . M/S. UDUPI SASTHANA TOLLWAY PRIVATE
LTD., HEJAMADI AND SASTHANA TOLL PLAZA
HEJAMADI, UDUPI DISTRICT, UDUPI - 576 101.
THE COMPANY REGISTERED UNDER
COMPANIES ACT, 1956
REPRESENTED BY MANAGER.
- 4 . THE DEPUTY COMMISSIONER AND

DISTRICT MAGISTRATE
NEAR A.B. SHETTY CIRCLE
OPP. TO NEHRU MAIDAN
MANGALORE
DAKSHINA KANNADA - 575 001
REPRESENTED BY ITS CHAIRMAN.

... RESPONDENTS

(BY SRI ADITYA SINGH, CGC FOR R1;
SMT. SHILPA SHAH, ADVOCATE FOR R2;
SRI C.K.NANDAKUMAR, SR. ADVOCATE FOR
SRI RAGHURAM CADAMBI, ADVOCATE FOR R3;
SRI SHAMANTH NAIK, HCGP FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE R-2 IN NO. 11039/15/2025/PIU(MNGLR)/1332 DTD 1.02.2025 VIDE ANNEX-L; PROHIBIT THE R-3 NOT TO DEDUCT ANY ADDL TOLL CHARGES AMOUNT FROM THE PETITIONERS FASTAG WALLET ACC OF THE PETITIONERS AND COLLECT THE TOLL CHARGES ONLY AS PER THE REGISTERED LADEN WEIGHT WHICH WEIGHTS BETWEEN 7,500 TO 12,000 KGS ONLY FROM FASTAGE WALLET ACCOUNTS OF PETITIONERS VIDE ANNEX-N, N1 TO N21.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 26.04.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The 1st petitioner/Karavali Bus Owners Association (hereinafter referred to as 'the Association' for short) and other bus operators of Mangalore and Udupi Districts are at the doors of this Court calling in question an order dated 01-02-2025, by which the representation of the Association comes to be rejected, confirming debit adjustment charges made towards movement of buses of the Association in the toll plazas. A consequential prohibition is sought against the 3rd respondent not to deduct any additional toll charges from FASTag wallet account of the petitioners.

2. *Sans* details, facts in brief, are as follows:-

The petitioners claim to be existing stage carriage permit holders operating in Dakshina Kannada and Udupi Districts. The grievance of the petitioners is that, the stage carriages operated by them move through Hejamadi and Sastana toll plazas among others. It is their allegation that, the fare that will be charged on every trip of each vehicle should be taken into consideration on the

laden weight of the vehicles, which is between 7,500 and 12,000 Kgs. insofar as mini vehicles are concerned. The further allegation is that the aforesaid two toll plazas deduct from the FASTag wallet of the petitioners on the vehicles passing through FASTag ID which is linked to the FASTag account, when it is scanned at the toll plazas. However, notwithstanding the said fee paid to enter the toll plaza, the 3rd respondent – Udupi Sasthana Tollway Private Limited without notice to the petitioners has been deducting additional toll charges from the FASTag wallet account of all the stage carriage permit holders of the Association. The petitioners come to know of the fact of 3rd respondent withdrawing additional toll charges in the form of “charge back process” from FASTag wallet account as and when it wishes to do so.

3. The Association then submits a representation on 21-07-2024 about its grievance to the 4th respondent – Deputy Commissioner and District Magistrate, Udupi District, alleging that there is an illegal activity of collecting excessive toll charges from the account of the petitioners when scanning the FASTag ID and sought to stop the illegal deductions. In response, the

representation comes to be rejected by the National Highways Authority of India (hereinafter referred to as 'the NHAI' for short) holding that in terms of the schedule appended to the concession agreement, the debit adjustment followed as there is a mismatch found. It is challenging the said communication along with the continued action of collection of toll fee allegedly twice, the petitioners are at the doors of this Court.

4. Heard Sri Puttige R.Ramesh, learned senior counsel appearing for the petitioners; Sri Aditya Singh, learned Central Government Counsel appearing for respondent No.1, Smt. Shilpa Shah, learned counsel appearing for respondent No.2, Sri C.K.Nanda Kumar, learned senior counsel appearing for respondent No.3 and Sri Shamanth Naik, learned High Court Government Pleader appearing for respondent No.4.

SUBMISSIONS:

PETITIONERS:

5. The learned senior counsel appearing for the petitioners takes this Court through the Motor Vehicles Act, 1988 ('the Act' for

short) and places reliance upon several definition clauses to contend that 'bus' no where in the Act is defined. Therefore, we have to fallback upon the definition of 'vehicle' in the Act. The transport authorities have classified vehicles on laden and unladen weight. Vehicles which are about 12000 Kgs. are said to be busses and which are below 12000 Kgs. are said to be minibuses. He would contend that the vehicles of the petitioners have all gross vehicle weight of less than 12000 Kgs. Therefore, those vehicles cannot be categorized as buses. They are minibuses. According to the concession agreement, minibus is 50% less than a bus. Therefore, deduction in the toll plaza holding that there is a mismatch between registration of vehicles and the capacity or what is uploaded into the FASTag account, cannot be made. He would further contend that the requirement under the FASTag is what is projected by the vehicle owners is to be deducted. Taking cue from the Act, he would contend that deductions under the National Highways Act is impermissible. He would thus, seek a direction to stop the dual demands made.

RESPONDENT NO.3 – THE CONCESSIONAIRE:

6. *Per contra*, the learned senior counsel Sri C.K.Nandakumar, representing the 3rd respondent, is a concessionaire from the NHAI under a concession agreement, which is now collecting toll charges at the toll plazas would take this Court through certain provisions of the NETC Interface Control Document (ICD) (hereinafter referred to as 'the Manual' for short), which controls FASTag. Taking the Court through the said Manual, he would justify toll deductions. According to him, the Violation Matching under Clause 4.3, Violation Audit by Toll Plaza under Clause 4.6 and dispute handling that is permitted, all of which form a part of the concession agreement. It is his submission that every concessionaire should get into an agreement with the NHAI as a separate agreement and toll charge is deducted in terms of those agreements. He would take this Court through the registration certificate of one of the vehicles owned by the petitioners. The vehicle is registered as a bus and seating capacity is shown as 38. The same owner uploads the documents on the FASTag. The owner of the vehicle describes it as a minibus and reduces the seating capacity to 32. When the vehicle

pass through the toll plaza, the FASTag immediately deducts what is found in the FASTag document. Later, when it is noticed that there is a mismatch, further deduction is made. He would submit that there can be no qualm about the deductions made. He would submit that the entire fee collection is dealt with under separate Rules and drawing of Motor Vehicles Act is neither here nor there. He would therefore, seek dismissal of the petition.

**RESPONDENT NO.1 – UNION OF INDIA;
RESPONDENT NO.2 – NATIONAL HIGHWAYS AUTHORITY OF
INDIA & RESPONDENT NO.4 – THE STATE GOVERNMENT:**

7. Learned counsel representing the respondents 1, 2 and 4 would also toe the lines of the learned senior counsel representing the 3rd respondent, contending that the statute operates for collection of fee, which is entirely different from the one that is projected by the learned senior counsel for the petitioners. They would contend that no fault can be found with the action of the 3rd respondent. They would all, in unison, seek dismissal of the petition.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. The facts, as outlined, are not in dispute. The existence of deductions is not denied. ***The singular issue that beckons adjudication is, whether the concessionaire is legally empowered to effectuate, a second toll charge, post facto on the premise of data mismatch?***

10. The consideration of the aforesaid issue, necessitates an exploration of the governing statutory scheme – **Motor Vehicles Act, 1988 ('MV Act' for short); National Highways Act, 1956 ('the Act' for short); the Rules framed thereunder, the National Highways Fee (Determination of Rates and Collection) Rules, 2008 ('the Rules' for short).** It is apropos to notice certain provisions of the afore-quoted statutes.

MOTOR VEHICLES ACT, 1988:

11. Section 2 of the Act deals with definitions. Certain definitions are germane to be noticed. Section 2(15) of the Act deals with 'gross vehicle weight'; Section 2(17) deals with 'heavy passenger vehicle'; Section 2(21) deals with 'light motor vehicle'; Section 2(24) deals with 'medium passenger motor vehicle'; Section 2(35) deals with 'public service vehicle'. Section 2(40) deals with 'stage carriage'; Section 2(47) deals with 'transport vehicle' and Section 2(48) deals with 'unladen weight'. All the above definitions read as follows:

"2(15) "gross vehicle weight" means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

....
2(17) "heavy passenger motor vehicle" means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms;

....
2(21) "light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7500 kilograms;

....
2(24) "medium passenger motor vehicle" means any public service vehicle or private service vehicle, or educational institution bus other than a motor

cycle, adapted vehicle, light motor vehicle or heavy passenger motor vehicle;

2(35) "public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxi-cab, a motor-cab, contract carriage, and stage carriage;

....
2(40) "stage carriage" means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;

....
 2(47) "transport vehicle" means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle;

2(48) "unladen weight" means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;"

(Emphasis supplied)

A stage carriage as defined under Sub-section (40) of Section 2 of the Act would mean a motor vehicle constructed or adapted to carry more than six passengers *inter alia* the driver. A heavy passenger motor vehicle as defined under Section 2(17) of the Act would mean a public or a private service vehicle or a motor car of which the unladen weight exceeds 12000 Kgs. The light motor vehicle as

defined under Section 2(21) of the Act could be a omnibus transport vehicle whose unladen weight does not exceed 7500 Kgs. Therefore, upto 7500 Kgs. is a light motor vehicle and beyond 12000 Kgs. is a heavy passenger motor vehicle. What happens between 7500 and 12000 Kgs. is in the vacuum. The gross vehicle weight as defined under Section 2(15) of the Act means weight in respect of a vehicle and load certified and registered by the registering authority as permissible. The medium passenger motor vehicle as defined under Section 2(24) of the Act would be a light motor vehicle, private or public. What is discernible from the afore-quoted definitions is that, gross vehicle weight is what is found in the certified and registered document of the registering authority. Light and heavy motor vehicles are narrated hereinabove. The medium passenger motor vehicle though defined, the weight of it is left undefined. Transport vehicle is defined under Section 2(47) of the Act, which would mean a public service vehicle or a private service vehicle as the case would be. The issue in the */is* though does not lead to interpretation of the afore-quoted provisions, they become necessary to be noticed and considered and are, therefore, afore-extracted.

NATIONAL HIGHWAYS ACT, 1956:

12. The Act enables the Central Government to develop and maintain National Highways and enter into concession agreements for toll collection. Section 8A of the Act deals with power to enter into concession agreements. It reads as follows:

"8-A. Power of Central Government to enter into agreements for development and maintenance of national highways.—(1) Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with any person in relation to the development and maintenance of the whole or any part of a national highway.

(2) Notwithstanding anything contained in Section 7, the person referred to in sub-section (1) is entitled to collect and retain fees at such rate, for services or benefits rendered by him as the Central Government may, by notification in the Official Gazette, specify having regard to the expenditure involved in building, maintenance, management and operation of the whole or part of such national highway, interest on the capital invested, reasonable return, the volume of traffic and the period of such agreement.

(3) A person referred to in sub-section (1) shall have powers to regulate and control the traffic in accordance with the provisions contained in Chapter VIII of the Motor Vehicles Act, 1988 (59 of 1988) on the national highway forming subject-matter of such agreement, for proper management thereof."

(Emphasis supplied)

Section 8A empowers the Central Government to enter into agreements for development and maintenance of national highways. In furtherance of the development of the national highways and in terms of Section 8A, the National Highway Authorities have entered into concession agreement with the 3rd respondent, who in terms of the agreement is empowered to deduct fee for maintenance of roads. Section 9 of the Act empowers the Government of India to frame Rules. Section 9 reads as follows:

"9. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

(a) the manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;

(aa) the manner in which the amount shall be deposited with the competent authority under sub-sections (1) and (6) of Section 3-H;

- (b) the rates at which fees for services rendered in relation to the use of ferries, permanent bridges, temporary bridges and tunnels on any national highway ¹¹[and the use of sections of any national highway] may be levied, and the manner in which such fees shall be collected, under Section 7;**
- (c) the periodical inspection of national highways and the submission of inspection reports to the Central Government;
- (d) the reports on works carried out on national highways;
- (e) any other matter for which provision should be made under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification 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; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

(Emphasis supplied)

Invoking power under Section 9 of the Act, the Government of India has framed Rules for the purpose of collection of toll.

NATIONAL HIGHWAYS FEE (DETERMINATION OF RATES AND COLLECTION) RULES, 2008:

13. The preamble and certain provisions are germane to be noticed. They read as follows:

"In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956) and in supersession of the National Highways (Temporary Bridges) Rules, 1964, the National Highways (Collection of Fees by any person for the Use of Section of National Highways/Permanent Bridge/Temporary Bridge on National Highways) Rules, 1997, the National Highways (Fees for the Use of National Highways Section and Permanent Bridge-Public Funded Project) Rules, 1997 and the National Highways (Rate of Fees) Rules, 1997, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for collection of fee for use of sections of national highways, permanent bridges, by-passes and tunnels, namely:-"

(Emphasis supplied)

Rule 2 deals with definitions. Rule 2(d) defines who is a 'concessionaire'. It reads as follows:

"Concessionaire" means a person with whom an agreement has been entered into under section 8-A of the Act;

(Emphasis supplied)

Rule 2(ga) deals with 'fee plaza'. It reads as follows:

"fee plaza" means any building, structure or booth made for collection of fee;

(Emphasis supplied)

Rule 2(ha), (hb), (hc) and (hd) deals with FASTag. It reads as follows:

“(ha) "FASTag" means an onboard unit (transponder) or any such device fitted on the front wind screen of the vehicles; and

(hb) "FASTag lane of toll plaza" is an exclusive lane in the toll plaza for movement of vehicles fitted with "FASTag" or any such device.

(hc) "Pre-paid payment instrument" means the instrument as defined by the Reserve Bank of India;

(hd) "Electronic Toll Collection Infrastructure" means set of equipment comprising of hardware and software which shall facilitate electronic collection of user fees;

(Emphasis supplied)

Rule 2(i) deals with 'gross vehicle weight' and reads as follows:

"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.

(Emphasis supplied)

A notification is issued amending certain provisions on 09.09.2024.

The amendment is to the following provisions:

"G.S.R. 556(E). - In exercise of the powers conferred by section 9 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby makes the following rules further to amend the National Highways Fee (Determination of Rates and Collection) Rules, 2008, namely: -

1.- (1) These rules may be called the National Highways Fee (Determination of Rates and Collection) Amendment Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the National Highways Fee (Determination of Rates and Collection) Rules, 2008 (hereinafter referred to as the said rules), in sub-rule (1) of rule 2,-

(i) in clause (da) after the words "highway or expressway", the following shall be inserted, namely:-

"and collected through Global Navigation Satellite System On-Board Unit or any such device or Automatic Number Plate Recognition Device or FASTag or any combination thereof";

(ii) in clause (hd), after the words "user fees", the following shall be inserted, namely:-

"through Global Navigation Satellite System On-Board Unit or Automatic Number Plate Recognition Device or FASTag or any combination thereof";

(iii) after clause (hd), the following clause shall be inserted, namely:-

"(he) "Global Navigation Satellite System On-Board Unit" means a non-transferable and firmly fitted device in a vehicle linked to Global Navigation Satellite System based user fee collection;";

3. In rule 6 of the said rules, in sub-rule (3), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that exclusive lane can be earmarked for Global Navigation Satellite System On-Board Unit fitted vehicle and in case vehicle enters such lane, without a valid, functional Global Navigation Satellite System On-Board Unit, shall pay a fee equivalent to two times of the user fee applicable at that fee plaza:".

4. In rule 9 of the said rules, after sub-rule (4), the following sub-rule shall be inserted, namely:-

"(5) A driver, owner or person in-charge of a mechanical vehicle other than National Permit vehicle who makes use of the same section of national highway, permanent bridge, bypass or tunnel, as the case may be, shall be levied a zero-user fee upto twenty kilometers of journey in each direction in a day under Global Navigation Satellite System based user fee collection system and if the distance travelled is more than twenty kilometers, then fee will be charged for actual distance travelled."

[F. No. 5016/01/2023-Toll]
SUMAN PRASAD SINGH, Jt. Secy."

The notification amends the fee collection methodology, even to bring global navigation satellite system for automatic number plate recognition. As observed hereinabove Rule 2(d) deals with concessionaire. The Government of India in the Ministry of Surface Transport has entered into a concession agreement with the concessionaire. The concession agreement has a schedule to it, which is Schedule-R. Schedule-R is the same as schedule to the

aforesaid Rules. In Schedule-R, base rate of fee is found. The base rate of fee under Clause-4, of the Rules reads as follows:

"4. Base rate of fee. - (1) The rate of fee for use of the section of national highway, permanent bridge, 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 national highway 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 but 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."

(Emphasis supplied)

For a light commercial vehicle, the base rate is Rs.1.05 per km. and it is double for a bus or truck, which is at Rs.2.20 per km. The entire fulcrum of the *lis* lies in this.

14. The vehicles of the petitioners are registered by the registering authority. As an illustration, description of one of the vehicles owned by the petitioners, is as follows:

REG NO : KA20AC4287		FORM-23A (See Rule 49)
REG.DATE	: 23-09-2024	O.SL.NO : 1
CHASSIS.NO	: MAT784059R5D08604	COLOUR : ORANGE MAT
ENGINE.NO	: 3.3LNGD11DVX509816	CLASS : Bus
MFR	: TATA MOTORS LTD	
OWNERNAME	: RAGHAVENDRA BHAT	
SN/D OF	: SUBRAMANYA BHAT	
ADDRESS	: BHARATHI MOTORS, LIONS MARGA, BRAHMAGIRI, , Udupi, KA, 576101	
MODEL	: LPO 11.6/54 CHASSIS	
BODY	: SEMI SALOON	NO.OF CYL : 4
WHEEL BASE	: 5400	UNLADEN WT : 7300
MFG.DATE	: 04-2024	SEATING : 38
FUEL	: DIESEL	STDG/SLPR : 0
REG/FC UPTO	: As per FI1	CC : 3300
		Registering Authority Udupi(Ka-20)

Here the classification is a bus. The seating capacity is 38. But, the unladen weight is 7300 Kgs. Another vehicle's description is as follows:

REG NO : KA20AC0378

FORM-23A
(See Rule 48)

REG.DATE	: 17/10/2023	O.SL NO	: 01
CHASSIS.NO	: MB1PAECD1PEGL2957	COLOUR	: PINK GREY BLK
ENGINE.NO	: PHEZ414627	CLASS	: Bus
MFR	: ASHOK LEYLAND LTD		
OWNERNAME	: MR K ANANTHAKRISHNA BHAT		
S/W/D OF	: S/O SRINIVAS BHAT		
ADDRESS	: 1-33-R SHREE VISHNU HOUSE , MULLUGUDDE , PERDUR POST Udupi KA 576124		

MODEL	: LS1510 3T6R	NO.OF CYL	: 04	FLAREA	: sqm
BODY	: SEMI SALOON	UNLADEN WT	: 006890	GVW	: 011100 kg
WHEEL BASE	: 005200	SEATING	: 038		
MFG.DATE	: 07/2023	STDG/SLPR	: 00		
FUEL	: DIESEL	CC	: 003840		
REG/FC UPTO	: 15/10/2025				
TAX UPTO	: 31/12/2023				

Registering Authority
Udupi (Ka-20)

This is also a **bus**, which weighs 11100 Kgs. and the seating capacity is 38. What the members of the Association, would do is upload the document on FASTag depicting, the vehicle to be a **minibus**. The vehicle summary of one of the vehicles quoted hereinabove is as follows:

"Tag Account No.	34123978
Licence Plate No.	KA20AB9797
Vehicle Type	Mini Bus
Status	Active
Black listed	False
Trip Code	228"

(Emphasis boxed)

The vehicle description is minibus and the registration number is the same as indicated hereinabove. Therefore, the details of the vehicle is uploaded by the owner, and the details of the vehicle are drawn by the system from the Transport Department. Now, there is undoubtedly a mismatch as the vehicle described by the registering authority, as it is a **bus** and its seating capacity is 38. The owner of the vehicle while uploading the details of the vehicle, describes it as a **minibus**. **If it is a minibus, it would become a light motor vehicle and the fee would be Rs.1.05 per km. If it is a bus, the fee would be Rs.2.20 per km.** Therefore, the difference is more than double. In this discrepancy, what the concessionaire would do, or permitted to do, is found in the Manual. Clauses 4.3 to 4.6 of the Manual read as follows:

"4.3 Violation Matching:

- The toll plaza system receives Mapper Vehicle Class (MVC) in the response pay message and AVC input will be obtained from NETC lane.
- Any transaction where Mapper Vehicle Class is not equal to the Automated Vehicle Class (AVC) then such transactions are referred as violation transactions.
- The toll plaza auditor should validate the vehicle image and AVC profile for the violation transactions.

- **If the violation is proved to be a valid violation after the audit then, the toll plaza can raise debit or credit adjustment with the Acquiring Bank. As per the process defined in violation audit section.**

4.4 Blacklist Management (BL):

Online APIs are defined in the document to pull the consolidated and incremental blacklist from the Acquiring Host.

Incremental blacklist data should be used for updating the toll plaza system and the consolidated blacklist should only be used to match/ audit the net blacklist data in the toll plaza system.

4.5 Log Standardization

Logs for all the operations performed at toll plaza must be stored. These logs should be provided for audit and dispute purpose. The plaza should maintain these logs for 3 years and should be retrieve easily for future reference or dispute. The sample format of log is attached for reference. The plaza and acquirer bank can use format or any other standard format applicable for their respective system.

4.6 Violation Audit by Toll Plaza

1. The Concessionaire system should raise the violation through violation API only after verifying Mapper class received Response Pay Message API with the AVC class for the said transactions. If they observe any discrepancy in MVC Vs AVC then only violation should be raised.

2. Toll plaza operator should upload minimum 2 and maximum 5 images of vehicle for violation processing. This should be automated process, whenever they are raising violation images of those transactions should be stored on SFTP. The size of the image should not be more that 2 MB.

3. The Acquirer Bank should provide the acknowledgment for all the successful images received to the toll plaza on SFTP. The acquirer bank and plaza should use the existing logic of ACK/NACK of toll file for images as well.

4. Reference to the point number 4.2 File transfer of ICD 2.4 CCH document, as per the existing process the Acquirer banks should create additional new folder in the name of 'Image Ack Status' under the respective Concessionaire Outbound folder in the SFTP for sharing the status of Image acknowledgment for accepted or decline violation transactions."

(Emphasis supplied)

The Manual further permits the concessionaire of dispute handling.

The dispute handling as obtaining in Clause 17 of the Manual reads as follows:

"17 Dispute Handling

17.1 Dispute Cycle Definitions

The various disputes supported by Acquirer bank are defined as follows:

17.2 Credit adjustment:

Credit adjustment would be raised for reversing the excess funds received to the tag holder. It can be raised on settled transactions only.

17.3 Debit adjustment:

Debit adjustment would be raised for violation cases along with the valid proofs/ evidences for

**receiving the difference amount from tag holder.
It can be raised on settled transactions only.**

17.4 Chargeback:

It is a message through which the issuer/tag holder demands a full or partial reversal of an amount earlier charged on NETC transactions. A chargeback is always accompanied by a reason and evidences due to which it is being demanded.

17.5 Chargeback acceptance / Chargeback deemed acceptance:

It is notification message generated by the acquirer/ toll plaza operator to indicate an acceptance of the chargeback raised by the issuer/tag holder.

17.6 Credit Chargeback:

It is a message generated by issuer/ tag holder to raise a reversal (partial or full) of the NETC transaction to acquirer/ toll plaza operator.

17.7 Credit chargeback acceptance / Credit chargeback deemed acceptance:

It is notification message generated by the acquirer/ toll plaza operator to indicate an acceptance of the chargeback raised by the issuer/tag holder.

17.8 Re-Presentment:

It is a message by which the acquirer bank/ toll plaza operator rejects the chargeback claimed by issuer/ tag holder with valid proof/ evidences.

17.9 Re-Presentment acceptance / Re presentment deemed acceptance:

It is a message initiated by the issuer in consent with tag holder to indicate acceptance of the re-presentment message transmitted by the acquirer/ toll plaza operator.

17.10 Good Faith:

The good faith message would be generated by either of the party i.e. Issuer/ tag holder or by Acquirer bank/ toll plaza operator for the transactions where dispute TAT is expired. It is the last cycle of dispute handling where the dispute is settled with mutual consent from both the parties.

17.11 Good faith acceptance:

This message is generated by a receiving party to indicate its acceptance of a good faith case raised by initiating party. Good faith acceptance can be full/partial.

17.12 Good faith declined/ Good Faith deemed declined:

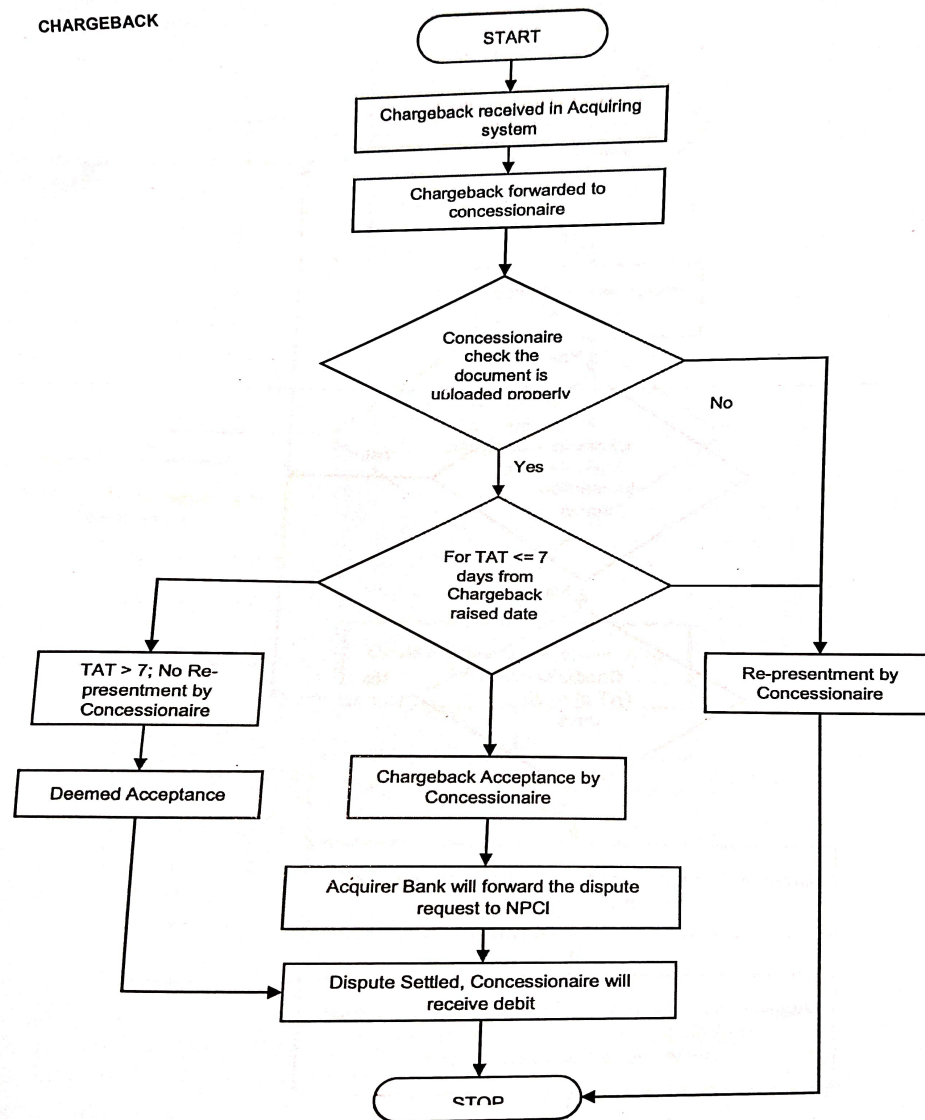
This message is generated by a receiving party to indicate that it rejects the good faith case concerning it raised by initiating party."

(Emphasis supplied)

The Start to Stop of chargeback flow chart as obtaining under Clause 17.13 of the Manual, is as follows:

17.13 Flow Charts

CHARGEBACK



The dispute reason codes under Clause 18 of the Manual, reads as follows:

"18 Dispute Reason Codes

Dispute can be raised by the Toll plaza operator based on the following reason defined by NPCI.

18.1 Debit Adjustment

Reason Code	Description
1001	Toll fare calculation error
1002	Vehicle class mismatch
1003	Unregistered Tag in the mapper
1004	Vehicle is not in exempted list
1005	Vehicle is not in black list
1006	Vehicle is not in low balance list
1007	Other Specify

18.2 Credit Adjustment

Reason Code	Description
2001	Toll fare calculation error
2002	duplicate transaction done at Toll Plaza
2003	Tag holder was charged for unsuccessful transaction
2005	Paid by other means
2006	Vehicle is in exempted list
2007	Other Specify"

(Emphasis boxed)

Clauses 4.3 and 4.6 *supra* permit the toll plaza system to notice violation matching and enter into violation auditing. Under Clause 17, which deals with dispute handling, the concessionaire is empowered to credit adjust, debit adjust and charge back. The

debit adjustment can be for several reasons. One of the reasons is, **vehicle class mismatch**. Same goes with the charge back.

15. What is discernible from the afore-quoted clauses is that the concessionaire is entitled to do a debit adjustment in case of a vehicle mismatch. In the case at hand, the vehicle mismatch has arisen on the variation with the registration certificate issued by the Regional Transport Authority which is found in the records of the Department and what is uploaded on to the FASHag. The registration shows the vehicle of the members of the petitioner as a bus and what is uploaded on to the FASHag is a mini bus. This is ostensibly taking cue from the vacuum that is in the Motor Vehicles Act where heavy motor vehicle and light motor vehicle *qua* their laden weight is defined. The definition 'bus' is nowhere found. The vehicles of the petitioners do weigh 12000 kgs. If it is less than 12000 kgs., in terms of the Act it can be neither described as a light motor vehicle nor a heavy motor vehicle. In the light of the statutory vacuum as to what happens to vehicles weighing 7500 kgs. to 12000 kgs. it appears, the Association seeks clarification from the hands of the Transport Authority. The Transport Authority

clarifies in the following manner. The Transport Department clarified it on 10-02-2025. It reads as follows:

ಹಿಂ ಬರ ಹ

ವಿಷಯ: ವಾಹನದ ವರ್ಗ ಕುರಿತು ಸ್ಪಷ್ಟೀಕರಣ ಕುರಿತು.

ಉಲ್ಲೇಖ: ಶ್ರೀ.ರಾಘವೇಂದ್ರ ಭಟ್, ಅಧ್ಯಕ್ಷರು, ಕರಾವಳಿ ಬಸ್ ಮಾಲೀಕರ ಸಂಘ,
ಉಡುಪಿ ರವರ ಅರ್ಜಿ ದಿನಾಂಕ: 10.02.2025

ಮೇಲಿನ ಉಲ್ಲೇಖದಲ್ಲಿಯ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮೋಟಾರು ವಾಹನಗಳ ಕಾಯ್ದೆ 1988 ರ ಪ್ರಕಾರ ಈ ಕೆಳಗಿನಂತೆ ವಾಹನದ ತೂಕವನ್ನು ಆಧರಿಸಿ ಪ್ರಯಾಣಿಕರ ವಾಹನಗಳ ವರ್ಗವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿರುತ್ತದೆ.

ಕ್ರ.ಸಂ.	ವಾಹನದ ತೂಕ (ಕಿಲೋ ಗ್ರಾಂ) - ಕೆಜಿ	ವಾಹನದ ವರ್ಗ
1	7500 ರವರೆಗೆ	LPV
2	7501 ರಿಂದ 12000 ರವರೆಗೆ	MPV
3	12001 ನಂತರದ ವಾಹನಗಳಿಗೆ	HPV
4	ಯಾವುದೇ RLW ಇದ್ದರೂ Stage Carriage ವಾಹನಗಳಿಗೆ BUS ಎಂದು ನಮೂದಾಗಿರುತ್ತದೆ.	

ಸಹಿ/-

ಪ್ರಾದೇಶಿಕ ಸಾರಿಗೆ ಅಧಿಕಾರಿ,
ಉಡುಪಿ ಜಿಲ್ಲೆ ಉಡುಪಿ."

(Emphasis added)

The description of vehicle from 7501 to 12000 Kgs. is said to be a medium passenger vehicle and whichever vehicle of laden weight as aforesaid, is described as a bus. This endorsement has generated certain obfuscation. The obfuscation is owing to the provisions of

the Act. Fee collection is not dealt with under the Act. It is dealt with under the aforesaid Rules framed under the Highways Act. Schedule-R therein to the Rules is the same, which is found in the Manual / concession agreement quoted hereinabove. Schedule-R clearly defines the collection to the passenger capacity. If the submission of the learned senior counsel is to be accepted, it would lead to huge losses to any person for the reason that the Association is wanting to take advantage of the vacuum under the Act. Notwithstanding the registration of the vehicles as buses, the vehicle owners describe their vehicles as minibuses and, for illustrations when they were to pay ₹1,000/- as toll fee, they will pay ₹500/-, notwithstanding the description, of it as a bus. Therefore, we have to fallback upon the Highways Act and the Rules, and the agreement between NHAI and the concessionaire.

16. The dispute mismatch is noticed and therefore, the fee in terms of registration certificate is collected. It is not the submission of the learned senior counsel for the petitioners that fee beyond the fee prescribed for a bus is collected. It is his submission that these vehicles though registered as buses, they cannot be treated as

buses at all, for the collection of toll fee. The said submission is unacceptable. This was a representation made by the petitioners to the third respondent on 01.02.2025, in the form of an appeal, to get chargeback process stopped. The representation of the Association reads as follows:-

"Date 01-02-2025

To,

M/s Udupi Tollway Private Limited
Hejamadi Toll Plaza
Hejamadi, Udupi Dist
Udupi, Karnataka

Subject: **Protest at Sasthana and Hejamdy toll plaza against illegal withdrawal of money from FASTag wallet account without notice.**

I would like to bring to your kind attention about the illegal activity of withdrawing the money from the FASTag wallet account without notice.

According to the norms, a FASTag account is created for all buses. When the bus passes the toll plaza, according to BHARATH KA RAJPATRA, THE GAZETTE OF INDIA, the money will be withdrawn from the FASTag wallet account after scanning the FASTag ID at toll plaza, which is accepted.

There is difference in the criterion sub-clauses 4.(2).(b) and 4.(2).(c) of the schedule-R-Fee Notification of the Concession Agreement of NHAI and the criteria for categorizing the vehicle for issuance of FASTags mentioned under "FASTAG ISSUANCE, VEHICLE CLASSIFICATION DOCUMENT", which is

leading to the aggravation by the Karavali Bus Owners Association®.

In order to compensate this, continuously money is withdrawn from the account while the bus is not at toll plaza or without scanning the FASTag ID. This continued till the account balance shows negative.

After repetitive requests and complaints regarding the same matter, against the Hejamadi and Sasthana Toll Plaza manager, your highness (the project director) has referred the above matter to the competent Authority of NHAI. The matter is still under examination. But on 29th January 2025, without any order from NHAI, your highness has given the instructions to the Sasthana and Hejamadi Toll plaza to start deducting the money from the wallet as "CHARGE BACK PROCESS", which is illegal and against the law and justice. The deduction has started from wallet as additional charges (chargeback) without any direction from the Competent Authority.

To protest this unlawful activity at toll plaza, all bus owners, drivers and conductors have decided to conduct a silent strike at Hejamadi and Sasthana toll plaza on 5th February 2025.

Thank you for your attention to this matter. We look forward for your favorable response by stopping this cheating activity and take appropriate action against the manager at Hajamadi and Sasthana Toll Plaza and grant justice.

Thanks and regards:

Raghavendra Bhat
President
Karavali Bus Owners Association
Udupi/Mangalore.

Jithendra Jain
Secretary
Dilraj Alva

Honorary President."

(Emphasis added)

This comes to be rejected by an endorsement dated 01-02-2025,
which reads as follows:

"To,

The President

Karavali Bus Owners Association
Udupi/Mangalore
Lions Marga, Bhramagiri,
Udupi - 576101

Sub: Four laning of Kundapur - Surathkal Section (Km 283.300 to km 358.080) (Section-1) Mangalore to Kerala Border (i.e. Nantoor Circle to Mahaveer Circle) to Kerala Border (km 3.7 to km 17.200) (Section-2) Of NH-66 (Old NH-17) in the State of Karnataka on DBFOT Basis under NHDP-III (Package No. KAR/Phase-III/IC/2010) - **Collection of User Fee based on the Classification of "Light commercial Vehicle" or "Light Goods vehicle" Or "Mini Bus" – Reg.**

Ref: Karavali Bus Owners Association (R) Letter no. NIL dated 21.07.2024

Sir,

This has reference to the above letter dated 21.07.2024 wherein it was requested to stop the deduction of additional charges through FASTag at Hejamadi and Sasthan Toll Plazas.

The project from Kundapur-Surathkal was taken up on PPP (DBFOT mode) and the Concession Agreement for the

above project was executed on 09.03.2010. And the Fee Notification as per the existing Fee Rules at the time of executing forms a part of the Concession Agreement.

The sub-clauses 4. (2). (b) and 4. (2). (c) of the 'Schedule-R - Fee Notification' of the Concession Agreement & User Fee Gazette notification S.O.623(E) dated 12.03.2013 states the following:

(b) "light commercial vehicle or "light goods vehicle" or "minibus" means any mechanical vehicle with a gross vehicle weight exceeding seven thousand five hundred kilograms but less than twelve thousand kilograms or registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds twelve but does not exceed thirty-two excluding the driver...

(c) "truck" or "bus" means any mechanical vehicle with a gross vehicle weight exceeding twelve thousand kilograms but less than twenty thousand kilograms or registered passenger carrying capability as specified in the certificate of registration issued under the Motor Vehicles Act, 1988, exceeds thirty-two excluding the driver...

In view of the above, largely there are two parameters based on which the Registration Certificate is being issued to the respective class of vehicles. The first parameter is the Gross Vehicle Weight and the second parameter is the seating capacity based on the goods vehicle or the passenger vehicle.

Although the Gross Vehicle Weight of the vehicle is less than twelve thousand kilograms, the RTO has been issuing the Registration Certificates to the vehicles by tagging them as "Bus"; considering the seating capacity rather than the gross vehicle weight since it has a passenger carrying capability of more than thirty-two excluding the driver based on the stipulations made in the Motor Vehicles Act, 1988. Accordingly, any passenger carrying vehicle that has a seat capacity above thirty-two seats excluding driver tagged as "Bus" by RTO shall be charged under the "Bus or Truck" category defined in the 'Schedule-R - Fee Notification' of the Concession Agreement and the

Concessionaire raised the debit adjustment if any mismatch is found.

However, the FASTags are issued by the various FASTag issuance agencies based on the Gross Vehicle Weight (GVW), however the Concessionaire is following the chargeback mechanism based on the number of passengers, as per the provisions of Schedule-R of the Concession Agreement,

In view of the above, the Concessionaire has followed the provisions of the Concession Agreement in line with the User Fee Gazette notification S.O.623(E) dated 12.03.2013 is collecting the user fee based on the passenger capacity.

This is for your information please.

Yours faithfully,
Sd/-
(Abdulla Javed Azmi)
DGM(T) & Project Director,
NHAI, PIU-Mangalore."

(Emphasis added)

What is narrated hereinabove is, what is answered to the petitioners. The concessionaires rejection of the representation made by the petitioners on 01-02-2025 is thus found to be lawful, justifiable and within the four corners of the governing legal frame work. The debit adjustment or the charge back mechanism has been rightly invoked in view of the discrepancies between registration data and the uploaded FASTag information.

17. What is discernible from the preceding analysis is, while the Motor Vehicles Act defines classes of vehicles for regulatory purposes, toll classification is governed solely by the National Highways Act, the Fee Rules and the Concessionaire agreement. The legal foundation for toll adjustments due to vehicle mismatch is both statutory and contractual, making the petitioners' grievance legally untenable. Thus, finding the petition devoid of merit, it would necessarily meet its dismissal.

18. Before parting with the order, it would be appropriate to observe that the legislative framework especially the Motor Vehicles Act, 1988 calls for a re-examination *qua* description of vehicles. The Union Ministry of Surface Transport, the 1st respondent, would do well to undertake a review and insert appropriate clarificatory definitions, to address the evolving complexities of vehicular classifications and toll collection. The present dispute, while resolved within the existing legal rubric, reveals the need for statutory refinement.

19. In the light of the preceding analysis, the following:

ORDER

- (i) The Writ Petition being devoid of merit stands dismissed.
- (ii) The 1st respondent shall endeavour to redefine the classes of vehicles in the Motor Vehicles Act, 1988, bearing in mind the observations made in the course of the order, failing which, it would result in mushrooming of such submissions being projected.
- (ii) Copy of this order shall be furnished to the Additional Solicitor General of India.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

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CT:SS