

FEE NOTIFICATION

GOVERNMENT OF GUJARAT (GOG)
ROADS AND BUILDINGS DEPARTMENT (R&BD)
Sachivalaya, Gandhinagar
No.: Toll/GSRDC/11-2012 / 3 / Pvt.
Date: 26/03/2018

Government Order

Government of Gujarat enacted the Gujarat Infrastructure Development Act, 1999 (Gujarat Act No. 11 of 1999) to provide a regulatory framework for the participation of the private sector in Financing, Construction, Maintenance and Operation of structure and other development projects undertaken on BOT basis in the State of Gujarat.

1. Gujarat State Road Development Corporation, Gandhinagar (hereinafter referred to as "GSRDC") had entered into a Concession Agreement with L&T Ahmedabad Maliya Tollway Pvt. Ltd. renamed as L&T Ahmedabad Maliya Tollway Ltd. (hereinafter referred to as "the Concessionaire") on dated 17/09/2008 for Four Laning of Ahmedabad-Viramgam-Maliya Road Section of SH-17 and SH-7 from km. 11.5 to km. 195.065(amended to Km. 13/930 to Km. 194/633 vide amendment No. 3 dated 02/04/2012.) in the State of Gujarat under Viability Gap Funding Scheme of Government of India on Build Operate and Transfer (BOT) basis. The Concessionaire has agreed to Survey, Design, Engineer, Procure, Finance, Construct, Manage, Operate and Maintain the Project Highway throughout the Concession Period in accordance with the provisions of the Concession Agreement.
2. Under Article 3 of the Concession Agreement, the project is vested in the Concessionaire for the Concession Period as defined in the Article 3.1 of the Concession Agreement.
3. Now in recognition of the Concessionaire's Rights under the Concession Agreement the GOG hereby confirms, declares and orders that a charge shall be determined, levied, collected, retained and appropriated in accordance with the Concession Agreement by the Concessionaire or their authorized agents/servants on Motor Vehicles of the classes and trailers drawn by such vehicles specified in Column no. 2 at the rate specified against each of them in Column no.4, 5 & 6 of the Schedule of Charges hereunder.

Table R-1 provides length of corridor covered in each toll plaza location
 (For Section 2 &3 Except 2-Axle Truck, MAV).

Section Name	Toll plaza Location (Kms)	Chainages of Covered Section (Kms)	Total Length (Kms)	Proposed reduction due to incomplete ROB & its approaches (Km.)	Total Length after reduction (Km)
Sarkhej-Viramgam	27/545	13/930 to 61/430	47/500	-	47/500
Viramgam-Dhrangadhra	88/00	61/430 to 128/430	67/00	1.360	65/640
Halvad-Maliya	180/345	154/568 to 194/633	40/065	-	40/065
Ahmedabad - Maliya			180/703	1.360	179/343

(Section 2 & 3 For 2-Axle Truck, MAV are re constructed as below)

Section Name	Toll plaza Location (Kms)	Chainages of Covered Section (Kms)	Total Length (Kms)	Proposed reduction due to incomplete ROB & its approaches (Km.)	Total Length after reduction (Km)
Viramgam-Malvan	88/00	61/430 to 91/600	30/170	-	30/170
Malvan-Halvad	133/388	91/600 to 154/568	62.968	1.360	61.608
Ahmedabad-Maliya			180/703	1.360	179/343

SCHEDULE OF CHARGES

Rates of base Fees to be recovered from the users of the SH-17 and SH-7 from km 13.930 to 194.633 in the State of Gujarat, applicable as on 1st April, 2018.

The Fee shall be collected at Toll plazas from the Section/s Commissioning or Commercial Operation Date (COD).

No.	Vehicle Category	Base Toll Rate/ Fee (in Rs.) (Rate of fee per Vehicle per one way trip (in Rupees per Km for April 1st 2018) (Cl. 7.2 of this Notification)	Actual User Fee (Per Vehicle per one way trip) on 1 st April, 2018 Calculated in accordance with Cl. 7.2 of this Notification.					Remarks
			For Sakhej-Viramgam-	For Viramgam-Dhragadhra	Dhrangadhra- Halvad	Halvad-Maliya	For Sarkhej- Maliya	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Cars / Jeep	1.1785	55	75	30	45	210	The toll fee of Car/Jeep/ Van/Two Wheeler/ Three Wheeler & Gujarat State Road Transport Corporation Buses exempted from dated 15/08/2016 vide Government of Gujarat, Roads & Building Department Government of Gujarat, Road & Building Department letter No. મુ.પ.સ./૧૦/૨૦૧૬/ ટો.મુ./કેબીનેટ/૧૯/ પ્લ.ક. dated 12/08/2016.
2	Mini Bus	2.0672	100	135	55	85	370	
3	Bus	4.1150	195	270	110	165	740	
4	LCV	2.0672	100	135	55	85	370	
5	2-Axle Truck	4.1150	195	125 (For 30.17 km.)	255 (for 61.60 8 km)	165	740	
6	MAV	6.6265	315	200 (for 30.17 km)	410 (for 61.60 8 km)	265	1190	

The fee shall be levied on vehicles using the road (as defined in the Concession Agreement) and entering Toll Plazas and passing over the Project Road section with effect from 00.00 Hrs. on Date 01/04/2018 till further notice.

4. Following types of vehicles are exempted from the Toll and the concessionaire shall allow them to use the facility free of toll charges:

Vehicles having VIP symbols which officially belongs to the President of India, the Vice-President of India, the Prime Minister of India, Governors of States, Lt. Governors of Union Territories, Chief Ministers, Central and State Ministers, Presiding Officers of Central and the State legislatures having jurisdiction, leaders of opposition in Lok Sabha, Rajya Sabha and the State legislatures having jurisdiction, judges of the Supreme Court of India and of the High Courts having jurisdiction, Foreign Dignitaries on State visit to India, Heads of Foreign Missions stationed in India using cars with CD symbol, MP, MLA, Central and State Government Vehicles, officers of GSRDC, persons required to use the Project Highway for discharging their statutory obligations in relation to the Site, Independent Consultant, and Central and State forces in uniform including armed forces, para military forces and Defence Vehicles, Police vehicles, Winners of the Galantry Awards namely, Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra on production of ID Card authenticating the Award by the competent Authority, President of District Panchayat & Taluka Panchayat, Emergency vehicles such as Fire fighting vehicles, Ambulances and vehicles used during rescue operation in emergency.

5. The Concessionaire is entitled to regulate or prohibit the use of Project Road by the user unless fees, as notified, are duly paid by the user for the use of the Project Road.

6. **Definitions, - In the notification, unless the context otherwise requires,-**

(i) **“Actual Fees”** means the Fees actually charged from the road users for using each section of the Project Highway or part thereof including, where applicable Sachana, Halvad and Dhrangadhra bypasses and base Fees given for each section in Schedule to this notification.

(ii) **“Commercial Operation Date” (“COD”)** means the date on which the commercial operations of the said section of the State Highway number 17 and 7 in the State of Gujarat begins, which shall be the date on which the Independent Engineer has issued the Completion Certificate or the Provisional Certificate upon completion of the said section of the said State Highway in accordance with the provisions of the Agreement entered into between the Authority and the Concessionaire;

- (iii) **“Termination Date”** means the date on which the said Agreement entered into between the Authority and the Concessionaire expires pursuant to the provisions of the said Agreement or is terminated by Termination Notice;
- (iv) **“Local Traffic”** means the traffic on account of commuting by a private Car on the Project Highway; provided (i) such private Car is owned by a person who resides in within a distance of 15 (fifteen) km from the Toll Plazas, and (ii) such area has no alternative connecting road; For the avoidance of doubt, a road that connects such area shall not be deemed to be an alternative road for purposes hereof if it increases the travel distance by more than 20% (twenty percent) of the corresponding distance on the Project Highway;
- (v) **“Local Commercial Traffic”** means the traffic on account of commuting by a car, LCV, bus or truck, as the case may be, between the toll plaza and any point situated within 15 (fifteen) kilometers on either side of the toll plaza but does not include local traffic;
- (vi) **“Bridge”** means and includes any bridge, road over bridge or under bridge which is constructed, operated or maintained under a concession agreement;
- (vii) **“Bus”** means any passenger motor vehicle with a gross vehicle weight exceeding 12,000 (twelve thousand) kilograms;
- (viii) **“Bypass”** means and includes a bypass on a project highway which is constructed, operated or maintained under a concession agreement;
- (ix) **“Car”** means and includes any motor transport vehicle, car, jeep, van, omnibus or four wheeled motor vehicle with a Gross Vehicle Weight not exceeding 7500 (seven thousand five hundred) kilograms, but does not include a Motor Cycle, Tractor or road roller;
- (x) **“Concession Agreement”** means an agreement entered into between the GSRDC and Concessionaire for Survey, Design, Engineer, Procure, Finance, Construct, Manage, Operate and Maintain the Project Highway at its cost and expense;
- (xi) **“Concessionaire”** means a person who has entered into a concession agreement with the GSRDC;
- (xii) **“Government”** means the Government of Gujarat;
- (xiii) **“Gross Vehicle Weight” or “GVW”** means in respect of any vehicle the total weight of the vehicle and load certified and registered under the Motor Vehicles Act, 1988;

- (xiv) “MAV or heavy truck” means any goods carrier with a gross vehicle weight exceeding 20,000 (twenty thousand) kilograms and includes a truck with three to six or more axles and earth moving equipment;
- (xv) “Light Commercial Vehicle” or “LCV” means any passenger vehicle or goods carrier with a Gross Vehicle Weight exceeding 7,500 (seven thousand five hundred) kilograms and includes a tractor with trailer but does not include a tractor, bus, truck or heavy truck;
- (xvi) “Project Highway” or “highway” shall mean any road or bypass that is constructed, operated or maintained under a concession agreement;
- (xvii) “Road Overbridged/Under bridge” or ROB/RUB” means and includes a road over bridge/under bridge that crosses above/under a railway track and which is constructed, operated or maintained under a concession agreement’
- (xviii) “Toll” means the toll charge per kilometer, payable by the user of a project highway, bypass, bridge or road overbridged/under bridge under these Rules;
- (xix) “Tractor” means a motor vehicle which is not itself constructed to carry any load other than the equipment used for the purpose of propulsion, but does not include a road roller;
- (xx) “Truck” means any goods carrier with a gross vehicle weight exceeding 12,000 (twelve thousand) kilograms and includes a road roller, but does not include a heavy truck;
- (xxi) “WPI” means the Wholesale Price Index as published by the Ministry of Industry, Government of India or any Index published in substitution thereof by the Government of India.

7. Annual revision of basic toll rates

- 7.1** The basic toll rates shall be increased annually by 3 percent (three percent) thereof for a period of 15 (fifteen) successive years commencing from April 1, 2008. The first increase of 3 percent (three percent) hereunder shall take effect on April 1, 2008, and the last and fifteenth such increase shall be affected on April 1, 2022.

Illustration ONLY:

For a project highway that is commissioned on April 1, 2009 the basic toll rate shall be 51.5 paise per car per km (when Base Toll rate is 0.50 Paise).

7.2 In addition to the annual revision effected under Rule 7.1 above, the applicable basic toll rates shall be adjusted and revised annually on April 1 of each year to reflect the variation in WPI occurring between January 1, 2007 and January 1 of the year in which such revision is undertaken. The revision for project highway shall be undertaken as follows:

- a) On the 1st April immediately preceding the completion of a project highway (the “date of revision”), the basic toll rates, as applicable under Rule 7.1 shall be adjusted and revised annually on April 1 of each year to reflect the variation in WPI occurring between January 1, 2007 and January 1 immediately preceding the date of revision hereunder. The formula for determining the basic toll charge payable by a user of such project highway (the “basic toll charge”) shall be as follows:

$$\text{Basic toll charge} = \text{Base toll rate} \times \frac{\text{WPI} * A}{\text{WPI} * B}$$

Where,

Basic toll rate is the applicable basic toll rate on the date of revision specified in this sub-rule (a);

WPI*A is the WPI on January 1 immediately preceding the date of revision specified in this sub-rule (a); and

WPI*B is the WPI as on January 1, 2007

Illustration ONLY:- For a project highway that is commissioned on April 1, 2008, the toll charge shall, assuming an inflation of (say) 5 percent (five percent) in WPI between January 1, 2007 and January 1, 2008, be a sum of (i) the basic toll rate as on April 1, 2007 i.e. 51.5 paise; and (ii) inflation of 5 percent (five percent) on 50 paise, i.e. 2.5 paise. The toll charge as on April 1, 2008 shall thus be 54 paise per car per km.

- b) For the period subsequent to the date of revision under sub-rule (a) above, the annual revision on account of inflation shall be restricted to 40 percent (forty percent) of the rate of inflation occurring after the revision under sub-rule (a) above and such revision shall be effected on April 1 every year. The formula for determining the toll charge under this sub-rule (b) shall be as follows:

$$\text{Toll charge} = b + (c - d) + b \times \frac{(\text{WPI}C - \text{WPI}A) \times 0.4}{\text{WPI}A}$$

Where,

b is the Basic toll charge determined for the respective project highway as per sub-rule (a) above;

c is the Basic toll rate as on April 1 of the year of revision;

d is the Basic toll rate that formed part of the basic toll charge computed under sub-rule (a) above;

WPI*C is the WPI as on January 1 of the year of revision; and

WPI*A is the WPI computed as such under sub-rule (a) above.

Illustration ONLY:

For a highway commissioned on April 1, 2008, the annual revision on April 1, 2009 shall be the sum of (i) Basic toll charge as on April 1, 2008 under Rule 7.2(a) above, i.e. 54 paise, (ii) annual increase of 1.5 paise under Rule 7.1; and (iii) assuming on inflation of 5 percent (five percent) in WPI between January 1, 2008 and January 1, 2009, 40 percent (forty percent) of such inflation, i.e. 2 percent (two percent) of (i) above, amounting to 1.08 paise. The Toll Charge as on April 1, 2009 shall thus be 56.58 paise per car per km.

Notwithstanding anything to the contrary contained herein, if revision of toll charges shall fall due before completion of 6 (six) months from the date on which such toll charges were levied and collected, such revision shall be kept in abeyance until the completion of the aforesaid 6 (six) months.

- 7.3 Nothing contrary to the provisions of this agreement and provisions of rules in Schedule R, the annual revision of fee in case of extension in construction period and thereby delay in Commercial Operations Date due to concessionaires' default, then the appreciation of 100% WPI variations during construction period till COD in annual revision of base toll rates shall not be applicable for such extended period. As stipulated in clause no. 7.2(b) above the appreciation of 40% of WPI shall be applicable for annual revision for such extended construction period.

8. Peak and off-peak toll charge

- 8.1 Concessionaire may, at any time after the fifth anniversary of the Appointed Date, and after obtaining prior written approval of the GSRDC, which approval the GSRDC may in its discretion deny, levy and collect a higher and discounted toll charge (the "differential toll charge") for use of the project highway during peak and off-peak hours respectively in accordance with this Rule 8:

Provided, however, that such differential toll charge shall not apply to local traffic and to frequent users availing of a lower toll charge under Rule 13.

- 8.2 Each such concessionaire shall for this purpose designate not more than six hours in a day as peak hours and a period equal to twice the peak hours as off-peak hours. During peak hours, a concessionaire may levy and collect a premium of upto 25 percent (twenty-five percent) on the applicable Toll Charges or such higher premium as the State Government may by order permit. Simultaneously, with levy of such premium for peak hours, such concessionaire shall offer a discount during off-peak hours at a rate equal to twice the premium for peak hours. For the avoidance of doubt, the determination of differential fee shall be with reference to the time of entry of a user at the toll plaza of the project highway.
- 8.3 If the determination and collection of differential toll charges results in an increase in the toll revenues of the concessionaire, then 80 percent (eighty percent) of the additional revenue in each year resulting from the differential toll charges shall be deposited in a separate fund to be specified by the Government and deployed for providing such additional facilities for users of

the project highway as the Government may specify under the respective concession agreement. For the purposes of this Rule 8.3, additional revenue from differential toll charges shall mean the gross amount collected at differential toll charges pursuant to this Rule 8, less gross revenues which would have been collected at the applicable toll charges on footing that the option to levy and collect differential toll charges pursuant to this Rule 8 has not been exercised by the concessionaire.

9. Additional Toll Plazas: The concessionaire may in its discretion set up additional toll collection points and entry barriers on the project highway for the purpose of checking vehicles that may be using approach roads to the project highway for evasion of toll charges payable under these Rules; Provided that no such additional toll collection points or entry barriers shall be set up beyond a distance of about 10 (ten) km on either side of a toll plaza.

10. Exempted Vehicles

Vehicles specified in this Schedule/Fee Notification shall be exempt from payment of toll.

11. Exemption for Local Traffic

No toll charges shall be levied or collected from a vehicle that uses part of the project highway and does not cross a toll plaza.

The concessionaire shall issue a monthly pass for local traffic at monthly fee equal to 5(five) times the Fee payable for the respective vehicle if it were to undertake a single one-way trip for defraying its expenses on issuing of passes and handling of local traffic on the Project Highway; on written request to be made by a local user and accompanied by (a) proof of residence such as a certificate from the Tehsildar/Naib Tehsildar/Block Development and Panchayat Officer or a ration card or voter identification card, and (b) the registration papers of the personal car for which such pass is required. Only a car registered in the name of the local user and bearing the address as specified in the aforesaid proof of residence shall be eligible for a monthly pass. Upon presentation of the proof of residence and the registration papers, the concessionaire shall retain a photocopy thereof and return the original documents forthwith.

12. After Provision of Service Roads: Notwithstanding anything contained in these Rules, in the event of construction of service lanes for free use by local traffic, motorcycles and tractors, such traffic/vehicles shall be liable to pay for use of the main carriageway.

13. Discounted Fee for frequent Users

The Concessionaire shall, upon request from any person, issue a return pass on payment of a sum equal to 160% (one hundred and sixty percent) of the Fee payable for the respective vehicle if it were to undertake a single one-way trip on the Project Highway. Such return pass shall entitle the specified vehicle to undertake a return journey on the same day as the outward journey.

The Concessionaire shall, upon request from any person for issue of 20 (twenty) or more one-way toll tickets, issue such tickets at a discounted rate equivalent to 80% (eighty percent) of the Fee payable for the respective vehicle. Such discounted tickets shall entitle the specified vehicle to commute on the Project Highway by using one ticket for a single one-way trip at any time during a period of one month (calendar month) or part thereof.

14. Additional charge for evasion of Fee

In the event that any vehicle uses the Project Highway without payment of Fee due, the Concessionaire shall, subject to Applicable Law and Applicable Permits, be entitled to determine and collect from such vehicle the Fee due and an equivalent amount towards predetermined liquidated damages for attempt to make unauthorized use of the Project Highway; provided that the determination and collection of such Fee and liquidated damages shall be at the risk and cost of the Concessionaire and GSRDC shall not in any manner be liable on account thereof; provided further that upon detection of overloading, the Concessionaire shall prevent the vehicle from using the project highway until the excess load has been removed from such vehicle and GSRDC shall not be liable for any act or omission of the Concessionaire in relation to such vehicle or person driving such vehicle.

15. Additional fee for overloaded vehicles

Subject to the provisions of Clause 13 above and without prejudice to the liability incurred under the Applicable Laws by any person driving a vehicle that is loaded in excess of the permissible limit set forth in such laws, the Concessionaire, shall not allow any such vehicle to use the Project Highway. At the same time payment of an additional fee (the "Additional Fee") in lieu of the damages, deterioration that may have caused to the Project Highway by such use. The Additional Fee shall not exceed:

- (a) 50% (fifty percent) of the Fee if the overloading of such vehicle exceeds 10% (ten percent) of the permissible load but is not greater than 20% (twenty percent) thereof; and
- (b) 100% (one hundred percent) of the Fee if such overloading exceeds 20% (twenty percent) of the permissible load:

Provided that the Additional Fee shall be levied on the basis of actual Gross Vehicle Weight as measured by a standardized static weighing machine to be installed by the Concessionaire at each of the Toll Plazas:

Provided further that determination and collection of Additional Fee shall be regulated and enforced entirely at the risk and cost of the Concessionaire and it shall have no claim against GSRDC in the event of its inability or failure to collect such Additional Fee in full or part for any reason whatsoever or any matter relating thereto.

16. Display of Fee rates

The Concessionaire shall, at the beginning of the Project Highway and near the Toll Plazas, prominently display the applicable rates of Fee for information of Users approaching from either side of the Project Highway.

The Concessionaire shall, from time to time, inform GSRDC of the applicable Fee and the detailed calculation thereof. Such information shall be communicated at least 15 (fifteen) days prior to the revision of Fee under and in accordance with the Fee Notification.

The Concessionaire shall not revise, display or collect any amounts in excess of the rates of Fee payable under the Fee Notification. In the event any excess amount are collected by or on behalf of the Concessionaire, it shall, upon receiving a notice to this effect from GSRDC, refund such excess amounts to GSRDC along with Damages equal to 25% (twenty five percent) thereof.

The rates of Fees, the Categories of vehicles exempted from payment of Fee and the name, address and telephone number of Concessionaire to whom complaints, if any, should be addressed, shall be conspicuously and prominently displayed 500 meters ahead of the toll booth, 100 meters ahead of the toll booth and at the toll booth also, the height of the display boards and size of letters being such that it is easy for drivers to read the display boards and they shall be legibly written or printed in English, Hindi and the regional language of the area in which the stretch is situated.

17. Rounding off of toll charges

Toll charges to be collected from each vehicle under these Rules shall be rounded off to the nearest Five Rupee.

18. The Concessionaire shall nominate an officer as in-charge of fee collection. The Concessionaire and also the said officer shall be responsible to ensure that Fees are collected at not more than the agreed rates and the Fee collected is smooth without causing undue hardship to the road users and for all matters connected therewith.

19. The concessionaire shall publish substance of this notification and the scheme of discount to frequent users, as provided in the Concession Agreement, in two local newspapers (one of which shall be in vernacular language), which shall also state the date of commercial operation as per the provision of this notification. Such substance shall also be repeated, prior to giving effect to revised Fees as per this notification.

20. Unauthorized Collection

In the event that a concessionaire collects from any person a sum of money not due and payable hereunder, the concessionaire shall be liable

to refund to such person forthwith the amount so collected along with sum computed @ 3 percent (three percent) of the amount so collected, for each day from the date of collection till the date of refund, by way of damages. In the event that such amount together with damages computed in the manner as aforesaid is not paid to such person for any reason whatsoever, the same shall be deposited with the GSRDC within a period of 15 (fifteen) days from the date of such collection.

Any dispute relating to amounts payable by the concessionaire under Rule 20 shall be settled by the GSRDC.

Any person aggrieved in connection with the collection of toll may lodge a complaint to the GSRDC. The GSRDC shall pass orders on such complaint within a period of 15 (fifteen) days.

By order and in the name of Governor of Gujarat.

(A.N.Mistry)
Officer on Special Duty
R & B Department
Government of Gujarat