

No.B2/3961/TC/95

Head Office,
Motor Vehicles Department,
Thiruvananthapuram,
Date: 15.7.2000.

From

The Transport Commissioner,
Thiruvananthapuram.

To

All Deputy Transport Commissioners,
Regional Transport Officers,
Joint Regional Transport Officers and
Motor Vehicles Inspectors in Check Posts.

29.7.2000

Sir,

Sub:- Interstate operation of Contract Carriages - Collection
of tax at enhanced rate - clarification - reg.

- Ref:- 1. Supreme Court Judgement dated 10.8.99 in Civil Appeal
No.13039/96.
2. This office direction in B2/3961/TC/96 dated 23.9.99
to all RTOs, Joint RTOs.
3. Government letter No.16150/C1/99/Trans dated 10.7.2000
of Transport (C) Department.

The validity of the amendment introduced by the Kerala
Financial Act 1994 by which enhanced rate of tax was prescribed for
Contract Carriages operating Interstate services was upheld in the
judgement of the Honourable Supreme Court cited 1st. Directions are
given to all Regional Transport Officers, Joint Regional Transport
Officers and Motor Vehicle Inspectors of Check post to implement the
directions of the Supreme Court, vide reference 2nd cited.

As such, Government had been requested to review the earlier
clarification and issue direction as to whether operation of vehicles
covered with permit issued under section 74 of M.V. Act
and permitted to operate within the state and which seldom operate in
other states with Special Permits under section 88(8) can be treated
as interstate operation for the purpose of levying tax.

In reply, Government have clarified, vide reference 3rd cited,
that operation of vehicles operating interstate with Special Permits
issued under section 88(8) of the Act should not be treated as
interstate operation for the purpose of levying tax.

Therefore all are requested to act accordingly.

Yours faithfully,
Sd/-

Additional Transport Commissioner.

Approved for issue

Senior Superintendent.

mn.18.7.