

**GOVERNMENT OF INDIA
ROAD TRANSPORT AND HIGHWAYS
LOK SABHA**

UNSTARRED QUESTION NO:1492

ANSWERED ON:03.12.2012

REGULATORY BODY FOR NH PROJECTS

Adhalrao Patil Shri Shivaji; Adsul Shri Anandrao Vithoba; Dharmshi Shri Babar Gajanan; Yaskhi Shri Madhu Goud

Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether the Government has evolved a proper mechanism or set up an independent regulatory body to assess the performance of highway projects under implementation in the country;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether the Courts have questioned the rationale of charging toll on national highways stretches which are under construction/expansion or suspended toll for the contractors failing to improve the traffic flow on national highways;
- (d) if so, the details thereof and the response of the Government thereto; and
- (e) the steps taken or proposed to be taken by the Government to rationalize toll fee across the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI SARVEY SATHYANARAYANA)

(a) to (b) The Department related Parliamentary Standing Committee on Transport, Tourism and Culture has proposed in its 135th Report for setting up of an independent regulator to address the gaps in terms of safeguarding the public safety on Road and Highways, safeguarding the interest of users and other stakeholders, ensuring independent and impartial third-party supervision etc. The matter was examined in this Ministry but the issue of setting up of the proposed independent regulator is yet to be finally decided.

(c) to (d) Due to traffic congestion and inaction on the part of Concessionaire, Hon'ble Punjab & Haryana High Court stopped toll collection from 00.00 hrs on 05.09.2012 at km 24 Toll Plaza (out of 3 Toll plazas) under Delhi-Gurgaon Built-Operate-Transfer (BOT) (Toll) Project. Later on, Hon'ble Court permitted tolling excluding peak hours (8.30-10.00 AM & 5.30-7.00 PM) from 28.09.2012 (7 PM) and subsequently permitted for all hours from 09.10.2012 (5.30 PM). Meetings were also held with State Government and concessionaire on 19.09.2012 and measures to decongest km 24 toll plaza were suggested. Also, there is another Court case pending in the Madras High Court challenging the constitutionality on national Highways (NH) Fee Rules, 2008 and the consequent notifications issued thereunder.

The user fee notification was stayed by the Hon'ble High Court, Madras on 14.6.2011 which was vacated on 12.7.2011 and the user fee is being collected as per the fee notification issued under NH Fee Rules, 2008.

(e) Government has introduced the transition plan for transiting from NH Fee Rules, 1997 to NH Fee Rules, 2008 for public funded project by notifying the National Highways Fee (Determination of Rates & Collection) Second Amendment Rules, 2011 by amending the National Highways Fee (Determination of Rates & Collection) Rules, 2008 to rationalize user fee across the country.