



வாகன புகை பரிசோதனை நிலைய உரிமையாளர்கள் நல சங்கம் - தமிழ்நாடு

அலுவலகம் : 2154-ஏ, திருச்சி ரோடு, சிங்காநல்லூர், கோவை - 641 005.

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To

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

Sir,

Sub : Motor Vehicles Act - Pollution Control fee for issue of
certificate - Representation submitted - Regarding.

Ref : G.O.Ms.No.325, Home (Transport) Department, dated
25.06.2019.

The petitioner herein is a registered association and its registration Number is 177/2009 and having its registered office at No.2154-A, Trichy Road, Singanallore, Coimbatore. That there are about 210 members in this association. This association is formed with the object of espousing the cause of its member wherever and whenever their welfare is affected.

The members of the association are functioning under the name and style of "Vehicle Emission Testing Centre or Pollution Testing Centre" as the case may be. These testing centres are approved by a Committee consisting of

1. Regional Transport Officer;
2. Pollution Control Board; and
3. Tamil Nadu Transport Corporation;

and then forwarded to the Transport Commissioner for granting license.



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This Pollution Testing Centre are established to give effect to Rule 116A and 116 of the Tamil Nadu Motor Vehicles Rules.

The petitioner association has come across with the Government Order cited in the reference, which is received by this association on 18.07.2019. This G.O. is intended to amend the Clause 8 of Rule 132 of the Tamil Nadu Motor Vehicles Rules 1989 under which the fee is prescribed for issuing pollution certificate and the Government published this proposal in the Government Gazette dated 25.06.2019. The fee to be charged for various motor vehicles till 1998 in terms of above rule is as follows:

"8. For issue of certificate of test to measure the standard of smoke or the levels of other pollutants or both:

- | | | | |
|-------|---|---|---------|
| (i) | for Motor Cycle or Light Motor Vehicles
(three wheeler) | - | Rs.15/- |
| (ii) | for Light Motor Vehicles
(for four wheeler) | - | Rs.25/- |
| (iii) | for medium goods vehicle, medium
passenger motor vehicle, heavy goods
vehicle of heavy passenger motor vehicle. | - | Rs.50/- |

The Pollution Testing Centre in private sector is allowed in the year 1998.

As the fee initially prescribed was very meager, the Government revised the same under G.O.Ms.No.679, Home (Transport V) Department, dated



பதிவு எண் 177/2019

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03.06.1998, is Rs.30/-, Rs.50/- and Rs.100/- respectively. This revision was done within one year from the date of private sector coming into the field.

The petitioner respectfully submit that when the fee was revised in the in the year 1998, the expenses incurred by the Pollution Testing Centre is as follows:-

Sl. No.	Index	1998 (Rs.)
1	Smoke testing area (8 x 3 m) for rental.	3,000
2	Advance	15,000
3	Petrol and Diesel machine/equipment and checking instrument.	3,00,000
4	CPU, monitor system	10,000
5	Internet connection	-
6	Testing person salary	4,000
7	Electricity Bill fee month	400
8	Equipment Annual Maintenance Certificate (AMC)	-
9	Printing & Stationery	-
10	Calibration certificate	1,000
11	Renewal fees	5 years once 1,000
12	Example 1. LLR fees	15
13	Example 2. PUC penalty	100



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The petitioner submits that to have a testing station, it requires minimum space of 8 x 3 meters area. The members of the association did not have their own premises, but they have to go for only rental building. In the year 1998, as seen above, the monthly rental for such area is (8 x 3 meters) is Rs.3,000/- and for which the members has to pay a rental advance of Rs.15,000/- . In the year 1998, the petitioner association has to install petrol and diesel machine equipment, which is a checking instrument for measuring the pollution and the cost of the same was Rs.3,00,000/-, the CPU monitor system cost was Rs.10,000/-. In those days, that there is no internet connection at all.

In 1998, the testing of the vehicle was carried out manually and therefore, one employee is sufficient to monitor all those things and therefore a person was appointed whose salary per month was Rs.4,000/-. The electricity bill is Rs.4,00/- bie month. There is no annual maintenance and printing stationery requirement in those days as all are done manually.

For calibration certificate expense the fee was Rs.1,000/-. Renewal for once in five years is Rs.5,200/-. So taking into account all those expenses, the Government fixed the fee for getting pollution certificate in the year 1988 as Rs.30/- for motor cycles (three wheeler), Rs.50/- for light motor vehicles (four wheeler), Rs.100/- for medium goods vehicle and passenger motor vehicle, heavy goods and passenger motor vehicle. During that period, the LLR fee is Rs.15/-



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The petitioner submits that after 1998 much ice has melt from Hills of Himalaya and the cost has been increased manifold rapidly every year. Though, the first revision was taken place within one year immediately after the private sector coming into filed, but however, even after lapse of 21 years, the fee is not at all revised. Our brother association made many representations before the Transport Commissioner for revision of the fee proportionately to the cost of expenses and maintenance incurred by the member of the petitioner association and also we met him personally explaining our grievance. But, however, our representation either in oral or in person is not at all heeded.

The petitioner submits that this Hon'ble Authority is well aware that we are now living in the internet world and everything has become online. In fact, the Transport Department also insisted us to issue the pollution certificate only through online.

Now as on date, the cost of expenses, which our members are facing is manifold when compared to the cost incurred in 1998, which is as follows:-

Sl. No.	Index	2019 (Rs.)
1	Smoke testing area (8 x 3 m) for rental.	15,000
2	Advance	1,50,000
3	Petrol and Diesel machine/equipment and checking instrument.	7,00,000
4	CPU, monitor system	45,000



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5	Internet connection	1,000
6	Testing person salary	15,000
		10,000
		25,000
7	Electricity Bill fee month	3,000
8	Equipment Annual Maintenance Certificate (AMC)	15,000
9	Printing & Stationery	15,000
10	Calibration certificate	6,000
11	Renewal fees	3 years once 1,733.33
12	Example 1. LLR fees	280
13	Example 2. PUC penalty	1,000

The petitioner submits that as seen from the table form in 2019 for office and smoke testing area that is for the same 8 x 3 meters, the monthly rent is Rs.15,000/-, the rental advance is Rs.1,50,000/-, petrol and diesel machine equipment cost is Rs.7,00,000/-, the CPU monitor system is Rs.4,50,000/-, the internet connection, which is not in existence of 1998, now it cost Rs.1,000/-, the salary, which was Rs.4,000/- in 1998, now it is Rs.25,000/- (Rs..15,000/- + Rs.10,000/-) and in those days to carry out the work, one employee is sufficient as it was done manually, but now we have to employ two persons and for additional person we have to pay Rs.10,000/-, thus, monthly salary comes around Rs.25,000/-. The electricity bill now comes to Rs.3,000/- by monthly. Thus, the equipments, annual maintenance, certificate cost, we have to pay Rs.15,000/-

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per year, which was not in the year 1998. The printing and stationery cost is Rs.15,000/-, which was not in 1998. The Calibration certificate now cost Rs.6,000/-.

For better appreciation both the statements are given by way of comparative statements, which is as follows:-

Sl. No.	Index	Technical details	1997	2019
1	Certificate written by manually	-	-	Colour printout through internet
2	Cost of Expenses in 1997	-	Rs.15, 20 & 50	
3	Cost of Expenses in 1998	-	Rs.30, 50 & 100	
4	Computer certificate	-	2008	
5	Petrol machine		2 Gas Analyser	4 Gas Analyser
	Diesel machine	Nipple sensor 2010	Normal machine	
	Diesel machine	Battery sensor	2015 machine update	
	Diesel machine update	Magnetic sensor	-	2019 magnetic sensor with parivagan software updated
	Certificate issue		6 months once	12 months once (BS IV & V)

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Testing time	8 minutes	10 to 25 minutes per vehicle
Testing system	Manual	Online
Machine upgrade	-	3 months not working
Renewal fees	5 years once Rs.5,300/-	3 years once Rs.5,300/-

A comparative reading of these two statements, would go to show that the members of the petitioner association after 1998 are incurring huge expenses for installation, establishment and maintenance. In such a circumstances, the revision of fee by meager Rs.10/- in each category do not meet our both the ends.

Further, the fee for LLR now is increased to Rs.280/- and PUC certificate penalty is increased to Rs.1,000/-, which is charged by the Regional Transport Office or Pollution Control Board, as the case may be. Thus, when the LLR fee is increased to 25 times and PUC penalty is increased to 10 times. It can be seen that the Department is very much concerned with this own department , but not the Agency run by the private which is our livelihood. Now after 21 years, the Government issued the proposed amendment where under which is sought to revise the fee as follows:-

DRAFT AMENDMENT

In the said Rules, in Rule 132, in the TABLE, for the entries in column (2) and (3) against serial number 8 in column (1) thereof, the following entries shall, respectively, be substituted, namely:-

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"8. For issue of certificate of test to measure the standard of smoke
or the levels of other pollutants or both:

- | | | | |
|-------|---|---|----------|
| (i) | for Motor Cycle or Light Motor Vehicles
(three wheeler) | - | Rs.40/- |
| (ii) | for Light Motor Vehicles
(for four wheeler) | - | Rs.60/- |
| (iii) | for medium goods vehicle, medium
passenger motor vehicle, heavy goods
vehicle of heavy passenger motor vehicle. | - | Rs.110/- |

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

The petitioner respectfully submit that the proposed revision after lapse of 21 years, is namely Rs.40/-, 60/- and 110/- that is increase by a meagre Rs.10/- in each category, is very meagre and it is well-known one swallow does not make the summer.

The petitioner submits that initially the fee was fixed as Rs.15/-, 25/- and 50/- within the span of one year after the private sector coming into field, it is revised to double, whereas after lapse of 21 years, it is sought to be revised by increasing only Rs.10/-, which do not meet both the ends of the members of the petitioner association, when the cost of living and the cost of expense is increased manifold for the past 21 years. The petitioner submits that it is not known on what basis such revision is proposed. It cannot pick up a figure out of its that to its whims and fancies.

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It is apposite to bring to the notice of this Authority, the fixation of toll fee on the National Highway four way lane, which are built and operated either by the National Highway Authority of India (NHAI) or by the concessionaire, who spent money for building, operating and maintaining the National Highway, for which the toll fee is fixed based upon a formula namely evolved by the Central Government, which is as follows:-

$$\text{"Applicable rate of fee} = \text{base rate} + \text{base rate} \times \frac{\text{WPI} - \text{WPI B}}{\text{WPI B}} \times 0.4$$

Explanation :- for the purpose of this sub-rule:-

- (a) applicable rate of fee shall be the rate payable by the user;
- (b) Base rate shall be the rate specified in rule 4 read with sub-rule (1) of rule 5;
- (c) WPI A means the wholesale price index of the week ending on or subsequent to 1st January immediately preceding the date of revision under these rules; are
- (d) WPI B means the wholesale price index of the week ending on 6th January, 2007 i.e. 208.7.

Illustration:

If the revision is to be made for the year 2008-09 by applying the wholesale price index of the week ending on 5th January 2008 (i.e. 216.6), then the rate for car, jeep or van will be 0.6796 as computed below:-

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$$\text{Applicable rate of fee} = 0.6695 + 0.6695 \times \frac{216.6 - 208.7}{208.7} \times 0.4 = 0.6796''$$

The petitioner association submits that thus when the Central Government evolved the formula to fix a toll fee for making use of the road, a similar formula has to be adopted in the matter of charging the pollution fee also as we too invest huge money on equipments and also maintaining the same by spending amount and doing the service to the vehicle owners.

We submit that a vehicle shall be insured only when it is covered by pollution certificate and therefore the pollution certificate is a mandatory requirement for insurance. Therefore, for operating the vehicle on the road, the pollution certificate is mandatory requirement and for issue such pollution certificate, the members of the petitioner association are incurring huge expenses not only for the purpose of purchasing machineries, but also for maintaining it, the fee so fixed must be in proportionate to the expenses incurred by the members of the association. In other words, it is a case of clear quid pro quo that is for the benefit offered, the expenses incurred has to be recovered from the vehicle owners.

We submit that in the year 1989 when the Tamil Nadu Motor Vehicles Rules was framed the Pollution Testing Centre and pollution certificate for mechanically propelled vehicle are contemplated from Rule 116A onwards. The Rule 132 (8) contemplates, fee to be charged by the Pollution Testing Centre for the vehicle, which is as follows:-

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- | | | | |
|-------|---|---|---------|
| (i) | for Motor Cycle or Light Motor Vehicles
(three wheeler) | - | Rs.15/- |
| (ii) | for Light Motor Vehicles
(for four wheeler) | - | Rs.25/- |
| (iii) | for medium goods vehicle, medium
passenger motor vehicle, heavy goods
vehicle of heavy passenger motor vehicle. | - | Rs.50/- |

This Rule had come into force on the date of the notification of this Rule namely 01.07.1989, so on 01.07.1989, the fee to be charged for these vehicles is as stated above.

The petitioner submits that in the year 1998, the Government under G.O.Ms.No.679, Home (Transport V) Department, dated 03.06.1998, revised the fee as Rs.30/-, Rs.50/- and Rs.100/-, for Motor Cycle or Light Motor Vehicles (three Wheeler), for Light Motor Vehicles (for four wheeler) and for medium goods vehicle, medium passenger motor vehicle, heavy goods vehicle of heavy passenger motor vehicle, respectively. Thus, the revision has been effected after 9 years and while effecting, it has doubled the fee from the initial fee.

We submit that when the first increase in the year 1998 was doubled the amount of fee prescribed in 1989, it is strange and surprise to see that after lapse of 21 years, the fee is revised by increasing only Rs.10/- for each category ,

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which is totally improper, unjust and has no rational. Even going by the yardstick applid in the year 1998 for increasing the fee by double of the original fee prescribed, under 132 (8), then it ought to have revised the fee in 2007 and 2016. In 2007, the fee should be doubled that of the fee of 1998 and in 2016, it should be doubled that of the fee of 2007. If once goes by the yardstick adopted in 1998, in 2016, the fee should be as follows:-

- | | | | |
|-------|---|---|----------|
| (i) | for Motor Cycle or Light Motor Vehicles
(three wheeler) | - | Rs.120/- |
| (ii) | for Light Motor Vehicles
(for four wheeler) | - | Rs.200/- |
| (iii) | for medium goods vehicle, medium
passenger motor vehicle, heavy goods
vehicle of heavy passenger motor vehicle. | - | Rs.400/- |

Therefore, In such a case, the fee as on date to be revised is 150, 250 & 450, as now this revision is sought to be made after 3 years from 2016, had, the 3rd revision taken place in 2016. But, however, the Government without any rational, reason or criteria arbitrarily sought to increase the fee only increasing by Rs.10/- for each category, which is totally arbitrary, improper, irrational and unjust.

Under these circumstances, we humbly request the Government to revise the fee as follows:-

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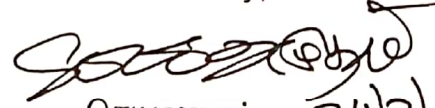
SRT. அமுதரசு MBA., LL.M.
மாநில செயலாளர்
Mob : 97891 92199

..14..

- | | | | |
|-------|---|---|----------|
| (i) | for Motor Cycle or Light Motor Vehicles
(three wheeler) | - | Rs.150/- |
| (ii) | for Light Motor Vehicles
(for four wheeler) | - | Rs.250/- |
| (iii) | for medium goods vehicle, medium
passenger motor vehicle, heavy goods
vehicle of heavy passenger motor vehicle. | - | Rs.450/- |

which would be just rational, proper and do justification for all.

Yours faithfully,


செயலாளர், 24/7/2019

Place : Coimbatore.

Date : 24.07.2019.

வாகனபுகை பரிசோதனை நிலைய
உரிமையாளர்கள் நல சங்கம்

Copy to:

The Transport Commissioner,
Ezhilagam,
Chepauk, Chennai - 9.