

एजीड पीएल

A.P. Cell

अर्ध.शा.पत्र सं. / Revenue - sectors - 52  
D. O. No.

उप महालेखाकार (राज्य राजस्व प्राप्ति)  
कार्यालय, प्रधान महालेखाकार (लेखापरीक्षा), बिहार  
वीरचन्द पटेल मार्ग, पटना-800 001  
Deputy Accountant General (State Receipt Audit)  
Office of the Principal Accountant General (Audit),  
Bihar  
Birchand Patel Marg, Patna-800 001

दिनांक/Date : 23-12-2016

आर के खरे  
IA&AS



OSD

Handwritten signature and date 23/12/16

आदरणीय सुजाता महोदया,

में, निरीक्षण प्रतिवेदन संख्या रेवेन्यू सेक्टर (सु0) 112, 153/2016-17 के कंडिका संख्या 1, 4, 5, 6 में उठाई गई आपत्तियों पर आधारित तथ्यों की विवरणी संलग्न कर रहा हूँ। इस कंडिका को भारत के नियंत्रक-महालेखापरीक्षक का 31 मार्च 2017 को समाप्त होने वाले वर्ष के प्रतिवेदन(राजस्व प्राप्ति), बिहार सरकार में सम्मिलित किया जाना प्रस्तावित है।

अतः आपसे अनुरोध है कि अपना मंतव्य छः सप्ताह के अंदर इस कार्यालय को अवश्य भेजे। उत्तर प्राप्त न होने की स्थिति में यह समझा जाएगा कि आपको कंडिका में उठाई गई आपत्ति स्वीकार है।

कृपया पत्र प्राप्ति की सूचना दें।

सादर

भवदीय,

शैलेंद्र  
22/12/16

अनुलग्नक: तथ्यों की विवरणी।

श्रीमती सुजाता वतुर्वेदी, भा:0प्र0से0  
प्रधान सचिव, परिवहन विभाग,  
बिहार सरकार,  
विश्वेश्वरदास मार्ग, पटना,  
पिन 800016

## Statement of Facts

### Non- realisation of Motor Vehicle Tax: ₹ 51.38 lakh

Under Section 5 and 9 of Bihar Motor Vehicles Taxation (BMVT) Act, 1994 and Rules framed there under, taxes of motor vehicle other than personalised vehicles is payable annually or quarterly within 15 days from the commencement of the year or quarter as the case may be.

Under Section 11 of Bihar Motor Vehicles Taxation (BMVT) Act, 1994 the taxing officer shall grant a receipt and tax token in the prescribed form in the prescribed manner to every person who pays motor vehicle tax or additional motor vehicles tax.

Further, under Section 20, *ibid.* no motor vehicle shall be used or kept for use within the state unless the valid tax token issued under Section 11 in respect of the said vehicle has been obtained and such token is displayed on the vehicle in the prescribed manner.

Further, under Section 23 of the Act, *ibid* read with Rule 4(2) of the Bihar Motor vehicles Taxation (BMVT) Rules, 1994, delay in payment of tax beyond 15 days attracts penalty from 25 percent to twice of the amount of tax due. Under Section 22 of the BMVT Act, if the tax or penalty or both has not been paid in accordance with the provisions of the Act, an officer not below the rank of Inspector of Motor Vehicles or any other officer specially authorised by the State Transport Commissioner, may seize the motor vehicles and detain it till the payment of tax.

During scrutiny of registration data and tax clearance table of 'VAHAN' database of the office of the District Transport Officer, Lakhisarai for the period of account April 2014 to March 2016 we found (August 2016) that out of 277 commercial transport vehicles (all checked), owners of 81 transport vehicle did not pay tax pertaining to the period between August 2012 and April 2016. The concerned District Transport Officer did not issue demand notices against defaulting vehicle owners.

Thus, due to non-observance of the provisions of the Act and Rules, *ibid* taxes of ₹ 51,37,548.00 including penalty remained un-realised.

On being pointed out in audit, District Transport Officer, Lakhisarai stated (August 2016) that demand notice would be issued. Further reply was awaited (November 2016).

This S O F is based on Para No-1 of IR No-112/2016-17 issued vide this office letter No.323-325 dated 17-10-2016.

  
22/12/16

Deputy Accountant General  
(Revenue Sector)

## Statement of Facts

### Non- realisation of Motor Vehicle Tax: ₹ 6.38 lakh

Under Section 5 and 9 of Bihar Motor Vehicles Taxation (BMVT) Act, 1994 and Rules framed there under, taxes of motor vehicle other than personalised vehicles is payable annually or quarterly within 15 days from the commencement of the year or quarter as the case may be.

Under Section 11 of Bihar Motor Vehicles Taxation (BMVT) Act, 1994 the taxing officer shall grant a receipt and tax token in the prescribed form in the prescribed manner to every person who pays motor vehicle tax or additional motor vehicles tax.

Further, under Section 20, *ibid*, no motor vehicle shall be used or kept for use within the state unless the valid tax token issued under Section 11 in respect of the said vehicle has been obtained and such token is displayed on the vehicle in the prescribed manner.

Further, under Section 23 of the Act, *ibid* read with Rule 4(2) of the Bihar Motor vehicles Taxation (BMVT) Rules, 1994, delay in payment of tax beyond 15 days attracts penalty from 25 percent to twice of the amount of tax due. Under Section 22 of the BMVT Act, if the tax or penalty or both has not been paid in accordance with the provisions of the Act, an officer not below the rank of Inspector of Motor Vehicles or any other officer specially authorised by the State Transport Commissioner, may seize the motor vehicles and detain it till the payment of tax.

During scrutiny of registration data and tax clearance table of 'VAHAN' database of the office of the District Transport Officer, Kishangunj for the period of account September 2015 to September 2016 we found (October 2016) that out of 37 commercial transport vehicles (all checked), owners of 18 transport vehicle did not pay tax pertaining to the period between April 2012 and June 2016. The concerned District Transport Officer did not issue demand notices against defaulting vehicle owners.

Thus, due to non-observance of the provisions of the Act and Rules, *ibid* taxes of ₹ 6,38,277.00 including penalty remained un-realised.

On being pointed out in audit, District Transport Officer, Kishangunj stated (October 2016) that action would be taken for the realisation of dues. Further reply was awaited (November 2016).

This S O F is based on Para No-4 of IR No-153/2016-17 issued vide this office letter No.446-448 dated 01-12-2016.

  
22/12/16

Deputy Accountant General  
(Revenue Sector)

## Statement of Fact

### Short realisation of trade certificate fees: ₹ 7.66 lakh

Section 39 of the Motor Vehicle (MV) Act, 1988 provides that no person shall drive any motor vehicle in any public place unless the vehicle is registered. Further, Rule 33 of the Central Motor Vehicles Rules, 1989 provides that for the purpose of the proviso to Section 39, a Motor Vehicle in the possession of a dealer shall be exempted from the necessity of registration subject to the condition that he obtains a trade certificate from the Registering Authority having jurisdiction in the area in which the dealer has his place of business. Under Rule 34, an application for the grant or renewal of a trade certificate shall be made in Form 16 and shall be accompanied by the appropriate fee (Motor Cycle/Invalid carriage Fifty Rupees for each vehicle; Others two hundred rupees for each vehicle) as specified in Rule 81, *ibid*.

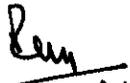
Rule 35 *ibid*. further provides that on receipt of an application for the grant or renewal of a trade certificate in respect of vehicles; the Registering Authority may, if satisfied, that the applicant is a bona fide dealer and requires the certificates, specified in the application, issue to the applicant one or more certificates, as the case may be, in Form 17 and shall assign in respect of each certificate a trade Registration mark. Under Rule 37 such a trade certificate shall be in force for a period of 12 months from the date of issue or renewal thereof and shall be effective throughout India. Under Rule 39 (1) of The Central Motor Vehicles Rules, 1989 a trade registration mark and number shall not be used upon more than one vehicle at a time or upon any vehicle other than a vehicle bona fide in the possession of the dealer in the course of his business or any type of vehicle other than the one for which the trade certificate is issued. Rule 41 provides the purposes for which Motor Vehicle with trade certificate may be used.

The Hon'ble Patna High Court in Judgment (in CWJC No.3788 of 1995 (R)) also stated that the dealer is obliged to obtain a trade certificate in respect of all Motor Vehicles in his possession which do not require Registration.

During scrutiny of Trade Tax Register along with files in the office of the District Transport Officer, Kishangunj for the period of account September 2015 to September 2016 we found (October 2016) that trade certificates were not being issued by the Registering Authority and the required fee as per provision of the Rule were not being collected in the transport office from the *bona fide* dealers of vehicle which was violation of Rules. During scrutiny of relevant records we observed that 04 trade certificates were granted to the vehicle sellers (authorized by the manufacturer/company), who deals in different class of vehicles. Out of 05 dealers, 04 cases have been checked/scrutinized and observed that these 04 dealers received 15329 vehicles (two wheelers) during the period between September 2015 and September 2016 and the Registering Authority issued only 04 trade certificate to the dealers. As a result of that trade certificate for 15325 vehicles were not issued hence, the department sustained loss in the shape of trade certificate fee to the tune of ₹ 7,66,250.00.

On being pointed out in audit, the District Transport Officer, Kishangunj stated (October 2016) that necessary action would be taken after obtaining guidelines from the head quarter. Further reply was awaited (November 2016).

This S O F is based on Para No-5 of IR No-153/2016-17 issued vide this office letter No.446-448 dated 01-12-2016.

  
22/12/16  
Deputy Accountant General  
(Revenue Sector)

## Statement of Fact

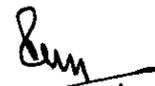
**Loss of revenue due to delivery of vehicles without Temporary Registration: ₹ 4.91 lakh**

Rule 42 of Central Motor Vehicle Rules, 1989 provided that those vehicle owners holding a trade certificate shall not provide delivery of Motor Vehicles to a purchaser without Registration, whether temporary or permanent. Further Section 43 of the Motor vehicle Act, 1988 provides that notwithstanding anything contained in section 40, the owner of a motor vehicle may apply to any Registering Authority or other prescribed Authority to have the vehicle temporary registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark. The Department vide office order No.3415 dated 28-07-2009 also made it clear that in accordance with the provision of Section 43 of the Motor Vehicle Act, 1988 the registering authorities shall provide the blocks of the temporary registration numbers to the dealer agencies on their requisition.

During scrutiny of registration records of 'VAHAN' database of the office of the District Transport Officer, Kishangunj for the period of account September 2015 to September 2016 we found (October 2016) that out of 03 dealers/agency, all three 03 dealers/agency, of motor vehicles (obtained trade certificate from the District Transport Officer) delivered 5452 vehicles (Two wheelers) to the purchasers between April 2016 and September 2016 without temporary registration or permanent registration. The concerned Registering Authority permanently registered these motor vehicles which were delivered to the purchasers without temporary registration in contravention of the aforesaid provision of the Act/ Rules and departmental order. The concerned registering authority did not initiate any action against these dealers. This omission not only violated the Rules, but also resulted in non realisation of temporary registration fee/taxes of ₹ 4,90,680.00.

On being pointed out in audit, District Transport Officer, Kishangunj stated (October 2016) that matter would be examined and action would be taken accordingly. Further reply was awaited (November 2016).

This S O F is based on Para No-6 of IR No-153/2016-17 issued vide this office letter No.446-448 dated 01-12-2016.

  
22/12/16

**Deputy Accountant General  
(Revenue Sector)**