



Government of West Bengal
Department of Transport
PARIBAHAN BHAWAN
12, R.N. Mukherjee Road,
Kolkata - 700 001

No. 2023-WT/3M-128/1997(Part IIID)

Dated Kolkata the 30th of July 2021

NOTIFICATION

Whereas, a large number of goods vehicles are often detected carrying load in excess of the permissible capacities causing severe damage to public roads, leading to accidents and also contributing negatively to the society by way of automobile pollution;

AND whereas, driving or using any goods vehicle or trailer in contravention of Section 113 of the Motor Vehicles Act, 1988, as amended up to date, (hereinafter referred to as 'the Act') is prohibited;

AND whereas, Section 114 of the Act empowers the appropriate Officer, authorized in this behalf by the State Government, to get any vehicle weighed to determine the excess load and direct the driver of the vehicle to off-load the excess weight, if any, at his own risk and not to remove the vehicle till such time the laden weight of the vehicle is reduced to the permissible limit as per law;

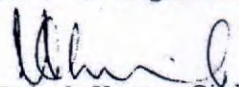
AND whereas, driving or causing or allowing to drive motor vehicles in contravention of the provisions of Section 113 or Section 114 is punishable under sub-sections (1), (1A) and (2) of Section 194 of the Act;

AND Whereas, the State Government has also decided to show zero tolerance to the menace of overloading of goods vehicles in the State and to impose enhanced penalty on the offenders in terms of the existing legal provisions under the Act and Rules made thereunder;

NOW, therefore, to serve as an effective deterrent to the menace of overloading, the State Government, in exercise of the powers conferred under Section 200 of the Act, hereby notifies that any offence punishable under section 194 of the Act shall be compounded for such amount as has been shown in the attached Annexure.

This Order will come into force with effect from the 1st of August, 2021.

C/K

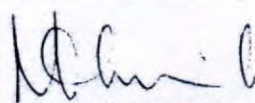

(Rajesh Kumar Sinha)
Secretary to the Govt. of West Bengal

ANNEXURE to Notification No. 2023-WT/3M-128/1997(Part IIID)

Dated 30.07.2021

Sequence of offence	Violation of section under MV Act, 1988	Penal section of MV Act, 1988	Composition amount u/s 200 of Act and other actions to be taken against the owner
1 st Offence	113	194(1) & 194(1A)	<ol style="list-style-type: none">1. Compounding: Fine to be realized Rs. 20,000/- plus @ Rs. 2,000/- for each tonne excess load.2. Fine to be realized Rs. 20,000/- together with liability to pay charges for off-loading of such load, when the goods vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit.3. Off-loading of excess load / arrangement of load made such that extension of load laterally / front / rear / height is followed as per permissible limit in every case, before further movement.
2 nd Offence	113	194(1) & 194(1A)	<ol style="list-style-type: none">1. Compounding: Fine to be realized Rs. 20,000/- plus @ Rs. 2,000/- for each tonne excess load.2. Fine to be realized Rs. 20,000/- together with the liability to pay charges for off-loading of such load, when the goods vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit.3. Off-loading of excess load / arrangement of load made such that extension of load laterally / front / rear / height is followed as per permissible limit in every case, before further movement.4. Suspension of permit u/s 86(1)(a) read with 84(d) of the Act.
3 rd Offence Or Subsequent offence	113	194(1) & 194(1A)	<ol style="list-style-type: none">1. Compounding: Fine to be realized Rs. 20,000/- plus @ Rs. 2,000/- for each tonne excess load.2. Fine to be realized Rs. 20,000/- together with the liability to pay charges for off-loading of such load, when the goods vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit.3. Off-loading of excess load / arrangement of load made such that extension of load laterally / front / rear / height is followed as per permissible limit in every case, before further movement.4. Cancellation of permit u/s 86(1)(a) read with 84(d) of the Act.5. Suspension of registration of vehicle u/s 53 of the Act.
One time offence	114	194(2)	<ol style="list-style-type: none">1. Fine to be realized Rs. 40,000/-.2. Cancellation of permit u/s 86(1)(a) read with 84(d) of the Act.3. Suspension of registration of vehicle u/s 53 of the Act.

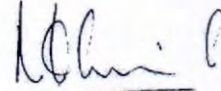
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Secretary to the Govt. of West Bengal

ORDER

ORDERED that the Notification be published in the Official Gazette.

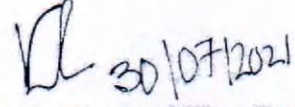
etc



Secretary to the Govt. of West Bengal

No. 2023/1(1)-WT/3M-128/1997(Part IIID) Dated Kolkata the 30th of July 2021

Copy of the Notification is forwarded to the Superintendent, West Bengal, Government Press, 38, Gopal Nagar Road, Alipore, Kolkata - 700 027 with a request to arrange to publish this Notification in the Official Gazette and send 50 (fifty) copies of the same to this Department for official use.

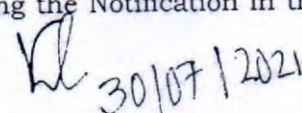


Joint Secretary to the Govt. of West Bengal

No. 2023/2(10)-WT/3M-128/1997(Part IIID) Dated Kolkata the 30th of July 2021

Copy forwarded for information and necessary action to:

1. Director, Transport Directorate.
2. District Magistrate (All)
3. Secretary, STA, West Bengal.
4. RTO (All)
5. ARTO (All)
6. Shri A. Bhowmick, Technical Director, NIC, WBSU - with a request to make necessary modification in the software.
7. Pvt. Secretary to the Hon'ble Minister in Charge, Transport Department, West Bengal.
8. Pvt. Secretary to the Hon'ble Minister of State, Transport Department, West Bengal.
9. PS to the Secretary, Transport Department, West Bengal.
10. A.O., Pool Car Office & ex-Officio Deputy Secretary, Transport Department - he is requested to take necessary action for uploading the Notification in the Departmental Website.



Joint Secretary to the Govt. of West Bengal