

C1/14189/TC/2011

Transport Commissionerate, Keralam
Trans Towers, Thiruvananthapuram
Dated:17-09-2014

CIRCULAR NO.13/14

Sub: Motor Vehicles Department-Registering vehicles in Pondichery in fake address for evading from Kerala Motor Vehicles Tax-Direction issuing of-Reg

Ref: This office letter of even number dated 22-06-2012 and 15-11-2012

It has come to the department that even after strict direction, luxury vehicles, which are to be registered in the State of Kerala, are being registered in other States and Union Territories like Puducherry in order to evade payment of Tax payable under the Kerala Motor Vehicles Taxation Act, 1976. Such act has led to huge revenue loss to the State Exchequer.

It may be noted that securing of a certificate of registration by providing false information or by submitting false declaration or false documents amounts to an offence of forgery as defined under Section 463 of Indian Penal Code and it is specifically provided as such in Section 206 of the Motor Vehicles Act. Whoever fraudulently or dishonestly use as genuine any forged document, so as to obtain a certificate of registration for a vehicle, is liable to be punished in the same manner as if he had forged such document as is specifically provided under Section 471 of Indian Penal Code. When such a forgery is made for the purpose of defrauding (cheating) the State Exchequer, it also amounts to an offence punishable under Section 468 of Indian Penal Code. Under Section 468 of Indian Penal Code, such an act is punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine. It is a cognizable offence and is non-bailable and is to be tried by a Magistrate of the First Class, as is provided under the Code of Criminal Procedure.

In this circumstance, all the Regional Transport Officers and all the Joint Regional Transport Officers are directed to inspect the vehicles that are registered in other State or Union Territories and are plying in the State of Kerala. On inspection, if it is suspected that the documents furnished by the owner or the

person in control of the vehicle is a forged one, a notice in the prescribed format attached with this circular shall be issued to the Registered Owner. The registered owner of the vehicle shall be given an opportunity of personal hearing. After the hearing, if the authority concerned finds that the Registered Owner of the vehicle has attempted to defraud the State exchequer by registering the vehicle in another State by way of fake document in order to evade payment of tax payable under the Kerala Motor Vehicles Taxation Act, the said vehicle may be seized immediately and follow up action under Section 11 of the Kerala Motor Vehicles Taxation Act (as amended by the Finance Act 2014) may be initiated for realization of the tax and the matter shall be reported to the nearest Police Station for registration of a crime under Section 471 of Indian Penal Code as Prosecution can have a deterrent effect.

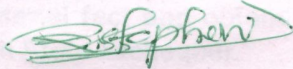
Sd/-

Transport Commissioner

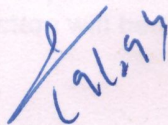
To

All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Approved for issue



Joint Transport Commissioner & Secretary, STA



Regional Transport Officer

To

NOTICE

Take notice that the vehicle bearing registration mark is being used and /or also kept for use in the State of Kerala for the last more than 30 days. Under Section 49 of the Motor Vehicles Act, 1988, read with Rule 99 of the Kerala Motor Vehicles Rules, 1989, you, being the owner of the said vehicle, ought to have sent information to this office about the use and/or keeping the vehicle for use in the State of Kerala and should have complied with the mandate of the said provisions of law. As you are the owner of the said vehicle and as you are a resident at, under Section 40 of the Motor Vehicles Act, 1988, the vehicle ought to have been registered in this office and you ought to have paid the Motor Vehicles Tax as per the provisions of the Kerala Motor Vehicles Taxation Act and Rules.

Take further notice that information has been received in this office that the Registration of the vehicle in(Name of State/Union Territory) had been made on the basis of forged documents relating to address of residence and /or address of place of business in That being so the Registration Certificate obtained on the basis of furnishing of false information is a forged document within the meaning of Section 464 of Indian Penal Code and it warrants action under Section 206 of the Motor Vehicles Act, 1988. That apart, it is an offence punishable under Section 468 of Indian Penal Code and use of the forged document for evading payment of Motor Vehicles Tax in this State is an offence punishable under Section 474 of Indian Penal Code with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Therefore you are hereby called upon to produce the Certificate of Registration of Vehicle No..... and also proof of your address for verification and to show cause why action should not be taken against you for suppressing material fact and obtaining forged documents and using the same for defrauding with State Exchequer.

Now, therefore, you are required to produce the said documents before the undersigned on at a.m./p.m. and you will be given an opportunity for personal hearing on the same day. In case you fail to comply with the same, action will be taken against you without any further notice.

Regional Transport Officer

To

.....
.....
.....