



सत्यमेव जयते

# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

## National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

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**भाराराप्रा/ नीति दिशानिर्देश/ वाणिज्यिक संचालन /2026**  
**नीति परिपत्र संख्या 17.7.13 / 2026 दिनांक 09<sup>th</sup> फ़रवरी, 2026**  
{(ई-ऑफ़िस फ़ाइल सं. CODIV-19/11/2026- CO Division (कंप्यूटर सं.) 305475 पर लिए गए निर्णय)}

**NHAI/Policy Guidelines/Commercial Operation /2026**  
**Policy Circular No.17.7.13/2026 dated 09<sup>th</sup> February, 2026**  
{(Decision taken on E-office file No. CODIV-19/11/2026- CO Division (Comp. No. 305475)}

**विषय:** माननीय मद्रई उच्च न्यायालय तथा सड़क परिवहन और राजमार्ग मंत्रालय के निर्देशों के अनुपालन में राष्ट्रीय राजमार्ग शुल्क (दरों का निर्धारण और संग्रह) नियम, 2008 के प्रावधानों का सख्त और समान अनुपालन के संबंध में।

**Sub.:** Strict and Uniform Compliance with the Provisions of National Highways Fee (Determination of Rates and Collection) Rules, 2008 in view of directions of Hon'ble Madurai Bench of Madras High Court and Ministry of Road Transport & Highways - Reg.

**संदर्भ/Ref.:**

- (i) सड़क परिवहन और राजमार्ग मंत्रालय, नई दिल्ली का पत्र सं. एनएच-24012/10/2025-टोल (ई-253171) दिनांक 08.01.2026।  
Ministry of Road Transport & Highways, New Delhi Letter no NH-24012/10/2025-Toll (E-253171) dated 08.01.2026.
- (ii) सचिव, सड़क परिवहन और राजमार्ग मंत्रालय, नई दिल्ली का आदेश सं. परियोजना-26017(11)/4/2024-पीआईयू मद्रई-भाग(I) दिनांक 24.07.2025।  
Secretary, Ministry of Road Transport & Highways, New Delhi Order No. Proj-26017(11)/4/2024-PIU Madurai-Part(I) dated 24.07.2025.

माननीय मद्रास उच्च न्यायालय की मद्रई पीठ द्वारा डबल्यू.ए.(एमडी) सं. 1236/2022 में दिनांक 26.03.2025 को मेसर्स जयकृष्णा फ्लोर मिल बनाम भारत सरकार और अन्य के मामले में जारी निर्देशों के अनुपालन में सचिव, सड़क परिवहन और राजमार्ग मंत्रालय द्वारा संदर्भ (ii) पर दिनांक 24.07.2025 को एक आदेश पारित किया है, जिसमें स्पष्ट रूप से उल्लेखित है कि वाणिज्यिक या किसी अन्य वाहन को इस आधार पर कोई छूट नहीं दी जाएगी कि वे किसी राष्ट्रीय राजमार्ग के केवल एक छोटे से हिस्से का उपयोग करते हैं, क्योंकि वैधानिक प्रावधानों के विपरीत ऐसी कोई भी छूट देना कानूनी रूप से सही नहीं होगा और भारत के संविधान के अनुच्छेद-14 में निहित कानून के समक्ष समानता के सिद्धांतों का उल्लंघन होगा।

Contd....2/-

In compliance of the directions of the Hon'ble Madurai Bench of Madras High Court vide Order dated 26.03.2025 in W.A.(MD) No 1236 of 2022 in the matter of M/s Jaykrishna Flour Mill Vs Gol & Others, Secretary, Ministry of Road Transport & Highways has passed an Order dated 24.07.2025 at ref(ii) explicitly clarifying that no exemption shall be granted to Commercial or any other Vehicles on the ground that they utilize only a short stretch of any National Highway as granting of any such exemption contrary to the Statutory Provisions would be indefensible in Law and violative of the Principles of Equality before Law as enshrined in Article-14 of the Constitution of India.

2. मंत्रालय ने आगे स्पष्ट किया है कि उपयोगकर्ता शुल्क लगाने से किसी स्थानीय या व्यक्ति-विशिष्ट को छूट नहीं दी जा सकती है, और मौजूदा शुल्क नियमों के अंतर्गत स्पष्ट रूप से प्रदत्त को छोड़कर कोई विचलन, छूट या रियायत की अनुमति नहीं दी जाएगी।

The Ministry has further clarified that no local or Individual-specific exemption from levy of User Fee can be granted and no deviation, relaxation or exemption shall be allowed except as expressly provided under the extant Fee Rules.

3. उपरोक्त के आलोक में, मंत्रालय द्वारा दिनांक 8 जनवरी, 2026 को सख्त अनुपालन हेतु निर्देश (प्रति संलग्न) जारी किए गए हैं।

In view of the above, Ministry directions dated 8<sup>th</sup> January, 2026 (Copy attached) is issued for Strict Compliance.

4. यह सक्षम प्राधिकारी के अनुमोदन से जारी किया गया है।

This is issued with the approval of Competent Authority.

संलग्न : यथोपरि।

Encl. : As stated above.

(सीएस. संजय कुमार पटेल/ CS. Sanjay Kumar Patel)

प्रभारी मुख्य महाप्रबंधक(समन्वय) (i/c) Chief General Manager (Coord.)

प्रति/ To:

भाराराप्रा मुख्यालय/आरओ/पीआईयू/सीएमयू/साइट कार्यालयों के सभी अधिकारी।  
All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices.

प्रतिलिपि/ Copy to:

1. पुस्तकालय की साइट पर प्रकाशन के लिए पुस्तकालय को।  
Library for hosting the Circular on Library Site.
2. परिचालन के लिए वेब एडमिन को।  
Web Admin for Circulation.
3. सचिव, सड़क परिवहन और राजमार्ग मंत्रालय के प्रधान निजी सचिव को सूचनार्थ।  
PPS to Secretary, MoRTH for Kind Information.
4. JS (Toll), Ministry of Road Transport & Highways – For Information Please.  
संयुक्त सचिव (टोल) सड़क परिवहन और राजमार्ग मंत्रालय - सूचनार्थ।
5. CEO, IHMCL – for information and necessary action.  
सीईओ, आईएचएमसीएल – सूचनार्थ और आवश्यक कार्रवाई हेतु।

No. NH-24012/10/2025-Toll (E- 253171)  
Government of India  
Ministry of Road Transport & Highways  
(Toll Section)  
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated the 8<sup>th</sup> January, 2026

Chairman,  
National Highways Authority of India,  
G-5&6, Sector-10, Dwarka,  
New Delhi.

**[Kind Attention: Shri Vishal Chauhan, Member (Admin), NHAI]**

**Subject: Strict and uniform compliance with the provisions of the National Highways Fee (Determination of Rates and Collection) Rules, 2008-reg.**

Sir,

I am directed to refer to this Ministry's Order No. Proj-26017(11)/4/2024-PIU Madurai-Part(1) dtd 24<sup>th</sup> July, 2025 issued in compliance with the directions of the Hon'ble Madurai Bench of the Hon'ble Madras High Court dated 26<sup>th</sup> March, 2025 in W.A.(MD) No. 1236 of 2022, in the matter of M/s Jayakrishna Flour Mill vs. Government of India & Others. The said Ministry's order explicitly clarifies that no exemption shall be granted to commercial or any other vehicles on the ground that they utilize only a short stretch of the National Highway.

2. It must be noted that granting any exemption contrary to the statutory provisions would be indefensible in law and violative of the principle of equality before law as enshrined in Article 14 of the Constitution of India.

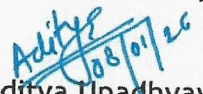
3. In view of the above, it is directed to ensure strict and uniform compliance with the provisions of the applicable/ prevailing NH Fee Rules across all user fee plazas on NHs. No deviation, relaxation, or exemption shall be allowed except as expressly provided under the extant Fee Rules.

4. It is further directed that all field offices, concessionaires, and toll-operating agencies shall be suitably instructed to adhere to the above position precisely, so as to avoid any action that may be legally untenable or contrary to Government policy.

5. This issues with the approval of the competent authority.

**Encl.: As above.**

Yours faithfully,

  
(Aditya Upadhyay)

Assistant Executive Engineer (Toll)  
E-mail- [aditya.upadhyay@gov.in](mailto:aditya.upadhyay@gov.in)

Copy to:

Chief General Manager, Commercial Operation, NHAI  
Regional Officers, Regional Office Jaipur/Bhopal/Mumbai, M/o RT&H

Copy for information to:

PSO to Secretary, M/o RT&H  
PSO to DG (RD) & SS, M/o RT&H  
PPS to JS (Toll), M/o RT&H



**No.Proj-26017(11)/4/2024-PIU Madurai-Part(1)**

**Government of India**

**Ministry of Road Transport & Highways**

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**New Delhi, the 24<sup>th</sup> July, 2025.**

**ORDER**

This order arises from the direction of the Madurai Bench of Hon'ble Madras High Court dated 26.3.2025 in W.A.(MD) No.1236 of 2022 in the case titled M/s Jayakrishna Flour Mill Vs Government of India and Ors. The direction of the Hon'ble High Court is reproduced below:

*"We therefore direct the Chief Secretary, Government of Tamil Nadu to send a formal representation to the Central Government for considering inclusion of the local residents of Thirumangalam for being exempted from payment of fee. Such representation shall be sent by the Chief Secretary within a period of four weeks from the date of receipt of a copy of this order. The first respondent is directed to consider such representation and pass an appropriate order within a period of three months thereafter."*

2. In furtherance of the said direction, a letter has been received from the Chief Secretary to Government of Tamil Nadu vide letter No.10161889/HQ2/2025-2, dated 25.4.2025 stating that the Kappalur Toll Plaza in Madurai-Kayathar section of NH 44 being operated by Toll Operate (TOT) Concessionaire until 19.10.2050 is facing local protests on account of demand for exemption from levy of user fee. The said letter requests that necessary action may be taken within the time limit specified by the Hon'ble High Court.

3. The petitioner in the case before the Hon'ble High Court has stated in his petition that he is running a flour mill located very near to the Kappalur Toll gate, Thirumangalam at a distance of approximately 500 meters. The lorries carrying the goods pass through different roads to the factory and they do not use the National Highway at any point of time except for a distance of 500 meters from the toll gate to their Mill. The petitioner further pointed out that the location of the Toll Plaza at Kappalur is in violation of Rules since it is located within one kilometer from the Thirumangalam municipality. Based on these contentions, the petitioner has sought exemption from the levy of toll fee.

4. While considering the request of the Chief Secretary of the Government of Tamil Nadu in reference to the directions of the Hon'ble High Court, the representation is to be examined only in terms of the applicable law & rules for levy of User Fee. The right to levy user fee arises from the provisions of sub-section(1) of Section 7 of the National Highways Act, 1956 and in accordance with the Rules to be notified under sub-section(2) of Section 7 of the said Act. The National Highways Fee (Determination of Rates and Collection) Rules, 2008 lays down the process by which user fee can be levied and collected. Rule 11 of the said Rules provides for exemption from the payment of Fee at the Toll Plazas for certain vehicles. The said Rule does not contain any provision from exemption for the movement of commercial vehicles purportedly on the grounds that they use only a small segment of the National Highway. Any action taken contrary to the



provision of law to make an exemption for a local entity using a specific Toll Plaza will be indefensible and hit by the provisions of equality before law enshrined in Article 14 of the Constitution.

5. It is pertinent to mention that the following concessions and provisions are already available for the benefit of local residents & frequent road users under the Fee Rules:-

- a. Concessional Monthly Pass for Local Non-Commercial Vehicles under Rule 9(2) of the NH Fee Rules, ₹350/- for local non-commercial vehicles owned by persons residing within a radius of 20 Km from the concerned user fee plaza.
- b. Discounted Fee for Commercial Vehicles Registered Locally under Rule 9(1) of the NH Fee Rules, wherein commercial vehicles (excluding those plying under National Permit) registered in the same district where the Toll Plaza is located are liable to pay only 50% of the applicable fee, subject to the condition that no alternate or Service Road is available for such category of vehicles.

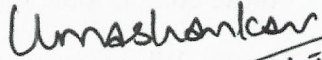
6. It has been mentioned by NHAI that the alternative routes are accessible in the vicinity which allow local residents & frequent road users to reach/travel on NH, without necessarily crossing Kappalur Toll Plaza.

7. An Annual Pass Scheme at a cost of Rs.3000/-, effective from 15.8.2025 has also been introduced, which offers travel for private cars/jeeps/vans at National Highway/National Expressway Toll Plazas for one year or upto 200 trips, whichever is earlier.

8. In so far as the location of the Toll Plaza is concerned, the proviso to Rule 8 of the National Highways Fee Rules of 2008 permits the executing authority or a concessionaire to levy and collect user fee even within a distance of 5 kms of a toll plaza under certain conditions. It has been brought to my notice by National Highways Authority of India (NHAI) that the said toll plaza was established on 10<sup>th</sup> September, 2012 whereas information available in the public domain indicates that Thirumangalam was upgraded to a First Grade Municipality on 21<sup>st</sup> August, 2013.

9. Consequently, I am unable to accept the request for exemption from the levy of user fee on grounds of applicable law and alternative remedies.

Ordered accordingly.

  
( V. Umashankar )<sup>24/11/25</sup>  
Secretary to the Government of India

- Copy to: 1. Chief Secretary, Government of Tamil Nadu**  
**2. Chairman, NHAI**



W.A(MD) No.1236 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD) No.1236 of 2022

and

C.M.P.(MD)Nos.9622 & 9624 of 2022

M/s.Jayakrishna Flour Mill,  
Represented by its Managing Director,  
R.K.Mohan,  
Having Office at  
No.82/3, Maravankulam,  
Thirumangalam,  
Madurai.

... Appellant / Petitioner

Vs

- 1.The Government of India,  
Rep. by its Secretary,  
Minister of Surface / Road Transport,  
New Delhi.
- 2.The Project Director,  
National Highways Authority of India,  
H.No.83/1, SBI First Colony Extension,  
Bypass Road, Madurai.
- 3.The Authorized Representative,  
M/s.Raima Toll Road (P) Ltd.,

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W.A(MD) No.1236 of 2022

410, Boomerang,  
Chandivali Farm Road,  
Near Chandivali,  
Mumbai-400072.

4.The District Collector /  
Regional Transport Authority,  
Madurai District, Madurai.

5.The Project Head,  
M/s.Madurai Kanyakumari Tollway Ltd.,  
SPV Office of Madurai-Kanyakumari Section,  
No.11, Amaithisolai Road,  
Sundar Nagar,  
Opp to Vetrivinayagar Kovil,  
Madurai District-625 006.

... Respondents / Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order made in W.P.(MD)No.5617 of 2014 dated 01.09.2022.

For Appellant : Mr.S.Parthasarathy  
for Mr.R.K.Arunjunai

For Respondents : Mr.S.Jeyasingh  
for R1  
: Mr.Sachin Ragul  
for Mr.C.Arulvadivel @ Sekar Associates  
for R2 & R3  
: Mr.S.Meenakshi Sundaram  
for Mr.C.Sasikumar for R5



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**ORDER**

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant herein is running a flour mill in Thirumangalam. They are having two units. The first unit is located in NH-44 ie., at a distance of 500 meters from Kappalur Tool Plaza, Thirumangalam. The second unit is located in SDTCO Industrial Estate, Kappalur. According to the appellant, these two units are started at a distance of less than two kilometers. According to them, they need to transport goods and other items from one unit to other. Since the Kappalur Toll Plaza is located in between, their vehicles have to necessarily pass and repass through the said plaza. According to the appellant, all the vehicles have been registered with the RTO, Thirumangalam. The appellant, therefore, sought exemption from payment of toll fee. Seeking the aforesaid relief, the appellant filed W.P.(MD)No.5617 of 2014. The writ petition was dismissed by the learned single Judge vide order dated 01.09.2022. Challenging the same, this writ appeal has been filed.

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3. When the writ appeal is taken up for final hearing, the learned counsel for the appellant submitted that a peace committee meeting was convened on 15.07.2024 under the aegis of the Hon'ble Minister for Commercial Taxes and Registration Department and an informal arrangement was worked out. Since the learned counsel for the concessionaire questioned the legal basis of the said arrangement, we called upon the District Collector, Madurai to file a status report. The District Collector, Madurai has today filed a status report which reads as follows:-

“6. I respectfully submit that the dispute regarding the installation of Kappalur Toll Plaza is a long standing issue and there were several law and order issues that arose demanding to remove the Toll Plaza or to offer an exemption from paying toll fee. Accordingly, in respect of this Toll Plaza, law and order issues are created by the local residents till date. Thereupon, in order to put a quietus to the situation several steps were taken by the then authorities concern as well as by this respondent. In continuation, a meeting was convened on 15.07.2024 in the presence of Hon'ble Minister for Commercial Taxes and Registration along with Revenue Department Officials, Police Officials and representatives of Kappalur Industrial estate and general public including the second respondent / NHAI authorities. In the said meeting, the following demands were raised by the general public.

1. The Toll Plaza has to be shifted to some other place.



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2. In Toll Plazas located in Coimbatore, Nilakottai & Chittampatti, exemptions are given to vehicles for the locals and hence the same to be extended here also.

3. The TATA Ace Commercial Vehicles which are plying in and around the local villages have to be exempted from paying toll fee.

The above demands of the general public were taken into consideration and it was decided that the general public in the neighborhood who are claiming exemption from paying toll plaza are directed to submit their Aadhar card as well as RC book of the vehicles establishing that they are from the local village to the Revenue Divisional Officer, Thirumangalam and on receipt of the said documents, it will be requested with NHAI to consider for exemption of toll fees.

7. I respectfully submit that even in the year of 2023, the second respondent has submitted a report dated 09.06.2023 in the following manner.

1. Kappalur toll plaza is located at Km 18+652 in Madurai - Kanyakumari section of NH-44. Toll Plaza started functioning from 10.09.2012.

2. At present, the stretch has been handed over to TOT Concessionaire w.e.f 20.10.2020 (0.00hrs). The user fee is being collected by the TOT Concessionaire without violating the NH Fee rules.

3. Concessions that are available for local people and frequent road users as per NHAI fee rules (Determination of rates and collection 2008 are as under):

a. Concessional monthly pass for local non-commercial vehicles belonging to those who are residing within the distance of 20 km from the fee plaza (Rs.330/month-for the year 2023-24).

b. Fee for commercial vehicle (excluding vehicles plying under national permit) registered in the district where the fee plaza falls shall be 50% of the prescribed rate for that category of vehicle provided no service road or alternative road is available for use of such commercial vehicles.

C. Monthly pass provision for frequent users by paying 2/3<sup>rd</sup> fee for 50 trips for a month and return journey pass by paying 1 ½ times of single fee for



returning within 24 hours are extended to the road users.”

8. On receipt of such report, the fourth respondent vide letter No. 55252/2019/C5 dated 04.08.2023 has requested the Secretary, Highways and Minor Ports (HV1) Department, Secretariat, Chennai to consider the demands of the public near the toll plaza by taking up the issue with the officials of National Highways Authority of India and to facilitate an amicable solution. The issue was taken up by the Chief Secretary, Tamil Nadu in a meeting with Chairman, NHAI and minutes have been drawn. The extract of the same is as follows:-

**Demand for exemption from payment of user fee at Kappalur Fee Plaza**

Chairman appraised the on-going issue regarding the shifting of Kappalur Toll Plaza. It has been appraised that inspite of the Hon'ble Supreme Court order dated 07.04.2015 which gives a favourable order on authority regarding location of the toll plaza, the demand for relocating the toll plaza has un-remained unresolved and the local people requesting exemption. It has been emphasized that though the concessional monthly passes for local non-commercial vehicle and 50% concession for commercial vehicle registered in the District, the local users are not availing the above concessions and requesting for exemption of the toll. Due to the above, continued forced exemption of the locals has been insisted by the District Administration in order to maintain the law & order situation. Chief Secretary, Government of Tamil Nadu informed that these has been a continuous protest on the above issue since long and requested NHAI to consider exemption for the local vehicles passing towards Thirumangalam Town by taking the supporting document as Aadhar, RC of the vehicle which would be duly certified by the District Collector, RDO Thirumangalam & RTO Thirumangalam.



9. I respectfully submit that nearly 406 applications were received in this regard. Out of 406 petitions 285 petitions are within the radius of 5 kilometers and remaining 121 petitions are away from 5 km radius. The Revenue Divisional Officer, Thirumangalam has submitted a report on 22.10.2024 stating that out of 285 petitions nearly 62 petitions are eligible for granting exemption from payment of toll plaza along with the list of the said persons. The said report was also forwarded to the second respondent by the Revenue Divisional Officer, Thirumangalam on 12.11.2024. It is submitted that a reply has been received from the National Highways Authority of India, Project Implementation Unit, Madurai vide letter dated 05.12.2024 stated that 62 applications eligible for exemptions from paying toll fee received includes some commercial vehicles also and no exemption to commercial vehicles can be granted. Now, the final approved list of 30 persons has been sent to the Project Direction NHAI vide letter Roc.No.786/2024/A2, dated 19.03.2025.

4. Our attention was also drawn to the minutes of the meeting held with the then Chief Secretary, Government of Tamil Nadu by Chairman, NHAI at Chennai on 18<sup>th</sup> July 2024 for discussion on the issues in NHAI Projects in the State of Tamil Nadu. The following minutes are relevant to the case on hand.

**“Demand for exemption from payment of user fee at Kappalur Fee Plaza**

Chairman appraised the on-going issue regarding the shifting of Kappalur Toll Plaza. It has been appraised that inspite of the



W.A(MD) No.1236 of 2022

Hon'ble Supreme Court order dated 07.04.2015 which gives a favourable order on authority regarding location of the toll plaza, the demand for relocating the toll plaza has un-remained unresolved and the local people requesting exemption. It has been emphasized that though the concessional monthly passes for local non-commercial vehicle and 50% concession for commercial vehicle registered in the District, the local users are not availing the above concessions and requesting for exemption of the toll. Due to the above, continued forced exemption of the locals has been insisted by the District Administration in order to maintain the law & order situation. Chief Secretary, Government of Tamil Nadu informed that these has been a continuous protest on the above issue since long and requested NHAI to consider exemption for the local vehicles passing towards Thirumangalam Town by taking the supporting document as Aadhar, RC of the vehicle which would be duly certified by the District Collector, RDO Thirumangalam & RTO Thirumangalam.”

5. It is the stand of the authorities that the issues had already been taken up by the Central Government. It is stated that Tamil Nadu Government has written to the Hon'ble Minister for Surface / Road Transport, Government of India, New Delhi in this regard. As per the National Highways Fee (Determination of Rates and Collection) Rules, 2008, any person passing through a Toll Plaza located in the National Highways will have to pay the prescribed fee unless they fall within the

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W.A(MD) No.1236 of 2022

category of exempted persons set out in Rule 11.

6. We therefore direct the Chief Secretary, Government of Tamil Nadu to send a formal representation to the Central Government for considering inclusion of the local residents of Thirumangalam for being exempted from payment of fee. Such representation shall be sent by the Chief Secretary within a period of four weeks from the date of receipt of a copy of this order. The first respondent is directed to consider such representation and pass an appropriate order within a period of three months thereafter.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (M.J.R., J.)  
26.03.2025

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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