

The City Municipal Corporation (Duty on Transfer of Property) Rules, 1989

TAMILNADU

India

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Rule

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- Published on 5 April 1990
- Commenced on 5 April 1990
- [This is the version of this document from 5 April 1990.]
- [Note: The original publication document is not available and this content could not be verified.]

The City Municipal Corporation (Duty on Transfer of Property) Rules, 1989Published vide Notification G.O. Ms. No. 349, Municipal Administration and Water Supply, dated 5th April, 1990No. SRO A-66 of 1990. - In exercise of the powers conferred by section 137 and clause (a) of sub-section (2) of section 347 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) and in supersession of the rules published with the erstwhile Local Administration Department Notification No. 1534, dated the 10th August 1948 at pages 105 to 107 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 17th August 1948 and in supersession of the Madras City Municipal Corporation (Duty on Transfer of Property) Rules, 1987, published with the Municipal Administration and Water Supply Department Notification No. SRO A-231/87, pages 675-678 in Part III-Section 1(a) of the Tamil Nadu Government Gazette, dated the 30th September, 1987, the Governor of Tamil Nadu hereby makes the following rules, the same having been previously published as required by clause (a) of section 348 of the said Act:-

1. Short title.

- These rules may be called the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation (Duty on Transfer of Property) Rules, 1989.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(i)"Act" means the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919);(ii)"Government" means the Government of Tamil Nadu;(iii)"Instrument" means an instrument of sale, exchange, gift, mortgage with possession on which transfer duty is leviable under section 135 of the Act;(iv)"Local Authority" means the City Municipal Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(v)"Stamp Act" means the Indian Stamp Act, 1899 (Central Act II of 1899) as in force in the State of Tamil Nadu;(vi)"Transfer duty" means the duty on transfer of property leviable under section 135 of the Act, and(vii)All words and expressions not defined in these rules shall have the meanings respectively assigned to them by the Stamp Act and the rules made thereunder.

3. Provisions of Stamp Act to apply to transfer duty.

- (i) All the provisions of the Stamp Act and the rules made thereunder shall, so far as may be, apply in relation to the transfer duty as may be applied in relation to the duty chargeable under that Act;(ii)Where the transfer duty or any portion thereof is less than one rupee, such duty shall not be collected.

4. Provisions of Stamp Act to apply to transfer duty set forth in instruments.

- (i) Wherever an instrument is presented for registration to any Registering Officer, he shall see whether the particulars referred to in section 27 of the Stamp Act are set forth in the instruments separately as required by the said section 135 of the Act and shall also ensure that the Local Authority within whose jurisdiction the property concerned is situated is set forth clearly in the instrument;(ii)If the said particulars be not so separately set forth in the instrument, the Registering Officer shall keep the instrument pending for want of these particulars instead of impounding it. Such particulars may be obtained subsequently and the instrument be impounded, if deficiently stamped, and forwarded to the District Collector calling his attention to section 64 of the Stamp Act read with section 136 (b) of the Act.(iii)The duty leviable on an instrument of exchange shall be regulated as follows, namely:-(a)if the values of the properties exchanged are unequal, the duty shall be levied on the greater of the property; and(b)if the values of the properties exchanged are equal, the duty shall be levied on the value of any one of the property.

5. Maintenance and consolidation of accounts in respect of transfer duty.

(1)(a)The Registration Offices having original jurisdiction within the Corporation limits of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] shall alone account the credits directly under the head [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil

Nadu Act 28 of 1996).] City Municipal Corporation". All other offices shall show the collection under outside the Sub-District and separate intimation sent to the Registering Officers concerned to allocate the surcharge duty to the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].(b)The duty levied on an instrument of exchange shall be distributed among the local authorities concerned in proportion to the amount of duty leviable on the properties in the respective local areas;(c)The said account shall be consolidated quarterly by the Administrative District Registrars in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(d)The Inspector-General of Registration may issue executive instructions regarding the maintenance of accounts by Registering Officers in this behalf and the form in which the consolidated accounts for each quarter are to be forwarded to the Accountant-General, Tamil Nadu, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].(2)In the case of instruments which do not come into the hands of Registering Officers owing to the fact that they are not compulsorily registerable under section 17 of the Registration Act, 1908 (Central Act XVI of 1908), the District Collector before whom any such instrument is produced under section 31 or 41 of the Stamp Act or who impounds any such instrument under section 33 of the said Act, or receive a certificate of the duty and penalty paid in respect of any such instrument, or the original or any such instrument under section 38 of the Act, shall keep an account of the duty paid in respect of each such instrument showing separately the duty imposed by the Stamp Act and the transfer duty and forward to the District Registrar of assurance concerned within a period of one month after the close of each quarter, a quarterly consolidated account with particulars in the case of each such instrument regarding the names of the executant and claimant, the date of execution, the nature of the transaction of the amount of consideration, the value of the property, or the amount secured by the mortgage, as the case may be, and the description of the property situated within the limits of the City of Chennai; and(3)In any case, it is impossible to recover the full duty payable on any instrument, then only such portion of the duty realised on such instrument as in excess of the duty imposed by the Stamp Act shall be treated in the accounts referred to in this rule as transfer duty.

6. Collector to forward quarterly statement of refunds of transfer duty to the District Registrar concerned.

- Every District Collector who sanctions a refund of the transfer duty paid on any instrument shall forward to the District Registrar of Assurances concerned within a period of one month after the close of each quarter noting therein the amount of the transfer duty refunded and the particulars referred to in sub-rule (2) of rule 5 in respect of each such instrument.

7. District Registrar to send intimation to the Inspector-General of Registration in respect of the amount payable to local authorities quarterly.

(1)Intimation regarding the amount payable quarterly to the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation in respect of the instruments referred to in sub-rules (1) and (2) of rule 5

shall be sent by the administrative District Registrars of the City of Chennai to the Inspector-General of Registration, Chennai within one month after the expiry of each quarter.(2)Intimation regarding the amount of deduction on account of the collection of the transfer duty to be credited to the Government shall, at the same time, be sent by the administrative District Registrars of the City of Chennai to the Inspector-General of Registration, Chennai. The intimation sent by the District Registrars shall contain the particulars of the amount payable to each local authority and that to be adjusted to the Registration Department distinctly and separately.(3)The amount payable to the local authority concerned shall represent the transfer duty paid less a deduction of ten per cent, thereon on account of the charges for the collection of transfer duty and the amount of refunds referred to in rule 6, if any.(4)In calculating the net amount payable to each local authority, the net amount shall be rounded off to the nearest rupee.

8. Payment to Local Authority by the Inspector-General of Registration.

(1)The Inspector-General of Registration shall check the arithmetical accuracy of the figures sent by the administrative District Registrars in the City of Chennai with reference to rule 7 and prepare a consolidated bill with full details as the amount due to the Corporation of Chennai as transfer duty as furnished by the District Registrars and send it to the Pay and Accounts Officer, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] for issue of a cheque in favour of the Commissioner, Corporation of Chennai. The Inspector-General of Registration shall obtain the cheque from the Pay and Accounts Officer, Chennai and send it to the Commissioner, Corporation of Chennai, for being credited to the Corporation's Accounts. The Inspector-General of Registration shall also send an intimation to the Collector of Chennai regarding full details of the amount due to the Corporation as paid by means of pre-audit cheque issued by the Pay and Accounts Officer, Chennai.(2)The Administrative District Registrars of Chennai City shall like-wise prepare a consolidated bill for the amount of collection charges forming ten per cent of the gross collections as arrived at by them with reference to rule 7 to be credited to the Government and send it to the Pay and Accounts Officer who shall credit the amount to the Head of the Registration Department that may be specified, from time to time.