

Himachal Pradesh e-Stamping Rules, 2011

HIMACHAL PRADESH

India

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Rule HIMACHAL-PRADESH-E-STAMPING-RULES-2011 of 2011

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Himachal Pradesh e-Stamping Rules, 2011 Published vide Notification No. Rev. 1-3(Stamp)-1/85-6, Dated 12.7.2011 Government of Himachal Pradesh, (Department of Revenue) (Stamps & Registration) No. Rev. 1-3(Stamp)-1/85-VI. - In exercise of the powers conferred by sections 10, 74 and 75 of the Indian Stamp Act, 1899 (Act No. II of 1899), the Governor of Himachal Pradesh is pleased to make the following rules, namely: -Chapter - I Preliminary

1. Short title and commencement.

(1) These rules may be called the Himachal Pradesh e-Stamping Rules, 2011. (2) They shall come into force at once.

2. Definitions.

(1) In these rules unless the context otherwise requires, - (a) "Act" means the Indian Stamp Act, 1899 (Act No. II of 1899); (b) "Agreement" means the Agreement executed under rule 6; (c) "Appointing Authority" means the Government of Himachal Pradesh; (d) "Authorised Collection Centre" means an agent appointed under rules 12 and 13 of these rules, to act as an intermediary between the Central Record Keeping Agency and the Stamp Duty Payer, for collection of stamp duty and issuing the e-Stamp Certificate; (e) "Central Record Keeping Agency" means an agency appointed under rules 3 and 4 of these rules for the Computerized Stamp Duty Administration System (C-SDAS); (f) "Chief Controlling Authority" means Financial Commissioner (Revenue) Government of Himachal Pradesh and shall include the Inspector General of Registration of Himachal Pradesh appointed under section 3 of the Registration Act, 1908, if so authorized by him in this behalf; (g) "Department" means the Revenue Department of the Government; (h) "e-Stamp Certificate" means the impression or tamper-proof certificate of stamp, electronically generated by the Central Record Keeping Agency, on the paper as specified under rule 27, to denote the payment of stamp duty chargeable under the Act; (i) "Form" means a Form appended to these rules; (j) "Government" means the Government of Himachal Pradesh; (k) "Grievance Redressal

Officer" means the officer as specified in rule 39 of these rules;(l)"Section" means a section of the Act; and(m)"State" means the State of Himachal Pradesh.(2)The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act and the Registration Act, 1908 and the rules framed under them.

3. Eligibility for appointment as Central Record Keeping Agency.

- Any Public Financial Institution or Nationalized or Scheduled Bank controlled by Reserve Bank of India or Body Corporate or Organization or any Company engaged in providing depository services appointed by Central Government and recognized by State Government or any Body Corporate where not less than fifty one percent of equity capital is held by any of the above entities, either solely or in consortium, shall be eligible for appointment as Central Record Keeping Agency.

4. Appointment of Central Record Keeping Agency.

- The Appointing Authority on the recommendations of the Chief Controlling Authority shall appoint an agency by notification, which has been specified under Clause (26) of Section 2 of the Act to function as Central Record Keeping Agency for the State or for the specified district(s) or sub-district(s) or places in the State, by adopting any of the following orders of preference, namely,-(a)on the basis of recommendations, if any, of the Central Government regarding appointment of Central Record Keeping Agency;(b)on the absence of such recommendation by inviting technical and commercial bids through a duly constituted expert selection committee by the Appointing Authority.

5. Term of appointment.

- The term of appointment of the Central Record Keeping Agency shall be valid for five years or such period as may be decided by the Appointing Authority.

6. Agreement and Undertaking-cum-Indemnity Bond.

(1)The Central Record Keeping Agency shall execute an Agreement with the Chief Controlling Authority or his duly authorized officer in Form -1.(2)The terms and conditions of the Agreement may be modified by mutual consent of both the parties.(3)The Central Record Keeping Agency shall execute an Undertaking-cum-Indemnity Bond in favour of the Government in Form -2.

7. Renewal of appointment.

(1)The appointment of Central Record Keeping Agency may be renewed by the Appointing Authority on the recommendations of the Chief Controlling Authority. The application for renewal of appointment shall be made to the Appointing Authority by the Central Record Keeping Agency well in time before the expiry of the running term of appointment.(2)The Chief Controlling Authority or Appointing Authority before making inquiry or taking decision on the application for renewal may

call for any information or record from the concerned offices of Central Record Keeping Agency or Authorised Collection Centre for the purpose of renewal of appointment.(3)The Appointing Authority, if satisfied may renew the appointment and a fresh Agreement and Undertaking-cum-Indemnity Bond shall be executed as per rule 6.

8. Termination of appointment of Central Record Keeping Agency.

(1)The appointment of the Central Record Keeping Agency shall be terminated by the Appointing Authority before the stipulated period, on the ground(s) of any breach of any of the obligations or terms of agreement or provisions of these rules or the Act or financial irregularity or for any other sufficient reason, as the case may be.(2)The appointment under sub-rule (1) shall not be terminated until, -(a)the Central Record Keeping Agency has been given one month's notice specifying the grounds for such termination; and(b)the Central Record Keeping Agency has been given a reasonable opportunity of being heard.(3)The Appointing Authority, if it is of the opinion that the provisions of the Act and the rules framed thereunder have been violated, after following the procedure under sub-rule (2), may also impose a penalty in accordance with the provisions of Chapter VII of the Act and Chapter-V of these rules, as the case may be.(4)On termination of appointment under this rule, the Central Record Keeping Agency shall transfer all the data generated during the period of appointment to the Government. After the termination of the appointment of the Central Record Keeping Agency, it shall not use or cause to be used the data generated during the period of appointment for its business or any other purpose whatsoever.

9. Duties of Central Record Keeping Agency.

- The Central Record Keeping Agency shall be responsible for, -(a)providing hardware for hosting e-stamping application in the data centre and software infrastructure, in consultation with the Chief Controlling Authority, including its connectivity with the main server, in the offices of Inspector General of Registration, District Registrars, Sub-Registrars and Authorised Collection Centers, i.e. point of contact for payment of stamp duty and at other designated places or offices in the State, as specified by the Chief Controlling Authority;(b)providing suitable and adequate training for operation and the use of the system to the manpower and the personnel of the department as appointed by the Chief Controlling Authority;(c)facilitating in selection of Authorised Collection Centre for collection of stamp duty and issuing e-Stamp Certificate;(d)coordination between the Central Server of Central Record Keeping Agency, Authorised Collection Centre (banks, etc.) and the offices of the Inspector General of Registration, District Registrars, Sub- Registrars or any other office or place in the state, as specified by the Chief Controlling Authority;(e)collecting stamp duty and remitting it to the prescribed Head of Account of the State in accordance with the provisions of Chapter - IV of these rules;(f)preparing and providing various reports as required under these rules and as directed by the Chief Controlling Authority from time to time;(g)the Central Record Keeping Agency shall not provide, transfer or share any hardware, software and any other technology or details with respect to the e-stamping project undertaken by it in the State to anybody without written permission of the Chief Controlling Authority, except the duly appointed Authorized Collection Centers;(h)the Central Record Keeping Agency shall deploy the e-stamping application after getting the security audit of the same conducted by an empanelled agency of CERT-In. The

security audit shall also be required whenever there is any change in the e-stamping application software subsequently; and(i)the Central Record Keeping Agency shall maintain the logs of all the activities on the server dedicated for e-stamping and shall also follow the security guidelines of CERT-In on regular basis. All the system logs shall properly stored and archived for regular analysis, troubleshooting and for the purpose of recovery and investigation of data.

10. Commission or Discount to be paid to the Central Record Keeping Agency.

(1)The Central Record Keeping Agency shall be entitled to such agreed percentage of commission or discount on the amount of stamp duty collected through e-stamping mechanism. The rate of commission or discount shall be notified by the State Government in the official gazette.(2)Further the commission or discount to the Central Record Keeping Agency shall also be subject to the conditions of rule 20 of these rules.

11. Specification of software to be used by Central Record Keeping Agency.

(1)The Central Record Keeping Agency, in consultation with the Chief Controlling Authority shall design and use such software for indicating the following minimum details of the e-Stamp Certificate, -(a)distinguished serial number or unique identification number (UIN) for each e-Stamp Certificate;(b)date and time of issue of the e-Stamp Certificate;(c)code and location of the 'e-Stamp Certificate issuing branch' of the Central Record Keeping Agency or Authorized Collection Centre;(d)unique reference number;(e)amount of stamp duty paid through the e-Stamp Certificate in words and figures;(f)name and address of the purchaser or authorized person obtaining the e-Stamp Certificate;(g)names of the first party;(h)name of the second party (if involved);(i)brief description of the instrument on which the stamp duty is intended to be paid;(j)brief description of the property which is subject matter of the instrument, if any;(k)any other distinguishing mark of the e-Stamp Certificate, e.g., bar code or security code with micro print and digital optical water mark; and(l)the e-Stamp Certificate shall be as per the format given as Appendix-A to these rules.(2)Central Record Keeping Agency in addition to sub-rule (1) shall also make following provisions, -(a)user-id of the official issuing the e-Stamp Certificate;(b)digital/manual signature and seal of the e-Stamp Certificate issuing officer or authorized signatory of the Central Record Keeping Agency or Authorized Collection Centre;(c)signature of the purchaser or authorized person obtaining the e-Stamp Certificate;(d)web based facility to access the e-Stamp Certificate;(e)passwords and codes for locking of the e-Stamp Certificate by the District Registrars, Sub- Registrars or any other authorized officer appointed by the Chief Controlling Authority to prevent the reuse of any e-Stamp Certificate;(f)the option for purchase of additional e-Stamp Certificate under old certificate number available;(g)facility to cancel the 'spoiled' or 'unused' or 'not required for use' e-Stamp Certificate;(h)passwords and codes to the authorized officials of the department to search and view any e- Stamp Certificate and to access Management Information System (MIS) and Decision Support System Reports (DSSR);(i)details of the issued e-Stamp Certificate on the e-Stamping Server (e-SS) maintained by the Central Record Keeping Agency; and(j)availability of different transaction details and reports relating to e-stamping as mentioned in rule 43 on the website of the Central Record Keeping Agency which shall be accessible only to the

officers authorized by the Chief Controlling Authority. Chapter - III Authorized Collection Centers (ACCs)

12. Appointment of Authorized Collection Centers.

- The Central Record Keeping Agency shall appoint Authorized Collection Centers with the prior approval of the Chief Controlling Authority to act as an intermediary between the Central Record Keeping Agency and the Stamp Duty Payer for collection of stamp duty and for issuing e-Stamp Certificate. The service charges or commission or fee etc. payable to the Authorized Collection Centers shall be decided between the Central Record Keeping Agency and the Authorized Collection Centers at their own level as per their agreed terms.

13. Eligibility for appointment of Authorized Collection Center.

- Any Nationalized or Scheduled Bank controlled by Reserve Bank of India or Financial Institutions or Undertaking controlled by Central or State Government or Post Offices or offices or branches of the Central Record Keeping Agency or such other Agencies as approved by the Chief Controlling Authority shall be eligible for appointment as Authorized Collection Centre.

14. Termination of agency of Authorised Collection Centre.

- The Chief Controlling Authority may at any time, for reasons to be recorded in writing, direct the Central Record Keeping Agency for terminating the agency of any Authorized Collection Centre and upon such direction, the Central Record Keeping Agency shall terminate the agency of such Authorized Collection Centre.

15. Collection of stamp duty by Central Record Keeping Agency and Authorized Collection Centers.

(1) All the offices or branches of the Central Record Keeping Agency or Authorized Collection Centers shall collect the amount of stamp duty from the Stamp Duty Payer, at the districts, sub-district and the places as specified by the Chief Controlling Authority, as the case may be. (2) All the branches of Central Record Keeping Agency and Authorized Collection Centers shall access the main server through internet by using a distinguished identification number and a confidential password allotted by Central Record Keeping Agency. The password shall be kept strictly confidential and the concerned Authorized Collection Centers shall change it immediately after its allotment to maintain the confidentiality.

16. Stationery Charges for issuing e-Stamp Certificate.

- The Authorized Collection Centers shall charge a fee for stationery, etc., from the purchaser of e-Stamp Certificate as per the following slab: -

Amount of Stamp Duty in Rupees	Stationery Charges
(1) Upto Rs. 100/-	Rs. 3/- per e-stamp certificate.
(2) More than Rs. 100/- and upto Rs. 1000/-	Rs. 5/- per e-stamp certificate.
(3) More than Rs. 1000/-	Rs.10/- per e-stamp certificate.

17. Infrastructure.

- The Authorised Collection Centers shall be equipped with the required computer systems, printers, internet connectivity and other related infrastructure which are necessary to implement the e-stamping system as specified by the Central Record Keeping Agency in consultation with the Chief Controlling Authority. The configuration of the computer system and connectivity shall meet the specifications of Central Record Keeping Agency and which may be subject to change with prior intimation to the Chief Controlling Authority.

18. Cost of infrastructure.

- The cost of providing equipment and infrastructure referred to in rule 17 shall be borne by the concerned Authorised Collection Centers.

19. Hardware and infrastructure in the offices of the department.

- The Government shall provide necessary hardware and infrastructure at the offices of the Inspector General of Registration, District Registrars, Sub-Registrars and such other offices as authorised in this behalf, which would include a Personal Computer, Printer, Bar Code Scanner, Internet Connection as required for implementing the e-stamping system. Chapter - IV Remittance of the stamp duty to Government account

20. Procedure for remitting the amount of stamp duty to Government account.

- The Central Record Keeping Agency shall be responsible to reconcile and remit the consolidated amount of stamp duty, collected by its own offices and branches or through Authorised Collection Centers, in the head of account "0030-Stamps and Registration" or any other notified head of account of the state in the manner prescribed hereunder, -(a) the Central Record Keeping Agency shall remit the consolidated amount of stamp duty, so collected through e-stamping system, to the aforesaid head of account, after deducting the agreed commission or discount, not later than the closure of the business hours of the next working day from the date of such collection. (b) the method of remittance of the amount of stamp duty by the Central Record Keeping Agency to the head account of the state shall be through Electronic Clearing System (ECS) or Online Banking Fund Transfer or Challan or otherwise as may be directed in writing by the Chief Controlling Authority. (c) the remittances referred to in this rule shall be made to the Government Treasury or the Authorized Bank(s) and the Central Record Keeping Agency shall maintain the daily account of such remittances in the Register as specified in Form-3. Chapter - V Penalty for omissions and

violations

21. Penalty for delay in remittance to government account.

- In case, the Central Record Keeping Agency fails to remit the amount of collected stamp duty in the state head of account, within the period as stipulated in clause (a) of rule 20, the Central Record Keeping Agency shall be liable to pay penalty for delay, alongwith the collected amount of stamp duty according to the following scale: -

Period of delay	Penalty
(1) when amount of stamp duty so collected is remitted on third day or after from the date of collection;	Entire amount of the commission or discount payable to the Central Record Keeping Agency.
(2) when the amount of stamp duty so collected is remitted after closing of the eighth day from the date of collection.	Compound penalty of one percent per day of the amount of collected stamp duty shall be imposed. The first day for this purpose shall be day of transaction.

22. Power to relax or remit penalty.

- The Chief Controlling Authority may relax or remit whole or part of the penalty under rule 21, in unavoidable circumstances or any cause arising beyond the reasonable control, including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes, storms, typhoons, floods. In the event of any such delay, the time for the Central Record Keeping Agency to perform their part shall be extended for a period equal to the time lost by reason of the delay.

23. Resolution of disputes.

- In case of any dispute on any issue arising between the parties under these rules, shall be referred to the Financial Commissioner (Appeal) Government of Himachal Pradesh and his decision thereon shall be final.

24. Getting of e-Stamp Certificate.

- Any person paying stamp duty shall approach any of the branch of Central Record Keeping Agency or Authorised Collection Centers and furnish the requisite details in Form-4 alongwith the payment of stamp duty for getting the e-Stamp Certificate.

25. Mode of payment of stamp duty.

(1) The payment for purchase of e-Stamp Certificate shall be made by means of Cash, Pay Order, Bank Draft, Electronic Clearing System, Real Time Gross Settlement or by any other mode of transferring the fund as authorized by the Chief Controlling Authority. (2) The Authorized Collection

Centre shall issue e-Stamp Certificate for the amount received under sub-rule (1).(3)The Authorized Collection Centre or Central Record Keeping Agency shall keep a daily account of issued e-Stamp Certificates in a Register to be maintained by them in Form-5 and take the signature of purchaser or the authorized person, as the case may be, on the relevant column of the Register.

26. Conditions and Method for issuing the e-Stamp Certificate.

(1)The Central Record Keeping Agency and the Authorised Collection Centre shall ensure that the person, who has been authorised to issue the e-Stamp Certificate, is a regular full time employee of their agency or institution and having suitable credentials.(2)The Authorised Official of the Authorized Collection Centre or Central Record Keeping Agency, as the case may be, shall on the payment made under rule 25, enter the requisite information and details in the computer system, as provided by the applicant in the application Form-4, get the correctness of such entered details verified by the applicant, download the e-Stamp Certificate, take out its print, sign with date and affix the official seal at the bottom on the right side of the e-Stamp Certificate and issue the same to the applicant after taking their signature on the left side of the e-Stamp Certificate as proof of verification.(3)The non-washable permanent black ink or such other appropriate colour and shade as may be determined by the Chief Controlling Authority shall be used for issuing the e-Stamp Certificate. The print of every e-Stamp Certificate shall be bright, clear and distinct and shall not be overlapped. The signature and seal, showing name and designation of the issuing officer and name of the issuing branch shall preferably be made in black ink.

27. Size of paper and printed area of e-stamp certificate.

- The e-Stamp Certificate, as specified under clause (l) of sub-rule (1) of rule 11, shall be printed or generated on Legal Size Paper of the size 21.5 X 34.5 cms. with a margin of 3.5 cms. on the left side, 1.5 cms. on the right side and 2.0 cms. on top of the paper or such other size or margin paper, as may be determined by the Chief Controlling Authority.

28. Details of e-Stamp Certificate on website.

- The details of every issued e-Stamp Certificate shall be made available on the e-Stamping Server (e-SS) maintained by the Central Record Keeping Agency and shall be accessible to any person authorized by the Chief Controlling Authority in this behalf, including the Inspector General of Registration, District Registrar and Sub-Registrar, holding a valid code or password which shall be provided by the Central Record Keeping Agency.

29. Payment of additional stamp duty.

- If a person for any reason, who has e-Stamp Certificate of certain denomination issued for a document, needs to pay an additional stamp duty on the same document, they shall make an application in the Form-4 alongwith additional stamp duty to the Authorized Collection Centre, in accordance with the provisions of the rule 25.

30. Procedure for issuing of additional e-Stamp Certificate.

(1)The Authorized Collection Centre or Central Record Keeping Agency shall issue additional e-Stamp Certificate on separate sheet of paper in accordance with rules 26 and 27.(2)The party to an instrument may, at his discretion, use impressed non-judicial stamp paper(s) and impression(s) of franking machine alongwith the e-Stamp Certificate to pay stamp duty payable on such instrument under the Act. The use of one type of stamp shall not exclude the use of other type of stamps in the same instrument.

31. Use of e-Stamp Certificate.

(1)Every instrument written upon stamped and impressed paper with an e-Stamp Certificate, shall be written in such manner that the e-Stamp Certificate may appear on the top face of the instrument and a portion of the instrument written below the printed area of e-Stamp Certificate, so that the e-Stamp Certificate may not be used for or applied to any other instrument.(2)No second instrument chargeable with duty shall be written upon using the e-Stamp Certificate, upon which an instrument chargeable with duty has already been written.(3)Every instrument written in contravention of sub-rules (1) and (2) shall be deemed to be unstamped and the same shall be dealt with as per provisions of rule 34 of these rules.

32. The distinguished unique identification number (UIN) of the e-Stamp Certificate.

- The distinguished unique identification number of the e-Stamp Certificate shall be written or typed at the top right corner of each page of the instrument.

33. Verification and locking the details of 'e'-Stamp Certificate.

(1)The Registering Officer, before registering any instrument shall verify the correctness or authenticity of the e-Stamp Certificate by accessing the relevant website of the Central Record Keeping Agency and entering the unique identification number (UIN) or with the help of using the Bar Codes Scanner. The Registering Officer, after such verification, shall further proceed to register the document and after registering the document shall lock the said e-Stamp Certificate by using the code and password provided by the Central Record Keeping Agency to prevent re-use of such e-Stamp Certificate.(2)The e-Stamp Certificate required to be used for optional registerable document or any other purpose may preferably be got verified or authenticated and locked from the District Registrar or the Sub-Registrar or any other officer as authorized by the Chief Controlling Authority.(3)It shall be the responsibility of the District Registrar, Sub-Registrar and such other officer as authorized by the Chief Controlling Authority to verify the authenticity or correctness of any e-Stamp Certificate.

Chapter - VII Refund or Allowances for e-Stamp Certificate

34. Procedure for refund or allowances of 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate.

(1)The application for refund or allowances of 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate shall be made to the District Collector within the stipulated period in accordance with Chapter V of the Act. The application shall be accompanied with the original 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate.(2)The District Collector after verification, by accessing the relevant website of the Central Record Keeping Agency, shall cancel and lock the verified e-Stamp Certificate, endorse the fact of cancellation and shall mark "CANCELLED" on the original e-Stamp Certificate with their signature and seal and refund the amount after deducting 10% of the paid stamp duty as service charges and also deduct the amount of commission or discount paid to the Central Record Keeping Agency for such e-Stamp Certificate.(3)The District Collector shall maintain a record of cancelled e-Stamp Certificates in its office and original cancelled e-Stamp Certificate shall be kept for office record in a guard file. The report of the same shall be sent to the Chief Controlling Authority in the first week of every month.(4)The refund, if allowed under sub-rule (2), shall be made by the District Collector by means of refund voucher or cheque drawn in favour of the person, in whose name the e-Stamp Certificate was issued.Chapter - VIII Inspections, audit and appraisal of the performance of the system

35. Inspections.

(1)The District Registrar or any authorized officer of his office, not below the rank of District Revenue Officer and the Stamp Auditors, appointed under the Act, shall inspect all or any of the branch(s) or office(s) of the Central Record Keeping Agency and Authorized Collection Centers located within their jurisdiction, at least twice in a year.(2)The Chief Controlling Authority may, however, at any time on receipt of a complaint or suo-motu, direct any officer of the Department to inspect any branch or office of the Central Record Keeping Agency or Authorized Collection Centre and shall ask the officer so directed to submit a report.(3)The Accountant General, Himachal Pradesh may also conduct regular annual audit of the receipts and remittances made by the Central Record Keeping Agency.(4)The Chief Controlling Authority or its duly authorized officer shall have the powers to inspect the relevant records of any branch(s) or office(s) of the Central Record Keeping Agency situated within the State or outside the State including the branch(s) of the Authorized Collection Centers located within the State, who are looking after the work of e-stamping system relating to the State, at any time convenient to them, without assigning any notice.

36. Providing of information.

- The officer-in-charge of the Central Record Keeping Agency and Authorized Collection Centre shall provide information to the inspecting officer on soft or hard copy of any electronic or digital record with regard to the collection and remittance of stamp duty relating to any period and the concerned Central Record Keeping Agency or Authorized Collection Centre shall be bound to provide such information.

37. Inspection report.

- The inspecting officer shall within two weeks from the date of inspection, submit his inspection report to the Chief Controlling Authority.

38. Chief Controlling Authority to take appropriate action.

- The Chief Controlling Authority on receipt of such inspection report may take appropriate action including imposition of penalty in accordance with Chapter V of these rules and may terminate the appointment of Central Record Keeping Agency or the Authorised Collection Centre, if so warranted, after giving an opportunity of being heard. Chapter - IX Arbitration and Public grievance redressal system

39. Grievance Redressal Officers.

- The District Registrar or District Revenue Officer shall be the 'Grievance Redressal Officers' for conducting an inquiry into the complaint received against the misconduct or irregularities of the Central Record Keeping Agency or its Authorised Collection Centers or any other official in the implementation of the e-stamping system.

40. Complaint to Grievance Redressal Officer.

- Any person who has any grievance against the services of the Central Record Keeping Agency or any of its Authorised Collection Centre or any other official relating to the implementation of these rules, may make a complaint to the concerned Grievance Redressal Officer.

41. Opportunity of being heard.

- The Grievance Redressal Officer shall conduct an inquiry with regard to complaints received under rule 40, by giving an opportunity of being heard to the parties concerned and submit the enquiry report to the Chief Controlling Authority with full facts and finding.

42. Action on enquiry reports.

- The Chief Controlling Authority shall take appropriate action on enquiry report against the Central Record Keeping Agency or Authorized Collection Centre or shall make suitable recommendation to the employer of the concerned official for taking appropriate action. Chapter - X Management Information System (MIS)/ Decision Support System (DSS)

43. Central Record Keeping Agency to furnish reports to the Department.

- (1) All the details of stamp duty collected through this system and remitted to the Government account shall be recorded on day-to-day basis by the Central Record Keeping Agency and it shall

furnish the following information and reports to the Chief Controlling Authority and to any other authorized officer:-(i)Audit Reports;(ii)Payment Reports;(iii)Additional Stamp Duty Certificate Reports;(iv)Locked e-Stamp Certificate Report;(v)Remittance Reports;(vi)Cancelled e-Stamp Certificates Report; and(vii)Any other Report or Information as may be required by Chief Controlling Authority from time to time.(2)The extract or reports of Management Information System (MIS) or Decision Support System (DSS) under sub rule (1) shall be provided by Central Record Keeping Agency from the data captured on e-Stamping Server via internet.Chapter - XI Scope, extent and use of e-Stamp Certificate

44. Scope for use of e-Stamp Certificate.

- The e-Stamp Certificate shall be used, in addition to Non- Judicial Stamp Paper and impression of Franking Machine, for all kinds of instruments on which stamp duty is payable under the Act and rules made there under.[Chapter-XII [Inserted by Notification No. Rev. Stamp (F) 1/2005-Budget, dated 18.2.2019] Option for obtaining e-Stamp certificate through online mode

45. Process for self user registration and self printing of e-Stamp Certificates.

(1)The user will visit at website www.shcilestamp.com and will choose the option online payment.(2)The first time user will select register now and will create his/her user and password by mentioning mandatory information like Name, Address, email id, Mobile Number etc.(3)After successful registration an activation link will be sent on the registered email id of the user.(4)The user will login online module by using his/her self created user id and password.(5)The user will click on create stamp duty submission and will select Himachal Pradesh from drop down list.(6)The user will do online payment by visa/debit card and provide mandatory details like name of first party, second party, stamp duty paid by & stamp duty amount for generation and printing of e-Stamp certificate on A4 size plain paper.

46. Procedure for home delivery of e-Stamp certificates.

(1)The user will visit at website www.shcilestamp.com and will choose the option online payment.(2)The first time user will select register now and will create his user and password by mentioning mandatory information like Name, Address, email id, Mobile Number etc.(3)After successful registration an activation link will be sent on the registered email id of the user.(4)The user will login online module by using his/her self created user id and password.(5)The user will select Himachal Pradesh from drop down menu and then "Home Delivery" option.(6)The user will do online payment by visa/debit card and provide mandatory details like Name of first party, second party, stamp duty paid & stamp duty amount.(7)Citizen will receive e-stamp certificate through speed post/registration post.(8)Citizens will have to bear actual payment gateway & counter charges.]Form - 1[see rule 6(1)]AgreementThis Agreement is executed and entered at Shimla on this _____ day of _____ 20____ between the Government of Himachal Pradesh through the Inspector General of Registration, having his office at 28th Block, SDA Complex, Kasumpti, Shimla-171009, Himachal Pradesh, duly authorised by the Financial Commissioner (Revenue) Government of Himachal Pradesh to act as Chief Controlling Authority on his behalf (hereinafter

referred to as the First Party, which expression shall include his successors in the office and assigns) And the (... .. name of the Central Record Keeping Agency) having its Registered office atthrough Shriwho is duly authorized by the said agency to execute this agreement (hereinafter referred to as the Second Party, which expression shall include its successors and assigns, representatives).The First Party and the Second Party are together referred to as the Parties.Whereas, on the recommendations of the Central Government or after due bidding process the Second Party has been appointed vide Government Notification No. dated by the First Party for the Computerized Stamp Duty Administration System (C-SDAS) to denote the payment of stamp duty to the Government of Himachal Pradesh and issuing the e-Stamp Certificates through its own branches or offices and through the Authorised Collection Centers (hereinafter called as ACCs) against a payment of commission or discount @percent of the amount of stamp duty so collected through e-stamping mechanism. And Whereas, the Second Party has agreed to work as a Central Record Keeping Agency within the State of Himachal Pradesh and to develop a system for the collection of stamp duty on behalf of the Government of Himachal Pradesh from ultimate purchaser of e-Stamp Certificate.Now It Is Hereby Agreed By and Between The Parties As Follows: -

- 1. That the Second Party agrees to create need based software infrastructure, in consultation with the First Party, including its connectivity with the main server, in the offices of Inspector General of Registration, District Registrars, Sub-Registrars and Authorised Collection Centers, i.e. point of contact for payment of stamp duty and at other designated places or offices in the State, as specified by the Chief Controlling Authority.**
- 2. That the Second Party shall facilitate in selection of Authorised Collection Centre for collection of stamp duty and issuing e-Stamp Certificate.**
- 3. That the Second Party shall act as a co-ordinator between the Central Server, Authorised Collection Centers (hereinafter referred as ACCs) and the offices of the Inspector General of Registration, District Registrars, Sub-Registrars or any other office or place in the state, as specified by the Chief Controlling Authority.**
- 4. That the Second Party shall collect stamp duty on behalf of First Party and generate e-Stamp Certificates through the computer system.**
- 5. That the Second Party shall be bound to remit the consolidated amount of stamp duty collected by its branches or by its Authorised Collection Centers to relevant head of account of the State Government, in accordance with rule 20 of the Himachal Pradesh e-Stamping Rules, 2011 (hereinafter called the**

Rules).

- 6. That the Second Party shall Prepare and provide such reports as may be desired by the First Party from time to time.**
- 7. That the Second Party shall not provide, transfer or share any hardware, software and any other technology or details with respect to the e-stamping project undertaken by it in the State to anybody without written permission of the First Party, except the duly appointed ACCs.**
- 8. That the Second Party shall not charge commission or discount exceeding the agreed rate of _____percent of the amount of stamp duty collected through e-stamping mechanism. The Second Party shall deduct such commission from the collected amount of stamp duty and shall remit the balance amount into the State Government Account. Further that the commission or discount to the Second Party shall be subject to the condition of clause (a) of rule 20 of the Rules.**
- 9. That in case the Second Party fails to remit the amount of collected stamp duty in the State head of account, within stipulated period, the Second Party shall be liable to pay penalty for delay as provided in Chapter-V of the Rules.**
- 10. That the Second Party shall be liable to compensate any loss caused to the State of Himachal Pradesh due to violations of any terms and conditions of this Agreement or any of the provisions of the Rules.**
- 11. That the Second Party shall not change the location or increase the number of ACCs without prior written permission of the First Party.**
- 12. That the First Party shall have the power to inspect the relevant records of the Second Party or its ACCs without assigning any notice.**
- 13. That the terms and conditions of this agreement may be altered or supplemented by the Parties depending upon the circumstances which may warrant any such change for the smooth operations of the stamp duty payments or collections.**

- 14. That the Second Party shall ensure that service of Computerized Stamp Duty Administration System (C-SDAS) shall be operational and accessible to any person during Monday to Saturday from 9.00 a.m. to 5.00 pm.**
- 15. That the Second Party shall ensure that the system shall have the logging capacity for at least four hundred users at a time.**
- 16. That the training for operation and the use of the system, to the identified manpower or personnel's of the Department shall be provided by the Second Party at the place decided by the First Party. Further that the Second Party shall be responsible for arranging and providing all the necessary facilities, equipment and premises required for conducting the training at their own cost.**
- 17. That at periodic intervals to be mutually decided by the Parties the refresher courses on any upgradation, modification to the system shall be provided by the Second Party.**
- 18. That notwithstanding anything contained in this Agreement, the failures or delay in performing the obligations hereunder arising from any cause beyond the reasonable control, including acts of God, acts of civil or military authority, fires, epidemics, wars, terrorist acts, riots, earthquakes, storms, typhoons, floods and such other circumstances beyond the control of the Parties. In the event of any delay, the time for the Second Party's to perform their part shall be extended for a period equal to the time lost by reason of such delay. Further that if the contingency cannot be removed permanently or by extending the period beyond two months, the Agreement, upon notice, served by the First Party, the Second Party shall be relieved from the contractual obligations by terminating the agreement, except to the rights to which they may be entitled to a settlement and final accounting.**
- 19. That in the event of any dispute or difference or controversy or claim arising between the parties in connection with or under this agreement, shall as far as possible, be settled amicably and failing which all such disputes shall be referred to Financial Commissioner (Appeal) Government of Himachal Pradesh and his decision thereon shall be final.**

In Witness Whereof the Parties hereunto have set their hand and Sh. _____, the Inspector General of Registration, Himachal Pradesh acting as Chief Controlling Authority on behalf of First Party and Sh. _____ for or on behalf of Second Party.

In the presence of: (First Party)

(1) Signature :

Name:

Address:

(2) Signature :

Name:

Address:

Witnesses (Second Party)

(1) Signature :

Name:

Address:

(2) Signature :

Name:

Address:

Place: Shimla

Dated:_____.

Form - 2[see rule 6(3)](To be executed by the Central Record Keeping Agency on non-judicial stamp of Rs. 15/-)Undertaking-cum-Indemnity BondThis Undertaking is made and executed at

_____ on this _____ day of _____, 20____ by Sh.

_____, S/o Sh. _____, acting as (official designation in the Central Record Keeping Agency) and Authorised Signatory for and on behalf of (.....name of the Central Record Keeping Agency.....)having its registered office

at _____ (hereinafter referred to as the First Party, which expression shall unless repugnant to the context or meaning thereof shall mean and include their representatives, assigns, heirs, etc.) and IN FAVOUR OF Government of Himachal Pradesh (hereinafter referred to as the Second Party).The First Party and the Second Party are together referred to as the Parties.Whereas, the First Party has been appointed by the Government of Himachal Pradesh vide notification No. _____ dated

_____, to act as "Central Record Keeping Agency" and has thus been authorised by the Government for the Computerized Stamp Duty Administration System to denote the payment of stamp duty to the Government of Himachal Pradesh and issuing the e-Stamp Certificates through its own branches or offices or through the Authorised Collection Centers.And Whereas, the First Party has agreed to fulfill all the terms and conditions as provided in the agreement executed by the parties on dated _____ and also to undertake and keep indemnified the Second Party against all or any loss suffered by the Second Party due to any mishandling, misconduct, negligence

or any irregularity of any kind whatsoever caused by the First Party or its Authorised Collection Centers. And Whereas, the First Party has agreed to the obedience and observance of terms and conditions of the agreement and provisions of the Himachal Pradesh e-Stamping Rules, 2011 and any other order issued by the Government or the Department under these rules. And Whereas, in order to fulfill the aforesaid requirements the First Party by executing this present Bond, undertakes to indemnify the Second Party as follows, -(i) the First Party has carefully read and understood the Himachal Pradesh e-Stamping Rules, 2011 and the terms of the Agreement executed on _____ and hereby undertakes that the provisions of the aforesaid Rules and the conditions of the said Agreement shall not be violated at any level; (ii) the First Party hereby undertakes that the Authorised Collection Centers shall not be appointed without the prior approval of the Second Party; (iii) the First Party undertakes that any of its employee(s) or the employee(s) of its Authorised Collection Centers directly or indirectly shall not misuse or cause to be misused the authorization of collection of stamp duty; and (iv) the First Party hereby undertakes to keep the Second Party always indemnified against all or any of the loss or any risk arising out of any mishandling, misconduct, negligence or any irregularity of any kind whatsoever caused by the First Party or its Authorised Collection Centers. In Witness Whereof The First Party Herein Has Set and Subscribed Its Respective Hands and Seals on The Above Written Undertaking Bond.

Signed, Sealed And Delivered By

(With name and address of First Party)

In the presence of:

(1) Signature :

Name :

Address :

(2) Signature :

Name :

Address :

Form - 3 [See Rule 20(c)] (To be maintained by the Central Record Keeping Agency) Register regarding the daily Stamp Duty collection and remittance to Government Account

Sr.No	Date	Name of CRA	Total No. of e-stamp of certificate issued	Amount of Stamp Duty collected	Previous amount of balance for remittance as shown at immediate previous entry in column 12)	Total amount for remittance (7+8)	Amount remitted to Government Account	Amount deducted by CRA discount/ commission of the remitted amount in column No. 10	Total Balance amount remitted (9-10)
By Cash	By DD/PO, etc.	Total(5+6)							
1	2	3	4	5	6	7	8	9	10

Form - 4[see rule 24 & 29](For the use of Stamp Duty Payer)Application For E-Stamp Certificate/additional E-Stamp Certificate

ACC

ACC Id

Document Description Article Property Description

Details of Purchaser/Authorised Person

Name & Address of the First Party with PhoneNo_____.

Name & Address of the Second Party with PhoneNo_____.

Name & Address of the Purchaser/ Authorized Person, if any, with Phone No_____.

Stamp Duty paid by (☐Tick)

1st Party 2nd
Party

Stamp Duty Payment Details

Consideration Amount (if

any)Rs._____Stamp Duty

AmountRs._____

Mode of
Payment:

CashRTGS

DDECS

Pay-OrderAny
authorized mode

DD/ Pay-Order, etc. No.

Date: / /20

Name of the Bank Branch

The above information furnished by me is true to the best of my knowledge, thus, the:(i)e-Stamp Certificate of above amount may please be issued/or (ii) additional e-Stamp Certificate of the above amount, in continuation of previous No._____

dated_____ may please be issued.Date:Signature of the Purchaser/ Authorised

Person.Acknowledgement of e-Stamp Certificate to be kept by the CRA/ACCsThe e-Stamp

Certificate of Rs._____ has been received by

Sh./Smt./_____today

on _____ .Signature of the Purchaser/ Authorised

Person.-----

of Payment of Stamp Duty

Name of the Purchaser/Authorized Person

Date of Application

Consideration Amount (if

any)Rs. _____ Stamp Duty

AmountRs. _____

Mode of

Payment:

CashRTGS

DDECS

Pay-OrderAny
authorized mode

DD/ Pay-Order, etc. No.

Date: / /20

Name of the Bank Branch

Note: - Once the e-Stamp Certificate has been generated, payment cannot be cancelled or refunded by CRA or ACC. The refund or allowance for 'spoiled' or 'misused' or 'not required for use', e-Stamp Certificate can be made by the Collector of the District in accordance with Chapter-VII of Himachal Pradesh e-Stamping Rules, 2011. Counter Signature of CRA/ACCs with seal Form - 5[see rule 25(3)](To be maintained by the ACC or CRA) Register regarding daily postings of applications for issued e-Stamp Certificates

Sr. No.	Date	Name & address of the Purchaser /Authorised Person	Amount of Stamp duty paid by way of Cash / DD/ PO/ Any other authorised mode	e-Stamp Certificate No and date	Signature of the Purchaser or Authorised Person
1	2	3	4	5	6