

Indian Stamp (Andhra Pradesh Amendment) Act, 1999

ANDHRA PRADESH

India

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Act 14 of 1999

- Published on 4 May 1999
- Commenced on 4 May 1999
- [This is the version of this document from 4 May 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

Indian Stamp (Andhra Pradesh Amendment) Act, 1999 (Act No. 14 of 1999) Last Updated 21st October, 2019 Statement of Objects and Reasons - (Act No. 14 of 1999). - Section 47-A of the Indian Stamp Act, 1899 (Central Act 2 of 1899) casts a duty on the registering officer, Sub-Registrar to satisfy about the correctness of the Market value adopted by the parties and levy proper stamp duty. If the registering authority has reason to believe that the correct market value has not been declared by the parties, he has to keep the document pending and make a reference to the Collector authorised under Section-47A the Act for determination of the market value and proper duty. After receipt of the reference, the Collector shall determine the market value of the property and the duty payable thereon after holding an enquiry. The civil Courts are appellate authorities to deal with the appeals preferred by registering public against the orders passed by the Collectors determining the market value of the property and the duty payable. In G.O.Ms.No. 587, Revenue (Regn. I) Dept., dated 17-7-1996 all the District Registrars of Registration and Stamps Department have been notified as Collectors under, Section 47-A of Indian Stamp Act. But, there is no provision in the Act to subject the orders of the Collectors under Section 47-A to appeal if they are prejudicial to the revenues of Government. Therefore, it is considered necessary to incorporate a provision empowering the Commissioner and Inspector General of Registration and Stamps, to call for, examine and review the orders passed by the Collectors and revise such orders if necessary, to ensure that the revenues of the Government are duly protected. The Government have decided to amend Section 47-A of Indian Stamp Act, 1899 suitably in its application to the State of Andhra Pradesh. Appended to L.A. Bill 24 of 1998. Received the assent of the President on the 4th May, 1999 and published on the 17th May, 1999 in the Andhra Pradesh Gazette Part 1V-B (Extraordinary). An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Andhra Pradesh. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows: -

1. Short title extent and commencement.

(1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1999. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Amendment of Section 47-A.

- In the Indian Stamp Act, 1899 as in force in the State of Andhra Pradesh, in Section 47-A, - (a) after sub-section (3), the following sub-section shall be inserted, namely: - "(3-A) (i) The Inspector General may suo motu, call for and examine the record of any order passed or proceeding recorded by the Collector under sub-section (3), and if such order or proceeding recorded is found leading to loss of legitimate revenue due to disregard of market value by the Collector, based on mistake, omission, or failure to take any factual evidence effecting the market value of the property, may make such enquiry, or cause such enquiry and inspection of the property to be made and subject to the provisions of this Act, may initiate proceedings to revise, modify or set aside such order or proceeding and may pass such order in reference thereto as he thinks fit: Provided that the powers conferred under this clause shall be invoked within a period of six months from the date of the order or proceeding issued by the Collector under sub-section (3); (ii) the power under clause (i) shall not be exercised by the authority specified therein in respect of any issue or question which is the subject matter of an appeal before, or which was decided on appeal by the appellate authority under sub-section (5); (iii) no order shall be passed under Clause (i) enhancing any duty unless an opportunity has been given to the party to show cause against the proposed revision of market value and deficit stamp duty; (iv) where any action under this sub-section has been deferred on account of any stay order granted by the Court in any case, or by reason of the fact that another proceeding is pending before the Court involving a question of law having a direct bearing on the order or proceeding in question, the period during which the stay order was in force or such proceeding was pending shall be excluded in computing the period of six months specified in the proviso to clause (i) of this section for the purposes of exercising the power under this sub-section"; (b) after sub-section (4), the following sub-section shall be inserted namely: - "(4-A) Any person aggrieved by the order of the Inspector-General under subsection (3-A) may appeal to the High Court within a period of two months from the date of receipt of such order".