

The Bombay Stamp Act, 1958

GUJARAT

India

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Act 60 of 1958

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The Bombay Stamp Act, 1958 (Bombay Act No. 60 of 1958) Last Updated 13th June, 2019 Statement of object and Reasons Act No. 15 of 2013. - Articles 6, 14, 20 and 27 of the Schedule I to the Gujarat Stamp Act, 1958 relate to Agreement or Monorandum of Agreement relating to deposit of Title Deed, Pawn, Pledge or Hypothecation, Bond, Conveyance and Further Charge respectively. The prevailing maximum amount of stamp duty payable under these articles is applicable since 2006. Since the maximum duty under the said articles is very low, it is considered necessary to revise the maximum amount of stamp duty chargeable on the said instruments. Sub-clauses (1), (2), (4) and (5) of clause 2 of the Bill proposes to amend the said articles suitably. The existing Article 18 of the Schedule I provides for the duty payable on the value of share, scrip or stock. However it is considered necessary to include the amount of premium, if any, charged on the share, scrip or stock and therefore, to clarify the position, the Explanation to Article 18 is added. Sub-clause (3) of clause 2 of the Bill proposes to amend the said article. It is proposed to amend Article 45 to provide that the stamp duty shall be charged at the rate of hundred rupees, if the power of attorney is given without consideration to the father, Mother, brother, sister, wife, husband, daughter, son, grandson, granddaughter and in the other cases, the stamp duty shall be charged as is payable on conveyance. Sub-clause (6) of clause 2 of the Bill proposes to amend the said article. Article 49 is proposed to be substituted to provide that the stamp duty shall be charged at the rate of hundred rupees in case where a claim is renounced in respect of ancestral property to brother or sister, or son or daughter, or son of predeceased son, or daughter or predeceased son, or father or mother or spouse of the renouncer, or the legal heirs of the above said relation and in other cases, the stamp duty shall be charged as is payable on conveyance or the market value of the claim, whichever is grater. Sub-clause (7) of clause 2 of the Bill proposes to substituted the said article. This Bill seeks to amend the said Act to achieve the aforesaid objects.

1.

[Statement of Objects and Reasons. - This Bill seeks to amend the Gujarat Stamp Act, 1958 with a view to giving effect to the Budget proposal contained in the Budget Speech of the Finance Minister

in the Gujarat Legislative Assembly on the 1st July, 2014. Accordingly, the stamp duty which is one per cent, in respect of giving authority or power to a promoter or a developer by whatever name called for construction or development or sale or transfer of any immovable property as provided in clause (ga) of Art. 5 of Schedule I to the said Act is proposed to be raised to three and a half per cent. It is also proposed to amend Art. 44 to levy stamp duty at the rate of three and a half per cent in case where the partners of a partnership firm bring immovable property as capital in the partnership firm. Also in case of power of attorney when given to a promoter or developer by whatever name called for construction on or development or sale or transfer of any immovable property the stamp duty payable at the rate of one per cent, at present as provided in clause (g) of Art. 45 is proposed to be raised to three and a half per cent. This Bill seeks to amend the said Act to achieve the aforesaid objects.]1. Gujarat Government Gazatee Extraordinary, Part V, Extra No. 22, dated 18.7.2014, page 22-3.[Dated 11th June, 1958.]For Statement of Objects and Reasons, see Bombay Government Gazette, 1958 Extra Part V, p. 122.Amendment by Gujarat 5 of 1976 came into force w.e.f. dated 01-11-1975 as per Gujarat ordinance No. 6 of 1975 w.e.f. dated 31-10-1975An Act to consolidate and amend the law relating to stamps and stamp duties in the State of Bombay.Whereas it is expedient to consolidate and amend the law relating to stamps and rates of stamp duties other than those in respect of documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India in the State of Bombay; It is hereby enacted in the Ninth Year of the Republic of India as follows

Chapter I

Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Bombay Stamp Act, 1958.(2)It extends to the whole of the [State of Gujarat] [These words were substituted for the words 'State of Bombay' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) order, 1960].(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, direct.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"association" means any association, exchange, organization or body of individuals whether incorporated or not, established for the purpose of regulating and controlling business of the sale or purchase of or other transaction relating to any goods or marketable securities;(b)"banker" includes a bank and any person acting as a banker;(c)"bond" includes,-(i)any instrument where by a person obliges himself to pay money to another on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;(ii)any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and(iii)any instrument so attested whereby a person, obliges himself to deliver grain or other agricultural produce to another;(d)"chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and as applied to any other instruments,

chargeable under the law in force in the State when such instrument was executed or where several persons executed the instrument at different times first executed;(dd)["Chief Controlling Revenue Authority" means such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf for the whole or any part of the [State of Gujarat] [Clause (dd) was inserted by Bombay, 95 of 1958, Section 2];(e)["clearance list" means a list of transactions relating to contracts required to be submitted to the clearing house of an association in accordance with the rules or bye-laws of the association : [Clause (e) was inserted by Gujarat 13 of 1994, Section 3 (1) w.e.f. dated 04-04-1994.]Provided that no instrument shall for the purposes of this Act be deemed to be a clearance list unless it contains the following declaration signed by the person dealing in such transaction or on his behalf by a properly constituted attorney, namely :-"I/We hereby solemnly declare that the above list contains a complete and true statement of my/our transactions including crossed out transactions and transactions required to be submitted to the clearing house in accordance with the rules/bye-laws of the Association. I/We further declare that no transaction for which an exemption is claimed under Article 5 or Article 39 in Schedule I to the Bombay Stamp Act 1958, (Bombay LX of 1958) as the case may be is omitted."Explanation. - For the purposes of this clause, transaction shall include both sale and purchase.](f)"Collector" means [* * * *] [The words 'in greater Bombay, the Collector of Bombay and elsewhere' were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] the Chief Officer in charge of the revenue administration of a district, and includes any officer whom the State Government may, by notification in the Official Gazette, appoint in this behalf;(g)["Conveyance" includes,- [Clause (g) was substituted for the original by Gujarat 13 of 1994, section 2 (2).](i)a conveyance on sale,(ii)every instrument,(iii)every decree or final order of any civil Court; [***](iv)[every order made by National Company Law Tribunal under section 232 of the Companies Act, 2013 (18 of 2013) in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies and every order made by the Reserve Bank of India under section 44A of the Banking Regulation Act 1949 (10 of 1949) in respect of amalgamation or dissolution of Banking companies, or;] [Substituted by Gujarat Act No. 9 of 2018, dated 2.4.2018.](v)[any writing or letter of allotment in respect of the premises, given to its members or allottee by a co-operative society registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961 (Gujarat X of 1962),or a corporation or an association formed and registered under the Bombay Non-Trading Corporation Act, 1959 (Bombay XXVI of 1959) or the Gujarat Ownership Flat Act, 1973 (Gujarat 13 of 19 73) as the case may be.] [Insert sub-clause (v) by Gujarat 19 of 2001, section 2(3), w.e.f. dated 01-09-2001.]by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in, any other person, inter vivos, and which is not otherwise specifically provided for by Schedule I;Explanation. - For the purposes of this clause, an instrument whereby a co-owner of any property transfers his interest to another co-owner of the property and which is not an instrument of partition shall be deemed to be an instrument by which property is transferred inter vivos'.](h)"duly stamped" as applied to an instrument means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in the State;(i)"executed" and "execution" used with reference to instruments means "signed" and "signature";Explanation. - The terms "signed" and "signature" also include attribution of electronic record as provided in section 11 of the Information Technology Act, 2000." (21 of 2000)(j)"Government securities" means a Government security as defined in the Public Debt Act,

1944 (XVIII of 1944);(ja)["immovable property" includes land benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;] [Clause (ja) was inserted by Gujarat 13 of 1994, section 2(3) w.e.f. Dated 04-04-1994.]Explanation. - Where any plant and machinery of a factory transferred or sold with the intention of running the said factory, such transaction shall be deemed to be a transaction of the immovable property."(k)"impressed stamp" includes,-(i)labels affixed and impressed by the proper officer;(ii)stamps embossed or engraved on stamped paper;(iii)[impression by franking machine;] [Sub-clause (iii) was inserted by Gujarat 7 of 1999, section 2 w.e.f. Dated 01-04-1999.](iv)Receipted challan or the certificate issued under e-stamping system or any other system as may be prescribed by rules.",(l)"instrument" includes every document by which any right or liability is or purports to be created transferred limited extended extinguished or recorded but does not include a bill of exchange cheque promissory note bill of lading letter of credit policy of insurance transfer of share debenture proxy and receipt;Explanation. - The term "document" also includes any electronic record as defined in clause (t) of sub-section 91) of section 2 of the Information Technology Act, 2000." (21 of 2000)(la)["instrument of gift" includes where the gift is of any movable [or immovable] [Clause (la) was inserted by Gujarat 18 of 1963, section 2 w.e.f. dated 22-04-1963.] property but has not been made in writing any instrument recording whether by way of declaration or otherwise the making or acceptance of [such oral gift] [These words were substituted for the words 'such gift', by Gujarat 13 of 1994, section 2.(4)(ii).];(m)"instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty and includes-(i)a final order for effecting a partition passed by any revenue authority or any civil court,(ii)an award by an arbitrator directing a partition, and(iii)when any partition is effected without executing any such instrument, any instrument or instruments signed by the co owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the coowners;(n)"lease" means a lease of [movable or immovable or both] [These words were substituted for the words 'immovable', by Gujarat 13 of 1994, section 2.(5)(i).] property, and includes also-(i)a patta;(ii)a kabulayat, or other undertaking in writing, not being a counterpart of a lease to cultivate, occupy or pay or deliver rent for immovable property;(iii)any instrument by which tools of any description are let;(iv)any writing on an application for a lease intended to signify that the application is granted;(v)[a decree or final order of any Civil Court in respect of a lease: [Sub-clause (v) was inserted by Gujarat 13 of 1994, section 2 (5) (ii) w.e.f. dated 04-04-1994.]]Provided that where subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument;](na)["market value", in relation to any property which is the subject matter of an instrument means the price which such property would have fetched if sold in open market on the date of execution of such instrument;] [Clause (na) was inserted by Gujarat 21 of 1982, section 2 (2) w.e.f. dated 01-04-1982.](o)"marketable security" means a security of such description as to be capable of being sold in any stock market in India or in the United Kingdom;(p)"mortgage deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers or creates to, or in favour of, another, a right over or in respect of specified property;(pa)["movable property" includes standing timber, growing crops and grass, fruits upon and juice in trees and property of every other description, except immovable property, by which any right or liability is or

is purported to be created, transferred, limited, extended, extinguished or recorded;] [Clause (pa) was inserted by Gujarat 13 of 1994, section 2 (6) w.e.f. dated 04-04-1994.](q)"paper" includes vellum, parchment or any other material on which an instrument may be written;(r)"power of attorney" includes any instrument (not chargeable with a fee under the law relating to Court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it;(s)"Schedule" means a Schedule appended to this Act;(t)"Settlement" means any non-testamentary disposition in writing, of movable or immovable property made,-(i)in consideration of marriage,(ii)for the purpose of distributing property of the settlor among his family of those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or(iii)for any religious or charitable purpose, and includes an agreement in writing to make such a disposition and where any such disposition has not been made in writing, any instrument recording whether by way of declaration of trust or otherwise, the terms of any such disposition;(u)"Soldier" includes any person below the rank of a non-commissioned officer who is enrolled under the Army Act, 1950 (XLVI of 1950).

Chapter II

Stamp Duties (A)-of the Liability of Instruments to Duty

3. Instruments chargeable with duty.

- Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in Schedule I as the proper duty therefore respectively, that is to say-(a)every instrument mentioned in Schedule I, which, not having been previously executed by any person, is executed in the State on or after the date of commencement of this Act;(aa)[every instrument mentioned in Schedule I, which not having been previously executed by or on behalf of or in favour of the Government or any local authority, is executed by or on behalf or in favour of the Government or any local authority] [Clause (aa) was inserted by Gujarat 5 of 2002 Section 2 w.e.f. 1-4-2002](b)every instrument mentioned in Schedule I, which, not having been previously executed by any person, is executed out of the State on or after the said date, relates to any property situate, or to any matter or thing done or to be done in this State and is received in this State:Provided that no duty shall be chargeable in respect of-(1)any instrument executed by or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument;(2)any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise of any ship or vessel, or any part, interest, share or property of or in ship or vessel registered under the Bombay Coasting Vessels Act, 1838 (XIX of 1938), or the Indian Registration of Ships Act, 1841 (X of 1941).

3A. [Instruments chargeable with additional duty. [This Section Substituted by Gujarat 15 of 2003 Section 2 w.e.f. 1-4-2003. (Section 3A was inserted by Gujarat 10 of 1988 Section 3 w.e.f. 10-8-1988)] - (1) Every instrument chargeable with duty and described in the following articles of Schedule I

when executed in respect of the property situated in the state shall, in addition to such duty, be chargeable with a duty at the rate of forty per cent, [including rate of stamp duty to be increased as provided for in sections 201 and 209 of the Gujarat Panchayat Act, 1993 (Gujarat 18 of 1993)]of such duty, namely

(1)No. 17 (Certificate of sale),(2)No. 20(a), 20(b) and 20(c) (conveyance),(3)No. 26 (Exchange of Property),(4)No. 27 (Further Charge),(5)No. 28 (Gift),(6)No. 30 (Lease),(7)No. 36 (Mortgage-deed),(8)No. 45(f) (Power of Attorney when given for consideration and authorising the attorney to sell any immovable property),(9)No. 52 (Settlement),(10)No. 57 (Transfer of lease)(2)Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3,]

3B. [Certain instruments relating to vacant land chargeable with additional duty. [Section 3B was inserted by Gujarat 13 of 1990 Section 2 w.e.f. 7-8-1990 and deleted by Gujarat 15 of 2003 Section 3 w.e.f. 1-4-2003.]

- This section is deleted w.e.f. 1-4-2003.(1)Every instrument of-(a)conveyance of vacant land.(b)exchange of vacant land.(c)gift of vacant land.(d)lease of vacant land,(e)power of attorney when given for consideration and authorising the attorney to sell vacant land; and(f)transfer of lease of vacant land by way of assignment and not by way of underlease,chargeable with duty under section 3 and mentioned in Articles 20, 26, 28, 30, clause (f) of Article 45 and Article 57 respectively in Schedule I shall,-(i)when such vacant land is situate in an urban area, be chargeable in addition to the duties chargeable under section 3 and 3A, with a duty at the rate of fifty percent, of the duty chargeable under section 3; and(ii)when such vacant land is situate in an area other than urban area and is non-agriculture land, be chargeable in addition to the duties chargeable under section 3 with duty at the rate of twenty-five percent, of the duty chargeable under section 3:][Provided that nothing in this section shall apply to a vacant land of an area not exceeding one hundred square meters which is intended to be used for a residential purpose.(2)Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3.Explanation. - For the purpose of this section-(1)"urban area" means any area which is for the time being comprised in-(a)(i)a development area; or(ii)an urban development area;within the meaning of the Gujarat Town Planning and Urban Development Act, 1976(President's Act No. 27 of 1976); or(b)a municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963(Gujarat Act 34 of 1964); or(c)a nagar within the meaning of the Gujarat Panchayats Act, 1961 (Gujarat VI of 1962)."(2)"vacant land" means land, in an urban area, agricultural or non-agricultural and in an area other than urban area, non-agricultural excluding land on which any building has been constructed in accordance with any law regulating such construction and the land appurtenant to such building to the minimum extent required under such law or under the provisions of the Gujarat Town Planning and Urban Development Act, 1976 (President's Act No.27 of 1976) but including the land on which a building is

constructed upto the lintel level.] Section 3B deleted w.e.f. 1-4-2003.

4. Several instruments used in signal transaction of sale, mortgage or settlement.

(1)Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I for the conveyance, mortgage or settlement, and each of other instruments shall be chargeable with a duty of [one hundred rupees] [These words were substituted for the words 'five rupees' by Gujarat 21 of 1984 Section 4. and Act. No. 14 of 2006 Section 'Tor Ten Rupees' Substituted w.e.f. 1-4-06.] instead of the duty (if any) prescribed for it in that schedule.(2)The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to the principal instrument:Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

5. Instruments relating to several distinct matters.

- Any instrument comprising or relating to several distinct matters or distinct transactions shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters or distinct transactions would be chargeable under this Act.

6. Instruments coming with in several description in Schedule I.

- Subject to the provisions of section 5, an instrument so framed as to come within two or more of the descriptions in Schedule I shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:Provided that nothing in this Act contained shall render chargeable with duty exceeding [one hundred rupees] [These words were substituted for the words 'five rupees' by Gujarat 21 of 1984 Section 4. and Act. No. 14 of 2006 Section 'Tor Ten Rupees' Substituted w.e.f. 1-4-06.] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

7. Payment of higher duty in respect of certain instruments.

(1)Notwithstanding anything contained in section 4 or 6 or any other enactment, unless it is proved that the duty chargeable under this Act has been paid,-(a)on the principal or original instrument, as the case may be, or(b)in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage, or settlement, other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in this State have been chargeable under this Act with a higher rate of duty, be the duty with which the principal or original instrument would been chargeable under section 19.(2)Notwithstanding anything contained in any enactment for the time being in force, no

instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence unless the duty chargeable under this section has been paid thereon: Provided that any Court before which any such instrument, duplicate or copy is produced may permit the duty chargeable under this section to be paid thereon and may then receive it in evidence. (3) [The provisions of this Act and the rules made thereunder in so far as they relate to the recovery of duties chargeable on instruments under section 3 shall, so far as may be, apply to the recovery of duties chargeable on a counterpart, duplicate or copy of an instrument under sub-section (1)] [Substituted Section (3) of Section 7 was inserted by Gujarat 5 of 1987 Section 2.].

8. Bonds or securities other than debentures issued on loans under Act IX of 1914 or other law.

(1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loans Act, 1914 (IX of 1914), or of any other law for the time being in force [or any corporation established by law by Government or any Government company raising a loan,] [These words were inserted by Gujarat 21 of 1972 Section 5(1)] by the issue of bonds or securities other than debentures shall, in respect of such loan, be chargeable with a duty of [two per centum] [These words were substituted for the words 'One and half per centum' by Gujarat 23 of 1977 Section 5.] on the total amount of such bonds or securities issued by it, and such bonds or securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise. (2) The provisions of sub-section (1) exempting certain bonds or securities issued by any local authority from being stamped and from being chargeable with certain further duty shall apply to the bonds or securities other than debentures of all outstanding loans of the kind mentioned therein, and all such bonds or securities shall be valid, whether the same are stamped or not. (3) In the case of wilful neglect to pay the duty required by this section the local authority [the corporation or the Government Company] [These words inserted by Gujarat 21 of 1982 Section 5(2)(3)] shall be liable to forfeit to the State Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which such neglect continues.

9. Power to reduce, remit or compound duties.

- The State Government may, by rule or order published in the official Gazette, - (a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the State the duties with which any instruments or any particular class of instruments or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class are chargeable, and (b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of bonds or marketable securities other than debentures, or any instrument chargeable with duty under Schedule I" (B) Of Stamps and the mode of using them

10. Duties how to be paid.

(1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps, - (a) according to the provisions herein contained; or (b) when no such provision is applicable, thereto, as the State Government may, by rules, direct, refer Annexure-A. (2) The rules made under sub-section (1) may, among other matters, regulate, - (a) in the case of each kind of instruments, the description of stamps which may be used; (b) in the case of instruments stamped with impressed stamps, the number of stamps which may be used. (2A) [The Chief Controlling Revenue Authority may authorise, subject to such conditions as it may deem fit, the use of franking machine for making impressions on instruments chargeable with duties, to indicate payment of duties on such instruments. (2B) (i) Where the Chief Controlling Revenue Authority or Superintendent of Stamps authorised by him in this behalf is, having regard to the number of instruments executed by a person and the amount of duty charged thereon, satisfied that it is necessary in the public interest so to do, it or he may by an order in writing, authorise such person to use franking machine subject to such conditions as laid by general or special order in this behalf by the Chief Controlling Revenue Authority. (ii) Where there is breach of any of conditions of the authorisation, the authority granting authorisation under clause (i) may revoke the authorisation. (iii) The Chief Controlling Revenue Authority may, by order, determine the procedure for regulating the use of franking machine. "and for other systems specified in entry (iv) of clause (k) of section 2"] (3) [(a) Notwithstanding anything contained in sub-section (1), where, (i) the State Government, in relation to any area in the State, or (ii) the Collector, in relation to any area in the district under his charge, is satisfied that on account of temporary shortage of stamps in any area, duty cannot be paid, and payment of duty cannot be indicated on such instruments the registration of which is compulsory under the Registration Act, 1908 (16 of 1908), by means of stamps, the State Government, or, as the case may be, the Collector, may, by notification in the Official Gazette, direct that, in such area and for such period as may be specified in such notification, the duty may be paid in cash in any Government treasury or sub-treasury and the officer-in-charge of such treasury or sub-treasury shall, on production of a challan evidencing payment of stamp duty in the Government treasury or sub-treasury, certify by endorsement on the instrument in respect of which the stamp duty is paid, that the duty has been paid, and state in the said endorsement the amount of the duty so paid. (b) An endorsement, made on any instrument under clause (a) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such instrument by means of stamps, under sub-section (1).]

11. [Use of adhesive stamps.]

Deleted by Gujarat 21 of 1982, section 7.

11A. [Use of adhesive stamps in respect of certain instruments.]

Deleted by Gujarat 23 of 1977, section 6.

12. Cancellation of adhesive stamps.

(1)(a)Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and(b)Whoever executes any instruments on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in the manner aforesaid, cancel the same so that it cannot be used again.(2)Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.(3)The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

13. Instrument stamped with impressed stamps how to be written.

- Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

14. Only one instrument to be on same stamp.

- No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby:

15. Instrument written contrary to section 13 or 14 deemed unstamped.

- Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

16. Denoting duty.

- Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instruments, the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first mentioned instruments, by endorsement under the hand of the Collector in such other manner (if any) as the State Government may, by rules, prescribe.(C)Of the time of Stamping Instruments

17. Instruments executed in State.

- All instruments chargeable with duty and executed by any person in this State shall be stamped before or [at the time of execution or immediately thereafter on the next working day following the day of execution] [These words were substituted for the words 'at the times of execution' by Gujarat 13 of 1994 Section 4.] Provided that the clearance list described in Articles 18A, 18B, 18C, 18D or 18E of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and bye-laws with the requisite amount of stamp duty, within two months from the date of its execution. [Provided further that the instrument, so far as it relates to an order of-, (i) the National Company Law Tribunal under section 232 of the Companies Act, 2013 (18 of 2013) in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies; (ii) the Reserve Bank of India under Section 44A of the Banking Regulation Act, 1949 (10 of 1949) in respect of amalgamation or dissolution of Banking companies. shall be stamped within thirty days from the date of such order of the National Company Law tribunal or, as the case may be, the order of the Reserve Bank of India.] [Substituted by Gujarat Act No. 9 of 2018, dated 2.4.2018.]

18. Instruments executed out of State.

(1) Every instrument chargeable with duty executed only out of this State may be stamped within three months after it has been first received in this State. (2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the State Government may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. Payment of duty on certain instruments liable to increased duty in [Gujarat State] [Substituted by A.O. 1960.].

- Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in this State is executed out of the State and subsequently received in the State, - (a) the amount of duty chargeable on such instrument shall be the amount of duty chargeable under Schedule I on a document of the like description executed in this State less the amount of duty, if any, already paid under any law in force in India excluding the State of Jammu and Kashmir on such instrument when it was executed; (b) and in addition to the stamps, if any, already affixed thereto such instrument shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner and at the same time and by the same persons as though such instrument were an instrument received in this State for the first time at the time when it became chargeable with the higher duty; and (c) the provisions contained in clause (b) of the proviso to sub-section (3) of section 32 shall apply to such instrument as if such were an instrument executed or first executed out of this State and first received in this State when it became chargeable to the higher duty aforesaid, but the provisions

contained in clause (a) of the said proviso shall not apply thereto.(D)Of Valuations for Duty

20. Conversion of amount expressed in foreign currencies.

(1)Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than that of India, such duty shall be calculated on the value of such money in the currency of India according to the current rate of exchange on the day of the date of the instrument.(2)The rate of exchange for the conversion of British or any foreign currency in to the currency of India prescribed under sub-section (2) of section 20 of the Indian Stamp Act, 1899 (II of 1899), shall be deemed to be the current rate for the purpose of sub-section (1).

21. Stock and marketable securities how to be valued.

- Where an instrument is chargeable with ad valorem duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

22. Effect of statement of rate of exchange or average price.

- Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. Instruments reserving interest.

- Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

24. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.

(1)Where an instrument-(a)is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or(b)makes redeemable or qualifies a duly stamped transfer intended as a security of any marketable security, it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (h) of Schedule I.(2)A release or discharge of any such instrument shall only be chargeable with the like duty.

25. [Deduction of duty to be made when property mortgaged is transferred to mortgagee. [Section 25 was substituted by Gujarat 21 of 1982 Section 9 w.e.f. 1-4-82.]

- Where any property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer, the amount of any duty already paid in respect of the mortgage.] [Sub-Section (3) was inserted by Gujarat 21 of 1982 Section 6.]

26. Valuation in case of annuity, etc.

- Where an instrument is executed to secure the payment of an annuity or other sum payable periodically or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instruments or the consideration for such conveyance as the case may be, shall for the purposes of this Act, be deemed to be, -(a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained, such total amount; (b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance, the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and (c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance, the maximum amount which will or may be payable as aforesaid during the period of twenty years calculated from the date on which the first payment becomes due.

27. Stamp where value of subject matter is indeterminate.

- Where the amount or value of subject-matter of any instrument chargeable with ad valorem duty cannot be, or in the case of an instrument executed before the commencement of this Act could not have been ascertained at the date of its execution or, first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient: Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty, -(a) when the lease has been granted by or on behalf of the Government at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or, (b) when the lease has been granted by any other person, at twenty thousand rupees a year; and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease: Provided also that, where proceedings have been taken in respect of instrument under section 31 or 40, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

28. Facts affecting duty to be set forth in instrument.

- [The consideration (if any), market value] [These words and brackets were substituted for the words and brackets 'The consideration, (if any)', by Gujarat 21 of 1982, section 10 w.e.f. dated 01-04-1982.] and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

29. Directions as to duty in case of certain conveyances.

(1)[Where the whole of the property has been contracted to be sold] [These words were substituted for the words 'Where any property has been contracted to be sold for one consideration for the whole', by Gujarat 21 of 1982, section 11(1)(a).], and is conveyed to the purchaser in separate parts by different instruments, [the market value of the whole of the property shall be] [These words were substituted for the words 'the consideration shall be', by Gujarat 21 of 1982, section 11(1) (b).] apportioned in such manner as the parties think fit, provided that a distinct [market value] [These words were substituted for the word 'consideration', by Gujarat 21 of 1982, section 11 (1) (c).] for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with ad valorem duty in respect of such distinct, [market value] [These words were substituted for the word 'consideration', by Gujarat 21 of 1982, section 11 (1) (c).].(2)[Where whole of the property contracted to be purchased] [These words were substituted for the words 'where property contracted to be purchased for one consideration for the whole' by the Gujarat 21 of 1982, section 11 (2) (a) w.e.f. dated 01-04-1982.] by two or more persons jointly, or by any person for himself and others or wholly for others, is conveyed in parts by separate instruments to the persons, by or for whom the same was purchased, [***] [The words 'for distinct part of the consideration' were deleted, by Gujarat 21 of 1982, section 11(2) (b).], the conveyance of each separate part shall be chargeable with ad valorem duty [in respect of the market value of such part of the property] [These words were substituted for the words 'in respect of the distinct part of the consideration therein specified', by Gujarat 21 of 1982, section 11(2) (c).].(3)where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty [in respect of the market value of the property at the time of sale] [These words were substituted for the words 'in respect of consideration for the sale,' by Gujarat 21 of 1982, section 11(3).] by the original purchaser to the sub-purchaser.(4)Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole or any part thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with ad valorem duty [in respect only of the market value of the part sold to the sub-purchaser, without regard to the amount of the market value of the whole property conveyed by the original seller; and the conveyance of the residue (if any) of such property to the original Seller; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad valorem duty in respect of the market value of such residue:] [This portion was substituted for the portion beginning with the words 'in respect only of the consideration paid by such sub-purchaser' and ending with the words 'Considerations paid by the sub-purchasers', by Gujarat 21 of 1982, section 11(4)(a).]Provided that notwithstanding anything contained in [article 20] [These word and figures were substituted for the word and figures 'Article 27' by Gujarat 21 of 1982, section 11 (4)(b)(i) w.e.f. dated 01-04-1982.] of Schedule I the duty on such last mentioned conveyance shall in no case be less than [one hundred rupees] [These words were substituted for the words 'eight rupee' by Gujarat Act 14 of 2006, Section 4 w.e.f. 1-4-2006.].(5)[Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty according to the market value of the property so conveyed and is duly stamped accordingly, any

conveyance to be made afterwards to him in respect of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property so conveyed or where such duty exceeds [one hundred rupees] with a duty of [one hundred rupees.] [Sub-section (5) was substituted, by Gujarat 21 of 1982, section 11(5).] [Sub-Section (2A) and (2B) were inserted by Gujarat 7 of 1999 Section 3.](E)Duty by whom Payable

30. Duties by whom payable.

- In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,-(a)in the case of any instrument described in any of the following Articles of Schedule I, namely :-No. 2 (Administration Bond),No. 6 (Agreement relating to Deposit of Title-Deeds, Pawn or Pledge),No. [14] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61, 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Bond),No. [15] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61, 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Bottomry Bond),No. [23] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61, 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Custom Bond),No. [27] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61, 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Further Charge),No. [29] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Indemnity Bond),No. [36] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Mortgage-Deed),No. [49] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, section 12 w.e.f. dated 01-04-1982.] (Release),No. [50] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, s.12 w.e.f. dated 01-04-1982.] (Respondentia Bond),No. [51] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, s.12 w.e.f. dated 01-04-1982.] (Security-Bond or Mortgage-Deed),No. [52] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, s.12 w.e.f. dated 01-04-1982.] (Settlement),No. [56] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, s.12 w.e.f. dated 01-04-1982.] (a) : (Transfer of debentures, being marketable securities whether the debenture is liable to duty or not, except debentures provided for by section 8 of the Indian Stamp Act, 1899 (II of 1899)),No. [56] [These figures were respectively substituted for the figures '15, 16, 30, 35, 37, 45, 58, 59, 60, 61 65 and 65' by Gujarat 21 of 1982, s.12 w.e.f. dated 01-04-1982.] (b) : (Transfer of any interest secured by a bond or mortgage deed or policy of insurance), by the person drawing or making such instrument;(b)in the case of a conveyance (including a re-conveyance of mortgaged property) by the guarantee; in the case of a lease or agreement to lease by the lessee or intended lessee;(c)in the case of a counterpart of lease by the lessor;(d)in the case of an instrument of exchange by the parties in equal shares;(e)in the case of a certificate of sale by the purchaser of the property to which such certificate relates; [* * *] [The word 'and' was deleted by Gujarat 13 of 1994 Section 5(i)](f)in the case of an instrument of partition by the parties thereto in proportion to their respective shares in the whole property partitioned or,

when the partition is made in execution of an order passed by a Revenue authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs, [and] [This word was inserted by Gujarat 13 of 1994 Section 5(ii)](g)[in any other case, by the person executing the instrument.] [The clause (g) was inserted by Gujarat 13 of 1994 Section 5(iii)]

Chapter III

Adjudication as to Stamps

31. Adjudication as to proper stamps.

(1)When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount [not exceeding one hundred rupees and not less than twenty-five rupees] [These words were substituted for the words 'not exceeding twenty five rupees and not less than five rupees' by Gujarat 13 of 1994 Section 6.] as the Collector may, in each case direct, the Collector shall determine the duty (if any) with which in his judgement, the instrument is chargeable.(2)For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly:Provided that-(a)no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and(b)every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.(3)[Where an officer appointed as a Collector under clause (f) of section 2 has reason to believe that the market value of the property, which is the subject matter of the instrument, received by him for adjudication, has not been truly set forth therein, he shall, before assessing the stamp duty under this section, refer the instrument to the Collector of such district in which either the whole or any part of the property is situate, for determining, in accordance with the procedure laid down in section 32A, the true market value of such property and the proper duty payable on the instrument.] [Sub-Section (3) was added by Gujarat 21 of 1982, Section 13.]

32. Certificate by Collector.

(1)When an instrument brought to the Collector under section 31, is in his opinion, one of a description chargeable with duty, and-(a)the Collector determines that it is already fully stamped, or(b)the duty determined by the Collector under section 31, or such a sum as with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid, the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.(2)When such instrument is, in his opinion, not chargeable with duty,

the Collector shall certify in manner aforesaid that such instrument is not so chargeable.(3)Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it has been originally duly stamped:Provided that nothing in this section shall authorise the Collector to endorse-(a)any instrument executed or first executed in the State and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;(b)any instrument executed or first executed out of the State and brought to him after the expiration of three months after it has been first received in this State; or(c)any instrument chargeable with the duty of twenty naye paise or less when brought to him, after the drawing or execution thereof, on paper not duly stamped.

32A. [Determination of market value of property which is the subject matter of conveyance, etc. refer. [Section 32A and 32B were inserted by Gujarat 21 of 1982 Section 14.]

- Market values Rules Part-II Page. 41(1)[Every instrument of conveyance, exchange, gift, certificate of sale, partition, partnership, settlement, power of attorney to sell immovable property when given for consideration or transfer of lease by way of assignment, presented for registration under provisions of the Registration Act, 1908 (XVI of 1908) shall be accompanied by a true copy thereof; [and the Statement in such form as may be prescribed by rules] and if an officer registering such instrument under the aforesaid Act or any person referred to in section 33 before whom such instrument is produced or comes in the performance of his functions, has reason to believe that the consideration set forth therein does not approximate to the market value of the property which is the subject matter of such instrument or as the case may be the market value of the property which is the subject matter of such instrument, has not been truly set forth therein, he [shall before] [These words were substituted for the words 'may either before or after' by Gujarat 8 of 2000, Section 2] registering the instrument or, as the case may be, performing his functions in respect of such instrument, refer the instrument or true copy thereof to the Collector of such district in which either the whole or any part of the property is situated for determining the true market value of such property and the proper duty payable on the instrument under this section.][Provided that for the purpose of this Sub-section, the consideration set forth in an instrument executed by the State Government, the Central Government, a local authority, Gujarat Housing Board, Gujarat Slum Clearance Board or Gujarat Industrial Development Corporation, shall be deemed to be the true market value of the property which is the subject matter of such instrument.] [Proviso in Sub-Section (1) inserted by Gujarat 18 of 2004 Section 2. w.e.f. 11-6-2004.](2)On receipt of the instrument under sub-section (3) of [section 31 or instrument or true copy of instrument under] [These words were substituted for the words 'section 31 or'` Gujarat 8 of 2002 Section 7(2)] sub-section (1) of this section, the Collector of the district shall, after giving the parties concerned a reasonable opportunity of being heard, and in accordance with the rules made by the State Government in this behalf, determine the true market value of the property which is the subject matter of the instrument and the proper duty payable thereon.(3)Upon such determination, the Collector of the district shall require the party liable to pay the duty, to make payment of such amount as is required to make up the difference between the amount duty determined under this

sub-section and the amount of duty already paid by him and shall also require such party to pay a penalty [of two hundred and fifty rupees] [The words were substituted by Gujarat 4 of 1991. Section 2.] [or the amount of the proper duty or of the deficient portion there of whichever is less] [These words were inserted by Gujarat 13 of 1994. Section 7(3)] and on such payment, return the instrument to the officer referred in sub-section (5) of section 31 or, as the case may be, sub-section (1) of this section: Provided that, no such party shall be required to pay any amount to make up the difference or to pay any penalty under this sub-section if the difference between the amount of the consideration or, as the case may be, the market value as set forth in the instrument and the market value as determined by the Collector of the district does not exceed ten per cent, of the market value determined by the Collector of the district, this proviso deleted w.e.f. 11-6-2004. (4) The Collector of the district may, suo motu or on receipt of information from any source, within [six years] [These words were substituted for the words 'Two years' by Gujarat 13 of 1994. Section 7(4)] from the date of registration of any instrument referred to in sub-section (1), not being the instrument upon which an endorsement has been made under section 32 or the instrument in respect of which the proper duty has been determined by him under sub-section (3) or an instrument executed before the date of the commencement of the Bombay Stamp (Gujarat Amendment Act, 1982) call for and examine the instrument for the purpose of satisfying himself as to the correctness of the consideration or of the market value of the property which is the subject matter of such instrument and the duty payable thereon; and if on such examination, he has reason to believe that the consideration does not approximate to the market value of such property or, as the case may be, market value of such property has not been truly and fully set forth in the instrument, he shall proceed as provided in sub-sections (2) and (3).

32B. Statement of the case by the Collector.

(1) Any person aggrieved by an order of the Collector determining the market value under section 31 or, as the case may be, under section 32A, may, after depositing with the Collector [twenty five per cent.] [as per Notification No. GHM/2002/32/M/STP/ 10/2002/690/H dated 18-4-2002 in Gujarat Stamp Rules, 1978 in Rules 30-A, for the words '24% the words' 15% shall be substituted] of the amount of duty or, as the case may be, the amount of the difference of duty payable by him by application presented [within a period of ninety days] [Substituted for 'Sixty days' by Gujarat 18 of 2004 Section 3 w.e.f. 11-6-2004.] from the date of such order and accompanied by a fee of one hundred rupees, require the Collector to draw up a statement of the case and refer it to the Chief Controlling Revenue Authority and the Collector shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it to the Authority : Provided that where in any particular case the Authority is of the opinion that the deposit of the amount by the applicant will cause undue hardship to him, the Authority may, in its discretion, either unconditionally or subject to such conditions as it may think fit to impose, dispense with a part of the amount deposited so however that the part of the amount deposited so however that the party of the amount so dispensed with shall not exceed fifty per cent, of the amount deposited or required to be deposited. (2) Such Authority shall consider the case and send a copy of its decision to the Collector who shall proceed to assess and charge the duty (if any) in conformity with such decision. (3) The decision given by the Authority under sub-section (2) shall be final.] deleted by Bombay Stamp (Gujarat IIInd Amendment) Act. 2006.]

Chapter IV

Instruments not Duly Stamped

33. Examination and impounding of instruments.

(1)[Subject to the provision of section 32A, every person] [These words, figures and letter were substituted for the words 'Every person' by Gujarat 21 of 1982 Section 15.] having by law or consent of parties authority to receive evidence, and every person in charge of a public office except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions shall if it appears to him that such instrument is not duly stamped, impound the same.(2)For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law for the time being in force in the State when such instrument was executed or first executed:Provided that-(a)nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898);(b)in the case of a Judge of High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court may appoint in this behalf.

34. Instruments not duly stamped in admissible in evidence etc.

- No instrument chargeable with duty [(not being an instrument referred to in sub-section (1) of section 32A),] [These brackets, words figures and letter inserted by Gujarat 21 of 1982 Section 16.] shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer unless such instrument is duly stamped :Provided that-(a)any such instrument not being an instrument chargeable with a duty of twenty naye paise and less shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;(b)where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;(c)nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898);(d)nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

35. Admission of instrument where not be questioned.

- Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 58, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

36. Admission of improperly stamped instruments.

- The State Government may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

37. Instruments impounded how dealt with.

(1)When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 34 or of duty as provided by section 36, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.(2)In every other case, the person so impounding an instrument shall send it in original to the Collector.

38. Collectors power to refund penalty paid under section 37, sub-section (1).

(1)When a copy of an instrument is sent to the Collector under sub-section (1) of section 37 he may, if he thinks fit, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.(2)When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

39. Collector's power to stamp instruments impounded.

(1)When the Collector impounds any instrument under section 33, or receives any instrument sent to him under sub-section (2) section 37, not being an instrument chargeable with a duty of twenty naye paise, or less, he shall adopt the following procedure :-(a)if he is of opinion that such instrument is duly stamped or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;(b)if he is of opinion that such instrument is chargeable with duty and is not duly stamped he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if he thinks fit, an amount not exceeding ten times the amount of the proper duty or of the deficient portion therefore, whether such amount exceeds or falls short of five rupees.Provided that, when such instrument has been impounded only because it has been written in contravention of section 13

or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.(2)Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.(3)Where an instrument has been send to the Collector under sub-section (2) of section 37 the Collector shall, when he has dealt with it is a provided by this section, return it to the impounding officer.

40. Instruments unduly stamped by accident..

- If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of twenty naye paise or less is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity he may, instead of proceeding under sections 33 and 39, receive such amount and proceed as next hereinafter prescribed.

41. Endorsement of instruments on which duty has been paid under section 34, 39 or 40.

(1)When the duty and penalty (if any) leviable in respect of any instrument [(not being an instrument referred to in sub-section (1) of section 32A),] [These brackets, words, figures and letter were inserted by Gujarat 21 of 1982 Section 17.] have been paid under section 34, section 39 or section 40, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.(2)Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came in to the hands of the officer impounding it or as such person may direct:Provided that-(a)no instrument which has been admitted in evidence upon payment of duty and penalty under section 34, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate;(b)nothing in this section shall affect the provisions of rule 9 of Order XIII in Schedule I of the Code of the Civil Procedure, 1908 (V of 1908).

42. Prosecution for offence against stamp law.

- The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the stamp law in respect of such instrument:Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the

proper duty.

43. Persons paying duty or penalty may recover same in certain cases.

(1)When any duty or penalty has been paid under section 34, section 36, section 39 or section 40, by any person in respect of an instrument, and, by agreement or under the provisions of section 30 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.(2)For the purpose of such recovery any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.(3)Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

44. Power to Revenue authority to refund penalty or excess duty in certain cases.

(1)Where any penalty is paid under section 34 or section 39, the Chief Controlling Revenue Authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.(2)Where, in the opinion of the Chief Controlling Revenue Authority stamp duty in excess of that which is legally chargeable has been charged and paid [under section 32, section 34] [These words and figures were substituted for the words and figures 'Under Section 34' by Gujarat 19 of 1965, Section 2.] or section 39, such authority may, upon application in writing made by the party concerned within three months from the date of receipt of the order charging the same, refund the excess.

45. Non-liability for loss of instruments sent under section 37.

(1)If any instrument sent to the Collector under sub-section (2) of section 37, is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.(2)When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

46. [Recovery of duties, penalties and interest. [Section 46 was substituted by Gujarat 13 of 1994 Section 8]

(1)Where any person required to pay any amount of duty, penalty or other sums under this Act does not pay within the time prescribed for its payment he shall be liable to pay simple interest at the rate of [fifteen per cent], per annum on such amount or on any less amount thereof for the period for

which such amount remains unpaid.(2)All duties, penalties, interest and other sums required to be paid under this Act may be recovered by the Collector by distress and sale of the movable or immovable property of the person from whom the same are due, or as an arrears of land revenue.]

46A. [Furnishing of statement, return and information. [Inserted by Bombay Stamp (Gujarat IInd Amendment) Act 2007, Section 7. on notify date.]

(1)The Collector may, for the purpose of this Act, require any trading member of any stock exchange or an association as defined in clause (a) of section 2 of the Forward Contract (Regulation) Act, 1952 (74 of 1952) or any organization, institute, company or association or any person liable to pay duty under any Article of Schedule I, to submit a statement or return or to furnish any information in respect of any transaction within such period as may be prescribed by rules.(2)Where any trading member, organization, institute, company, association or any person fails to submit a statement or return or information as required under sub-section (1) within the prescribed time, the Collector may, without prejudice to any other action which is liable to be taken against such person under any other provisions of this Act, after giving an opportunity of being heard, impose on such person a penalty of a sum not exceeding rupees five thousand for such default."]

Chapter V

Allowance for Stamps in Certain Cases

47. Allowance for spoiled stamps.

- Subject to such rules as may be made by the State Government as to the evidence to be required, or the inquiry to be made, the Collector may, on application made within the period prescribed in section 48, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely(a)the stamp on any paper inadvertently and undersignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person;(b)the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;(c)the stamp used for an instrument executed by any party thereto which(1)has been afterwards found to be absolutely void in law from the beginning;(2)has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended;(3)by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed;(4)for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended;(5)by reason of the refusal of any person to act under the same, or it to advance any money intended to be there by secured, or by the refusal or non-acceptance of any office thereby granted totally fails of the intended purpose;(6)becomes useless in consequence of the transaction intended to be thereby effected by some other instrument between the same parties and bearing a stamp of not less value;(7)is deficient in value and the transaction intended to be thereby effected had been effected by some other instrument between the

same parties and bearing a stamp of not less value;(8)is inadvertently and undersignedly spoiled and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped;Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.Explanation. - The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

**48. [Period within which Application for relief under section 47 to be made.
[Section 48 was substituted by Gujarat 19 of 2001 Section 4 w.e.f. 1-9-2001.]**

- The application for relief under Section 47 shall be made within the following period, that is to say,-(a)in the cases mentioned in sub-clause (5) of clause (c), within six months from the date of execution of the instruments;(b)in the case of an instrument substituted by another and not presented for cancellation, within six months from the date of execution of the substituting instrument;(c)in all other cases, within six months from the date of purchase of impressed stamps.]

49. Allowance in case of printed forms no longer required by corporations.

- The Chief Controlling Revenue Authority or the Collector if empowered by the Chief Controlling Revenue Authority in this behalf may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker company or body corporate, provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

50. Allowance for misused stamps.

(1)When any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary or has inadvertently used any stamp for an instrument not chargeable with any duty; or(2)When any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of provisions of section 13; the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or a lone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

51. Allowance for spoiled or misused stamp-how to be made.

- In any case in which allowance is made for spoiled or misused stamps the Collector may give in lieu thereof-(a)other stamps of the same description and value; or,(b)if required and he thinks fit,

stamps of any other description to the same amount in value; or, (c) at his discretion, the same value in money, deducting ten naye paise for each rupee or fraction of a rupee.

52. Allowance for stamps not required for use.

- When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting ten naye paise for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction-(a) that such stamp or stamps were purchased by such person with a bona fide intention to use them; and (b) that he has paid the full price thereof; and (c) that they were so purchased within the period of six months next preceding the date on which they were so delivered: Provided that, where the person is a licensed vendor of stamps, the Collector may if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

52A. [Allowances for stamps in denominations of annas. [Section 52A was inserted by Bombay 95 of 1958 Section 4.]

- Notwithstanding anything contained in section 52, when any person is possessed of a stamp or stamps in any denominations, other than in denominations of annas four or multiples thereof and such stamp or stamps has or have not been spoiled, the Collector shall reply to such person the value of such stamp or stamps in money calculated in accordance with the provisions of sub-section (2) of section 14 of the Indian Coinage Act, 1906 (III of 1906), upon such person delivering up, within six months from the commencement of this Act such stamp or stamps to the Collector.]

52B. [Refund of value of refugee relief stamps.. [Section 52B was inserted by Gujarat 5 of 1976 Section 4.]

- Notwithstanding anything contained in section 52, when any person is possessed of stamps bearing the inscription "refugee relief" (being stamps issued in pursuance of section 3A as inserted by the Bombay Stamp (Gujarat Amendment) Act, 1971 (President's Act No. 12 of 1971) before it ceased to have effect and such stamps have not been spoiled, the Collector shall, upon such person delivering up within six months from the commencement of the Bombay Stamp (Gujarat Amendment) Act, 1976 (Gujarat 5 of 1976) such stamps to the Collector, refund to such person the value of such stamps in money.]

52C. [Invalidation of stamps and saving. [Section 52C was inserted by Gujarat 19 of 2001 Section 5 w.e.f. 1-9-2001.]

- Notwithstanding anything contained in Sections 47, 50, 51 and 52, -(a) any impressed stamps which have been purchased on or after the date of commencement of the Bombay Stamp (Gujarat Amendment) Act, 2001 (Gujarat 19 of 2001) (hereinafter referred to as "the said date") shall be used

or presented for claiming allowance within a period of six months from the date of purchase. Any such stamps which have not been used or no allowance has been claimed in respect thereof within the period of six months from the date of purchase shall be rendered invalid;(b)any impressed stamps which have been purchased but have not been used or no allowance has been claimed in respect thereof before the said date, may be used or presented for claiming the allowance under the relevant provisions of the Act within a period of six months from the said date. The stamps which have not been used or presented within the aforesaid period of six months shall be rendered invalid."]

Chapter Vi

Reference and Revision

53. Control of and statement of case to Chief Controlling Revenue Authority.

(1)The powers exercisable by a Collector under [Chapter III [***] [These words and figures were substituted for the words and figures Chapter IV and chapter V by Gujarat 19 of 1965 Section 3.], Chapter IV and Chapter V] and under clause (a) of the first proviso to section 27 shall in all cases be subject to the control of the Chief Controlling Revenue Authority:[Provided that the Chief Controlling Revenue Authority shall not entertain an application made by a person under sub-section (1),unless,-(a)such application is presented within a period of [ninety days] from the date of order of the Collector.(b)such person deposits twenty-five per cent, of the amount of duty or as the case may be amount of difference of duty payable by him in respect of subject matter of the instrument for which application has been made:][Provided further that where in any particular case the Chief Controlling Revenue Authority is of the opinion that the deposit of the amount by the applicant may cause undue hardship to him, the authority may in its discretion, either unconditionally or subject to such conditions as it may think fit to impose, dispense with a part of the amount deposited so however that the part of the amount so dispensed with shall not exceed fifty per cent, of the amount deposited or required to be deposited.](2)If any Collector, acting under section 31 [section 32A,] [These words, figures and letter were inserted by Gujarat 21 of 1982 Section 18] section 39 or section 40, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.(3)Such authority shall consider the case and send a copy of its decision to the Collector, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

53A. [Revision of Collector's decision under sections 32, 32A, 39 and 41. [Section 53A was inserted, by Gujarat 13 of 1994 Section 10.]

(1)Notwithstanding anything contained in sub-section (3) of section 32, sub-section (3) of section 32A, sub-section (2) of section 39 and sub-section (2) of section 41, when through mistake or otherwise any instrument is charged with less duty than leviable thereon, or is held not chargeable with duty, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under sections 32, 32A, 39 or 41, as the case may

be, required the concerned party to produce before him the instrument and, after giving reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable or any duty is levied less thereon and pass an order for recovery of the deficit duty, if any, from the concerned party. An endorsement shall be made on the instrument after payment of such deficit duty.(2)On failure to produce the original instrument by the party, the Chief Controlling Revenue Authority shall proceed under this section on the basis of the true copy or an abstract of the instrument filed with the Collector and such true copy or abstract shall be deemed to be the original instrument for the purposes of this section.] [Proviso under Section 53(i) were added by Gujarat 7 of 1999 Section 4 w.e.f. 1-4-99.]

54. Statement of case by Chief Controlling Revenue Authority to High Court.

(1)The Chief Controlling Revenue Authority may state any case referred to it under subsection (2) of section 53, or otherwise coming to its notice and refer such case, with its own opinion thereon, to the High Court.(1A)[Notwithstanding anything contained in sub-section (1), any person aggrieved by the decision of the Chief Controlling Revenue Authority under section 53 regarding the amount of duty with which any instrument is chargeable may, if the amount of duty payable as a result of such decision in a case where the instrument is not charged with any duty or the amount required to make up such duty in a case where the instrument is charged with insufficient duty, exceeds rupees two thousand, by application presented within a period of sixty days from the date of such decision and accompanied by a fee of rupees one hundred, require the Chief Controlling Revenue Authority to draw up a statement of the case and refer it to the High Court and the Chief Controlling Revenue Authority shall, within ninety days of the receipt of such application, draw up a statement of the case and refer it to the High Court:Provided that the Chief Controlling Revenue Authority may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period hereinbefore specified, allow it to be presented within a further period not exceeding thirty days.] [Sub-Section (1A) was inserted by Gujarat 19 of 1965, Section 4(i)](2)Every such case shall be decided by not less than three Judges of the High Court and in case of difference, the opinion of the majority shall prevail.(3)[The costs of any reference to the High Court made under sub-section (1A) which shall not include the fee for making the reference shall be in the discretion of the High Court.] [Sub-section (3) was inserted by Gujarat 19 of 1965, Section 4(ii)]

55. Power of High Court to call for further particulars as to case stated.

- If the Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the High Court may refer the case back to the Revenue Authority by which it was stated, to make such additions thereto or alternations therein as the High Court may direct in that behalf.

56. Procedure in disposing of case stated.

(1)The High Court upon the hearing of any such case shall decide the question raised thereby, and shall deliver its judgement thereon containing the grounds on which such decision is founded.(2)[The High Court shall send a copy of its judgement under the seal of the Court and the signature of

Registrar to the Chief Controlling Revenue Authority and the amount of duty chargeable on the instrument in respect of which the reference was made shall be in accordance with such judgement.] [Sub-Section (2) was Substituted for the original by Gujarat 19 of 1965 Section 5.]

57. Statement of case by other Courts to High Court.

(1) If any Court, other than the High Court, feels doubt as to the amount of duty to be paid in respect of any instrument under clause (a) of proviso to section 34, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court. (2) The High Court shall deal with the case as if it had been referred under section 54 and send a copy of its judgement under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue Authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgement. (3) Reference made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

58. Revision of certain decisions of Courts regarding the sufficiency of stamps.

(1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1898), makes any order admitting any instrument, in evidence as duly stamped or as not requiring a stamp or upon payment of duty and a penalty under section requiring a stamp, or upon payment of duty and a penalty under section 34, the Court to which appeals lie from, or references are made by, such first mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration. (2) If such Court, after such consideration is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 34, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced. (3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument. (4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 41, or in section 42, prosecute any person for any offence against the stamp law which the Collector considers him to have committed in respect of such instrument: Provided that—(a) no such prosecution shall be instituted where the amount including duty and penalty, which, according to the determination of such Court, was payable in respect of the instrument under section 34, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty. (b) except for the purposes of such prosecution no declaration made under this section shall affect the validity of any order admitting an instrument in evidence, or of any certificate granted under section 41.

Chapter VII

Offences and Procedure

59. Penalty for executing, etc., instrument not duly stamped.

(1) Any person executing or signing otherwise than as a witness any instrument chargeable with duty without the same being duly stamped shall, on conviction for every such offence be punished with fine which may extend to five hundred rupees: Provided that, when any penalty has been paid in respect of any instrument under section 34, section 39 or section 58, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty. (2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall, on conviction be punished with fine which may extend to five hundred rupees.

60. Penalty for making false declaration on clearance list.

- Any person who in a clearance list makes a declaration which is false or which he either knows or believes to be false, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

61. Penalty for failure to cancel adhesive stamp.

- Any person required by section 12 to cancel an adhesive stamp, fails to cancel such stamp in the manner prescribed by that section he shall, on conviction, be punished with fine which may extend to one hundred rupees.

62. Penalty for omission to comply with provisions of section 28.

- Any person who, with intent to defraud the Government, -(a) executes instrument in which all the facts and circumstances required by section 28 to be set forth in such instrument are not fully and truly set forth; or (b) being employed or concerned in or about the preparation of any instrument neglects or omits fully and truly to set forth therein all such facts and circumstances; or (c) does any other act calculated to deprive the Government of any duty or penalty under this Act, shall, on conviction, be punished with fine which may extend to five thousand rupees.

62A. [Penalty for breach of provisions of section 68, sub-section (2). [Sections 62A & 62B were inserted by Gujarat 19 of 1965 Section 6.]

- Any person who commits a breach of the provisions of sub-section (2) of section 68 shall on conviction, be punished, -(i) for a first offence with fine which may extend to five hundred rupees; (ii) for a second offence, with fine which may extend to one thousand rupees, but which shall

not be less than two hundred rupees, and(iii)for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

62B. Non-disclosure of information by a public servant.

(1)All particulars contained in any documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act (other than proceedings before a Criminal Court), shall, save as provided in sub-section (3), be treated as confidential, and notwithstanding anything contained in the Indian Entrance Act, 1872, (1 of 1872) no Court shall, save as aforesaid be entitled to require any servant of the Government to produce before it any such document or record or any part thereof, or to give evidence before it in respect thereof.(2)If, save as provided in sub-section (3) any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall on conviction, be punished with imprisonment which may extend to six months or with fine or with both.(3)Nothing contained in this section shall apply to the disclosure-(a)of any such particulars in respect of any such documents, evidence, affidavit or deposition for the purpose of any prosecution under the Indian Penal Code(XLV of 1960) or the Prevention of Corruption Act, 1947 (II of 1947), or this act; or(b)of any such particulars to the State Government or to any person acting in the execution of this Act, for the purposes of carrying out the object of this Act; or(c)of any such particulars when such disclosure is occasioned by the lawful employment under this Act of any process for the service of any notice or the recovery of any demand; or(d)of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceeding under this Act; or(e)of any such particulars where such particulars are relevant to any inquiry into the conduct of an official of the Stamp Department to any person or persons appointed as Commissioners under the Public Servants (Inquiries) Act, 1850(XXXVII of 1850), or to any officer otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution when exercising its functions in relation to any matter arising out of such inquiry; or(f)of such particulars to an officer of the Central Government or a State Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it.]

63. Penalty for breach of rule relating to sale of stamps and for unauthorised sale.

(a)Any person appointed to sell stamps who disobey any rule made under section 69;and(b)any person not so appointed who sells or offers for sale any stamp [(other than a ten naye paise or five paise adhesive stamp)] [These brackets and words were inserted by Bombay 95 of 1958 Section 5.], shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

64. Institution and conduct of Prosecutions.

(1)No prosecution in respect of any offence punishable under this Act or any Act hereby repealed

shall be instituted without the sanction of the Collector or such other officer as the State Government generally, or the Collector specially, authorises in that behalf.(2)The Chief Controlling Revenue Authority or any officer generally or specially authorised by it in this behalf, may stay any such prosecution or compound any such offence.(3)The amount of any such composition shall be recoverable in the manner provided by section 46.

65. Jurisdiction to try offences.

- No Court inferior to that of [***] [The words 'a Presidency Magistrate or' were omitted by the Gujarat Adaptation of laws (State Concurrent Subjects) order, 1960.] a Magistrate of the second class shall try any offence under this Act.

66. Place of trial.

- Every such offence committed in respect of any instrument may be tried in any area in which such instrument is found as well as in any area in which such offence might be tried under the Code of Criminal Procedure, 1898 (V of 1898).

Chapter VIII

Supplemental Provisions

67. Books, etc., to be open to inspection.

- Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings and to take such notes and extracts as he may deem necessary without fee or charge.

68. [Collector's power to authorise officer to enter premises and inspect certain documents. [Section 68 was substituted for the original by Gujarat 19 of 1965, Section 7]

(1)The Collector may, where he has reason to believe that all or any of the instruments specified in Schedule I have not been charged at all or incorrectly charged with duty leviable under this Act, authorise in writing any officer to enter upon any premises where he has reason to believe that any registers, books, records, papers, documents, or proceedings relating to or in connection with any such instruments are kept and to inspect them, and to take such notes and extracts as such officer deems necessary, and if necessary, to seize them and to impound them under section 33.(2)Every person having in his custody or maintaining such registers, books, records, papers, documents or proceedings shall, when so required by the officer authorised under sub-section (1), produce them

before such officer and at all reasonable times permit such officer to inspect them and take the notes and extracts as he may deem necessary.]

69. Power to make rules relating to sale of stamps.

- The State Government may make rules for regulating,-(a)the supply and sale of stamps and stamped papers,(b)the persons by whom alone such sale is to be conducted, and(c)the duties and remuneration of such persons:[Provided that such rules shall not restrict the sale of ten naye paise or five naye paise adhesive stamps.] [This proviso was added by Bombay 95 of 1958. Section 6.]

70. Power to make rule generally to carry out purpose of Act.

- The State Government may make rules to carry out generally the purposes of this Act, and may by such rules prescribed the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

71. Publication of rules.

(1)All rules made under this Act shall be published in the Official Gazette.(2)All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

72. Delegation of certain powers.

- The State Government may by notification in the Official Gazette delegate-(a)all or any of the powers conferred on it by section 2 (f), 33 (3) (b), 64, 69 and 75 to the Chief Controlling Revenue Authority; and(b)all or any of the powers conferred the Chief Controlling Revenue Authority by sections 44, 53 (1) and 64 (2) to such subordinate Revenue authority as may be specified in the notification.

73. Saving as cour.

- fees. - Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

73A. [Use of former State stamps permissible for certain period to be notified. [Section 73A was inserted by Gujarat Adaptation of Laws (State and Concurrent Subject) order, 1960.]

- During the period commencing on the 1st day of Mau, 1960 and ending on the 31st day of March, 1962 or such further period as the State Government may by notification in the Official Gazette, specify and notwithstanding anything contained in this Act or the rules made thereunder, any stamp whether adhesive or impressed issued by the Government of Bombay before the 1st day or May 1960 may also be used in the State for the purposes of this Act as if it were duly issued by the Government

of Gujarat.]

74. Act not applicable to rates of stamp duty on bills of exchange, etc.

- For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

75. Act to be translated and sold cheaply.

- The State Government shall make provision for the sale of translation of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding twenty-five naye paise per copy.

76. Repeal of enactments.

(1)The enactments specified in column 3 of Schedule II hereto annexed shall be repealed in the manner and to the extent specified in column 4 thereof:Provided that the repeal hereby made shall not affect-(i)any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered,(ii)any legal proceeding or remedy in respect of any such right, title, obligation or liability, under the provisions of the enactments hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced as if this Act had not been passed.(2)Any appointment, notification, notice, order, rule or form made or issued under any of the enactments hereby repealed shall be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Act and shall continue in force, unless and until it is superseded by an appointment, notification, notice, order, rule or form made or issued under this Act.(3)All stamps in denominations of annas four or multiples thereof shall be deemed to be stamps of the value of twenty-five naye paise or, as the case may be, multiples thereof and valid accordingly.[Schedule-1] [Schedule I was substituted by Gujarat 21 of 1982. section 19][Stamp Duty on Instruments](See Section 3)[As amended by Bombay Stamp (Gujarat Amendment) Act, 2006 W.E.F. 1-4-2006]

Description of Instrument

Proper Stamp Duty

1. [Acknowledgement of a debt exceeding twenty rupees in amounts or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession :
[Any person receiving - any money exceeding Rs. 5000 - any bill of exchange, cheque or promissory note exceeding Rs. 5000 or - any movable property, in satisfaction of debt; shall give a duly stamped receipt for the same on demand by the

Fifty paise]

person paying or delivering the money -stamp duty on receipt is Rs. 1 for Rs. 5000 and above, as per Indian Stamp Act.]

Provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.

2. Administration. - Bond, including a bond given under the Indian Succession Act, 1925 (XXXIX of 1925) or section 6 of the Government Saving Banks Act, 1873, (V of 1873)

[One hundred Rupees] [These words were substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (2) w.e.f. 1-4-2006.]

3. Adoption. - Deed, that is to say any instrument (other than a will) recording an adoption or conferring of purporting to confer an authority to adopt.

[One hundred Rupees] [These words were substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (2) w.e.f. 1-4-2006.]

4. Affidavit, including an affirmation of declaration in the case of persons by law allowed to affirm or declare instead of swearing.

[Twenty Rupees] [These words were substituted for 'Ten rupees' by Gujarat Act. No. 8 of 2000, Section 3(2) w.e.f. 1-4-2000.]

Exemptions

Affidavit to declaration in writing when made

(a) as a condition of enrolment under the Army Act, 1950 (XLVI of 1950) or the Air Force Act, 1950; (XLV of 1950)

(b) for the immediate purpose of being filed or used in any Court or before the officer of any court; or

(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. [Agreement Or memorandum of An Agreement or Its Records - : [Article 5 substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (4) w.e.f. 1-4-2006.]

(a) if relating to the sale of a bill of exchange;

Nil

(b) if relating to the purchase or sale of a Government security;

One rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.

(c) if relating to the purchase or sale of shares, scripts, stocks, bonds, debentures, stocks or any other marketable security of like nature in or of any incorporated company or other body corporate, -

(i) When agreement or memorandum of an agreement with

In the case of forward contracts

through a member or between members of a Stock Exchange recognized under the Securities Contracts (Regulation) Act, 1956. (XL. II of 1956)

(ii) in other cases;

(d) if relating to the purchase or sale of cotton including cotton pods or Kapas (unginned cotton);

(e) if relating to the purchase or sale of bullion or specie;

(f) if relating to purchase or sale of oil seeds;

(g) if relating to the purchase or sale of any kind of yarn, non-mineral oils or spices;

(ga) if relating to giving authority or power to a promoter or a developer, by whatever name called, for construction of or development of, or sale or transfer (in any manner whatsoever) of, any immovable property;

relating to the purchase or sale of securities, one rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.

One rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.

one rupee for every ten thousand rupees or part thereof of the value of cotton at time of its purchase or, as the case may be, sale.

One rupee for every ten thousand rupees or part thereof of the value of silver, gold or, as the case may be, sovereigns.

One rupee for every ten thousand rupees or part thereof of the value of the oil seeds at the time of its purchase or, as the case may be, sale.

One rupee for every ten thousand rupees or part thereof of the value of such yarn, groundnut oil, other non-mineral oil or, as the case may be, spices.

[Three rupees and fifty paise]
[Substituted 'One rupee' by Gujarat Act No. 17 of 2014, dated 28.7.2014.] for every hundred rupees or part thereof of the market value of the property which is the subject matter of such agreement : Provided that the provisions of section 32A shall, mutatis mutandis, apply to such agreement, memorandum or records thereof as they apply to an instrument under that section : Provided further that if the proper stamp duty is paid under clause (g) of article 45 on a power of

(gb) if relating to advertisement on radio, television, cinema, cable network, or any media other than newspaper.

(h) if not otherwise provided for

Exemption

Agreement or Memorandum of Agreement or its records, -

(a) for or relating to the purchase or sale of goods or merchandise exclusively, not being an agreement or memorandum of agreement chargeable under entry (d), entry (e), entry (f) or entry (g) of this article or NOTE or memorandum chargeable under article 40;

(b) made in the form of tenders to the Central Government for or relating to any loan.

Agreement TO lease

(See Lease No. 30)"]

6. [Agreement or Memorandum of Agreement Relating to deposit of title deeds, pawan, Pledge or Hypothecation, that is to say any instrument evidencing an agreement or memorandum of agreement relating to - [Article 6 substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (5) w.e.f. 1-4-2006.]

(1) the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), where such deposit has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt-

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement, -

(i) where the amount of loan or debt does not exceed Rs. 10,00,00,000

attorney executed between the same parties in respect of the same property, then the stamp duty under this article shall be one hundred rupees.

Subject to maximum of three lakh rupees, fifty paise for every hundred rupees or part thereof on the amount of consideration specified in such agreement.

One hundred rupees.

[***] [Deleted 'Subject to maximum of one lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.], twenty-five paise for every hundred rupees or part thereof.

(ii) where it exceeds Rs. 10,00,00,000

(b) if such loan or debt is repayable not more than three months from the date of such instrument,

(2) the pawn, pledge or hypothecation of movable property, where such pawn, pledge or hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt -

(i) where the amount of loan or debt does not exceed Rs. 10,00,00,000.

(ii) where it exceeds Rs. 10,00,00,000

7. Alteration Of Articles of Association of a Company [under the Companies Act, 2013 (18 of 2013)] [Substituted 'under section 97 of the Companies Act, 1956, (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.] in consequence of increase of the company's share capital Instrument of -

Exemption

Instrument of alteration of articles of any association not formed for profit and registered [under Section 8 the Companies Act, 2013 (18 of 2013)] [Substituted 'under section 25 of the Companies Act, 1956, (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]

8. Alteration of Memorandum of Association of Company, [under the Companies Act, 2013 (18 of 2013)] [Substituted 'under section 97 of the Companies Act, 1956, (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.] in

[Subject to maximum of eight lakh rupees,] [Substituted 'Subject to maximum of three lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.] fifty paise for every hundred rupees or part thereof.

Half the duty payable under sub-clause (a).

[***] [Deleted 'Subject to maximum of one lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.], twenty-five paise for every hundred rupees or part thereof.

[Subject to maximum of eight lakh rupees,] [Substituted 'Subject to maximum of three lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.] fifty paise for every hundred rupees or part thereof."

A sum equal to the duty that would have been leviable under Article 12 as though the company's nominal share capital had been when the company was formed, equal to the total share capital so increased, less the sum already paid under Article 12.

consequence of increase of company's share capital, Instrument of -

(a) if the memorandum of association has been accompanied [under Section 10 the Companies Act, 2013 (18 of 2013)] [Substituted 'under section 26 of the Companies Act, 1956, (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.] by articles of association on the alteration of which duty is paid under article 7;

Nil

(b) if the memorandum of association has not been so accompanied and the duty is not so paid;

The same duty as is leviable on the memorandum of association under clause (b) of Article 35 as though the company's share capital, when the company was formed, had been equal to the total share capital so increased, less the sum already paid under the said clause (b).

Exemption

Instrument of alteration of memorandum of any association not formed for profit and registered [under Section 8 the Companies Act, 2013 (18 of 2013)] [Substituted 'under section 25 of the Companies Act, 1956, (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.].

9. Appointment in Execution of A Power; where made by any writing not being a will -
(a) of trustees

One hundred rupees.

(b) of property movable or immovable

[One hundred rupees] [These words were substituted for the words Two Hundred Fifty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (6) w.e.f. 1-4-2006]

10. Appraisement or Valuation made otherwise than under an order of the Court in the course of a suit.

[One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (7) w.e.f. 1-4-2006.]

Exemptions

(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.

(b) Appraisement of crops for purpose of ascertaining the amount to be given to a landlord as rent.

11. APPRENTICESHIP - DEED, including every writing relating to the service or tuition of any apprentice, clerk or

[One hundred rupees] [These words were substituted for the words

servant, placed with any master to learn any profession, trade or employment.

'Fifty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (8) w.e.f. 1-4-2006]

Exemption

Instrument of apprenticeship by which a person is apprenticed by or at the charge of any public charity.

12. Articles of association of a company -

[Clauses (a) to (g) up to 31-7-98]

(a) where the company has no capital or thenominal sharecapital does not exceed Rs. 1,00,000.

[Five hundred rupees [These words substituted for 'two hundred, two thousand, six thousand, ten thousand and twenty thousand by Gujarat 8 of 1992 section 3(3)(a)to(g).]

(b) Where the nominal share capital exceeds Rs.1,00,000 but doesnot exceed Rs. 5,00,000.

Two thousand rupees

(c) Where the nominal share capital exceeds Rs.5,00,000 but doesnot exceed Rs. 15,00,000.

Five Thousand rupees.

(d) Where the nominal share capital exceeds Rs.15,00,000 but doesnot exceed Rs. 30,00,000.

Nine thousand rupees.

(e) Where the nominal share capital exceeds Rs.30,00,000 but doesnot exceed Rs. 50,00,000.

Fifteen thousand rupees.

(f) Where the nominal capital exceeds Rs.50.00.000 but doesnot exceed Rs. 1.00.00.000.

Twenty thousand rupees.

(g) Where the nominal share capital exceeds Rs.1,00,00,000

Thirty thousand rupees.]

Form 1-8-98 following substituted for[Where the Company has no share capital or nominal share capital.] [These words were substituted for the words 'Two Hundred Fifty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (6) w.e.f. 1-4-2006.]

clauses (a) to (g).["Subject to maximum of five lakhs rupees, fifty paise for every hundred rupees or part thereof"] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (9) w.e.f. 1-4-2006.]

Exemptions

Articles of Association of any company not formed for profit and registered under section 25 of the companies Act, 1956. (1 of 1956).

See : also Memorandum of Association (No. 35).

Assignment See Conveyance (No. 20), Transfer (No. 56) and Transfer of Lease (No. 57) as the case may be.

Attorney, See Power Of Attorney (No. 45). Authority To Adopt, See Adoption Deed (No. 3).

13. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition on a reference made otherwise than by an order of the Court in the course of a suit.

[One Hundred Rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (10) w.e.f. 1-4-2006.]

Exemption

Award under the Gujarat Municipalities Act, 1963 (Gujarat 34 of 1964) section 268 or the Bombay Hereditary Offices Act, 1874, (Bom. III of 1874.) section 18.

14. [BOND as defined by section 2 (c) not being a debenture and not being otherwise provided for by this Act, or by the Gujarat Court-fees Act, 2004, (Guj. 4 of 2004) if the amount or value secured by the bond [Article 14 substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (11) w.e.f. 1-4-2006.]

(i) does not exceed Rs. 10,00,00,000

[***] [Deleted 'Subject to maximum of one lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013,], twenty-five paise for every hundred rupees or part thereof.

(ii) where it exceeds Rs. 10,00,00,000

[Subject to maximum of eight lakh rupees,]
[Substituted 'Subject to maximum of three lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.] fifty paise for every hundred rupees or part thereof.

See : Administration Bond (No. 2), Bottomry Bond (No. 15), Customs Bond or Excise Bond (No. 23), Indemnity Bond (No. 29), Respondentia Bond (No. 50), Security Bond (No. 51)

Exemption

Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.”]

15. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.

The same duty as a Bond (No. 14) for the same amount

16. CANCELLATION- Instrument of (including [One Hundred Rupees] [These words were any instrument by which any instrument previously substituted for 'Fifty Rupees' by Bombay Stamp executed is cancelled), if attested and not otherwise (Gujarat Amendment) Act, 2006 Section 5 (12) provided for. w.e.f. 1-4-2006]

See also Release (No.49), Revocation of Settlement (No.52-B), Surrender of Lease (No.55), Revocation of Trust (No. 58-B).

17. CERTIFICATE OF SALE -(in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue Officer or by an officer, of Customs:-

The same duty as is leviable on a conveyance under Article 20 for a market value equal to the amount of the purchase money.

18. CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person either to any share, scrip or stock in or any incorporated company, or other body corporate, or to become proprietor of shares, scrip or stock, in or of any such company or body.

1["One rupee for every one thousand rupees or part thereof of the value of the share, scrip or stock"]

See also Letter of Allotment of Shares (No. 31).

[Explanation.- For the purpose of this article, the value of shares, scrip or stock includes the amount of premium, if any.] [Added by Gujarat Act No. 15 of 2013, dated 10.4.2013.]

18A. [(1) CLEARANCE LIST, - relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange. [Article 18A to 18E were inserted by Gujarat 13 of 1994 section 11(4).]

The sum of duties payable under Article 5 (b) or 39 (g), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

(2) CLEARANCE LIST, - relating to the transactions for the purchase or sale of a share, script, stock, bond, debenture, debenture - stock or other marketable security of a like nature in or of an incorporated company or other body corporate submitted to the clearing house of a stock exchange whether recognised or not under the Securities Contracts (Regulation) Act, 1956 [XLII of 1956]

The sum of duties payable under Article 5 (c)(i) or 39 (f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be

18B. CLEARANCE LIST, - relating to transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton Association.

The sum of duties payable under Article 5 (d) or 39 (a), as the case may be in respect of each of the entries in such list on the units of transaction or part thereof

18C. CLEARANCE LIST, - relating to the transactions for the purchase or sale of bullion or specie submitted to the clearing house of a Bullion Association.

The sum of duties payable under Article 5 (e) or 39 (b), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.

18D. CLEARANCE LIST, - relating to the transactions for the purchase or sale of oil seeds submitted to the clearing house of oil seed Association.

The sum of duties payable under Article 5 (f) or 39 (c), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.

18E. CLEARANCE LIST, - relating to the transactions for the purchase or sale of yarn of any kind, non-mineral oil or spices of any kind.

The sum of duties payable under Article 5 (g) or 39 (d), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.]

19. COMPOSITION - DEED, - that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of licence for the benefit of his creditors.

one hundred rupees

20. (a) CONVEYANCE, not being a transfer charged or exempted [under Article No. 56, relating to immovable property.] [The words were substituted for the words 'under article No. 56' by Gujarat Act. No. 19 of 2001 Section 6(2) (i) w.e.f. 1-9-2001.]

[Three Rupees And Fifty Five Paise] [These Words Were Substituted For 'six Rupees' By Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (14) W.E.F. 1-4-2006.] For Every Rs. 100 or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.

Exemption

Assignment of copy-right by entry made under the Copyright Act, 1957 (XIV of 1957.)

Two rupees for every hundred rupees or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.]

20. [(aa) Conveyance, not being a transfer charged or exempted under article 56, relating to movable property. [This clause were substituted by The Bombay Stamp (Gujarat Amendment). Act. 2002 Section 4(2) w.e.f. 1-4-2002.]

20 (b) CONVEYANCE (not being a transfer charged or exempted under Article No. 56) so far as it relates to premises of a co-operative society registered or deemed to have been registered under the Gujarat Cooperative Societies Act, 1961 (Gujarat X of 1962) by such society in favour of its member (whether in consequence of purchase of its shares or not) or by such member in favour of another member (whether in consequence of transfer of his shares to another member or not)

20 [(c) CONVEYANCE (not being a transfer charged or exempted under Article No. 56) of the property which is subject matter of the conveyance so far it relates to premises- [Clause (C) was inserted by Gujarat 13 of 1994 Section 12(5) (1).]

(i) of a Corporation formed and registered under the Bombay Non-Trading Corporation Act, 1959; (Bombay xxvi of 1959); or

(ii) of a Board constituted under the Gujarat Housing Board Act, 1961, (Gujarat xviii of 1961) or the Gujarat Rural Housing Board Act, 1972; (Gujarat 22 of 1972); or

(iii) to which provisions of the Gujarat Ownership Flats Act, 1973 apply by such Corporation, Board, Society, Company or, as the case may be, Association in favour of its member or as the case may be, allottee (whether in consequence of purchase of his share or not) or by, such member or, as the case may be, allottee in favour of another member or allottee (whether in consequence of transfer of his share to another member or as the case may be, allottee or not]

20 [(cc) Conveyance, (not being a transfer charged or exempted under article No. 56) if relating to both movable and immovable property.

[Three rupees and fifty five paise] [These words were substituted for 'Six Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (14) w.e.f. 1-4-2006.] for every Rs. 100 or part thereof of the consideration for such conveyance or, as the case may be, the market value of the property which is property which is the subject matter of such conveyance whichever is greater. The same duty as is leviable under article 20(b);

The stamp duty is payable under clause (a) and (aa), as the case may be.;

[Subject to maximum twenty-five crores rupees] [Substituted 'Subject to maximum of ten crores rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.] - (i) an amount equal to [One per cent] [These words were substituted for '0.75 Percent' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (14) w.e.f. 1-4-2006.] of the aggregate amount comprising of the market value of share issued or allotted in

exchange of or otherwise, or the face value of such shares, whichever is higher and the amount of consideration, if any, paid for such amalgamation, or

20 [(d) CONVEYANCE, [so far as it relates to scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies by an order of the National Company Law Tribunal under section 232 of the Companies Act, 2013 (18 of 2013) or for amalgamation or dissolution of Banking Companies by an order of the Reserve Bank of India under Section 44A of the Banking Regulation Act 1949 (10 of 1949)] [Substituted by Gujarat Act No. 9 of 2018, dated 2.4.2018.]

(ii) an amount equal to [one percent] [These words were substituted for '0.75 percent' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (14) w.e.f. 1-4-2006.] of the true market value of the immovable property situated in the State of Gujarat of the transferor company, whichever is higher.]

[Explanation I- For the purpose of this Article, [and subject to sub-item (a) of item (ii) of clause (f) of article 45] [Explanation - I was inserted and existing explanation re-numbered' Explanation - II by Gujarat 13 of 1994 - 12 (5) (2).] an agreement to sell an immovable property or an irrevocable power of attorney shall, in case of transfer of the possession of such property before, at the time of, or after the execution of such agreement or power of attorney, be deemed to be a conveyance and the stamp duty thereon shall be chargeable accordingly:

Provided that the provisions of section 32-A shall apply mutatis mutandis to such agreement or power of attorney as are applicable to a conveyance:

Provided further that where subsequently a conveyance is executed in pursuance of such agreement of sale, or an irrevocable power of

Attorney, the stamp duty, if any, already paid and recovered on the agreement of sale or an irrevocable power of Attorney which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance.]

[Explanation II- For the purposes of this Article, the expression "premises" means any land or building or part of a building including any flat, apartment, tenement, shop or warehouse therein and includes:-

- (i) gardens, grounds and out houses, if any, appertaining to such building or part of a building, and
- (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof.]

[Explanation III- for the purpose of clause (d), the market value of share - [These explanation - III substituted by Gujarat Act. no. 8 of 2000 Section 3(b) (iii) w.e.f. 1-4-2000.]

(a) in relation of the transferee company whose shares are listed and quoted for trading on a stock exchange, means the market value of share as on the appointed date mentioned in the scheme of amalgamation or when appointed date is not so fixed, the date of [Order of National Company Law Tribunal or, as the case may be the order of the Reserve Bank of India.]

[Substituted 'order of the High court' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]

(b) In relation to the transferee company, whose shares are not listed or listed but not quoted for trading on a stock exchange means the market value of the share issued or allotted with reference to the market value of share of the transferor company.

(c) Where the transferee company and transferor company, whose shares are not listed or not listed but not quoted for trading on stock exchange means the face value of the share issued or allotted with reference to the face value of share of the transferee company.]

21. Copy OR Extract, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees. [One hundred rupees] [These words were substituted for 'Twenty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (15) w.e.f. 1-4-2006.]

Exemptions

(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

(b) Copy of, or extract from any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.

22. Counterpart Or Duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid. [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (16) w.e.f. 1-4-2006.]

Exemption

Counterpart of any lease granted to cultivator when such lease is exempted from duty.

23. Customs Bond Or Excise Bond, that is to say, any bond given pursuant to the provisions of any law for the time being in force or to the directions of any officer of Customs or Excise for, or in respect of, any of the duties of Customs or Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto. DECLARATION OF ANY TRUST, See Trust (No. 58) [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (17) w.e.f. 1-4-2006.]

24. Delivery Order In respect of Goods, that is to say, any instrument entitling any person therein named or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, in any warehouse in which goods are stored, or deposited on rent or hire, or upon any wharf, [When such goods exceed in value one hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (18(a)) w.e.f. 1-4-2006] [One rupee for every one thousand rupees or part thereof] [These words were substituted for 'Twenty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (18(b)) w.e.f. 1-4-2006.]

DEPOSIT OF TITLE - DEEDS - See Agreement relating to Deposit of Title Deeds, Pawn or pledge (No. 6)

DISSOLUTION OF PARTNERSHIP- See Partnership (No. 44)

25. Divorce, Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.

[One hundred rupees] [These words were substituted for 'Five hundred Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (19) w.e.f. 1-4-2006.]

DOWER-Instrument of, See Settlement (No. 52)

DUPLICATE, See Counterpart (No. 22).

26. Exchange of Property - Instrument of -EXCISE BOND, See Customs Bond or Excise Bond (No. 23)

The same duty as is leviable on a conveyance under article 20 on the market value of the property of the greatest value.

27. [Further Charge,- Instrument of, that is to say, any instrument imposing a further charge on mortgaged property- [Article 27 Substituted for the original by Gujarat 13 of 1994 Section 12 (8).]

(a) When the original mortgage is one of the description referred to in clause (a) of Article 36 (that is, with possession).

The same duty as is leviable on a conveyance under Article 20(a) for the amount of further charge secured by such instrument.

(b) when such mortgage is one of the description referred to in clause (b) of Article 36 (that is, with possession)-

(i) if at the time of execution of the instrument of further charge possession of the property is given under such instrument.

[Three rupees and fifty paise] [These words were substituted for 'Six Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (20) w.e.f. 1-4-2006.] for every Rs. 100 or part thereof for the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage

(ii) [if possession is not so given.] [This clause substituted by Gujarat Act. No. 19 of 2001 Section 6(3)(i) w.e.f. 1-9-2001.]

(a) [where the amount of further charge secured by such instrument does not exceed Rs. 10,00,00,000/- [subject to maximum of eight lakh rupees,] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (20(ii)) w.e.f. 1-4-2006.] twenty - five paise for every hundred rupees or part thereof; and further charge.

(b) where the amount of further charge secured by such instrument exceeds Rs. 10,00,00,000/- [Subject to maximum of eight lakh rupees,] [Substituted 'Subject to maximum of

three lakh rupees' by Gujarat Act No. 15 of 2013, dated 10.4.2013.] fifty paise for every hundred rupees or part thereof.”]

(c) [When original mortgage is one of the description referred in clause (b) (i) of article 36. [This clause inserted by Gujarat 15 of 2003 Section 4(1) w.e.f. 1-4-2003.]

The same duty as is leviable under article 6(1)(a).] Deleted w.e.f. 1-3-2006]

28. GIFT-Instrument of not being a Settlement (No. 52) or Will or Transfer No. (56) Hiring Agreement or agreement for service. (See Agreement No. 5)

The same duty as is leviable on a conveyance under article 20 market value of the property which is the subject-matter of the gift. Provided that where an instrument of gift contains any provision for the revocation of the gift the value of the property which is the subject matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.

29. Indemnity Bond.

[One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (21) w.e.f. 1-4-2006.]

Inspectorship - Deed.

See Composition Deed (NO. 19)

30. LEASE, including an under lease or sub-lease and any agreement to let or sublet. -

(a) Where by such lease the rent is fixed and no premium is paid or delivered.

[One Rupee for every hundred rupees, or part thereof] [These words were substituted for the words 'The Same Duty as a Bond (No. 14) by The Bombay Stamp (Gujarat Amendment). Act. 2002 Section 4(3(i)) w.e.f. 1-4-2002.] or the whole amount payable or deliverable under such lease.

(i) Where the lease purports to be for a term of less than one year.

[Two Rupee for every hundred rupees, or part thereof] [These words were substituted for Three Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (22) w.e.f. 1-4-2006.] for the amount or value of the average annual rent reserved.

(ii) Where the lease purports to be for a term of not less than one year but not more than three years;

(iii) Where the lease purports to be for a term in excess of three years but not more than ten years;

The same duty as is leviable on a conveyance under Article 20 for the amount or value of the average annual rent reserved.

- | | |
|---|---|
| <p>(iv) Where the lease purports to be for a term in excess of thirty years but not more than thirty years;</p> | <p>The same duty as is leviable on a conveyance under Article 20 for twice the amount or value of the average annual rent reserved.</p> |
| <p>(v) Where the lease purports to be for a term in excess of thirty years but not more than ninety eight years;</p> | <p>The same duty as is leviable on a conveyance under Article 20 for thrice the amount or value of the average annual rent reserved.</p> |
| <p>(vi) Where the lease purports to be for a term in excess of ninety eight years;</p> | <p>The same duty as is leviable on a conveyance under Article 20 for five times the amount or value of the average annual rent reserved.</p> |
| <p>(vii) Where the lease purports to be in perpetuity;</p> | <p>The same duty as is leviable on a conveyance under Article 20 for one fifth of the whole amount or rents which would be paid or delivered in respect of the first fifty years of the lease.</p> |
| <p>(viii) Where the lease does not purports to be for any definite term;</p> | <p>The same duty as is leviable on a conveyance under Article 20 for the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> |
| <p>(b) where the lease is granted for a fine or premium or for money advanced or to be advanced and where no rent is reserved.</p> | <p>The same duty as is leviable on a conveyance under Article 20 for the amount or value of such fine or premium or advances set forth in the lease.</p> |
| <p>(c) Where the lease is granted for a fine or premium or for money advanced or to be advanced in addition to rent reserved</p> | <p>The same duty as is leviable on a conveyance under Article 20 for the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered. Provided that, in any case where an agreement to lease is stamped with an ad valorem stamp required for a lease and a lease in pursuance of such agreement, is subsequently executed, the duty on such lease shall not exceed ten rupees.</p> |
| <p>(d) [Where the lease relates to movable property. [Clause (d) inserted by Gujarat 10 of 1997. Section 2(3); w.e.f. 1-4-97.]</p> | <p>Two rupees for every hundred rupees of part thereof on the amount of average annual rent plus the total amount of fine or premium or money advanced or to be advanced, irrespective of the period for which such lease or agreement to lease is executed.]</p> |

Explanation I

Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this article unless it is specifically provided in

the lease that rent paid in advance will be set off towards the last instalment or instalments of rent.

Explanation II

When a lessee undertakes to pay any recurring charge such as Government revenue, landlord's share of cesses, or the owner's share of municipal rates of taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee, shall be deemed to be part of the rent.

30A. [LEAVE AND LICENCE AGREEMENT relating to immovable property other than the residential property. [Article 30A were inserted by The Bombay Stamp (Gujarat Amendment) Act, 2002 Section 4(4) w.e.f. 1-4-2002.]

Fifty paise for every hundred rupees or part thereof on the whole amount payable or deliverable plus the total amount of fine or premium or money advanced or to be advanced irrespective of the period for which such leave and licence agreement is executed.]

31. Letter of Allotment or Renunciation of Shares, in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.

[One rupee for every one thousand rupees or part thereof of the value of the shares.] [These words were substituted for 'Two Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (23) w.e.f. 1-4-2006.]

See also Certificate or other Document (No. 18)

[One hundred rupees] [These words were substituted for 'Sixty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (24) w.e.f. 1-4-2006.]

32. Letter of Guarantee.

[One hundred rupees] [These words were substituted for 'Fifty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (25) w.e.f. 1-4-2006.]

33. Letter of Licence, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

[One hundred rupees] [These words were substituted for 'Two Hundred and Fifty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (26) w.e.f. 1-4-2006.]

34. Marriage Registration

35. Memorandum of Association of A Company.

(a) if accompanied by articles of association [under Section 10 of the Companies Act, 2013 (18 of 2013).] [Substituted 'under section 26 of the Companies Act, 1956. (1 of 1956)' by Gujarat Act No. 9 of 2018, dated

[One hundred rupees] [These words were substituted for 'One Thousand Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (27) w.e.f. 1-4-2006.]

2.4.2018.]

(b) if not so accompanied

The same duty as is leviable on article of Association under Article 12 according to the share capital of the company.

Exemption

Memorandum of any association not formed for profit and registered [under Section 8 of the Companies Act, 2013 (18 of 2013).] [Substituted 'under section 25 of the Companies Act, 1956 (1 of 1956)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]

36. Mortgage - Deed, not being an Agreement relating to Deposit of Title-Deeds, Pawn or Pledge (No. 6), Bottomry Bond (No. 15), Mortgage of a Corp (No. 37), Respondent Bond (No. 50) or Security Bond (No. 51),

(a) when possession of the property or any part of the property comprised in such deed is [xxxx] [The words 'or is not' deleted by Gujarat 13 of 1994 section 12(12) (1) (i) and substituted by Gujarat Act No. 19 of 2001 sec. 6(4) (i) w.e.f. 1-9-2001.] given, or is agreed to be given, by the mortgagor. (Clause (b) & Explanation up to 31-7-98]

The same duty as is leviable on a conveyance under [clause (a) of] [These words were inserted by Gujarat 13 of 1994 section 12(12) (1) (ii).] Article 20 for the amount secured by such deed.

(b) [when possession of the property or any part of the property comprised in such deed is not given or not agreed to be given. [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (28(a)) w.e.f. 1-4-2006.]

The same duty as is leviable under article 6(1)(a).']

[Explanation I - [The existing Explanation shall be re-numbered as Explanation I and after Explanation I as so renumbered, Explanation, II & III was inserted by Gujarat 9 of 1998 Section 4 (b) w.e.f. 1-8-98.]

A mortgagor who gives to the mortgage a power of attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article]

(c) [when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped.] [Original clause (b) was re-lettered as clause (c) by Gujarat 13 of 1994 Section 11(12) (2).]

five rupees for every sum Rs. 1000 secured or part thereof.

Exemptions

(1) Instrument executed by persons taking advances under the Land Improvement Loans Act, 1883 (XIX of 1883.) or the Agriculturists' Loans Act, 1884, (XII of 1884.) or by their sureties as security for the repayment of such advances.

(2) Letter of hypothecation accompanying a bill of exchange.

37. Mortgage of A Crop, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop whether the crop is or is not in existence at the time of mortgage

(a) when the loan is repayable not more than three months from the date of the instrument,

[Fifty paise] [These words were substituted for 'Twenty five paise' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (29) w.e.f. 1-4-2006.] for every sum of Rs. 100 or part thereof secured by such mortgage.

(b) When the loan is repayable more than three months but not more than eighteen months from the date of the instrument.

One rupee for every sum of Rs. 100 or part thereof secured by such mortgage

38. Notarial Act, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (No. 46) made or signed by a Notary in the execution of the duties of his office, or by any other person lawfully acting as a Notary.

Twenty rupee.

See also Protest of Bill or Note (No. 46)

39. [Note or memorandum, sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal - [Article 39 substituted for the original by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (30) w.e.f. 1-4-2006.]

(a) of cotton including cotton pods or Kapas (Unginned Cotton),

One rupee for every ten thousand rupees or part thereof of the value of cotton at the time of its purchase or, as the case may be, sale.

(b) of bullion or specie,

One rupee for every ten thousand rupees or part thereof of the value of silver, gold or, as the case may be, sovereigns at the time of purchase or, as the case may be, sale.

(c) of oil-seeds,

One rupee for every ten thousand rupees or part thereof of the value of the oil seeds at the time of its purchase or, as the case may be,

(d) of any kind of yarn, non-mineral oils or spices,

(e) of any other goods exceeding twenty rupees in value,

(f) of any share, scrip, stock, bond, debenture stock or other marketable security of a like nature exceeding twenty rupees in value not being a Government security.

(g) of a Government security

40. NOTE or ENTRY in records made or a LETTER written BY CREDITOR, relating to the deposit of title deeds to serve as evidence of the title to any property whatsoever (other than marketable security) where there is no agreement or memorandum of agreement relating to deposit of such title deeds.

41. NOTE FOR PROTEST BY THE MASTER OF A SHIP - See also protest by the Master of a ship (No. 47).

42. ORDER FOR THE PAYMENT OF MONEY not being a Bill of Exchange within the meaning of the INDIAN Stamp Act, 1899. (II of 1899.) -

(a) Where payable otherwise than on demand but not more than one year after date or sight.

(b) Where payable at more than one year after date or sight.

43. PARTITIONED - Instrument of as defined by section 2(m).

sale.

One rupee for every ten thousand rupees or part thereof of the value of such yarn, ground-nut oil, other non-mineral oil or spices at the time of its purchase or, as the case may be, sale.

Nil

One rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.

One hundred rupees.”]

The same duty as AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS (No. 6)

[One hundred rupees] [These words were substituted for Twenty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (31) w.e.f. 1-4-2006.]

[Five rupees] [These words were substituted for 'One Rupee' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (32) w.e.f. 1-4-2006.] for every Rs. 1,000 or part thereof the amount of bill or note.

The same duty as a Bond (No. 14) for the same amount.

The same duty as a Bond (no. 14) for the amount of the market value of the separated share of shares of the property.

N.B. : The largest share remaining, after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, than one of such equal shares) shall be deemed to be that from which the other

shares are separated :

Provided always that -

(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than [One hundred rupees] [These words were substituted for 'Ten Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (32) w.e.f. 1-4-2006.]

(b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue :

(c) where a final order for effecting a partition passed by any Revenue authority or any Civil Court or an award by an arbitrator directing a partition stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed [One hundred rupees] [These words were substituted for 'Ten Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (33) w.e.f. 1-4-2006]

Subject to a maximum of [two thousand rupees, two hundred rupees] [These words were substituted for the words 'One thousand rupees' 'one hundred rupees' by Gujarat 9 of 1993 Section 2 (6) (a).] for every Rs. 10, 000 or part thereof of the amount of the capital of partnership

44. Partnership (1) Instrument of - [up to 31-7-98]

(1) [[Instrument of any partnership including, Limited Liability Partnership and Joint Venture to run a business] [Substituted by Gujarat Act No. 17 of 2014,

Subject to maximum of ten thousand rupees, one rupee for every hundred rupee or part thereof of the amount of the capital

dated 28.7.2014.](a) Where such share of capital is brought in by way of cash.(b) Where such share of capital is brought in by way of immovable property.(c) Where such share of capital is brought in by way of cash and immovable property.	ofpartnership.The same duty as is leviable on a conveyance under Article 20 for the market value of such immovable property.The same duty as is leviable under sub-clauses (a) and (b), respectively.]
(2) (a) Alteration in the constitution of thepartnership in[including, LimitedLability Partnership and Joint Ventureto run a business] [Substituted 'consequence of increase of the capital of the partnership,' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]Instrument of	A sum equal to the duty that would have beenleviable under clause (I) as though capital of the partnershiphad been, when the partnership was formed, equal to the capitalso increased, less sum already paid under clause (1).
(b)[including, LimitedLability Partnership and Joint Ventureto run a business] [Substituted 'Alteration in the constitution of the partnership' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]in consequence of any reason other thanthat referred to insub-clause (a).Instrument of	[One hundred rupees] [These words were substituted for Two Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (34 (b)(c)) w.e.f. 1-4-2006.]
(3) Dissolution of -[Partnership orretirement of partnerincluding, Limited Liability Partnership andJoint Ventureto run a business] [Inserted by Gujarat Act No. 9 of 2018, dated 2.4.2018.](a) where any immovable property is taken as hisshareon dissolution of partnership by a partner other than apartner who brought that property as his share orcontribution topartnership[inclusiveof, LimitedLiability Partnership and Joint Venture to runa business] [Inserted by Gujarat Act No. 9 of 2018, dated 2.4.2018.].	The same duty as is leviable on conveyance underArticle 20 for the market value of such property or one hundredrupees, whichever is more.
(b) in any othercase.45. Power of Attorney - as defined by section2(r),not being a proxy -	[One hundred rupees.] [These words were substituted for Two Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (34 (b)(c)) w.e.f. 1-4-2006.]
(a) when executed for the sole purpose ofprocuringthe registration of one or more documents in relationto a single transaction or for admitting execution of oneor moresuch documents;	[One hundred rupees.] [These words were substituted for the words 'ten rupees' by Gujarat 13 of 1994 Section 12 (13) (1) and these words were substituted for `Twenty rupee' Gujarat Act. No. 8 of 2000, Section 3(14)(i) w.e.f. 1-4-2000.]
(b) When required in suits or proceedings underthePresidency Small Cause Courts Act, 1882; (XV of 1882)	[One hundred rupees.] [These words were substituted for the words `ten rupees' by Gujarat 13 of 1994 Section 12 (13) (1). and these words were substituted for 'Twenty rupees' Gujarat Act. No. 8 of 2000, Section

(c) When authorizing one person or more to act in a single transaction other than the case mentioned in clause (a);	3(14)(i) w.e.f. 1-4-2000.] [One hundred rupees.] [These words were substituted for the words 'ten rupees' by Gujarat 13 of 1994 Section 12 (13) (1). and these words were substituted for 'Twenty rupees' Gujarat Act. No. 8 of 2000, Section 3(14)(i) w.e.f. 1-4-2000.]
(d) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally;	[One hundred rupees.] [These words were substituted for 'Twenty rupees' Gujarat Act. No. 8 of 2000, Section 3(14)(ii) w.e.f. 1-4-2000.]
(e) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	One hundred rupees.
(f) (i) when given for consideration and authorising the attorney to sell any immovable property.	The same duty as is leviable on a conveyance under Article 20 for the amount of the consideration or, as the case may be, the market value of the immovable property whichever is greater;
(ii) [when authorising to sell or transfer immovable property without consideration or without showing any consideration, as the case may be, [Added by Gujarat Act No. 15 of 2013, dated 10.4.2013.]	
{ (a) if given to the father, mother, brother, sister, wife, husband, son, daughter, grandson, granddaughter;	One hundred rupees.
(b) in any other case.	The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the immovable property whichever is greater.]
- ['(g) When given to a promoter or developer; by whatever name called, for construction on; or development of, or sale or transfer (in any manner whatsoever) of, any immovable property. [Clause (g) was inserted by Gujarat 13 of 1994. Section 12 (13) (2). and substituted by Gujarat Act. No. 19 of 2001 Section 6(5)(i) w.e.f. 1-9-2001.] [Three rupees and fifty paise] [Substituted 'One rupee' by Gujarat Act No. 17 of 2014, dated 28.7.2014.] for every hundred rupees or part thereof of the market value of the property which is the subject matter of such power of attorney. -] Provided that the provisions of section 32A shall mutatis mutandis apply to such instrument of power of attorney as they apply to a Conveyance under that section : Provided further that when proper stamp duty is paid under clause (ga) of article 5, on an agreement or records thereof or memorandum of an agreement executed between the same parties and in respect of same property, the duty chargeable under this clause shall be rupees one hundred.]; - (h) [in any other case] [Clause (h) was re-lettered for clause (g) by Gujarat 13 of 1994. Section 12 (13) (2).] [one hundred rupees] [The	

words were substituted for the words 'ten rupees' by Gujarat 13 of 1994 Section 12 (13) (3) and these words were substituted for 'Twenty rupee' Gujarat Act. No. 8 of 2000, Section 3(14)(i) w.e.f. 1-4-2000.] for each person authorised.|-| [Explanation I : For the purposes of this article, more person than one when belonging to the same firm shall be deemed to be one person. [Explanation I, II and III were substituted for N.B. & Explanation by Gujarat 13 of 1994 Section 12 (13) (4).]||-| Explanation - II : The term "registration" includes every operation incidental to registration under the Registration Act, 1908. (XVI of 1908)||-| Explanation - III : Where under clause+[(f)] duty has been paid on the power of attorney, and a conveyance relating to that property is subsequently executed in pursuance of the power of attorney between the executants of the power of attorney, and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.]]|-| 46. PROTEST OF BILL, OR NOTE, that is to say, any declaration in writing made by a Notary or other person lawfully acting as such, attesting the dishonour of Bill of Exchange or promissory note. [One hundred rupees] [These words were substituted for Twenty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (35-36) w.e.f. 1-4-2006.]]|-| 47. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charters or the consignees for not loading or unloading the ship when such declaration is attested or certified by a Notary or other person lawfully acting as such. [One hundred rupees] [These words were substituted for Twenty Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (35-36) w.e.f. 1-4-2006.]]|-| See also Note of Protest by the Master of a ship (No. 41).|-| 48. Reconveyance of Mortgaged Property [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (37) w.e.f. 1-4-2006.]]|-| 48A. [Record of Transaction (electronic or otherwise effected by a trading member through a stock exchange or the association,— [Inserted by Bombay Stamp (Gujarat Ind. Amendment) Act, 2007, sec. 9 (2) on notified date.]]|-| (a) if relating to sale and purchase of Government Securities. [One hundred rupees]|-| (b) If relating to purchases or sale of Securities, other than those falling under item (a) above,—(i) in case of delivery [One hundred rupees for every ten thousand rupees or part thereof.]-| (ii) in case of non-delivery [Twenty paise for every ten thousand rupees or

Part thereof – .

|-| (c) if relating to futures and options trading [Twenty paise for every ten thousand rupees or

Part thereof – .

|-| (d) if relating to forward contracts of commodities described in clauses (a) to (d) of Article 39, traded through an association or otherwise. [One rupee for every one lakh rupees or part thereof]|-| Explanation I- No duty shall be chargeable under this Article on agreement or its record or note or memorandum.|-| Explanation II- For the purpose of clause (b), securities shall have the same meaning as defined under the Securities Contract (Regulation) Act, 1956 (42 of 1956)]|-| 49. [RELEASE- that is to say, any instrument (not being such a release as is provided for by section 24) whereby a person renounce a claim upon another person or against any specified property-

[Substituted by Gujarat Act No. 15 of 2013, dated 10.4.2013.]|-|

(a) if the release deed of an ancestral property or part thereof is executed by or in favour of brother or sister (children of renouncer's parents) or son or daughter or son of predeceased son or daughter of predeceased son or father or mother or spouse of the renouncer or the legal heirs of the above relations;

One hundred rupees.

(b) in any other case

The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the share, interest, part or claim renounced in immovable property whichever is greater.]

|-| 50. Respondentia Bond that is to say, any instrument securing a loan on the cargo laden or to laden onboard a ship and making repayment contingent on the arrival of the cargo at the port of destination. | The same duty as a Bond (No. 14) for the amount of the loan secured. |-| Revocation of any trust or Settlement See Settlement (No. 52); Trust (No. 58) |-| 51. Security Bond or Mortgage-DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract | [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (39) w.e.f. 1-4-2006.] |-| Exemptions: |-| Bond or other instrument, when executed - |-| (a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem; |-| (b) under the rules made by the State Government under section 76 of the Bombay Irrigation Act, 1879; (Bom VII of

1879.

) |-| (c) Executed by person taking advances under the Land Improvement Loans Act, 1883, (XIX of 1883.) or the Agriculturists' Loan Act, 1884 (XII of 1884.) or by their sureties as security for the repayment of such advances; |-| (d) executed by officers of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof. |-| 52. Settlement - |-| A. - Instrument of (Including a deed of dower) - |-| (i) where the settlement is made for a religious or charitable purpose. | The same duty as a Bond (No. 14) for a sum equal to the amount or, as the case may be, the market value of the property settled. |-| (ii) in any other case, | The same duty as is leviable on a conveyance under Article 20 for the amount or, as the case may be, the market value of the property settled: |-| Provided that where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such Agreement is subsequently executed, the duty on such instrument shall not exceed the | [One hundred rupees] [These words were substituted for Ten Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (43 (a)) w.e.f. 1-4-2006.] |-| Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or, as the case may be, the market value of the property settled shall, for

the purpose of duty, bedetermined as if no such provision were contained in theinstrument.|-|
 Exemption|-| Deed of dower executed on the occasion of amarriagebetween muhammadans.|-|
 B-Revocation of -(i)In respect of settlement described in A (i)above. | The same duty as a Bond (No. 14) for a sum equalto the amount or, as the case may be, the market value of theproperty concerned but not exceeding[One hundred rupees] [These words were substituted for Ten Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (43 (b)) w.e.f. 1-4-2006.]|-| (ii) in respect of settlement described in A(ii)above. | The same duty as is leviable on a conveyanceunder Article 20 for the amount or, as the case may be, themarket value of the property concerned but not exceeding[Onehundred rupees] [These words were substituted for Ten Rupees' by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 (43 (c)) w.e.f. 1-4-2006.]|-| 53. SHARE WARRANTS to bearer issued[underthe Companies Act, 2013 (18 of 2013).] [Substituted 'under the Companies Act, 1956 (1 of 1956.)' by Gujarat Act No. 9 of 2018, dated 2.4.2018.]| The same duty as a Bond (No. 14) for the sameamount.|-| Exemption :|-| Share-warrant when issued by a company inpursuanceof the provisions of section 114 of the Companies Act,

1956.

,(I of 1956) to have effect only upon payment as compositionfor that duty, to the Collector of Stamp Revenue, of -|-| (a) One and a half per centum of the wholesubscribed capitalof the company, or|-| (b) if any company which has paid the said dutyor compositionin full, subsequently issues an addition to itssubscribed capital- one and a half per centum of the additionalcapital so issued.|-| SCRIIP, See Certificate (No. 18)|-| 54. Shipping ORDER for or relating to theconveyance ofgoods on board on any Vessel. | Fifty paiseDeleted w.e.f. 1-4-2006|-| 55. Surrender of Lease -| [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 43 (a) (b) (c) w.e.f. 1-4-2006.]|-| Exemption :|-| Surrender of lease, when such lease is exemptedfrom duty.|-| 56. TRANSFER (whether with or withoutconsideration) -|-| (a) of debentures, being marketable securitieswhether thedebenture is liable to duty or not except debenturesprovided for by section 8 of the Indian Stamp Act, 1899. (II of

1899.

)| [Subject to a maximum of ten thousand rupees,One rupees for every Rs. 100 or part thereof of the face amountof the debenture.] [These words were substituted for the words 'one rupees for every Rs. 100 or part thereof of the face amount of debenture.' by 1998 amendment Act. Section 2(6) w.e.f. 1-8-98 (ACT No. 9 of 1998).]|-| Explanation -|-| For the purpose of this clause, the term“debenture” includesdebenture stock.|-| (b) of any interest secured by bond, mortgage -deed or policyof insurance. | [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 43 (a) (b) (c) w.e.f. 1-4-2006.]|-| (c) of any property under the AdministratorsGeneral Act, 1963(45 of 1963) section 22. | [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 43 (a) (b) (c) w.e.f. 1-4-2006.]|-| (d) of any trust property without considerationfrom one trustee to another trustee or from a trustee to abeneficiary. | [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 Section 5 43 (a) (b) (c) w.e.f. 1-4-2006.]|-| Exemptions|-| Transfer by endorsement -|-| (a) of a bill of exchange, cheque of promissorynote;|-| (b) of a bill of

lading, delivery order, warrant for goods or other mercantile document of title of goods; (c) of a policy of insurance; (d) of securities of the Central Government. 57. TRANSFER OF LEASE by way of assignment and not by way of under lease. [or way of decree or final order passed by any civil court or any Revenue officer] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 section 5 (44(a)) w.e.f. 1-4-2006.] The same duty as is leviable on a conveyance under [Article 20)(a) for the amount of consideration for the transfer, or as the case may be market value of the immovable property which ever is greater] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 section 5 (44(b)) w.e.f. 1-4-2006.] Exemption Transfer of any lease exempt from duty. 58. TRUST - A. Declaration of - of, or concerning any property when made by any writing not being a will. [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 section 5 (44(a)) w.e.f. 1-4-2006.] B. Revocation of - of, or concerning, any property when made by any instrument other than a will. [One hundred rupees] [These words were substituted by Bombay Stamp (Gujarat Amendment) Act, 2006 section 5 (44(b)) w.e.f. 1-4-2006.] (See also Settlement (No. 52)) VALUATION, SEE Appraisement (No. 10) 59. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be. One rupees. Deleted w.e.f. 1-4-2006 }

II

Enactments Repealed (See Section 76)

Year	No.	Enactments	Extent of Repeal
1	2	3	4
1899	II	The Indian Stamp Act, 1899, in its application to the Pre-Reorganisation State of Bombay, excluding the Transferred territories and to the Vidarbha Region and the Kutch Area of the State of Bombay.	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh to the Constitution of India.
1899	II	The Indian Stamp Act, 1899 as applied to the Saurashtra Area of the State of Bombay	The whole except in so far as it relates to documents specified entry 91 of List I in the Seventh Schedule to the Constitution of India.
1331 Fasli	IV	The Hyderabad Stamp Act, 1331 F.	
1932	II	The Bombay Finance Act, 1932.	Parts IV and V containing sections 15, 16, 17, 18, and 19.
1943	XIV	The Bombay Increase of Stamp Duties Act, 1943.	The whole