



## The Bombay Stamp Act, 1958

Act 60 of 1958

### Keyword(s):

Association, Banker, Bond, Chargeable, Clearance List, Duly Stamped, Executed and Execution, Impressed, Instrument, Instrument of Gifts, Instrument of Partition, Lease, Marketable Security, Mortgage, Power of Attorney, Settlement, Soldier

Amendments appended: [31 of 1962](#), [16 of 2008](#), [5 of 2010](#), [41 of 2011](#), [12 of 2006](#), [20 of 2015](#), [18 of 2016](#), [47 of 2017](#), [59 of 2017](#), [5 of 2018](#), [21 of 2019](#)

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**BOMBAY ACT NO. LX OF 1958<sup>1</sup>****(THE BOMBAY STAMP ACT, 1958)**

[This Act received the assent of the President on 4th June 1958; and assent was first published in the *Bombay Government Gazette*, Part IV, on the 11th June 1958].  
Amended by Bom. 95 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah.	10 of 1960.
" "	31 of 1962.
" "	10 of 1965.
" "	29 of 1972.
" "	13 of 1974 (1-5-1974)*
" "	16 of 1979 (4-7-1980)*
" "	27 of 1985 (10-12-1985)*
" "	9 of 1988 (22-4-1988)*
" "	27 of 1988† (29-8-1988)*
" "	1 of 1989 (6-1-1989)*
" "	18 of 1989 (1-12-1989)
" "	9 of 1990‡ (7-2-1990)*
" "	17 of 1993 (1-5-1993)*
" "	20 of 1994@ (23-2-1994)*
" "	29 of 1994 (1-5-1994)*
" "	38 of 1994 (17-8-1994)*
" "	12 of 1995†† (8-6-1995)*
" "	16 of 1995 (1-9-1995)*
" "	9 of 1997@@ (15-7-1997)
" "	30 of 1997£ (15-5-1997)

<sup>1</sup>For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1958, Extra, Part V, p. 122.

\*This indicates the date of enforcement of Act.

†Maharashtra Ordinance No. VI of 1988 was repealed by Mah. 27 of 1988, s.3.

‡Maharashtra Ordinance No. II of 1990 was repealed by Mah. 9 of 1990, s.4.

@Maharashtra Ordinance No. V of 1994 was repealed by Mah. 20 of 1994, s.4.

††Maharashtra Ordinance No. VIII of 1995 was repealed by Mah. 12 of 1995, s.15.

@@Maharashtra Ordinance No. XII of 1995 was repealed by Mah. 9 of 1997, s.48.

£ Section 9 of the Mah. 30 of 1997 reads as follows.—

**“9. (1) Notwithstanding anything contained in any judgement, decree or order of any court to Validation the contrary or in the Stamp Act, stamp duty assessed, levied and collected including any action of duty taken in pursuance of such assessment, levy and collection by the authorities under the said Act, levied and acting or purporting to act under the provisions of article 25 in the Schedule I to the Stamp Act collected, shall be deemed to have been validly levied and collected in accordance with law as if the provision of the said, article 25, as amended by the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 1997, had been continuously in force at all material time and accordingly :—**

**Mah. XXX of 1997.** (a) all actions, proceedings or things done or taken by the authorities under the Stamp Act in, connection with the levy and collection of the stamp duty shall, for all purposes, be deemed to have been done or taken in accordance with the provisions of the said Act ;

(b) no suit or other proceedings shall be maintainable or continued in any court, against the said authorities for the refund of the stamp duty so levied and collected ;

(c) no court or any other authority shall enforce any decree or order directing the refund of the stamp duty so levied or collected.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the Stamp Act as amended by this Amendment Act, any assessment, re-assessment levy or collection of stamp duty referred to in sub-section (1), or

(b) from claiming refund to any stamp duty paid by him under the Stamp Act, in excess of the amount due from him by way of stamp duty under the said Act, as amended by this Amendment Act.”

**An 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 document 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

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Bombay Stamp Act, 1958.
- (2) It extends to the whole of the <sup>1</sup>[State of Maharashtra].
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—
  - (a) “ association ” means any association, exchange, organisation 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 transactions relating to, any goods or marketable securities ;
  - <sup>2</sup>[(b) “ banker ” means an association, a company or a person who accepts for the purpose of lending or investment, deposits of money from the public, re-payment on demand or otherwise and withdrawable by cheque, draft, order or otherwise ;]
  - (c) “ bond ” includes,—
    - (i) any instrument whereby a person obliges himself to pay money to another on condition that 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;

<sup>3</sup>[Explanation.—Notwithstanding anything contained in any law for the time being in force ,for the purposes of this clause “ attested ”, in relation to an instrument, means attested by one or more, witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgement of his signature or mark or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant ; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary];

(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 ;

<sup>1</sup>These words were substituted for the words “ State of Bombay ” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>2</sup>Clause (b) was substituted for the original by Mah. 27 of 1985, s. 2(a).

<sup>3</sup>This Explanation was added by Mah. 27 of 1985, s.2 (b).

<sup>1</sup>[(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 <sup>2</sup>[State of Maharashtra] ;

(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 :

Provided that no instruments 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 <sup>3</sup>[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 43 in Schedule I to the Bombay Stamp Act, 1958, as the case may be, is omitted".

Bom. *Explanation.*—Transaction for the purposes for this clause shall include both sale LX and purchase ;

1958. (f) "Collector" means \* \* \* \*

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 <sup>5</sup>[and on whom any or all the powers of the Collector under this Act are conferred by the same notification or any other like notification.]

<sup>6</sup>[(g) "Conveyance" includes,—

- (i) a conveyance on sale,
- (ii) every instrument, \* \* \* \*
- (iii) every decree or final order of any Civil Court,

by which property whether moveable or immoveable 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 ;

I of 1956. <sup>8</sup>[(iv) every order made by the High Court under section 394 of the Companies Act, 1956 in respect of amalgamation of companies;]

*Explanation.*—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 for the purposes of this clause, be deemed to be an instrument by which property is transferred *inter vivos*.]

<sup>1</sup>Clause (dd) was inserted, by Bom. 95 of 1958, s.2.

<sup>2</sup>These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

<sup>3</sup>This portion was substituted for the portion beginning with the words "and that it" and ending with the words "of association" by Mah. 10 of 1965, s.2.

<sup>4</sup>The words "in Greater Bombay, the Collector of Bombay and elsewhere" were deleted by Mah. 9 of 1988, s.32 (a).

<sup>5</sup>These words were added, *ibid.*, s. 32(b).

<sup>6</sup>Clause (g) was substituted for the Original by Mah. 27 of 1985, s.2(c).

<sup>7</sup>The word "and" was deleted by Mah. 17 of 1993, s.28 (a) (i).

<sup>8</sup>Sub-clause (iv) was inserted, *ibid.*, s.28 (a)(ii).

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## CHAPTER II

## STAMP DUTIES

## (A) Of the Liability of Instruments to Duty

3. Subject to the provisions of this Act and the exemptions contained in Instrument Schedule I, the following instruments shall be chargeable with duty of the amount indicated in Schedule I as the proper duty therefor 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;

(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 [or where the Government has undertaken to bear the expenses towards the payment of the duty.]

XIX  
of  
1838.  
XLVI  
of  
1950.

(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 any ship or vessel registered under the Bombay Coasting Vessels Act, 1838, or <sup>2</sup>[Merchant Shipping Act, 1958].

4. (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 the other instrument shall be chargeable with a duty of <sup>3</sup>[twenty rupees] instead of the duty (if any) prescribed for it in that Schedule. Several Instruments used in single transaction of sale, mortgage or settlement:

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument.

<sup>4</sup>[(3) If the parties fail to determine the principal instrument between themselves then the officer before whom the instrument is produced may, for the purposes of this section, determine 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.

<sup>1</sup>These words were added by Mah. 27 of 1985, s. 3(a).

<sup>2</sup>These words and figures were substituted for the words and figures "Indian Registration of Ships Act, 1841" by Mah. 27 of 1985, s. 3(b).

<sup>3</sup>These words were substituted, for the words "ten rupees" by Mah. 9 of 1997, s. 6.

<sup>4</sup>Sub-section (3) was inserted, by Mah. 27 of 1985, s. 4(b).

**Instrument 5.** Any instrument comprising or relating to several distinct matters shall be relating to chargeable with the aggregate amount of the duties with which separate instruments several each comprising or relating to one of such matters, would be chargeable under distinct matters. this Act.

**Instruments 6.** Subject to the provisions of section 5, an instrument so framed as to come coming within two or more of the descriptions in Schedule I shall, where the duties chargeable several able thereunder are different, be chargeable only with the highest of such duties : discriptions

**Schedule I.** Provided that nothing in this Act contained shall render chargeable with duty exceeding [ten rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

**Payment of higher duty in respect of certain instruments.** 7. (1) Notwithstanding anything contained in section 4 or 6 or in 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 have 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.

<sup>2</sup>[(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 counter-part, duplicate or a copy of an instrument under sub-section (1).]

**Bonds or securities.** 8. (1) Notwithstanding anything in this Act, any local authority raising a loan IX. of under the provisions of the Local Authorities Loans Act, 1914, or of any other law 1914. other than for the time being in force, by the issue of bonds or securities other than debentures debentures shall, in respect of such loan, be chargeable with a duty of <sup>3</sup>[two per centum] on the issued on total amount of such bonds or securities issued by it, and such bonds or securities Loans under Act IX of need not be stamped, and shall not be chargeable with any further duty on renewal, 1914 or consolidation, sub-division or otherwise, other law.

<sup>1</sup> These words were substituted for the words "three rupees" by Mah. 27 of 1985, s. 5.

<sup>2</sup> Sub-section (3) was added by Mah. 17 of 1993, s. 29.

<sup>3</sup> These words were substituted for the words "one and half per centum" by Mah. 17 of 1993, s. 30.

(2) The provisions of sub-section (1) exempting certain bonds or securities 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 shall be liable to forfeit to the State Government a sum equal to ten per centum upon the amount of duty payable, and alike penalty for every month after the first month during which such neglect continues.

9. The State Government<sup>1</sup>[if satisfied that it is necessary to do so in the public interest,] may, by rule or order published in the *Official Gazette*,—

(a) reduce or remit, whether prospectively or retrospectively, in the whole compound 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.

*(B) Of stamps and the mode of using them*

10. (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 instrument, by means of stamps,—

(a) according to provisions herein contained; or

(b) when no such provision is applicable thereto, as the State Government may, by rules direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(a) in the case of each kind of instrument, 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.

<sup>2</sup>[(2A) The Chief Controlling Revenue Authority may, subject to such conditions as he may deem fit to impose, authorise use of franking machine or any other machine specified under sub-clause (iv) of clause (k) of section 2, for making impressions on instruments chargeable with duties to indicate payment of duties payable on such instruments.

(2B)(a) Where the Chief Controlling Revenue Authority or the Superintendent of Stamps, Bombay when authorised by the Chief Controlling Revenue Authority in this behalf, is satisfied that having regard to the extent of instruments executed and the duty chargeable thereon, it is necessary in public interest to authorise any person, body or organisation to such use of franking machine or any other machine, he may, by order in writing authorise such person, body or organisation.

(b) Every such authorisation shall be subject to such condition, if any, as the Chief Controlling Revenue Authority may, by any general or special order, specify in this behalf.

(2C) The procedure to regulate the use of franking machine or any other machine as so authorised shall be such as the Chief Controlling Revenue Authority may, by order determine.]

<sup>1</sup> These words were inserted by Mah. 27 of 1985, s. 6.

<sup>2</sup> These sub-sections were inserted by Mah. 20 of 1994, s. 3(I).

<sup>1</sup>[(3) Notwithstanding anything contained in sub-section (I), where the State Government or the Chief Controlling Revenue Authority, in relation to any area in the State, is satisfied that on account of temporary shortage of stamps, in any area in the State, duty chargeable cannot be paid and payment of duty cannot be indicated on instruments by means of stamps, the State Government, or as the case may be, the Chief Controlling Revenue Authority, under intimation to the State Government, 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 <sup>2</sup>[or by demand draft or by pay order] in any Government Treasury or Government sub-Treasury or the General Stamp Office, Bombay, or any other place as the State Government may, by notification in the *Official Gazette*, appoint in this behalf and the receipt or *challan* therefor shall be given by the Officer in charge thereof. Such receipt or *challan* shall be presented to the registering officer, who shall after due verification that the duty has been paid in cash <sup>2</sup>[or by demand draft or by pay order] make an endorsement to that effect on the instrument to the following effect, after cancelling such receipt or *challan* so that it cannot be used again, namely :—

"Stamp duty of Rs. .... paid in cash [or by demand draft or by pay order] vide Receipt/Challan No. .... dated the .....

Signature of Registering Officer." :

Provided that, the period to be specified in the notification issued by the Chief Controlling Revenue Authority shall not exceed a period of three months.

<sup>23 of</sup> [Explanation.—For the purposes of this sub-section, the expressions "demand draft" and by "pay order" mean the demand draft or pay order issued by the State Bank of India constituted under the State Bank of India Act, 1955 or, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or, under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or, any other bank being a scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934.] <sup>1955.</sup> <sup>5 of</sup> <sup>1970.</sup> <sup>40 of</sup> <sup>1980.</sup> <sup>2 of</sup> <sup>1934.</sup>

<sup>5</sup>[(4) An impression made under sub-section (2A), (2B) and (2C) or, as the case may be, an endorsement made under sub-section (3), <sup>6</sup>[or, under sub-section (2) of section 32A] on any instrument, shall have the same effect as if the duty of an amount equal to the amount indicated in the impression or, as the case may be, stated in the endorsement has been paid, in respect of, and such payment has been indicated on such instrument by means of stamps, under sub-section (1).]

<sup>1</sup> Sub-section (3) was added by Mah. 27 of 1985, s. 7.

<sup>2</sup> These words were inserted by Mah. 9 of 1988, s. 33(a).

<sup>3</sup> These words were substituted, *ibid.*, s.33(b).

<sup>4</sup> This explanation was added, *ibid.*, s. 33(c).

<sup>5</sup> Sub-section (4) was substituted by Mah. 20 of 1994, s. 3(2).

\* These words, brackets, figures and letter were inserted by Mah. 9 of 1997, s. 7.

<sup>7</sup> This clause was deleted by Mah. 9 of 1988, s. 34(a).

<sup>8</sup> Clause (b) was substituted for the original clauses (b) and (c) by Mah. 10 of 1965, s. 3.

\* This word and figure was substituted for the word and letters "article Nos.", by Mah. 9 of 1988, s. 34(b).

<sup>10</sup> These figures were substituted for the figures, brackets and letter "41(a)", by Mah. 7 of 1985, s. 8.

12. (1)(a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamps cancel the same so that it cannot be used again; and

(b) Whoever executes any instrument 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.

<sup>1</sup>[13. Every instrument for which sheet of paper stamped with impressed stamp is used shall be written in such manner that the writing may appear on the face and, if required, on the reverse of such sheet so that it cannot be used for or applied to any other instrument.]

Instruments stamped with impressed stamps to be written

*Explanation I.*—Where two or more sheets of papers stamped with impressed stamps are used to make up the amount of duty chargeable in respect of any instrument, either a portion of such instrument shall be written on each sheet so used, or the sheet on which no such portion is written shall be signed by the executant or one of the executants, with an endorsement indicating that the additional sheet is attached to the sheet on which the instrument is written.

*Explanation II.*—Where the sheet or sheets bearing impressed stamps is or are insufficient to admit of the entire instrument being written therein, so much plain paper may be subjoined thereto as may be necessary for completing the writing of such instrument, provided a substantial part of the instrument is written on the sheet which bears the stamp before any part is written on the plain paper so subjoined and such plain paper may or may not be signed by the executant but where it is not so signed it shall not render the instrument not duly stamped].

14. 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 :

Only one instrument to be on same stamp.

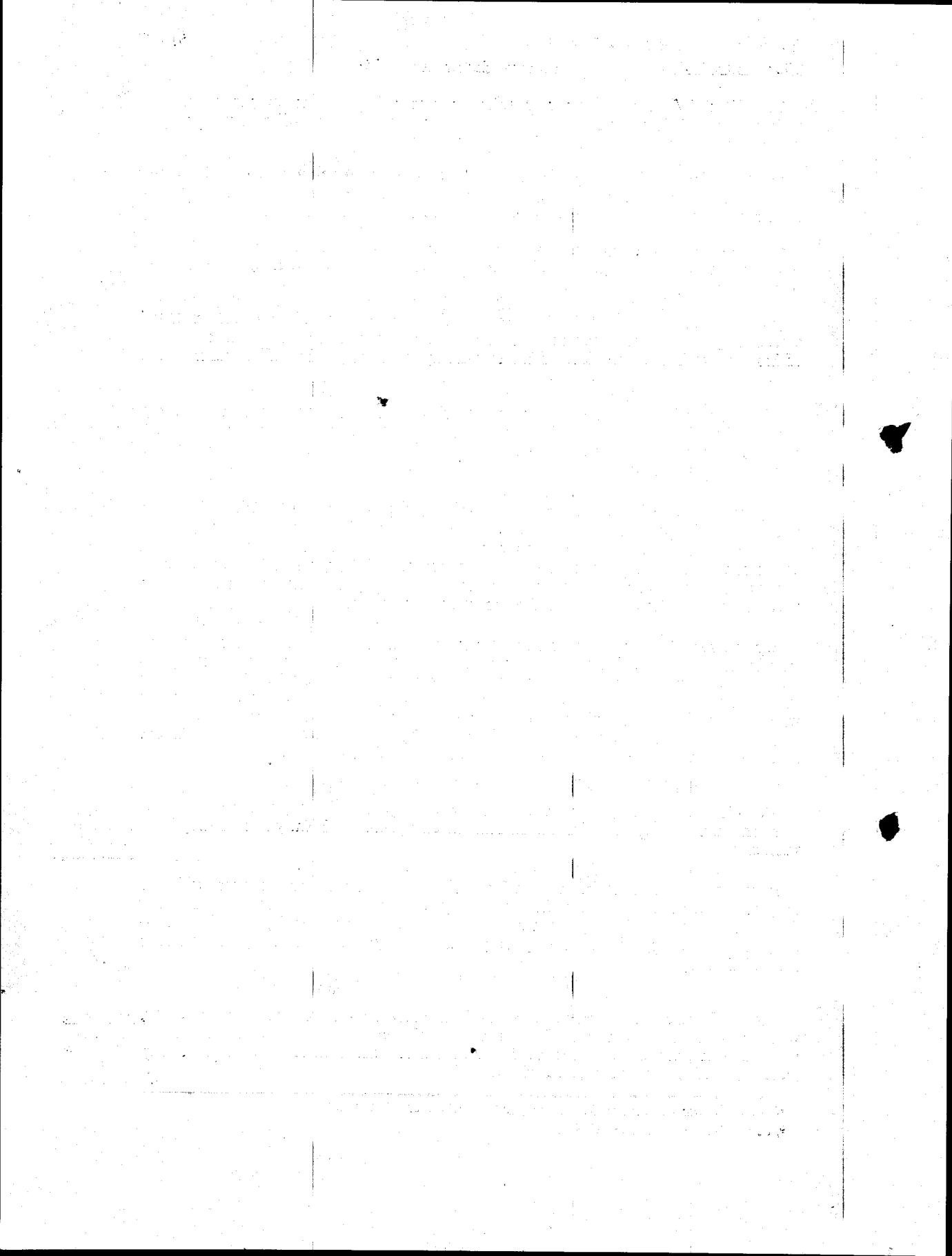
Provided that nothing in this section, shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

<sup>2</sup>[14A. Where due to material alterations made in an instrument by a party, with or without the consent of other parties, the character of the instrument is materially or substantially altered, then such instrument shall require a fresh stamp paper according to its altered character.]

Alterations in instruments how to be charged.

<sup>1</sup>Section 13 was substituted for the original, by Mah. 27 of 1985, s.9.

<sup>2</sup>Section 14A was inserted, *ibid.*, s.10.



No. 35 (Indemnity -Bond),

No. 40 (Mortagage-Deed),

No. 52 (Release),

No. 53 (Respondentia Bond),

No.54 (Security-Bond or Mortagage-Deed),

No. 55 (Settlement),

No. 1[59(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  
1998.

No. 59 (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 grantee; in the case of a lease or agreement to lease by the lessee or intended lessee ;

(c) in the case of a counter part of a lease by the lessee ;

(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 ;<sup>2\*</sup>

(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 of Civil Court or arbitrator, in such proportion, as such authority, Court or <sup>3</sup>[arbitrator directs ; and],

<sup>4</sup>[(g) in any other case, by the person executing the instrument.]

### CHAPTER III

#### ADJUDICATION AS TO STAMPS

31. <sup>5</sup>[(I) When any instrument, whether executed or not and whether previously Adjudication as to stamped or not, is brought to the Collector, <sup>6</sup>[by one of the parties to the instrument and such person] applies to have the opinion of that officer as to the duty (if any) with which <sup>7</sup>[or the Article of Schedule I under which] it is chargeable and pay <sup>8</sup>[a fee of fifty rupees], and one rupee on every Rs. 1,000 or part thereof, subject to a minimum of five rupees and maximum of twenty-five rupees in cases involving stamp duty on *ad valorem* basis, the Collector shall determine the duty (if any) with which, <sup>9</sup>[or the Article of Schedule I under which] in his judgement, the instrument is chargeable.]

<sup>1</sup> These figures, brackets and letter were substituted for the figures, brackets and letter " 58(a) " by Mah. 27 of 1985, s. 16(a).

<sup>2</sup> The word "and" was deleted, *ibid.*, s. 16(b).

<sup>3</sup> These words were substituted for the words "arbitrator directs" *ibid.*, s. 16(c).

<sup>4</sup> Clause (g) was added, *ibid.*, s. 16(d).

<sup>5</sup> Sub-section (I) was substituted for the original by Mah. 13 of 1974, s. 3.

<sup>6</sup> These words were substituted for the words "and the person bringing it" by Mah. 9 of 1997, s. 8(a).

<sup>7</sup> These words were inserted by Mah. 27 of 1985, s.17(a).

<sup>8</sup> These words were substituted for the portion beginning with the words "a fee of rupees "and ending with the words " *ad velorem basis* " by Mah. 9 of 1997, s. 8 (b).

<sup>9</sup> These words were inserted, by Mah. 27 of 1985, s. 17(a).

(2) For this purpose the Collector may require to be furnished with <sup>1</sup>[a true copy or] an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that 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 up any such application until <sup>2</sup>[such true copy or 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.

<sup>3</sup>[(3) Where the Collector acting under sub-sections (1) and (2) is not the Collector of the District and if he 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, <sup>4</sup>[he shall, for the purpose of assessing the stamp duty, determine the true market value of such property, as laid down in the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995].]

<sup>5</sup>[(4) When an instrument is brought to the Collector for adjudication,—

(i) within one month of execution or first execution of such instrument in the State ; or

(ii) if, such instrument is executed or first executed, out of the State, within three months from the date of first receipt of such instrument in this State,

the person liable to pay the stamp duty under section 30 shall pay the same within sixty days from the date of service of the notice of demand in respect of the stamp duty adjudicated by the Collector. If such person fails to pay the stamp duty so demanded within the said period, he shall be liable to pay a penalty at the rate of two per cent. of the deficient portion of the stamp duty, for every month or part thereof, from the date of execution of such instrument, or as the case may be, date of the first receipt of such instrument in the State.]

Certificate 32. (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 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 <sup>6</sup>[(stating the relevant Article of Schedule I and 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.

<sup>1</sup> These words were inserted by Mah. 27 of 1985, s. 17(b)(i).

<sup>2</sup> These words were substituted for the words "such abstract", *ibid.*, s. 17(b)(ii).

<sup>3</sup> Sub-section (3) was added, by Mah. 16 of 1979, s. 6.

<sup>4</sup> This portion was substituted for the portion beginning with the words "he may" and ending with the words "on the instrument" by Mah. 30 of 1997, s. 2(a).

<sup>5</sup> Sub-section (4) was added, *ibid.*, s. 2(b).

<sup>6</sup> These brackets, words and figures were substituted for the brackets and words "(stating the amount)" by Mah. 27 of 1985, s. 18(a).

(3) [Subject to the provisions of section 53A, 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 had been originally duty 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 paisa or less when brought to him, after the drawing or execution thereof, on paper not duty stamped.

<sup>2</sup>[32A.] (1) Every instrument of conveyance, exchange, gift, certificate of sale, deed of partition or power of attorney to sell immovable property when given for consideration, deed of settlement or transfer of lease by way of assignment, presented for registration under the provisions of Registration Act, 1908, shall be accompanied by a true copy thereof :

Instrument  
of  
conveyance,  
etc.,  
undervalued  
how to be  
dealt with.

Provided that, in case of such instruments executed on or after the 4th July 1980, Mah. to the date of commencement of the Bombay Stamp (Amendment) Act, 1985, an extract of the instrument to be taken from the registration record shall be deemed to 1985. be the true copy accompanying the instrument, presented for registration for the purpose of sub-section (1).

<sup>3</sup>[(2)(a) If any officer registering such instrument has reason to believe, on the basis of the information available with him in this behalf, that the market value of the immoveable property which is the subject matter of such instrument has not been truly set forth therein, he may, immediately after presentation of such instrument, give a notice to the person who is liable to pay the stamp duty under section 30, calling upon such person to pay the deficit amount of stamp duty and <sup>4</sup>[a penalty at the rate of 2 per cent. of the deficit portion of the stamp duty, for every month or part thereof] from the date of execution of such instrument. If such person is willing to pay the amount of the deficit stamp duty and penalty thereon, the registering officer shall accept the payment. The procedure laid down in sub-section (3) of section 10 shall, mutatis mutandis, apply to such payment.

(b) If such person does not make the payment within one month of receipt of the notice referred to in clause (a), then the registering officer shall, before registering the instrument, refer the true copy of such instrument to the Collector of the District for determination of the true market value of such property and the proper duty payable on the instrument.

(c) It shall be lawful for the registering officer to issue similar notices in respect of the instrument presented for registration before the date of commencement of the Maharashtra Tax Laws (Levy, Second Amendment and Validation) Act, 1996, Mah. where the true market value of the immoveable property which is the subject matter IX of of such instrument has not been determined by the Collector of the District. On 1997. the receipt of such notice, if the person liable to pay the stamp duty makes such payment within one month from the date of such receipt, and also pays the fixed penalty

<sup>1</sup>These words were substituted for the words " Any instrument upon which an endorsement has been made by Mah. 27 of 1985, s. 18(b).

<sup>2</sup>Section 32A shall be deemed to have been substituted with effect from the 4th July 1980, *ibid.*, s. 19.

<sup>3</sup>Sub-section (2) was substituted by Mah. 9 of 1997, s.9(a).

<sup>4</sup>This was substituted for the portion beginning with the words " a penalty at the rate " and ending with the words " or part thereof " by Mah.30 of 1997 , s.3 (a) (i).

of rupees 250, he shall not be liable to make any further payment of penalty at the rate <sup>1</sup>[of 2 per cent. of the deficient portion of the stamp duty, for every month or part thereof] from the date of execution and on such payment being made, the reference already made to the Collector of the District shall abate.]

(3) If any person referred to in section 33, before whom any such instrument is produced or comes, in the performance of his functions, has reason to believe that the market value of the immoveable property which is the subject matter of such instrument has not been truly setforth therein, he may, after performing his function in respect of such instrument, refer the instrument alongwith a true copy of such instrument to the Collector of the District for determination of the true market value of such property and the proper duty payable on the instrument:

<sup>2</sup>[Provided that if the person, before whom any such instrument is produced or comes in performance of his functions, is an officer appointed as the Collector under clause (f) of section 2, and he has reason to believe that the market value of the immoveable property which is the subject-matter of such instrument has not been truly set-forth therein, he shall, for the purpose of assessing the stamp duty, determine the true market value of such property in the manner laid down in the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995.]

(4) On receipt of the instrument or the true copy of the instrument as the case may be, under sub-section (2) or (3), 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 that behalf, determine the true market value of the immoveable property which is the subject matter of the instrument and the proper duty payable thereon, upon such determination, the Collector of the District shall require the party liable to pay the duty, to make the payment of the amount required to make up the difference between the amount of duty determined under this sub-section and the amount of duty already paid by him and shall also require such party to pay in addition, <sup>3</sup>[a penalty <sup>4</sup>[of 2 per cent. for every month or part thereof] from the date of execution of the instrument on differential amount of stamp duty] and such on payment, the instrument received under sub-section (2) or (3) shall be returned to the officer or person referred to therein:

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 market value as setforth 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:

<sup>5</sup>[Provided further that, in respect of references pending with the Collector of the District, before the commencement of the Maharashtra Tax Laws (Levy, IX of Mah. Second Amendment and Validation) Act, 1996, for determination of true market value of the immoveable property which is the subject-matter of the instrument, the person liable to pay the stamp duty under section 30 shall not be liable to pay a penalty exceeding rupees 250 if, he makes the payment of the stamp duty and penalty within one month from the date of receipt of the order of the Collector of the District, by him.]

<sup>1</sup>. These words and figures were substituted for the words " of 15 per cent of the deficit amount of the stamp duty " by Mah. 30 of 1997, s.3 (a) (ii).

<sup>2</sup>. This proviso was added. *ibid.*, 3(b).

<sup>3</sup>. This was substituted for the portion beginning with the words " a penalty of " and ending with the words and figures " the 1st March 1990 " by Mah. 9 of 1997, s.9 (b) (i).

<sup>4</sup>. These words and figures were substituted for the words and figures " of 15 per cent. for each year or part of the year " by Mah.30 of 1997, s.3(c).

<sup>5</sup>. This proviso was substituted by Mah. 9 of 1997, s.9(b) (ii).

(5) The Collector of the District may, *suo motu* or on receipt of information from any source, within <sup>1</sup>[ten years] 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 or the instruments in respect to which the proper duty has been determined by him under sub-section (4) or an instrument executed before the 4th July 1980), call for the true copy or an abstract of the instrument from the registering officer and examine it for the purpose of satisfying himself as to the correctness of the market value of the immoveable property which is the subject matter of such instrument and the duty payable thereon; and if, after such examination, he has reason to believe that the market value of such property has not been truly and fully set forth in the instrument he shall proceed as provided in sub-section (4).

<sup>2</sup>[(6) It shall be lawful for the Chief Controlling Revenue Authority or the Collector of the District to transfer to any other Officers any reference received by the Collector of the District under this section, for disposal in accordance with the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995.]

<sup>1</sup> These words were substituted for the words " eight years " by Mah. 30 of 1997, s.3 (d).

<sup>2</sup> Sub-section (6) was substituted by Mah. 30 of 1997, s.3 (e).

**Instruments** 34. No instrument chargeable with duty <sup>1\*</sup> not duly <sup>\*</sup> stamped shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall in evidence, be acted upon, registered or authenticated by any such person or by any public etc. officer unless such instruments is duly stamped <sup>2</sup>[or if the instrument is written on sheet of paper with impressed stamp, <sup>3</sup>[such stamp paper is purchased in the name of one of the parties to the instrument :] ]

Provided that,—

<sup>4</sup>[(a) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of—

(i) the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, the amount required to make up such duty, and

(ii) a penalty of five rupees or, ten times the amount of deficient portion thereof, whichever is higher.]

(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 <sup>II of</sup> in evidence in any proceeding in a Criminal Court, other than a proceeding <sup>1974.</sup> <sup>5</sup>[under Chapter IX or Part D of Chapter X of the Code of Criminal Procedure 1973.]

(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;

<sup>6</sup>[(e) nothing herein contained shall prevent the admission of a copy of any instrument or of an oral admission of the contents of any instrument, if the stamp duty or a deficient portion of the stamp duty and penalty as specified in clause (a) is paid.]

<sup>1</sup> The words , brackets, figures and letter “(not being any instrument referred to in sub-section(I) of section 32A) ” were deleted by Mah. 29 of 1994, s. 2(1).

<sup>2</sup> These words were added, *ibid.*, s. 2(2).

<sup>3</sup> This portion was substituted for the portion beginning with the words “and the executor or one of the executors ” and ending with the words “the stamp paper is purchased ” by Man.9 of 1997, s. 10.

<sup>4</sup> Clause (a) was substituted for the original by Mah. 27 of 1985, s.22(a).

<sup>5</sup> These words, figures and letter were substituted for the “ words and figures ” under Chapter XII or Chapter XXX VI of the Code of Criminal Procedure, 1898, *ibid.*, s.22(b).

<sup>6</sup> Clause (e) was added, *ibid.*, s.22(c).

35. 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.

Admission of instrument where not to be questioned.

36. 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. (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.

<sup>1</sup>(2) In every other case, a person so impounding the original instrument shall prepare an authentic copy of such instrument and where it is a true copy or an abstract referred to in section 31 or true copy referred to in section 33A, he shall send such authentic copy or, true copy or, as the case may be, an abstract to the Collector, for the purpose of taking action on the authentic copy or a true copy or, as the case may be, an abstract as if it were the original instrument and endorsing thereon a certificate with reference to the instrument under clause (a) of sub-section (1) of section 39 or under sub-section (1) of section 41, as the case may be. On receipt of the authentic copy, the true copy or, as the case may be, an abstract with the certificate as aforesaid endorsed thereon, the person who had impounded the original instrument shall copy on the original instrument the certificate endorsed on the authentic copy and shall authenticate such certificate; and where it is a true copy or an abstract on which the certificate as aforesaid is endorsed, the registering officer who had forwarded the true copy or an abstract shall make appropriate entries in respect of the instrument of which it was a true copy or an abstract, in the relevant register maintained by him and on an application made in this behalf issue under his signature a certificate to the effect 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 of that instrument, and the name and residence of the person paying such duty and penalty.]

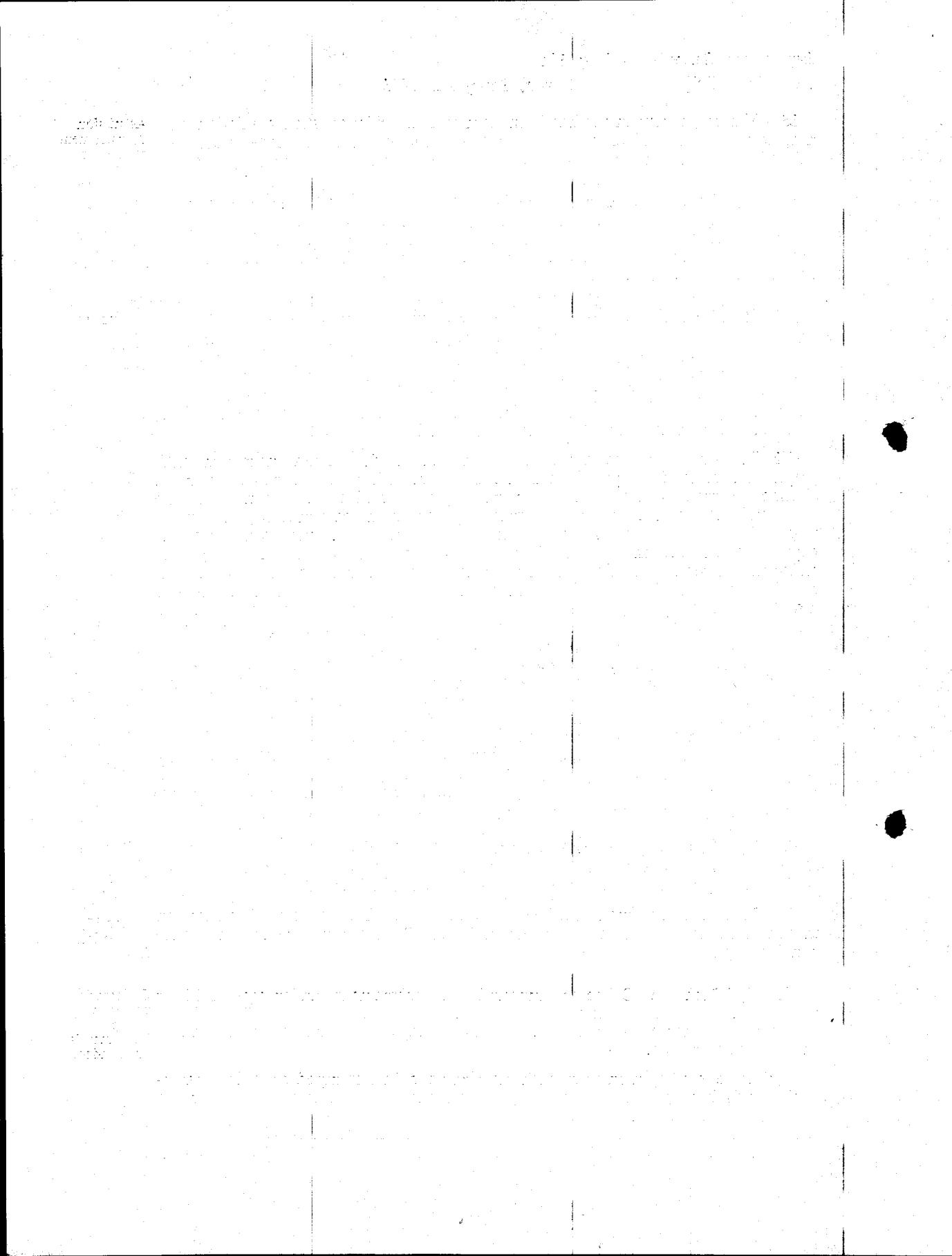
38. (1) When a copy of an instrument is sent to the Collector under sub-section (1) of section 37 he may, if he thinks fit, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(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. (1) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under sub-section (2) of 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;

<sup>1</sup> Sub-section (2) was substituted for the original, by Mah. 27 of 1985, s.23.



(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 <sup>1</sup>[an amount equal to <sup>2</sup>[2 per cent. of the deficient portion of the stamp duty, for every month or part thereof] from the date of execution of the instrument subject to the payment of a minimum penalty of rupees one hundred]:

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) <sup>3</sup>[Subject to the provisions of section 53A, 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 sent to the Collector under sub-section (2) of section 37 the Collector shall, when he has dealt with it as provided by this section return it to the impounding officer.

40. 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. (1) When the duty and penalty (if any) leviable in respect of any instrument <sup>4</sup>[not being any instrument referred to in sub-section (1) of section 32-A,] 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) <sup>5</sup>[Subject to the provisions of section 53A, 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 <sup>6</sup>[on the application in this behalf, to the person who produced it, or to the person from whose possession it came into the hands of the officer impounding it, or to any other person according to the directions of such person:]

Provided that,—

(a) no instrument which has been admitted in evidence upon payment of duty and a 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;

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1908.  
(b) nothing in this section shall affect the provisions of rule 9 of Order XIII in Schedule I of the Code of Civil Procedure, 1908.

<sup>1</sup> This was substituted for the portion beginning with the words "and the executor or executors" and ending with the words "the stamp paper is purchased", by Mah. 9 of 1997, s.11.

<sup>2</sup> These words and words were substituted for the words "twenty-four per cent. of the deficit portion of the stamp duty, for every year or part thereof" by Mah. 30 of 1997 s.4.

<sup>3</sup> These words, figures and letter were substituted for the words "every Certificate" by Mah. 27 of 1985, s.24.

<sup>4</sup> These brackets, words, figures and letter were inserted by Mah. 16 of 1979, s.10.

<sup>5</sup> These words, figures and letter was substituted for the words "Every instrument" by Mah. 27 of 1985, s.25(a).

<sup>6</sup> This portion was substituted for the portion beginning with the words "on his application" and ending with the words "such person may direct", *ibid.*, s.25(b).

**Prosecution** 42. The taking of proceedings or the payment of a penalty under this Chapter of offence in respect of any instrument shall not bar the prosecution of any person who appears against to have committed an offence against the stamp law in respect of such instrument: stamp law.

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which 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.

**Persons paying duty** 43. (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 penalty 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 instrument has been tendered in evidence. If the Court does not [or the reasons to be recorded in writing.] include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

**Power of Revenue Controlling Authority to refund** 44. (1) Where any penalty is paid under section 34 or section 39, the Chief Revenue 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.

**Excess duty in certain cases.** (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 34 or section 39, such authority may, upon application in writing made by the party concerned within [one year] from the date of receipt of the order charging the same, refund the excess.

**Non-liability of instruments sent under section 37.** 45. (1) If any instrument sent to the Collector under sub-section (2) of section 37 for loss of 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.

**Recovery of duties and penalties** 46. [(1)] All duties, penalties and other sums required to be paid under this [Act] may be recovered by the Collector by distress and sale of the moveable property of the person from whom the same are due, or as an arrear of land revenue.

[(2)] For the purpose of effecting such recovery, as arrears of land revenue,—

(a) the Chief Controlling Revenue Authority shall have and exercise all the powers and perform all the duties of the Commissioner under the Maharashtra Land Revenue Code, 1966 ; Mah. XLI of 1966.

(b) the officer appointed as the Collector under clause (f) of section 2 shall have and exercise all the powers and perform all the duties of the Collector under the said Code.

<sup>1</sup> These words were inserted by Mah. 27 of 1985, s.26.

<sup>2</sup> These words were substituted for the words " three months ", *ibid.*, s.27.

<sup>3</sup> This word was substituted for the word " Chapter " by Mah. 17 of 1993, s.35.

<sup>4</sup> Section 46 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered sub-sections (2) and (3) were added by Mah. 30 of 1997, s.5.

(3) Every notice issued or order passed in exercise of the powers conferred by subsection (2) shall, for the purposes of this Act, be deemed to be a notice issued or an order passed under this Act.]

## CHAPTER V

### ALLOWANCES FOR STAMPS IN CERTAIN CASES

**47.** 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 undesignedly 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 <sup>1</sup>[by the party] to be absolutely void in law from the beginning ;

<sup>2</sup>[(IA) has been afterwards found by the Court, to be absolutely void from the beginning under section 31 of the Specific Relief Act, 1963 ;]

(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 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 to advance any money intended to be thereby 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 undesignedly 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, <sup>3</sup>[except that falling under sub-clause (IA)], 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 <sup>4</sup>[to be cancelled, or has been already given up to the Court to be cancelled.]

<sup>1</sup> These words were inserted by Mah. 27 of 1985, s 28(a) (i).

<sup>2</sup> Clause (IA) was inserted *ibid.*, s (28 (a) (ii).

<sup>3</sup> These words, brackets, figures and letters were inserted by Mah. 27 of 1985, s. 28(b) (i).

<sup>4</sup> These words were substituted for the words, “ to be cancelled ”, *ibid.*, s. 28 (b) (ii).

**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.

**Application for relief under section 47 when to be made.** 48. The application for relief under section 47 shall be made within the following period, that is to say,—

(1) in the cases mentioned in clause (c) (5), within [six months] of the date of the instruments ;

<sup>2</sup>[Provided that where an Agreement to sale immovable property, on which stamp duty is paid under Article 25 of the Schedule I, is presented for registration under the provisions of the Registration Act, 1908 and if the seller refuses to deliver possession of the immovable property which is the subject matter of such agreement the application may be made within two year of the date of the Instrument.]<sup>XVI of 1908.</sup>

<sup>3</sup>[2] in the case when for unavoidable circumstances any instrument for which another instrument has been substituted cannot be given up to be cancelled, the application may be made within six months after the date of execution of the substituted instrument.

(3) in any other case, within [six months] from the date of purchase of stamp.]

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

**Allowance for misused stamps.** 50. (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 alone 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.

**Allowance for spoiled or misused stamps how to be made.** 51. In any case in which allowance is made for spoiled stamps under section 47, or misused stamps under section 50, or in respect of printed forms no longer required under section 49, the Collector may give, in lieu thereof,—

(a) the same value in money, deducting [therefrom such amount as may be prescribed by rules made in this behalf by the State Government]; or

<sup>1</sup>These words were substituted for the words, "two months", *ibid.*, s.29 (a).

<sup>2</sup>This proviso was added by Mah. 16 of 1995, s.2.

<sup>3</sup>Clause (2) and (3) were substituted for the original clauses (2) and (3) and the proviso thereto by Mah. 27 of 1985 s.29 (b).

<sup>4</sup>These words were substituted for the words "one year" by Mah. 18 of 1989, s.4.

<sup>5</sup>These words were substituted for the words "one year" *ibid.*, s.5.

<sup>6</sup>Section 51 was substituted for the original, by Mah. 27 of 1985, s.31.

<sup>7</sup>These words were substituted for the words "ten paise for each rupee or fraction of a rupee of the total value of the stamps or rupees twenty-five for each stamp, whichever is less," by Mah. 18 of 1989, s.6.

(b) if the applicant so requires, other stamps of the same description and value; or

(c) if the applicant so requires, stamps of any other description of the same amount in value:

Provided that, in the cases covered by clauses (b) and (c) a stationery charge as may be prescribed by rules made by the State Government, shall also be recovered in respect of spoiled or misused stamp papers, surrendered.]

**52.** 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 paise of such stamp or stamps in money, deducting <sup>1</sup>[therefrom such amount as may be prescribed by rules made in this behalf by the State Government] 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 <sup>2</sup>[six months] next preceding the date on which they were so delivered:

Provided that, where the person is 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.** (1) Notwithstanding anything contained in sections 47, 50, 51 and 52, when payment of duty is made by stamps or in cash as provided for under sub-section (3) of section 10, and when the <sup>3</sup>[amount of duty paid,—

(i) in the Mumbai City District and Mumbai Suburban District exceeds one lakh rupees ; and

(ii) in any other district exceeds twenty-five thousand rupees the Collector] shall not make allowance for the stamps or the cash amount paid under the *Challans*, which are spoilt or misused or not required for use, but shall, after making necessary enquiries, forward the application with his remarks thereon to the Chief Controlling Revenue Authority.

(2) The Chief Controlling Revenue Authority shall thereafter decide whether allowance shall be given or not and may grant the same, if the amount does not exceed <sup>5</sup>[two lakh rupees].

(3) The Chief Controlling Revenue Authority shall submit the case with his remarks thereon to the State Government when the amount exceeds <sup>5</sup>[two lakh rupees].

**52B.** Notwithstanding anything contained in sections 47, 50, 51 and 52,—

(a) Any stamps which have been purchased but have not been used or in respect of which no allowance has been claimed on or before the day immediately preceding the date of commencement of the Bombay Stamp (Amendment) Act, 1989 (hereinafter referred to as "the commencement date") and the period of six months from the date of purchase of such stamps has not elapsed before the commencement date, may be used before a period of six months from

*Invalidation  
of stamps  
and saving.*

<sup>1</sup> These words were substituted for the words "ten paise for each rupee or fraction of a rupee of the total value of the stamps or rupees twenty-five for each stamp , whichever is less ", *ibid.* s.7(1)

<sup>2</sup> These words were substituted for the words " six months " by Mah. 18 of 1989., s.7(2).

<sup>3</sup> Section 52A was substituted for the original, by Mah. 27 of 1985., s.33.

<sup>4</sup> This was substituted for the words "amount of duty exceeds ten thousand rupees the Collector " by Mah. 30 of 1997, s.6.(a).

<sup>5</sup> These words were substituted for the words " fifty thousand rupees " by Mah. 30 of 1997, s.6(b).

<sup>6</sup> Section 52B was inserted by Mah. 18 of 1989, s.8.

the date of purchase of such stamps is completed, or delivered for claiming the allowance under the relevant provision of this Act; and any stamps not so used or so delivered within the period aforesaid shall be rendered invalid.

(b) Any stamps which have been purchased on or after the commencement date but have not been used, or no allowance has been claimed in respect thereof, within a period of six months from the date of purchase thereof, shall be rendered invalid.]

## CHAPTER VI

### [REFERENCE, REVISION AND APPEAL]

**Control of and statement of case to Chief Controlling Revenue Authority.** 53. (1) The powers exercisable by a Collector under <sup>2</sup>[Chapter III], Chapter IV and Chapter V and under clause (a) of <sup>3</sup>[the second proviso] to section 27 shall in all cases be subject to the control of the Chief Controlling Revenue Authority :

<sup>4</sup>[Provided that, nothing contained in this sub-section shall apply <sup>5</sup>[in relation to any order of the Collector of the District determining the true market value of the immoveable property which is the subject-matter of the instrument] referred to in sub-section (1) of section 32A].

<sup>6</sup>[(1A) Any person aggrieved by an order of the Collector under Chapter III, Chapter IV, Chapter V and under clause (a) of the second proviso to section 27 may, within sixty days from the date of receipt of such order, by an application in writing, accompanied by a fee of three hundred rupees, file an appeal against such order to the Chief Controlling Revenue Authority; who shall, after giving the parties a reasonable opportunity of being heard, consider the case and pass such order thereon as he thinks just and proper and the order so passed shall be final.]

(2) If any Collector, acting under section 31, 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 <sup>7</sup>[after giving the parties a reasonable opportunity of being heard] 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.

**Revision of Collector's decision under section 32, 39 and 41.** 8[53A. (1) Notwithstanding anything contained in sub-section (3) of section 32, 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 section 32, or is held not chargeable with duty, as the case may be, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under section 32, 39 or 41, as the case may be, require the concerned party to produce before him the instrument and, after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable, or any duty is less levied, thereon and order the recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.

<sup>1</sup> This heading was substituted for the heading "Reference and Revision" by Mah. 9 of 1997, s.12.

<sup>2</sup> These words and figures were inserted, by Mah. 27 of 1985, s.34 (a) (i).

<sup>3</sup> These words were substituted, for the words "the first proviso" *ibid.*, s.34 (a) (ii).

<sup>4</sup> This proviso was added by Mah. 16 of 1979, s.11.

<sup>5</sup> This portion was substituted for the words "in relation to any instrument" by Mah. 9 of 1997, s.13 (a).

<sup>6</sup> Sub-section (1A) was inserted by Mah. 9 of 1997, s.13(b).

<sup>7</sup> These words were inserted by Mah. 27 of 1985, s.34(b).

<sup>8</sup> Section 53A was inserted, *ibid.*, s.35.

(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 under section 31 or sub-section (2) of section 37 and such copy or abstract shall be deemed to be the original instrument for the purposes of this section.]

**54.** <sup>1</sup>[(I) The Chief Controlling Revenue Authority may state any case—

- (a) referred to it under sub-section (2) of section 53;
- (b) on an application made to it by the party interested, within the period which in the opinion of the Authority is reasonable, raising a substantial question of law for referring the same; or
- (c) otherwise coming to its notice;

and refer such case formulating the precise question with its own opinion thereon, to the High Court.]

(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.

**55.** If the High 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 alterations therein as the High Court may direct in that behalf.

Statement of case by Chief Controlling Revenue Authority to High Court.  
Power of High Court to call for further particulars as to case stated.

**56.** (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.

Procedure in disposing of case stated.

(2) The High Court shall send to the Revenue Authority, by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue Authority shall, on receiving such copy [pass such orders as are necessary for disposal of the case conformably to such judgment.]

**57.** (1) If any Court, other than the High Court, feels doubts as to the amounts of duty, to be paid in respect of any instrument under clause (a) of the 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.

Statement of case by other Courts to 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.

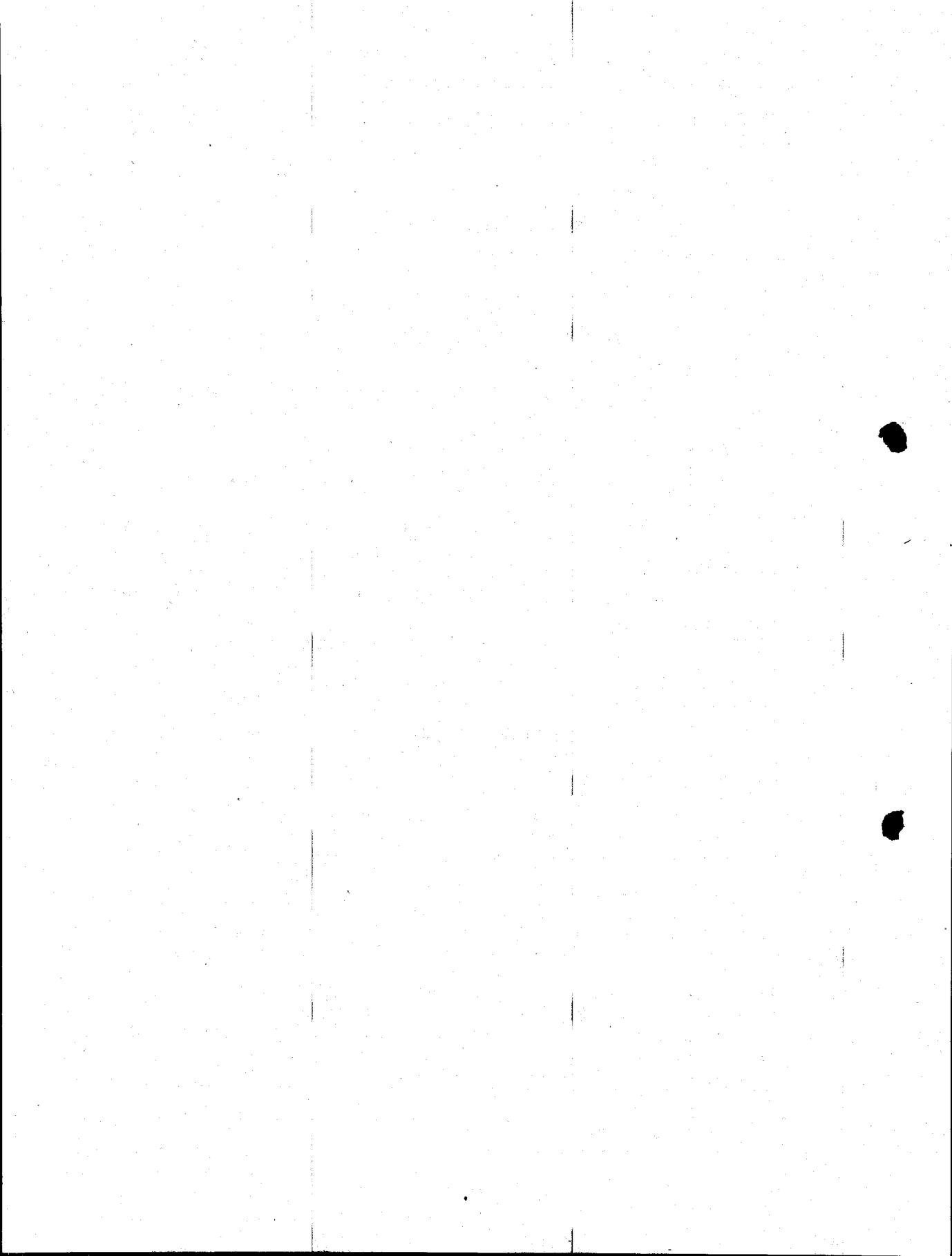
<sup>3</sup>[(4) Without prejudice to the provisions of section 58, no Court shall take action under this section,—

- (a) where the instrument has already been impounded or a penalty is levied in respect thereof under clause (a) of the proviso to section 34; or
- (b) in the case to which section 35 applies.]

<sup>1</sup> Sub-section (1) was substituted for the original, by Mah. 27 of 1985, s.36.

<sup>2</sup> These words were substituted for the words "dispose of the case conformably to such judgement by Mah. 27 of 1985 s.37.

<sup>3</sup> Sub-section (4) was added, *ibid.*, s.38.



63. (a) Any person appointed to sell stamps who disobeys any rule made under section 69 and

<sup>1</sup>[b] any person not so appointed, who carries on business of dealing in stamp<sup>s</sup> other than adhesive stamps of twenty *paise* or of lesser value] shall, on conviction, be punished with <sup>2</sup>rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees].

<sup>3</sup>[63A. (1) Any person who, before date of commencement of the Maharashtra Non-Tax Laws (Levy, Amendment and Validation) Act, 1997 (hereinafter, in this section, referred to as "the said date"), has collected or any time after the said date collects, from any person, any sum purporting to be towards the payment of stamp duty, prescribed shall within 120 days from the said date or, as the case may be, within 30 days from the date of collection of such amount, remit the same in Government Treasury or General Stamp Office, Mumbai, or any other place as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with a fine which may extend to five thousand rupees.]

64. (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.*) (Deleted by Mah. 27 of 1985, section 44).

<sup>4</sup>[66. Every offence under this Act committed in respect of any instrument may be tried in any district or a metropolitan area in which such instrument is executed or found or where such offence is triable under the Code of Criminal Procedure, 1973].

## CHAPTER VIII

### SUPPLEMENTAL PROVISIONS

67. 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 State Government or] by the Collector to inspect for such purpose, the register, books, papers, documents and proceedings and to take such notes and extracts as he may deem necessary without fee or charge <sup>5</sup>[and, if necessary, to seize and impound them under section 33].

<sup>1</sup> Clause (b) was substituted for the original by Mah. 27 of 1985, s.43.

<sup>2</sup> These words were substituted for the words "imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both" by Mah. 18 of 1989, s.11.

<sup>3</sup> Section 63A was inserted by Mah. 30 of 1997, s.7.

<sup>4</sup> Section 66 was substituted for the original, by Mah. 27 of 1985, s.45.

<sup>5</sup> These words were inserted, *ibid.*, s.46 (a).

<sup>6</sup> These words were added, *ibid.*, s.46(b).

Collector's 68. The Collector may, where he has reason to believe that all or any of the power to instruments specified in <sup>1</sup>[\* \* \* \*] Schedule I have not been charged at all or authorise incorrectly charged with duty leviable under this Act, authorised in writing any officer enter to enter upon any premises where he has reason to believe that any registers, books, premises records, documents or proceedings relating to or in connection with any such instrument are kept and to inspect them and to take such notes and extracts inspect as such officer deems necessary. Every person having in his custody or maintaining certain documents such registers, books, records, papers, documents or proceedings shall at all reasonable times permit the officer authorised by the Collector to inspect them and take the notes and extracts as he may deem necessary <sup>2</sup>[and if necessary seize and impound them under section 33].

Power to make rules 3[69. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out generally the purposes of this Act, and such rules may provide that a breach thereof shall, on conviction, be punished with fine not exceeding five hundred rupees.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), and in particular such rules <sup>4</sup>[may regulate, or provide for all or any of the following matters, namely]:—

- (a) the supply, sale and use of stamps and stamped papers;
- (b) the persons by whom alone such sale is to be conducted <sup>5</sup>[\* \*]
- (c) the duties and remuneration of such persons <sup>6</sup>[\* \* \* \*]
- <sup>7</sup>[(d) the manner of ascertaining the true market value of immoveable property;]
- <sup>8</sup>[(e) the procedure for *suo motu* revision proceedings ; and
- (f) the amount to be deducted from the allowance of stamps under sections 47, 50, 51 or 52.]

Provided that, such rules shall not restrict the sale of adhesive stamps of twenty paise or of lesser value.

(3) all rules made under this Act shall be made subject to the condition of previous publication in the *Official Gazette*.

<sup>9</sup>[Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the condition of previous publication of any rule to be made under this section.]

(4) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

<sup>1</sup> The words and figures " Articles 5,13, 19, 20, 21, 22, 23, 28, 29, 34, 35, 36, 43, 54 and 62 of " were deleted, *ibid.*, s.47.

<sup>2</sup> These words and figures were added by Mah. 13 of 1974, s.4.(b)

<sup>3</sup> Sections 69 and 70 were substituted for the original sections 69, 70 and 71 by Mah. 27 of 1985,s.48.

<sup>4</sup> These words were substituted for the words " may regulate " by Mah. 9 of 1988, s.37(a).

<sup>5</sup> The words " and " was deleted by Mah. 9 of 1988, s.37(b).

<sup>6</sup> The words " and " was deleted by Mah. 18 of 1989, s.12(a).

<sup>7</sup> Clause (d) was inserted by Mah. 9 of 1988, s.37(d).

<sup>8</sup> These clauses were added, by Mah. 18 of 1989, s.12(b).

<sup>9</sup> This proviso added by Mah. 12 of 1995, s.2.

70. In determining the amount of duty payable, or of the allowance to be made under this Act, any fraction of ten *paise* equal to or exceeding five *paise* shall be rounded off to the next ten *paise*, and fraction of less than five *paise* shall be disregarded.]

Rounding off of fractions in duty payable or allowances to be made.

71. [Publication of rules.] (Deleted by Mah. 27 of 1985, s. 48)

72. The State Government may by notification in the *Official Gazette* delegate—

Delegation of certain powers.

(a) all or any of the powers conferred on it by sections 2(f), 33(3)(b), 64, <sup>1</sup>[and 69] to the Chief Controlling Revenue Authority; and

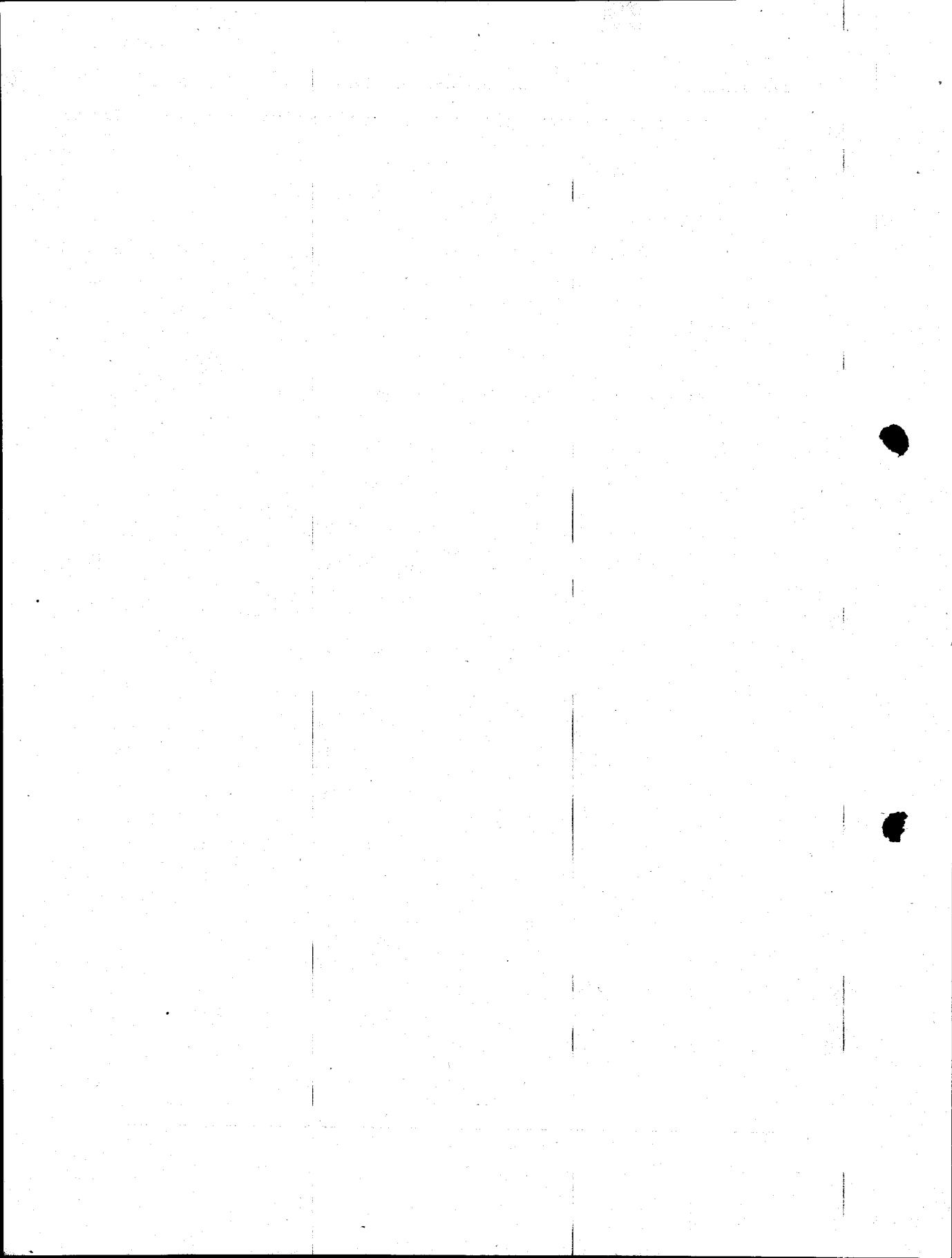
(b) all or any of the powers conferred on the Chief Controlling Revenue Authority by sections 44, 53(1) and 64(2) to such subordinate Revenue authority as may be specified in the notification.

73. 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.

Saving as court-fees.

73A. [Use of former State Stamps permissible for certain period to be notified].  
[Deleted by Mah. 27 of 1985, s. 49]

<sup>1</sup> This word and figures were substituted for the figures and words "69 and 75" by Mah. 17 of 1993, s.36.



(1)

(2)

4. AFFIDAVIT, that is to say, a statement in writing purporting to be a statement of facts, signed by the person making it and confirmed by him on oath or, in the case of persons by law allowed to affirm or declare instead of swearing, by affirmation.

*Exemptions*

Affidavit or declaration in writing when made—

XLV of 1950. (a) as a condition of enrolment under the Air Force Act, 1950, the Army Act, 1950 or the Navy Act, 1957 ;

XLVI of 1950. (b) for the immediate purposes of being filed or used in any Court or before the officer of any Court ; or

LXII of 1957. (c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. AGREEMENT OR ITS RECORDS OR MEMORANDUM OF AN AGREEMENT—

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

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

XLII of 1956. (c) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate—

(i) when such agreement or memorandum of an agreement is with or through a member or between members of Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956 ;

(ii) in any other case ;

One rupee for every rupees 10,000 or part thereof.

One rupee for every rupees 10,000 or part thereof the value of the security at the time of its purchase or sale, as the case may be [subject to a maximum of rupees one thousand.]

One rupee for every rupees 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

One rupee for every rupees 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

<sup>1</sup> These words were substituted for the words " Ten rupees " by Mah. 9 of 1997, s. 14(I).

<sup>2</sup> These words were added by Mah. 9 of 1988, s. 38 (a) (1).

SCHEDULE—*contd.*

(1)	(2)
(d) if relating to the Purchase or sale of cotton;	One rupee for every unit of transaction of 4,500 kilograms or part thereof.
(e) if relating to the purchase or sale of bullion or species ;	(a) One rupee for every unit of 50 kilograms of silver or part thereof. (b) One rupee for every unit of 1 kilogram of gold or part thereof. (c) One rupee for every unit of 100 sovereigns or part thereof.
(f) if relating to purchase or sale of oil seeds ;	One rupee for every 10,000 kilograms of oil seeds, or part thereof.
(g) if relating to the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind ;	One rupee for every rupees 10,000 or part thereof of the value of yarn of any kind, non-mineral oils or spices of any kind, as may be specified by the State Government by notification in the <i>Official Gazette</i> .
<sup>1</sup> [(g-a) if relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, development of or, sale or transfer (in any manner whatsoever) of, any immoveable property.	Five rupees for every fivehundred rupees or part thereof of the market value of the property: Provided that, the provisions of section 32A shall, <i>mutatis mutandis</i> , apply to such agreement, records thereof or memorandum, as they apply to an instrument under that section:
<sup>2</sup> [(g-b) * * * * ] [(g-c) * * * * ]	Provided further that, if the proper stamp duty is paid under clause (g) of article 48 on a power of attorney executed between the same parties in respect of the same property then, the stamp duty under this article shall be one hundred rupees.]
<sup>3</sup> [(g-d) if relating to transfer of tenancy of immovable property, for every square metre of the area of the tenanted property	

<sup>1</sup> Clauses (g-a) was inserted and shall be deemed to have been inserted with effect from 7th February 1990, by Mah. 9 of 1997, s.14(2).

<sup>2</sup> Clauses (g-b) and (g-c) were deleted by Mah. 38 of 1994, s.3 (1) (a).

<sup>3</sup> Clauses (g-d) and (g-e) were inserted by Mah. 29 of 1994, s. 3 (2).

(1)	(2)
the right of tenancy in which is the subject matter of transfer and situated within the limits of—	
(i) the Municipal Corporation of Greater Bombay—	
(A) for the purpose of non-residential use of any nature whatsoever ;	One thousand rupees.
(B) for the purpose of residential use ;	One hundred rupees.
(ii) the Municipal Corporations of the Cities of Thane, Pune, Nagpur and Navi Mumbai—	
(A) for the purpose of non-residential use of any nature whatsoever ;	Five hundred rupees.
(B) for the purpose of residential use ;	Fifty rupees.
(iii) the Municipal Corporations of the Cities of Kalyan, Pimpri-Chinchwad, Amravati, Nashik, Aurangabad, Kolhapur and Solapur—	
(A) for the purpose of non-residential use of any nature whatsoever ;	Two hundred rupees.
(B) for the purpose of residential use ;	Twenty rupees.
(g-e) if relating to hire purchase	Same duty as is payable under Article 36.]
(h) if not, otherwise provided for	[Twenty rupees.]

*Exemptions*

Agreement or its records or Memorandum of Agreement—

(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 a note or memorandum chargeable under Article 43;

(b)      4\*      \*      \*      \*

(c)      4\*      \*      \*      \*

<sup>1</sup> Explanation I proposed to be inserted by section 2 of Mah. 29 of 1994, was deleted by Mah. 38 of 1994, s.2(I) (b).

<sup>2</sup> Explanation II was deleted : ibid, s3(I) (b).

<sup>3</sup> These words were substituted for the words " Ten rupees " by Mah. 17 of 1993, s.38(3).

<sup>4</sup> Clauses (b) and (c) were deleted by Mah. 9 of 1988, s. 38 (a) (ii).

(1)

(2)

**AGREEMENT TO LEASE : See Lease**  
 (Article 36).

**6. AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN, PLEDGE or HYPOTHECATION,** that is to say, any instrument evidencing an agreement relating to—

<sup>1</sup>[(1) the deposit of title deeds or instrument constituting or being evidence of the title to any property whatever (other than a marketable security), <sup>2</sup>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 which—]

- |   |                              |
|---|------------------------------|
| (i) does not exceed rupees 10,000 .. .                              | Fifty rupees.                |
| (ii) exceeds rupees 10,000 but does not exceed rupees 1,00,000.     | Five hundred rupees.         |
| (iii) exceeds rupees 1,00,000 but does not exceed rupees 5,00,000.  | Two thousands rupees.        |
| (iv) exceeds rupees 5,00,000 but does not exceed rupees 15,00,000.  | Five thousand rupees.        |
| (v) exceeds rupees 15,00,000 but does not exceed rupees 20,00,000.  | Ten thousand rupees.         |
| (vi) exceeds rupees 20,00,000 but does not exceed rupees 50,00,000. | Thirty-five thousand rupees. |
| (vii) exceeds rupees 50,00,000 .. .                                 | Fifty thouasnd rupees.]      |

(2) the pawn, pledge or hypothecation of moveable property, where such <sup>3\*</sup> pawn, pledge or hypothecation has been made by way of security for their 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.

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

<sup>4</sup>[Ten rupees for every five hundred rupees or part thereof of the amount so secured-subject to maximum of rupees 2,00,000.]

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

<sup>1</sup> Clauses (1) was substituted, by Mah. 9 of 1988, s.38 (b).

<sup>2</sup> This portion was substituted for the words " and the value of which " by Mah. 9 of 1990, s.3.

<sup>3</sup> The word "deposit" was deleted, by Mah. s. 9 of 1990, 3(I) (a) (ii).

<sup>4</sup> These portion was substituted for the wards, brackets and figures " same duty as per Bond, (Article 13) for the amount so secured "by Mah. 9 of 1997, s.14 (3) (a).

**Explanation.**—For the purposes of clause (1) of this Article, notwithstanding anything contained in any judgement, decree or order of any court or order of any authority, any letter, note, memorandum or writing relating to the deposit of title deeds whether written or made either before or at the time when or after the deposit of title deeds is effected, and whether it is in respect of the security for the first loan or any additional loan or loans taken subsequently, such letter, note, memorandum or writing shall, in the absence of any separate agreement or memorandum of agreement relating to deposit of such title deeds, be deemed to be an instrument evidencing an agreement relating to the deposit of title deeds.

**Exemption**

(1) \* \* \*

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

7. APPOINTMENT IN EXECUTION OF A POWER; Where made by any writing not being a Will—

(a) of trustees .. .. .. .. \* [One hundred rupees].

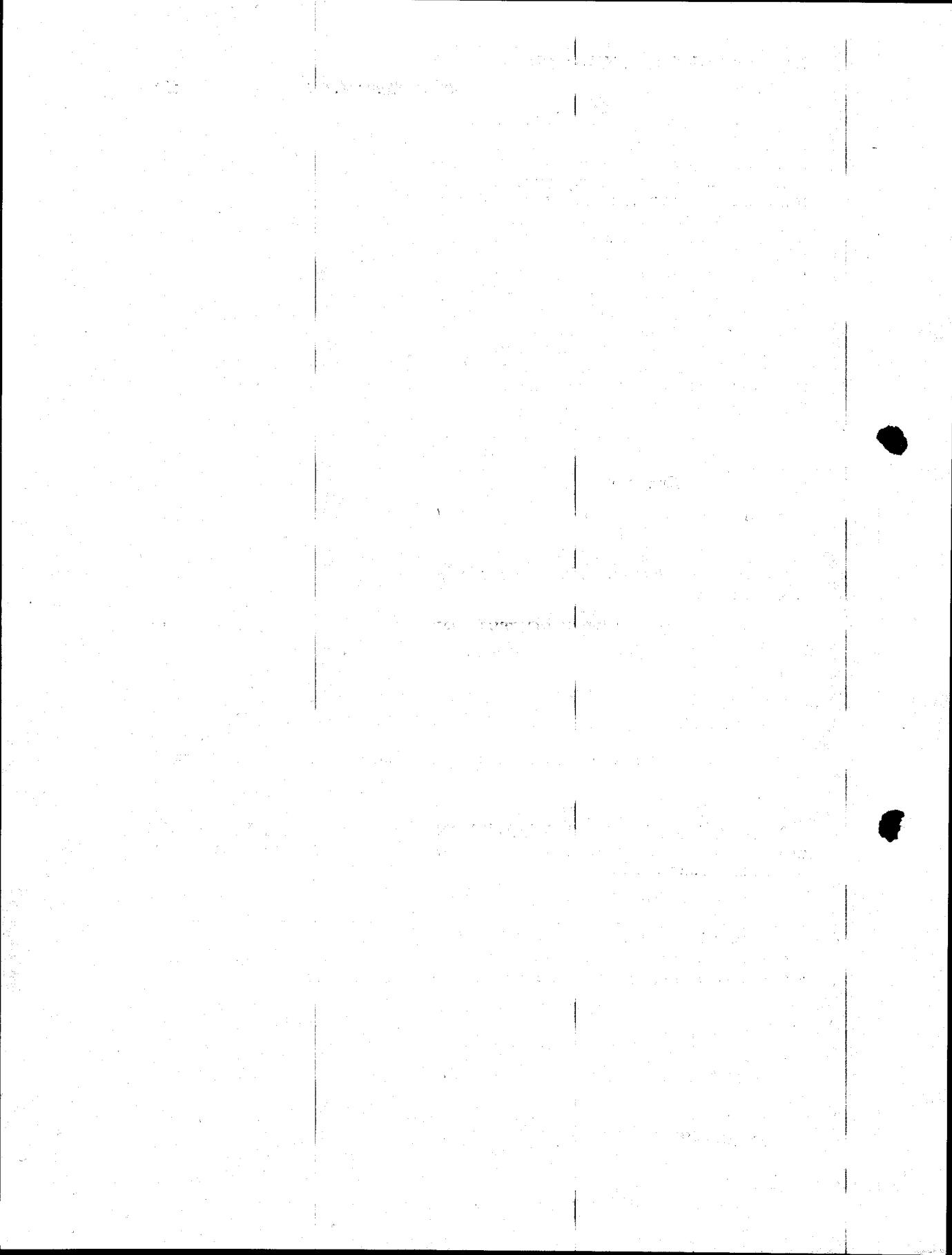
(b) of property movable or immovable \* [Two hundred and fifty rupees].

8. APPRAISEMENT OR VALUATION, Same duty as per Bond (Article made otherwise than under an order of the 13) subject to maximum of court in the course of suit. fifty rupees.

<sup>1</sup> Entry was deleted by Mah. 9 of 9 of 1997, s.14 (3) (b).

\* These words were substituted for the words " Fifty rupees " by Mah. 17 of 1993, s. 38 (4) (a).

\* These words were substituted for the words "Fifty five rupees", *ibid.*, s.38 (4) (b).



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(b) if relating to immovable property situated within the limits of,—

<sup>1</sup>[(i) any rural area falling within the limits of the Bombay Metropolitan Region as defined in clause (b) of section 2 of the Bombay Metropolitan Region Development Authority Act, 1974, for every rupees 500 or part thereof;

<sup>2</sup>[(i-a) any rural area excluding the rural area referred to in sub-clause (i)—

(A) if such property is residential, for every rupees 500 or part thereof.

<sup>3</sup>[(B) if such property is an irrigated land included in the benefitted zone within the meaning of clause (5) of section 2 of the Maharashtra Project Affected Persons Rehabilitation Act, 1986, for every rupees 500 or part thereof ; ..

(C) if such property is non-residential property other than the property referred to in entry (B) above, for every rupees 500 or part thereof].

(ii) 'C' Class Municipal Councils (other than those of such Municipal Councils falling within the limits of the Bombay Metropolitan Region), Hill Station Municipal Councils (other than those referred to in entry (ii) of sub-clause (iv-a); and Cantonments, if any, adjacent to such Municipal Councils, for every rupees 500 or part thereof.

(iii) 'B' Class Municipal Councils (excluding Lonawala Municipal Council and the areas of those of such Municipal Councils falling within the limits of the Bombay Metropolitan Region) and Cantonment of Kamptee, for every rupees 500 or part thereof.

(iv) 'A' Class Municipal Councils excluding the areas or those of such Municipal Councils falling within the limits of the Bombay Metropolitan Region but including Cantonment of Ahmednagar, for every rupees 500 or part thereof.

<sup>4</sup>[(iv-a)(i) Lonavala Municipal Council;

Thirty-five rupees.

Five rupees.

Twenty-five rupees.

Fifteen rupees.

Twenty rupees.

Twenty-five rupees.

Thirty rupees.]

<sup>1</sup> These sub-clause were substituted for sub-clause (i) to (iv) by Mah. 29 of 1994, s.3(4) (a) (i).

<sup>2</sup> Sub-clause (i-a) was substituted for the original by Mah. 16 of 1995, s.3 (I) (a).

<sup>3</sup> There entires were substituted for entry (B) by Mah. 30 of 1997, s.8 (I) (a).

<sup>4</sup> Sub-clause (iv-a) was inserted by Mah. 17 of 1993, s.38(12) (I) (b).

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(ii) Mahabaleshwar Hill Station Municipal Council, Panchgani Hill Station Municipal Council, Panhala Hill Station Municipal Council and Matheran Hill Station Municipal Council, for every rupees 500 or part thereof; Fifty rupees.]

<sup>1</sup>[(v) Municipal Corporations (excluding those Municipal Corporation and other areas referred to in sub-clause (vi).the 'A', 'B' and 'C' Class Municipal Councils falling within the limits of the Bombay Metropolitan Region and Cantonments of Devlali, Dehu Road and Aurangabad, for every rupees 500 or part thereof.

(vi) (a) Municipal Corporation of Greater Bombay, and

(b) Municipal Corporation of the Cities of—

(i) Pune, including the Cantonments of Pune and Krikee. Fifty rupees.

(ii) Thane, including <sup>2</sup>[local areas within the limits of revenue villages of Uttan, Dongaris Rai Murdhi, Bhainder, Mire, Kashi, Ghodbunder, Versava, Chene, Ovale, Wadavali, Kavesar, Kolshet, Balkum, Booivade, Majiwade, Chitalsar, Manpada, Chendani, Panch-pakhad and Yeour.]

<sup>3</sup>[(iii) Navi Mumbai—for every rupees 500 or part thereof.]

(c) if relating to both movable and immovable property.

<sup>4</sup>[(d) (1) if relating to residential premises consisting of building or unit—

<sup>5</sup>[(a) if relating to amalgamation of companies under the order of the High Court under section 394 of the Companies Act, 1956.

Forty rupees.]

The same duty as is payable under clause (a) and (b).

10 per cent. of the aggregate of the market value of the share issued or allotted in exchange or otherwise and the amount of consideration paid for such amalgamation :

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1956.

<sup>1</sup> Sub-clause (v) was substituted by Mah. 29 of 1994, s.3(4) (a) (ii).

<sup>2</sup> This portion was substituted for the words "that part of Thane Taluka adjoining Greater, Bombay, which is encircled by Thane Bassein Creek ; for every rupees 500 or part thereof " by Mah.17 of 1993, s.38 (12) (1) (d) (i).

<sup>3</sup> Sub-entry (iii) was inserted *ibid.*, s. 38 (12)(1)(d).

<sup>4</sup> Clause (d) was substituted and shall be deemed to have been substituted with effect from 12th March 1998, by Mah. 9 of 1990, s.3(1)(b)(i) and (2).

<sup>5</sup> Clause (d) was added and shall be deemed always to have been added by Mah.30 of 1997, s.8(1) (b).

(1)	(2)
	Provided that, the amount of duty, chargeable under this clause shall not exceed—
	(i) an amount equal to 7 per cent. of the true market value of the immoveable property located within the State of Maharashtra of the transferor company; or
	(ii) an amount equal to 0.7 per cent. of the aggregate of the market value of the shares issued or allotted in exchange or otherwise and the amount of consideration paid for such amalgamation, whichever is higher.]
* * * *	
(A) by, or in favour of, a co-operative housing society registered or deemed to have been registered under the Maharashtra Co-operative Societies Act, 1960; or	
(B) to which the provisions of the Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963, or the provisions of the Maharashtra Apartment Ownership Act, 1970, apply ; or	
(C) by such society in favour of its member <sup>2</sup> [or incoming member] whether in consequence of purchase of its shares or not; or	
(D) by a member of such society in favour of another member <sup>3</sup> [and incoming member] whether in consequence of transfer of its shares to another member or not;	
4[and the value of which—	
(i) does not exceed rupees 1,00,000.	Nil.
(ii) exceeds rupees 1,00,000 but does not exceed rupees 2,50,000.	0.5 per cent. of the value.
(iii) exceeds rupees 2,50,000 but does not exceed rupees 5,00,000.	1,250 rupees plus 3 per cent. of the value above rupees 2,50,000.
(iv) exceeds rupees 5,00,000 but does not exceed rupees 10,00,000.	8,750 rupees plus 6 per cent. of the value above rupees 5,00,000.
(v) exceeds rupee 10,00,000.	38,750 rupees plus 8 per cent. of the value above rupees 10,00,000.]

<sup>1</sup> Clause (e) was deleted and shall be deemed to have been deleted with effect from the 15th, September 1996, by Mah. 30 of 1997, s.8(i) (e).

<sup>2</sup> These words were inserted by Mah. 17 of 1993, s.38 (12) (2) (a).

<sup>3</sup> These words were inserted *ibid* s. 38(12) (2)(b)(i).

<sup>4</sup> This portion was substituted for the portion beginning with the words " and the value of which" and ending with the words " above rupees 10,00,000" by Mah. 16 of 1995, s.3(I) (b).

(1)	(2)
(2) if relating to land for construction of residential premises and falling under the descriptions in items (A), (C) or (D) of sub-clause(i).	The same duty as is payable under sub-clause(1).];

*Exemption***XIV Assignment of copyright under the Copyright of Act, 1957.**

<sup>1</sup>[*Explanation I*.—For the purposes of this article, where in the case of agreement to sell an immovable property, the possession of any immovable property is transferred <sup>2</sup>[or agreed to be transferred] to the purchaser before the execution, or at the time of execution, or after the execution of, such agreement <sup>3 \* \* \*</sup> then such agreement to sell shall be deemed to be a conveyance and stamp duty thereon shall be leviable accordingly:

Provided that, the provisions of section 32A shall apply *mutatis mutandis* to such agreement which is deemed to be a conveyance as aforesaid, as they apply to a conveyance under that section:

Provided further that, where subsequently a conveyance is executed in pursuance of such agreement of sale the stamp duty, if any, already paid and recovered on the agreement of sale which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance.

<sup>4</sup>[*Explanation II*.—For the purpose of clause (d),—

(i) "unit" includes a flat, apartment, tenement, block or any other unit by whatever name called;

(ii) where a building consists of units used for both residential and non-residential purposes, then the concession in duty shall be available in respect of the value of those units in a building which are used for residential purposes, and the duty payable in respect of the units in the building which are

<sup>1</sup> This Explanation was re-numbered as Explanation I and Explanation II was added by Mah.27 of 1988 s.2 (b) (ii). Explanation I is in the form it existed on the 17th August 1994 and shall be deemed to have come into force with effect from the 10th December 1985, by Mah.30 of 1997, S.8(I) (d).

<sup>2</sup> These words were inserted by Mah. 17 of 1993, s.38 (12) (2) (I).

<sup>3</sup> The words "without executing the conveyance in respect thereof" were deleted by Mah. 38 of 1994, s.3(2).

<sup>4</sup> *Explanation II* was substituted and shall be deemed to have been substituted with effect from 17th March 1998, for the existing *Explanation II* and proviso thereafter by Mah. 9 of 1990, s. 3 (I) (b) (ii) and (2).

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used for non-residential purposes shall be at the rates specified in clauses (b) and (c) on the value of such units;

(iii) the duty payable shall not exceed the amount of duty payable on such conveyance under clauses (b) and (c).]

<sup>1</sup>[Explanation III.—For the purposes of clause (da) the market value of shares,—

(a) in relation to the transferee company, whose shares are listed and quoted for trading on a stock exchange, means the market value of shares as on the appointed day mentioned in the Scheme of Amalgamation or when appointed day is not so fixed, the date of order of the High Court; and

(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 shares issued or allotted with reference to the market value of the shares of the transferor company or as determined by the Collector after giving the transferee company an opportunity of being heard.]

26. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer under section 76 of the Indian Evidence Act, 1872 and not chargeable under the law for the time being in force relating to court-fees.

<sup>2</sup>[Ten rupees].

#### *Exemption*

(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.

(c) Copy of any instrument the original of which is not chargeable to duty.

27. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid.

The same duty as is payable on the original, subject to a maximum of <sup>3</sup>[rupees twenty].

<sup>1</sup>Explanation III was substituted by Mah. 30 of 1997, s.8(1) (e).

<sup>2</sup>These words were substituted for the words "Five rupees" by Mah. 17 of 1993, s.38 (13).

<sup>3</sup>These words were substituted for the words "rupees ten" by Mah. 17 of 1993, s.38 (14).

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**28. CUSTOMS BOND OR EXCISE BOND**, that is to say, any bond given pursuant to the provisions of any law for the time being if force or to the directions of any officer of Custom 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—

- (a) where the amount does not exceed rupees 2,500. The same duty as a Bond (Article 13) for such amount, subject to a maximum of <sup>1</sup>[rupees one hundred].
- (b) in any other case. . . . . <sup>2</sup>[One hundred rupees.]

**DECLARATION OF ANY TRUST**, See Trust (Article 61).

**29. 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, <sup>3</sup> \* \* \* when such goods exceed <sup>4</sup>[value hundred rupees, for every rupees 10,000 or part thereof.] <sup>5</sup>[Ten rupees].

**DEPOSIT OF TITLE DEEDS**, See Agreement relating to Deposit of Title-Deeds, Pawan, Pledge or Hypothecation (Article 6).

**DISSOLUTION OF PARTNERSHIP**, See Partnership (Article 47).

**30. DIVORCE**—Instrument of that is to say, any instrument by which any person effects the dissolution of his marriage. [Fifty rupees].

**DOWER**—Instrument of, See Settlement (Article 55).

**DUPLICATE**, See Counterpart (Article 27).

<sup>1</sup>These words were substituted for the words " rupees fifty " by Mah. 17 of 1993, s.38 (15) (a).

<sup>2</sup>These words were substituted for the words " Fifty rupees " *ibid.*, s.38 (15) (b).

<sup>3</sup>The words " such instrument being executed by or on behalf of the owner of such goods upon the sale or transfer of the property therein " were deleted by Mah. 16 of 1995, s.3(2).

<sup>4</sup>These words and figures were substituted for the words " value hundred rupees " by Mah. 38 of 1994, s.3(5).

<sup>5</sup>These words were substituted for the words " One rupee ", by Mah. 17 of 1993, s.38 (16).

<sup>6</sup>These words were substituted for the words " Twenty rupees " by Mah. 17 of 1993, s.38(17).

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31. ENTRY OF MEMORANDUM OF Bom. MARRIAGE in the register under the Bombay V of Registration of Marriages Act, 1953. 1954.	1[Fifty rupees].
32. EXCHANGE OF PROPERTY— Instrument of—	The same duty as is leviable on a Conveyance under clause (a), (b) 2[(c) or (d)], as the case may be, of Article 25, on the market value of the property of the greatest value.
EXCISE BOND, See Customs Bond or Excise Bond (Article 28).	
33. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property— (a) when the original mortgage is one of the description referred to in clause (a) of Article 40 (that is, with possession).  (b) when such mortgage is one of the description referred to in clause (b) of Article 40 (that is, without possession)—  (i) If at the time of execution of the instrument of further charge possession of the property is given under such instru- ment.  (ii) if possession is not so given ..	The same duty as is leviable on a Conveyance under clause (a), (b) 2[(c) or (d)], as the case may be, of Article 25, for the amount of the further charge secured by such instrument.  The same duty as is leviable on a Conveyance under clause (a), (b) 2[(c) or (d)], as the case may be, of Article 25, 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 and further charge). [Ten rupees for every rupees five hundred or part thereof for the amount of further charge secured by such instrument, subject to the maximum of 2,00,000 rupees.]
34. GIFT, Instrument of—not being a a Settlement (Article 55) or Will or Transfer (Article 59).	The same duty is leviable on a Conveyance under clause (a), (b), 4[(c) or (d)], as the case may be, of Article 25, on the market value of the property which is the subject matter of the gift.
HIRING AGREEMENT or agreement for service, see Agreement (Article)5.	

<sup>1</sup>These words were substituted for the words " Five rupees ", by Mah. 17 of 1993, s.38(18).<sup>2</sup>These words, brackets, and letters were substituted for " or (c) " by Mah. 27 of 1988, s.2(c) and(d).<sup>3</sup>This portion was substituted for the portion beginning with the words " The same duty " and ending with the words " such instrument " by Mah. 12 of 1995, s.3(1).<sup>4</sup>These words, brackets and letters were substituted for " or (c) " by Mah.27 of 1988, s.2(e) and (f).

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## 35. INDEMNITY BOND

<sup>1</sup>[One hundred rupees].INSPECTORSHIP-DEED, *see* Composition Deed (Article-24).

36. LEASE, including an under-lease or sub-lease and any agreement to let or sub-let or any renewal of lease—

<sup>2</sup>[(a) where by such lease, the rent is fixed and no premium is paid or delivered—

(i) where the lease purports to be for a term not exceeding 3 years.

The same duty as is leviable on a conveyance under clause (a), (b), (c) or (d), as the case may be, of Article 25, for the whole amount of rent payable or the amount of average annual rent, whichever is lower.

(ii) where the lease purports to be for a period in excess of 3 years but not more than 10 years.

The same duty as is leviable on a conveyance under clause (a), (b), (c) or (d), as the case may be, of Article 25 on thrice the amount of average annual rent.

(iii) where the lease purports to be in excess of 10 years but not more than, 29 years without a renewal clause contingent or otherwise.

The same duty as is leviable on a conveyance under clause (a), (b), (c) or (d), as the case may be, of Article 25 on five times the amount of average annual rent.

(iv) where the lease purports to be for a period in excess of 29 years, or in perpetuity, or does not purport to be for any definite period, or for lease for a period in excess of 10 years, with a renewal clause contingent or otherwise.

The same duty as is leviable on a conveyance under clause (a), (b), (c) or (d), <sup>3</sup>as the case may be, of article 25, on ten times the amount of annual average rent. ;]]

(b) where the lease is granted of fine or premium or money advanced or to be, advanced and where no rent is fixed;

The same duty as is leviable on a Conveyance under clause (a), (b), <sup>4</sup>[(c) or (d)] as the case may be, of Article 25, on the amount of such fine or premium or money advanced or to be advanced.<sup>1</sup> These words were substituted for the portion beginning with the words "The same duty." and ending with the words "same amount by Mah. 12 of 1995, s.3(2).<sup>2</sup> Clause (a) was substituted by Mah. 29 of 1994, s.3(6)(a).<sup>3</sup> These words and figures were substituted and shall be deemed to have been substituted with effect from the 1st May 1994 for the portion beginning with the words "as the case may be" and ending with the words "this sub-clause" by Mah. 12 of 1995, s.3(3)(a).<sup>4</sup> These word, brackets and letters were substituted for "or (c)" by Mah. 27 of 1988, s.2(f).

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(c) where the lease is granted for a fine or premium or money advanced or to be advanced in addition to rent fixed.

The same duty as is leviable on a Conveyance under clause (a), (b), <sup>1</sup>[(c) or (d)], as the case may be, of Article 25, on fine or premium or money advanced or to be advanced, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid :

Provided that, in any case, where an agreement to lease is stamped with *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.

*Explanation I.*—Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this article even if there is provision to set off towards any 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 or 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.

2\*                   \*                   \*  
3\*                   \*                   \*

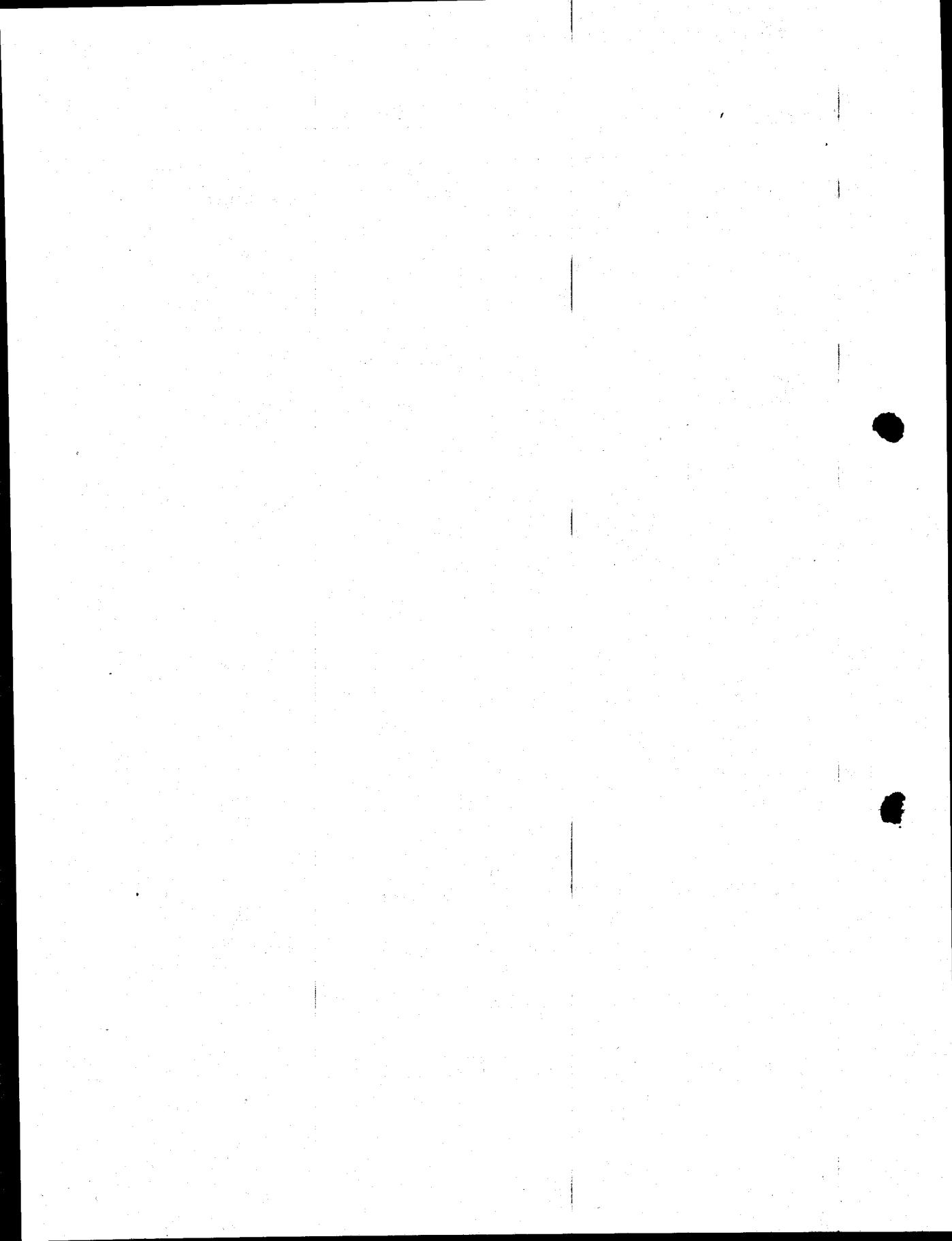
37. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company, *See also Certificate or other Document (Article 17),*

LETTER OF GUARANTEE, *see Agreement (Article 5).*

<sup>1</sup> These word brackets and letters were substituted for " or (c) " by Mah. 27 of 1988, s.2(f).

<sup>2</sup> *Explanation III* was deleted by Mah. 16 of 1995, s.3 (3).

<sup>3</sup> *Explanation IV* was deleted and shall be deemed to have been deleted with effect from 1st May 1994, by Mah. 12 of 1995, s.2(3) (b).



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(c) of oil seeds .. .. ..	One rupee for every 10,000 kilograms of oil seeds.
(d) of yarn of any kind, non-mineral oils or spices of any kind.	One rupee for every rupees 10,000 or part thereof of the value of yarn of any kind, non-mineral oils or spices of any kind as may be specified by the State Government by Notification in the <i>Official Gazette</i> .
(e) of any other goods exceeding in value twenty rupees.	One rupee for every rupees 10,000 or part thereof.
(f) of any share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature exceeding in value twenty rupees, not being a Government security.	One rupee for every rupees 10,000 or part thereof of the value of the security, at the time of its purchase or sale, as the case may be.
(g) of a Government security .. .. ..	One rupee for every rupees 10,000 or part thereof of the value of the security, at the time of its purchase or sale, as the case may be [subject to a maximum of one thousand rupees].

#### *Exemption*

(1) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale on account of such principal or a Government security or a share, scrip, stock, bond, debenture, debenture stock or other marketable security of like nature in or of an incorporated company or other body corporate, an entry relating to which is required to be made in clearance lists described in clauses (1), (2) and (3) of Article 19.

(2) Note or Memorandum sent by a broker or agent to his principal intimating the Purchase or sale of cotton on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 20.

(3) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of bullion or spices on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 21.

(4) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of oil-seeds on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 22.

<sup>1</sup> These words were added by Mah. 9 of 1988, s.38 (f).

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(5) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 23.

(6) Note or Memorandum sent by a broker or agent to his principal in any of the above cases, when the amount stated in the instrument is less than rupees one hundred.

**44. NOTE OF PROTEST BY THE [Twenty rupees].  
MASTER OF A SHIP.**

See also Protest by the Master of a Ship (Article 50).

**45. 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—for every Rs. 1,000 or part thereof.

(b) where payable at more than one year after date or sight, if the amount,—

(i) does not exceed rupees 500 .....

(ii) exceeds rupees 500 but does not exceed rupees 1,000.

(iii) exceeds rupees 1,000 for every additional rupees 1,000 or part thereof.

**46. PARTITION.—Instrument of**

<sup>6</sup>[Rupees Ten for every rupees Five hundred or part thereof of the] amount or the market value of the separated share or shares of the property.

*Note.*—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, then one of such equal shares) shall be deemed to be that from which the other shares are separated.

<sup>1</sup>These words were substituted for the words "Ten rupees" by Mah. 9 of 1997, s.14(5).

<sup>2</sup>These words were substituted for the words "Five rupees", by mah. 17 of 1993 s.38 (23) (a).

<sup>3</sup>These words were substituted for the words "Five rupees", *ibid.*, s.38 (23) (b) (i).

<sup>4</sup>These words were substituted for the words "Ten rupees", *ibid.*, s.38 (23) (b) (ii).

<sup>5</sup>These words were substituted for the words "Ten rupees", *ibid.*, s.38 (23) (b) (iii).

<sup>6</sup>These words were substituted for the words, brackets and figures "The same duty as a Bond (Article 13) for the" by Mah. 9 of 1997, s.14 (6) (i).

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46.—*contd.*

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 five rupees;

<sup>1</sup>[(b) where the instrument relates to the partition of agricultural land, the rate of duty applicable <sup>2</sup>[shall be on hundred rupees];]

(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, is 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 ten rupees.

## 47. PARTNERSHIP—

<sup>3</sup>[(1) Instrument of partnership—

(a) where there is no share of contribution in partnership, or where such share contribution <sup>4</sup>[brought in by way of cash] does not exceed rupees 50,000;

(b) where such share contribution <sup>4</sup>[brought in by way of cash] is in excess of rupees 50,000 for every rupees 50,000 or part thereof.

<sup>5</sup>[(c) where such share contribution is brought in by way of property, excluding cash.]

Five hundred rupees.

Five hundred rupees, subject to maximum duty of rupees five thousand.]

The same duty as is leviable on conveyance under clause (a), (b), (c) or (d), as the case may be, of article 25, on the market value of such property.]

<sup>1</sup>Clause (b) was substituted for the original by Mah. 9 of 1997, s.14 (6) (ii).

<sup>2</sup>These words were substituted for the portion beginning with the words "shall be" and ending with the words "share of the property" by Mah. 30 of 1997, s.8(2).

<sup>3</sup>Clause (1) was substituted by Mah. 29 of 1994, s.3 (8).

<sup>4</sup>These words were inserted by Mah.30 of 1997, s.8(3) (a) (i) and (ii).

<sup>5</sup>Sub-clause (c) was added, *ibid.*, s.8 (3) (a) (iii).

(1)

(2)

<sup>1</sup>[2] <sup>2</sup>[Dissolution of partnership or retirement of partner—

(i) where on a dissolution of the partnership or on retirement of a partner any property] is taken as his share by a partner other than a partner who brought in that property as his share of contribution in the partnership.

(ii) in any other case .....

The same duty as is leviable on a Conveyance under clause (a), (b), <sup>3</sup>[(c) or (d)], as the case may be, of Article 25, on the market value of such property, subject to a minimum of rupees one hundred.

<sup>4</sup>[Two hundred rupees].

#### 48. POWER OF ATTORNEY not being

##### a Proxy—

(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;

(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;

(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);

(d) when authorising one person to act in more than one transaction or generally;

(e) when authorising more than one person to act in single transaction or more than one transaction jointly or severally or generally;

(f) when given for consideration and authorising to sell an immovable property;

<sup>5</sup>[One hundred rupees].

XV  
of  
1882.

<sup>6</sup>[One hundred rupees].

<sup>7</sup>[One hundred rupees].

<sup>8</sup>[One hundred rupees].

<sup>9</sup>[One hundred rupees].

The same duty as is leviable on a Conveyance under clause (a) (b), <sup>10</sup>[(c) or (d)], as the case may be, of Article 25, on the market value of the property.

<sup>12</sup>[Five rupees for every five hundred rupees or part thereof of the market value of the subject matter of property : Provided that, the provisions of section 32A shall, *mutatis mutandis* apply to such an instrument of power of attorney as

<sup>11</sup>[(g) when given to a promoter or developer by whatever name called, for construction on, development of, or sale or transfer (in any manner whatso ever) of, any immovable property.

<sup>1</sup>Clause (b) was re-numbered as clause (2) by Mah.17 of 1993, s.38 (24) (b).

<sup>2</sup>This portion was substituted for the portion beginning with the words " Dissolution of partnership " and ending with the words " immovable property " by Mah.30 of 1997, s.8(3)(b).

<sup>3</sup>These brackets, letters and word were substituted for the word, brackets and letter " or (c) " by Mah. 27 of 1998, s.2(i).

<sup>4</sup>These words were substituted for the words " one hundred rupees " by Mah.17 of 1993, s.38(24)(b).

<sup>5</sup>These words were substituted for the words " Ten rupees " by Mah. 9 of 1997, s.14 (7) (i).

<sup>6</sup>These words were substituted for the words " Ten rupees " *ibid.*, s.14 (7) (ii).

<sup>7</sup>These words were substituted for the words " Ten rupees " *ibid.*, s.14(7) (iii).

<sup>8</sup>These words were substituted for the words " Fifty rupees " *ibid.*, s.14(7) (iv).

<sup>9</sup>These words were substituted for the words " Ten rupees for each person authorised subject to a minimum of rupees forty " *ibid.*, s.14 (7) (v).

<sup>10</sup>These brackets, letters and word were substituted for the word, brackets and letter " or " (c) by Mah. 27 of 1998, s.2(i).

<sup>11</sup>These clauses were substituted for clause (g) by Mah. 9 of 1990, s.3(1) (c).

<sup>12</sup>This was substituted and shall be deemed to have been substituted with effect from 7th February 1990, for the words, brackets, letters and "figures The same duty as is leviable on a conveyance under clauses (b) and (c), as the case may be, of Article 25" by Mah.9 of 1997, s.14(7).

(1)	(2)
(h) in any other case	<p>they apply to a conveyance under that section :</p> <p>Provided further that, when proper stamp duty is paid under clause (g-a) of article 5 on an agreement, or records thereof or memorandum of an agreement executed between the same parties and in respect of the same property, the duty chargeable under this clause shall be rupees one hundred.]</p> <p>Five rupees for each person authorised.]</p>

*Explanation I.*—For the purpose of this article more person than one when belonging to the same firm shall be deemed to be one person.

*Explanation II.*—The term 'registration' includes every operation incidental to registration under the Registration Act, 1908.  
1908

*Explanation III.*—Where under clause (f) duty has been paid on the power of attorney, and a conveyance relating to that property is executed in pursuance of power of attorney between the executent 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.

49. PROTEST OF BILL OR, NOTE, that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.

<sup>1</sup>[Twenty rupees].

50. 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 charterers or the consignees for not loading or unloading the ship when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.

<sup>2</sup>[Twenty rupees].

See also Note of Protest by the Master of a Ship (Article 44).

<sup>1</sup>These words were substituted for the words " Ten rupees "by Mah.9 of 1997, s.14 (8).

<sup>2</sup>These words were substituted for the words " Ten rupees " *ibid.*, s.14 (9).

(1)	(2)
<b>51. RECONVEYANCE OF MORTGAGED PROPERTY—</b>	
(a) if the consideration for which the property was mortgaged does not exceed rupees 2,500.	The same duty as a Bond (Article 13) for such consideration.
(b) in any other case. . . . .	<sup>1</sup> [One hundred rupees].
<b>52. RELEASE</b> , that is to say, any instrument (not being a release as is provided for by section 24) whereby a person renounces a claim upon another person or against any specified property—	
(a) if the amount or value of the claim does not exceed rupees 2,500.	The same duty as a Bond (Article 13) for such amount or value.
(b) in any other case . . . . .	<sup>2</sup> [One hundred rupees].
<b>53. RESPONDENTIA BOND</b> , that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bond (Article 13) for the amount of the loan secured.
<b>REVOCATION OF ANY TRUST OR SETTLEMENT.</b>	
See Settlement (Article 55), Trust (Article 61).	
<b>54. SECURITY-BOND OR MORTGAGE-DEED</b> , where such security bond or mortgage-deed is 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 by a surety to secure the due performance of a contract, or in pursuance of an order of the court or a public officer, not being otherwise provided for by the Bombay Court-fees Act, 1959,—	Bom. LX of 1959.
(i) where the amount secured does not exceed rupees 2,500.	The same duty as a Bond (Article 13) for the amount secured.
<sup>3</sup> [(ii) where the amount secured exceeds rupees 2,500, for every rupees five hundred of the amount secured or part thereof.	Ten rupees, subject to the maximum of rupees 2,00,000: Provided that where,—
(a) on an instrument executed by a person, for whom a person stands surety and executes security bond or a mortgage-deed, duty has been paid under Article 40, then the duty payable shall be one hundred rupees;	
(b) an instrument failing under Article 6 is executed by a person and duty is paid thereon under that Article,	

<sup>1</sup>These words were substituted for the words " Fifty rupees ", by Mah. 17 of 1993, s. 38 (28).

<sup>2</sup>These words were substituted for the words " Fifty rupees " *ibid.*, s.38 (29).

<sup>3</sup>Clause (ii) was substituted by Mah. 29 of 1994, s.3 (9).

(1)

(2)

the stamp duty so paid shall be adjusted towards the duty payable under this Article.]

### *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 114 of the Maharashtra Irrigation Act, 1976;

Mah.  
XXX-  
VIII  
of  
1976.

XIX

of  
1883

XII of Land Improvement Loans Act, 1883 or the 1884. Agriculturists' Loans Act, 1884 or by their sureties as security for the repayment of such advances;

(d) 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.

55. SETTLEMENT.—A—Instrument of—  
including a deed of dower—

(i) where the settlement is made for a religious or charitable purpose.

<sup>1</sup>[Ten rupees for every five hundred rupees or part thereof of] a sum equal to the amount settled or the market value of the property settled.

(ii) in any other case .. .

The same duty as is leviable on a Conveyance under clause (a), (b), <sup>2</sup>[(c) or (d)], as the case may be, of Article 25, for a sum equal to the amount settled or 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 in instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed ten rupees:

<sup>1</sup> These words were substituted for the words brackets and figures "the same duty as a Bond (Article 13) for by" Mah. 9 of 1997, s.14(10).

<sup>2</sup> These word, brackets and letters were substituted for "or (c)" by Mah. 27 of 1988, s.2(ii).

(1)

(2)

Provided further that, where an instrument of Settlement contains any provision for the revocation of the settlement, the amount or the value of the property settled shall, for the purposes of duty, be determined, as if, no such provisions were contained in the instrument.

### *Exemption*

Deed of dower executed on the occasion of, or in connection with, marriage between Muhammadans, whether executed before or after the marriage.

#### B. Revocation of—

(i) in respect of settlement described in sub-clause (i) of clause A. The same duty as a Bond (Article 13) for a sum equal to the amount settled or the market value of the property concerned as set forth in the instrument of revocation, but not exceeding <sup>1</sup>[One hundred rupees].

(ii) in respect of settlement described in sub-clause (ii) of clause A. The same duty is as leviable on a Conveyance under clause (a), (b) or (c), as the case may be, of Article 25, for a consideration equal to the amount settled as set forth in the instrument of revocation or the market value of the property concerned but not exceeding <sup>2</sup>[One hundred rupees].

56. SHARE WARRANTS to bearer issued under the Companies Act, 1956 for every rupees five hundred or part thereof. Five rupees.

I of  
1956.I of  
1956.

### *Exemption*

Share warrant when issued by a company in pursuance of the provisions of section 114 of Companies Act, 1956 to have effect only upon payment as composition for that duty to the Collector—

(a) one and a half *per centum* of the whole subscribed capital of the company, or

<sup>1</sup> These words were substituted for the words " fifty rupees " by Mah. 17 of 1993, s.38 (31).

<sup>2</sup> These words were substituted for the words " Fifty rupees " *ibid.* s.38 (31).

(1)

(2)

(b) if any company which has paid the said duty or composition in full subsequently issues in addition to its subscribed capital, one and a half *per centum* of the additional capital so issued.

**SCRIP, See Certificate (Article 17).**

**57. SHIPPING ORDER** for or relating to the conveyance of goods on board of any vessel.

One rupee.

**58. SURRENDER OF LEASE** including an agreement for surrender of lease—

The duty with which such lease is chargeable under article 36.

*Explanation I.*—For the purpose of this Article it is immaterial that the surrender of the lease is only as regards the unexpired part of the term or is with regard to only a portion of the property.

*Explanation II.*—For the purposes of this article, the amount of consideration paid or agreed to be paid by the lessor or on his behalf, shall be deemed to be the fine, premium or money advanced or to be advanced within the meaning of article 36.]

**59. TRANSFER** (whether with or without consideration).

(a) 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.

Fifty paise for every rupees 100 or part thereof of the consideration amount of the debenture [subject to a maximum of ten thousand rupees.]

*Explanation.*—For the purposes of this clause, the term "debenture" includes debenture stock;

(b) of any interest secured by bond, mortgage-deed or policy of insurance;

(c) of any property under section 22 of the Administrators-General Act, 1963;

(d) of any trust property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.

The same duty as a Bond (Article 13) for such amount or value of the interest as set forth in the transfer, subject to a [maximum] of [One hundred rupees.]

#### *Exemptions*

Transfers by endorsement—

(a) of a bill of exchange, cheque or promissory note;

(b) of a bill of lading, delivery order, warrant for goods or order of mercantile document or title to goods;

(c) of a policy of insurance;

(d) of securities of the Central Government.

<sup>1</sup>Article 58 was substituted by Mah. 30 of 1997, s.8(4).

<sup>2</sup>These words were added by Mah. 9 of 1988, s.38(g).

<sup>3</sup>This words was substituted for the word " minimum " by Mah. 9 of 1990, s.3(1) (d).

<sup>4</sup>These words were substituted for the words " fifty rupees " by Mah. 17 of 1993, s.38(33).

XLV  
of  
1963.

(1)

(2)

**60. TRANSFER OF LEASE** by way of assignment and not by way of under-lease or by way of decree or final order passed by any Civil Court or any Revenue Officer.

The same duty is as leviable on a Conveyance under clause (a), (b), <sup>1</sup>[(c) or (d)], as the case may be, of Article 25, on the market value of the property, which is the subject matter of transfer.

### 61. TRUST

A. Declaration of—of, or concerning, any property when made by any writing not being a Will—

(a) where there is disposition of property—

(i) where the Trust is made for a religious or charitable purpose.

<sup>2</sup>[Ten rupees for every rupees five hundred or part thereof] a sum equal to the amount settled or market value of the property settled.

(ii) in any other case .. .

The same duty as a Conveyance under clause (a), (b), <sup>1</sup>[(c), or (d)], as the case may be, of Article 25, for a sum equal to the amount settled or the market value of the property settled.

(b) where there is no disposition of property—

(i) where the trust is made for a religious or charitable purpose.

The same duty as a Bond (Article 13) for a sum equal to the amount settled or market value of the property settled, but not exceeding <sup>3</sup>[one hundred rupees].

(ii) in any other case .. .

The same duty as a Bond (Article 13) for a sum equal to the amount settled or market value of the property settled, but not exceeding <sup>4</sup>[one hundred rupees].

<sup>1</sup>The word, brackets and letters were substituted for " or (c) " by Mah. 27 of 1988, s.2(k) and (l).

<sup>2</sup>These words were substituted for the words, brackets and figures " The same duty as a Bond (Article 13) for " by Mah. 9 of 1997, s.14(II).

<sup>3</sup>These words were substituted for the words " fifty rupees " by Mah. 17 of 1993, s.38 (34) (a).

<sup>4</sup>These words were substituted for the words " fifty rupees " *ibid.*, s.38 (34) (a).

MAHARASHTRA ACT No. XXXI OF 1962<sup>1</sup>

[THE BOMBAY STAMP (INCREASE OF DUTIES AND AMENDMENT) ACT, 1962.]

[17th August 1962]

Amended by Mah. 29 of 1972.

Amended by Mah. 13 of 1974 (1-5-1974)\*

An Act to provide for increase in certain stamp duties and further to amend the  
Bombay Stamp Act, 1958.

WHEREAS, it is expedient to provide for increase in certain stamp duties  
Bom. and further to amend the Bombay Stamp Act, 1958, for the purposes hereinafter  
LX appearing; It is hereby enacted in the Thirteenth Year of the Republic of India,  
of 1958, as follows:—

1. (1) This Act may be called the Bombay Stamp (Increase of Duties and  
Amendment) Act, 1962.

(2) It shall come into force on such date as the State Government may, by  
notification in the *Official Gazette*, appoint.

2-3. [Amendments made by sections 2 and 3 have been incorporated in the  
Bombay Stamps Act, 1958.]

Bom. 4. (1) Notwithstanding anything contained in the Bombay Stamp Act, 1958,  
LX the stamp duties leviable under that Act in respect of the instruments mentioned  
in any of the articles of Schedule I to that Act specified [in Table A hereto  
1958. Mah. appended] shall, with effect from the commencement of the Bombay Stamp  
XXXI (Increase of Duties and Amendment) Act, 1962, be increased by a surcharge  
of at the rate of ten per cent. [and in respect of instruments specified in Table B  
1962. hereto, the stamp duty shall be increased by a surcharge at the rate of twenty  
per cent.]

Short title  
and com-  
mencement.

Surcharge  
on stamp  
duties and  
rounding off

## [Table A]

Articles 1, 2(b), \* 5(c) (i), 6\*, \*, 8(b), 9, \*\*\*, \*\*\* 28(b), \*\*\* 41, 43(f), \*\*\*\*\*  
51(b), 52(b), 54(b), \* 57, \*\*\*\*

Bom. (2) The provisions of the Bombay Stamp Act, 1958, shall, save in so far as  
LX of they are not inconsistent with anything contained in this section apply for the  
1958. purposes of sub-section (1).

(3) In computing the surcharge under sub-section (1), a fraction of a rupee  
less than five naye paise or which is not a multiple of five naye paise, shall be  
rounded off to five naye paise or to the next higher multiple of five naye paise,  
as the case may be.

## [Table B]

Articles 7(a), 11, 15, 16(a) and (b), 24, 30, 45(a), 48(e), 59 (c) and 62.]

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette* 1962, Part V, page 192.

<sup>2</sup> 15th day of September 1962, *vide* G.N., R.D., No. STP. 1061/6372-N, dated 25th August 1962.

<sup>3</sup> These words were substituted for the words "in the Table hereto appended" by Mah. 13 of 1974, s. 6(a).

<sup>4</sup> These words were added *ibid.*, s. 6 (b).

<sup>5</sup> The word and letter "Table A" was substituted for the word "Table" and in Table A, so re-lettered the figures, brackets, letters and words "3, 7, 11, 15, 16(a) and (b), 17, 18, 24, 26, 27(b), 30, 37, 38, 40(c), 42, 44, 45(a), 48(a), (b), (c), (d), (e) and (g); 49, 50, 56, 58(b), 59(c) and 62" were deleted, *ibid.*, s. 6(c).

<sup>6</sup> This indicates the date of commencement of Act.

<sup>7</sup> The figures '6' and '31' were deleted by Mah. 29 of 1972, s.3.

<sup>8</sup> Table 'B' was inserted by Mah. 13 of 1974, s. 6(c).



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला घेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानसंडळाचे अधिनियम घ. राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेसी विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Stamp (Amendment) Act, 2008 (Mah.XVI of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XVI OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 2nd May 2008.)

An Act further to amend the Bombay Stamp Act, 1958.

Bom. LX of WHEREAS it is expedient further to amend the Bombay Stamp Act, 1958, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Stamp (Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint. Short title and commencement.

(४७५)

Amend-  
ment of  
Schedule I  
of Bom.  
LX of  
1958.—

Bom.  
LX of  
1958.

**2. In SCHEDULE I appended to the Bombay Stamp Act, 1958,—**

(a) in article 5, in clause (g-a),—

(i) in sub-clause (i), in column 2, for the portion beginning with the words "Five rupees" and ending with the words "value of the property", the following portion shall be substituted, namely :—

"The same duty as is leviable on a Conveyance under clause (b), (c) or (d), as the case may be, of Article 25, on the market value of the property";

(ii) in sub-clause (ii), in column 1, in the proviso, for the words "within a period of three years" the words "within a period of one year" shall be substituted;

(b) in article 48,—

(i) the existing clause (f) shall be renumbered as sub-clause (i) thereof and after sub-clause (i) as so renumbered, the following sub-clause shall be added, namely :—

"(ii) when authorising to sell or transfer immoveable property without consideration or without showing any consideration, as the case may be,—

<p>(a) if given to the father, mother, brother, sister, wife, husband, daughter, grandson, granddaughter or such other close relative; and</p>	<p>Rupees      five hundred.</p>
--	----------------------------------

<p>(b) in any other case</p>	<p>... The same duty as is leviable on a Conveyance under clause (b), (c) or (d), as the case may be, of Article 25, on the market value of the property.";</p>
------------------------------	---

(ii) in clause (g), in column 2, for the portion beginning with the words "Five rupees" and ending with the words "subject matter of property", the following portion shall be substituted, namely :—

"The same duty as is leviable on a Conveyance under clause (b), (c) or (d), as the case may be, of Article 25, on the market value of the property".



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ११(३)]

सोमवार, एप्रिल १२, २०१०/चैत्र २२, शके १९३२

[पृष्ठे २, किंमत : रुपये १०.००

असाधारण क्रमांक २४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Stamp (Amendment) Act, 2009 (Mah. Act No. V of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. V OF 2010.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 12th April 2010].

An Act further to amend the Bombay Stamp Act, 1958.

Bom. WHEREAS it is expedient further to amend the Bombay Stamp LX of Act, 1958, for the purposes hereinafter appearing ; it is hereby enacted 1958. in the Sixtieth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Stamp (Amendment) Act, 2009. Short title.

Bom. 2. In section 6 of the Bombay Stamp Act, 1958 (hereinafter referred Amendment LX of to as "the principal Act"), in the proviso, for the words "ten rupees" of section 6 of Bom. LX 1958. the words "one hundred rupees" shall be substituted. of 1958.

Insertion of  
section 10C  
in Bom. LX  
of 1958.

3. After section 10B of the principal Act, the following section shall be inserted, namely :—

Duties to be  
paid in cash,  
or by demand  
draft or by  
pay order by  
notary.

**“ 10C.** Notwithstanding anything contained in section 10, in case of the notary appointed under the Notaries Act, 1952, for the whole or any part of the State of Maharashtra, the duty payable for performing the functions entrusted to him under any law for the time being in force, may be paid by him by way of cash, or by demand draft or by pay order, in any Government Treasury or Sub-Treasury or General Stamp Office, Mumbai and the notary shall make an endorsement on the instrument as follows, namely :—

Stamp Duty of Rs. .... paid\* in cash/by demand draft/by pay order, *vide* \* Receipt/Ghallan No. ...., dated the ..... , in \* Government Treasury/Sub-Treasury Office at ..... /the General Stamp Office, Mumbai.

Seal of the notary.

Signature of the notary with date.

\*Strike out whatever is not applicable.”

Amendment  
of section  
48 of Bom.  
LX of 1958.

4. In section 48 of the principal Act, in clause (1), in the proviso, after the words “ the date of the Instrument ”, the following portion shall be added, namely :—

“ or where such agreement is cancelled by a registered cancellation deed on the grounds of, dispute regarding the premises concerned, inadequate finance, financial dispute in terms of agreed consideration, or afterwards found to be illegal construction or suppression of any other material fact, the application may be made within two years from the date of such registered cancellation deed ”.

Amendment  
of Schedule  
I of Bom.  
LX of 1958.

5. In SCHEDULE I appended to the principal Act, in article 36A, in clause (a), in paragraph (1),—

(a) in entry (A), in column 2, for the words “ Seven hundred fifty rupees ” the words “ Six hundred rupees ” shall be substituted ;

(b) in entry (B), in column 2, for the words “ One thousand five hundred rupees ” the words “ One thousand two hundred rupees ” shall be substituted ;

(c) in entry (C), in column 2, for the words “ Three thousand rupees ” the words “ Two thousand rupees ” shall be substituted.

53 of  
1952.



## महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक ४९(३)] बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठे २, किंमत : रुपये १४.००

असाधारण क्रमांक १२७

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Stamp (Amendment) Act, 2011 (Mah. Act No. XLI of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XLI OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Bombay Stamp Act, 1958.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Stamp Act, 1958, for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Stamp (Amendment) Ordinance, 2011, on the 28th November 2011;

Bom.  
LX of  
1958.  
Mah.  
Ord.  
XXII  
of  
2011.

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, डिसेंबर २८, २०११/पौष ७, शके १९३३

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Short title  
and  
commencement.

1. (1) This Act may be called the Bombay Stamp (Amendment) Act, 2011.
- (2) It shall be deemed to have come into force on the 28th November 2011.

Amendment  
of section 2 of  
Bom. LX of  
1958.

2. In section 2 of the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in clause (k), after sub-clause (iv), the following sub-clause shall be added, namely :—

"(v) receipt of e-payment ;".

Amendment  
of section 10  
of Bom. LX of  
1958.

3. In section 10 of the principal Act, in sub-section (3),—

(a) in clause (iii), the word "or" shall be deleted ;

(b) in clause (iv), for the words "pay order," the words "pay order ; or" shall be substituted ;

(c) after clause (iv), the following clause shall be added, namely :—

"(v) by e-payment ;";

(d) after the words "General Stamp Office" the words, brackets and letters "or, as the case may be, Government Receipt Accounting System (G.R.A.S.) (Virtual Treasury)" shall be inserted.

Amendment  
of section  
69 of Bom.  
LX of 1958.

4. In section 69 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

"(ca) the manner of payment of stamp duty, and refund thereof, by e-payment ;".

Repeal of  
Mah. Ord.  
XXII of  
2011 and  
saving.

5. (1) The Bombay Stamp (Amendment) Ordinance, 2011, is hereby repealed.

Mah.  
Ord.  
XXII  
of  
2011.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

असाधारण  
प्राधिकृत प्रकाशन

गुरुवार, एप्रिल २७, २००६/वैशाख ७, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Stamp (Amendment) Act, 2006 (Mah. XII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,  
Secretary to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT No. XII OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 27th April 2006.).

An Act further to amend the Bombay Stamp Act, 1958.

Bom. LX of 1958. WHEREAS it is expedient further to amend the Bombay Stamp Act, 1958, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Stamp (Amendment) Act, 2006. Short title and commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

(३२९)

भाग आठ—६६

[किंमत : रुपये ९.००]

Amendment  
of section 2  
of Bom. LX  
of 1958.

**2.** In section 2 of the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in clause (ga), for the portion beginning with the words "appointed by the State Government" and ending with the words "are conferred" the words "so designated by the State Government and includes any other officer whom the State Government may, by notification in the *Official Gazette*, appoint in this behalf" shall be substituted.

Bom.  
LX of  
1958.

Substitution  
of section 52A  
of Bom. LX  
of 1958.

**3.** For section 52A of the principal Act, the following section shall be substituted, namely :—

Allowance  
for Duty.

**"52A.** (1) Notwithstanding anything contained in sections 47, 50, 51 and 52, when payment of duty is made by stamps or in cash as provided for under sub-section (3) of section 10 or section 10A or section 10B, and when the amount of duty paid exceeds rupees one lakh, the concerned Collector shall not make allowance for the stamps, or the cash amount paid under the *Challans*, which are spoilt or misused or not required for use, but shall, after making necessary enquiries, forward the application with his remarks thereon to,—

(a) the Additional Controller of Stamps for the cases handled by the Collectors working in the Mumbai City District and Mumbai Suburban District ; and

(b) the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps of the division for the cases handled by the Collectors other than those mentioned in clause (a).

(2) The Additional Controller of Stamps or, the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps of the division, as the case may be, on receiving such application consider the same and decide whether such allowance shall be given or not, and accordingly shall, grant the same, if the amount of allowance does not exceed rupees ten lakh, and if, it exceeds rupees ten lakh, shall submit such application, with his remarks thereon to the Chief Controlling Revenue Authority for decision.

(c) The Chief Controlling Revenue Authority on receiving such application shall decide on merit whether such allowance shall be given or not, and pass such order thereon as he thinks just and proper, which shall be final and shall not be questioned in any court or before any authority.”.

## 4. In the Schedule I appended to the principal Act,—

(1) in article 5, in clause (h), in sub-clause (A),—

(A) in entry (iv), in column 2, for the words "Two rupees and fifty paise" the words "One rupee" shall be substituted;

(B) after entry (v), the following entry shall be inserted, namely :—

"(vi) project under Built, Operate and Transfer (BOT) system, whether with or without toll or fee collection rights.

One rupee for every rupees 1,000 or part thereof of the contractual value subject to minimum of rupees 100 and maximum of rupees 5,00,000.";

(2) in article 6,—

(A) in clause (1), in column 2,—

(i) for the words "Five rupees" the words "One rupee" shall be substituted;

(ii) for the words "ten lakh rupees" the words "five lakh rupees" shall be substituted;

(B) in clause (2), in column 2,—

(i) for the words "Five rupees" the words "One rupee" shall be substituted;

(ii) for the words "ten lakh rupees" the words "five lakh rupees" shall be substituted;

(3) in article 25, in clause (d), in sub-clause (1), in entry (D),—

(i) in sub-entry (i),—

(a) in column 1, for the figures "1,00,000" the figures "2,50,000" shall be substituted;

(b) in column 2, for the word "Nil" the words "One hundred rupees" shall be substituted;

(ii) sub-entry (ii) shall be deleted;

(iii) in sub-entry (iii), in column 2, for the figures "1,250" the figures "100" shall be substituted;

(iv) in sub-entry (iv), in column 2, for the figures "8,750" the figures "7,600" shall be substituted;

Amendment  
to Schedule I  
of Bom. LX  
of 1958.

(4) in article 36A, in clause (a), in sub-clause (i), in entry (1),—

(A) in sub-entry (C), in column 1, for the words “rupees ten lakh” the words “rupees twenty lakh” shall be substituted;

(B) in sub-entry (D), in column 1, for the words “rupees ten lakh” the words “rupees twenty lakh” shall be substituted;

(5) in article 40, after clause (c), in column 1, the following *Explanation* shall be added, namely :—

*Explanation.*—For the purpose of this clause, “the principal or primary security” shall mean, the security created under clause (a) or (b) above.”;

(6) for article 52, the following article shall be substituted, namely :—

“52. RELEASE, that is to say, any instrument (not being an instrument as is provided by section 24) whereby a person renounces a claim upon other person or against any specified property,—

(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.

(b) in any other case.

Two hundred rupees.

The same duty as is leviable on a conveyance under clause (a), (b), (c) or (d), as the case may be, of Article 25, on the market value of the share, interest, part or claim renounced.”;

(7) in article 54, in clause (ii), in column 2, in the proviso, the figure and word "6 or" shall be deleted;

(8) after article 62, the following article shall be added, namely :—

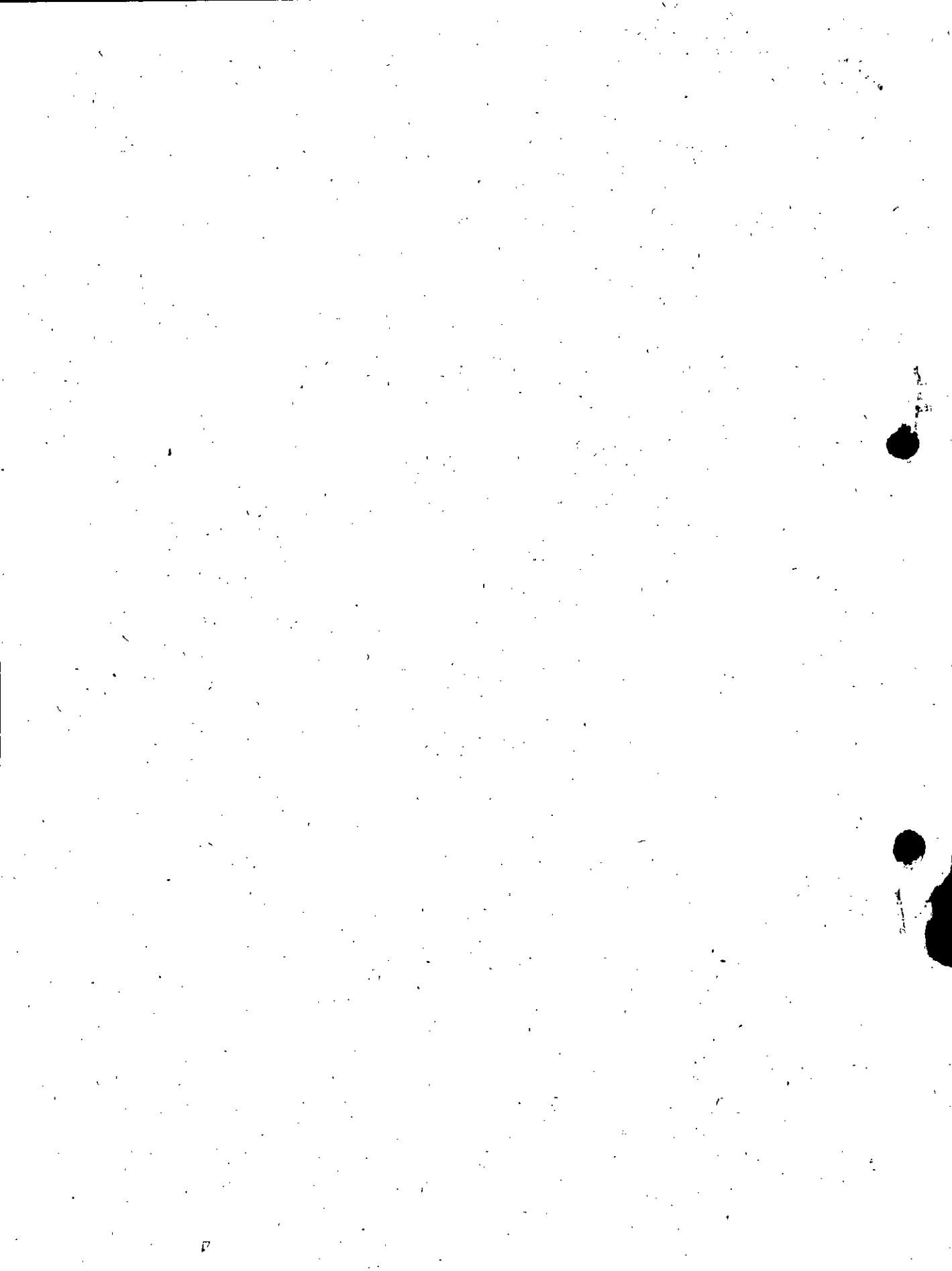
" 63. WORKS CONTRACT, that is to say, a contract for works and labour or services involving transfer of property in goods (whether as goods or in some other form) in its execution and includes a sub-contract,—

(a) where the amount or value set forth in such contract does not exceed rupees ten lakh.

One hundred rupees.

(b) where it exceeds rupees ten lakh.

One hundred rupees plus 100 rupees for every rupees 1,00,000 or part thereof, above rupees ten lakh, subject to the maximum of rupees five lakh.”





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष १, अंक २२(२)]

शुक्रवार, एप्रिल २४, २०१५/वैशाख ४, शके १९३७

[पृष्ठे १२, किंमत : रुपये २७.००]

असाधारण क्रमांक ४७

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment) Act, 2015 (Mah. Act No. XX of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,  
Principal Secretary and R.L.A. to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XX OF 2015.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 24th April 2015).

An Act further to amend the Maharashtra Stamp Act.

LX of WHEREAS, it is expedient further to amend the Maharashtra Stamp Act, for 1958. the purposes hereinafter appearing; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Stamp (Amendment) Act, 2015. Short title.
2. In section 2 of the Maharashtra Stamp Act (hereinafter referred to as 1958. "the principal Act"), before the existing clause (a), the following clause shall be inserted, namely :—

"(aa) "Additional Controller of Stamps, Mumbai" means the officer or officers so designated by the State Government and includes any other officer whom the State Government may, by notification in the *Official Gazette*, appoint in this behalf ;".

Amendment  
of section 2  
of LX of  
1958.

Amendment  
of section 4  
of LX of  
1958.

**3. In section 4 of the principal Act,—**

(a) in sub-section (1),—

(i) after the word “sale,” the word “lease,” shall be inserted ;

(ii) after the words “development agreement,” where it occurs for the second time, the word “lease,” shall be inserted ;

(b) in the marginal note, after the word “sale,” the word “lease,” shall be inserted.

Amendment  
of section 10  
of LX of  
1958.

**4. In section 10 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—**

“(3A) The procedure to regulate the use of e-payment, through Government Receipt Accounting System (G.R.A.S.) (Virtual Treasury) for payment of duty shall be such as the Chief Controlling Revenue Authority may by an order determine.”.

Insertion  
of section  
10D in LX  
of 1958.

**5. After section 10C of the principal Act, the following section shall be inserted, namely :—**

Certain  
depart-  
ments,  
organisa-  
tions,  
institu-  
tions  
etc., to  
ensure  
payment of  
stamp duty.

**“10D.** (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, direct that any State Government Department, institution of local self-Government, semi Government organization, banking or non-banking financial institution or the body owned, controlled or substantially financed by the State Government or any class of them, shall ensure that the proper duty is paid to the State Government through Government Receipt Accounting System (G.R.A.S.) in respect of such instruments, as may be specified in the notification passing through their system or related to their functioning of which registration is not compulsory.

(2) The Chief Controlling Revenue Authority shall authorise a person nominated by such Department or body, etc. as mentioned in sub-section (1) as a proper officer for defacing the challan and making the endorsement on such instruments.

(3) It shall be the duty of the proper officer so authorised under sub-section (2) to make an endorsement on the instruments after defacing the challan, as follows :—

“Stamp duty of Rs. \_\_\_\_\_ paid in \*cash/by demand draft/by pay order/e-Challan, *vide* Receipt/Challan No. \_\_\_\_\_/GRN No. \_\_\_\_\_ CIN \_\_\_\_\_ dated the \_\_\_\_\_.

Seal of the office.

Signature of the Officer.

\*Strike out whatever is not applicable.”.

Amendment  
of section  
30 of LX of  
1958.

**6. In section 30 of the principal Act,—**

(a) in clause (f), the word “and” shall be deleted ;

(b) after clause (f), the following clause shall be inserted, namely :—

“(f-a) in case of instruments of works contract as provided in Article 63 of SCHEDULE I, by the person receiving the contract;”.

Amendment  
of section  
31 of LX  
of 1958.

**7. In section 31 of the principal Act, in sub-section (4), in the proviso, for the word “double” the words “four times” shall be substituted.**

**8. In section 32A of the principal Act,—**

(i) in sub-section (1), after the words “by way of assignment” the following portion shall be inserted, namely :—

“and also any other instruments mentioned in SCHEDELE I chargeable with duty on the basis of market value of the property”;

(ii) in sub-section (2), in the third proviso, for the word “double” the words “four times” shall be substituted;

(iii) in sub-section (4),—

(a) the first and second provisos shall be deleted;

(b) in the third proviso, for the word “double” the words “four times” shall be substituted.

**9. In section 32B of the principal Act,—**

(i) in sub-section (1), after the words “file an appeal against such order, to the” the words “Additional Controller of Stamps, Mumbai in respect of the property, which is the subject matter of the instrument, is situated in Mumbai City and Mumbai Suburban Districts and in respect of the properties situated in the other parts to the” shall be inserted;

(ii) in sub-section (2), after the words “against the order of the” the words “Additional Controller of Stamps, Mumbai or the” shall be inserted.

**10. In section 34 of the principal Act, in the proviso, in clause (a), in sub-clause (ii), in the proviso, for the word “double” the words “four times” shall be substituted.**

Amendment  
of section  
32B of LX  
of 1958.

**11. Section 38 of the principal Act shall be deleted.**

Deletion  
of section  
38 of LX  
of 1958.

**12. In section 39 of the principal Act, in sub-section (1), in sub-clause (b), in the first proviso, for the word “double” the words “four times” shall be substituted.**

Amendment  
of section  
39 of LX  
of 1958.

**13. In section 40 of the principal Act, after the words “hereinafter prescribed” the words “with the prior approval of the Additional Controller of Stamps, Mumbai for the areas in Mumbai City and Mumbai Suburban Districts and for the other areas the Deputy Inspector General of Registration and Deputy Controller of Stamps” shall be added.**

Amendment  
of section  
40 of LX  
of 1958.

**14. In section 48 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—**

“Provided that, where an agreement to sale of immovable property on which stamp duty is paid under Article 25 of the SCHEDELE I, is registered under the provisions of the Registration Act, 1908 and thereafter such agreement is cancelled by a registered cancellation deed for whatsoever reasons before taking the possession of the property which is the subject matter of such agreement, within a period of five years from the date of execution of the agreement to sale, then the application for relief may be made within a period of six months from the date of registration of cancellation deed.”.

Amendment  
of section  
48 of LX  
of 1958.

**15. In section 52A of the principal Act,—**

(a) in sub-section (1), for the words “one lakh” the words ‘five lakhs” shall be substituted;

Amendment  
of section  
52A of LX  
of 1958.

(b) in sub-section (2), for the words “ten lakhs” at both the places where they occur, the words “twenty lakhs” shall be substituted.

**16.** After section 67 of principal Act, the following section shall be inserted, namely :—

Insertion  
of  
section  
67A in  
LX of  
1958.

Obligation  
to furnish  
information.

**“67A.** (1) Any such individual, institution, organisation, company or a body responsible for creating, executing, maintaining, recording, verifying an instrument chargeable with duty as may be notified by the State Government in the *Official Gazette*, shall, when called upon by any officer specifically authorised by the Chief Controlling Revenue Authority in this behalf, furnish information in the form and within the time limit specified by the Chief Controlling Revenue Authority.

(2) Any such individual, institution, organisation, company or a body responsible to furnish the information under sub-section (1) fails to furnish the same within the specified time, the Chief Controlling Revenue Authority or any other officer authorised by him in this behalf, direct such defaulter to pay by way of penalty, a sum not less than rupees five hundred but which may extend to rupees ten thousand for each failure.”.

Substitution  
of section  
68 of LX  
of 1958.

**17.** For section 68 of the principal Act, the following section shall be substituted, namely :—

Powers to  
inspect and  
call for  
information.

**“68.** Any officer not below the rank of Collector having sufficient reason to believe that, it is necessary to inspect or call for any registers, books, records including a diskette, magnetic cartridge tape, CD-ROM or any other computer readable media or any electronic record mentioned under clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000, papers, documents, instruments or proceedings which may lead to the discovery of any fraud or omission in relation to any duty, shall, at all reasonable times may himself or through any officer authorised by him in this behalf, who shall be not below the rank of *Gazetted Group-B officer* or Sub-Registrar, Grade-I appointed under the Registration Act, 1908 or Inspector of Stamps, enter in any premises and inspect the same in the custody of any person, office, firm or any other entity and take such notes and extracts as he may deem necessary, without payment of any fee or charge, and if necessary, seize and impound only the chargeable documents as per the provisions of section 33 ”.

21 of  
2000.

XVI  
of  
1908.

Insertion  
of section  
68A in  
LX of  
1958.

Prevention  
or  
obstruction  
of an  
officer to  
be an  
offence.

**18.** After section 68 of the principal Act, the following section shall be inserted, namely :—

**“68A.** If any person prevents or obstructs entry of any officer authorised under section 68 or fails to give any reasonable assistance to him, he shall, on conviction, be punished with imprisonment for a term which shall not be less than one month, but which may extend to six months and with fine which may extend to rupees five thousand.”.

Amendment  
of section  
72 of LX  
of 1958.

**19.** In section 72 of the principal Act,—

(i) in clause (a) the word “and” shall be deleted;

(ii) after clause (a), the following clause shall be inserted, namely :—

“(a-a) powers conferred on it by clause (b) of section 9, to the Additional Controller of Stamps, Mumbai or any other officer; and.”.

**20. In SCHEDULE I to the principal Act,-**

Amendment  
of  
SCHEDU-  
LE I of  
LX of  
1958.

(1) in Article 1,-

(A) in clause (1), in sub-clause (d), in column 2, for the words “One rupee subject to a maximum of one hundred rupees” the figures and words “0.01 per cent. of the amount or value of such debt” shall be substituted;

(B) in clause (2), in column 2, for the words “One rupee for every rupees one hundred or part thereof” the words “One per cent.” shall be substituted;

(2) for Article 2, the following Article shall be substituted, namely:-

V of  
1873.  
XXXIX  
of  
1925.

“2. ADMINISTRATION BOND including a bond given under section 6 of the Government Savings Banks Act, 1873 or the Indian Succession Act, 1925.

Five hundred  
rupees.”;

(3) in Article 3, in column 2, for the words “Two hundred rupees” the words “One thousand rupees” shall be substituted;

(4) in Article 5,-

(A) in clause (g-d)-

(I) in sub-clause (i),-

(a) in entry (A), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(b) in entry (B),-

(i) in sub-entry (1), in column 2, for the words “Two hundred rupees” the words “Two hundred rupees or an amount equal to 5 per cent. of the amount of consideration, whichever is higher” shall be substituted;

(ii) in sub-entry (2), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(II) in sub-clause (ii),-

(i) in entry (A), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(ii) in entry (B),-

(a) in sub-entry (1), in column 2, for the words “One hundred rupees” the words and figures “One hundred rupees or an amount equal to 5 per cent. of the amount of consideration, whichever is higher” shall be substituted;

(b) in sub-entry (2), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(III) in sub-clause (iii),-

(a) in entry (A), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(b) in entry (B),-

(i) in sub-entry (I), in column 2, for the words “Fifty rupees” the words and figures “Fifty rupees or an amount equal to 5 per cent. of the amount of consideration, whichever is higher” shall be substituted;

(ii) in sub-entry (2), in column 2, for the words and figures “The same duty as is payable under Article 60” the words and figures “The same duty as is payable under Article 36 (iv)” shall be substituted;

(B) in clause (h), in sub-clause (A),-

(i) in entry (i),-

(I) in sub-entry (a), in column 2, for the words and figures “Two rupees and fifty *paise* for every rupees 1,000 or part thereof on” the figures and words “0.25 per cent. of” shall be substituted;

(II) in sub-entry (b), in column 2, for the words and figures “Five rupees for every rupees 1,000 or part thereof on” the figures and words “0.5 per cent. of” shall be substituted;

(ii) in entry (ii),-

(I) in sub-entry (a), in column 2, for the words and figures “Two rupees and fifty *paise* for every rupees 1,000 or part thereof on ” the figures and words “0.25 per cent. of” shall be substituted;

(II) in sub-entry (b), in column 2, for the words and figures “Five rupees for every rupees 1,000 or part thereof on” the figures and words “0.5 per cent. of” shall be substituted;

(iii) in entry (iii),-

(I) in sub-entry (a), in column 2, for the words and figures “Two rupees and fifty *paise* for every rupees 1,000 or part thereof on” the figures and words “0.25 per cent. of” shall be substituted;

(II) in sub-entry (b), in column 2, for the words and figures “Five rupees for every rupees 1,000 or part thereof on” the figures and words “0.5 per cent. of” shall be substituted;

(iv) in entry (iv),-

(i) in sub-entry (a), in column 2, for the words and figures “One rupee for every rupees 1,000 or part thereof on” the figures and words “0.1 per cent. of” shall be substituted;

(ii) in sub-entry (b), in column 2, for the words and figures “Two rupees for every rupees 1,000 or part thereof on” the figures and words “0.2 per cent. of” shall be substituted;

(v) in entry (v),-

(I) in sub-entry (a), in column 2, for the words and figures “Two rupees and fifty *paise* for every rupees 1,000 or part thereof on” the figures and words “0.25 per cent. of” shall be substituted;

(II) in sub-entry (b), in column 2, for the words and figures “Five rupees for every rupees 1,000 or part thereof on ” the figures and words “0.5 per cent. of” shall be substituted;

(vi) in entry (vi),-

(i) in sub-entry (a), in column 2, for the words and figures “One rupee for every rupees 1,000 or part thereof on” the figures and words “0.1 per cent. of” shall be substituted;

(II) in sub-entry (b), in column 2, for the words and figures “Two rupees for every rupees 1,000 or part thereof on” the words and figures “0.2 per cent. of” shall be substituted;

(5) in Article 6,-

(A) in clause (1),-

(i) in sub-clause (a), in column 2, for the words “One rupee for every one thousand or part thereof for” the figures and words “0.1 per cent. of” shall be substituted;

(ii) in sub-clause (b), in column 2, for the words and figures “Two rupees for every 1000 or part thereof, for” the words and figures “0.2 per cent. of” shall be substituted;

(B) in clause (2),-

(i) in sub-clause (a), in column 2, for the words “One rupee for every one thousand or part thereof for” the figures and words “0.1 per cent. of” shall be substituted;

(ii) in sub-clause (b), in column 2, for the words and figures “Two rupees for every 1000 or part thereof, for” the figures and words “0.2 per cent. of” shall be substituted;

(iii) after *Explanation I*, the following *Explanation* shall be inserted, namely:-

*Explanation II.*- For the purposes of this Article, any new instrument executed for additional loan or extension of previous loan shall be treated as a fresh instrument and chargeable with the duty to the extent of additional amount being secured or disbursed or sanctioned.”;

(6) in Article 7, -

(i) in clause (a), in column 2, for the words “One hundred rupees” the words “One thousand rupees” shall be substituted;

(ii) in clause (b), in column 2, for the words “Two hundred and fifty rupees” the words “One thousand rupees” shall be substituted;

(7) in Article 8, in column 2, for the words, brackets and figures “Same duty as per Bond (Article 13) subject to maximum of one hundred rupees” the words “One hundred rupees” shall be substituted;

(8) in Article 10, in column 2, for the words and figures “One thousand rupees for every rupees 5,00,000 or part thereof,” the figures and words “0.2 per cent. on share capital or increased share capital, as the case may be” shall be substituted;

(9) for Article 12, the following Article shall be substituted, namely:-

**“12. AWARD**, that is to say, any decision in writing by an arbitrator or umpire, on a reference made otherwise than by an order of the Court in the course of a suit, being an award made as a result of a written agreement to submit present or future differences to Arbitration but not being an award directing partition.      Five hundred rupees.”;

(10) in Article 13,—

(a) in column 1, the words “for every rupees five hundred or part thereof” shall be deleted;

(b) in column 2, for the words “Five rupees, subject to a minimum of rupees one hundred” the words “One per cent. of amount of Bond, subject to a minimum of rupees five hundred” shall be substituted;

(11) in Article 14, in column 2, for the words and figures "Same duty as a Bond (Article 13) for the same amount" the figures and words "One per cent. of the amount of Bond, subject to a minimum of rupees five hundred" shall be substituted;

(12) in Article 15, in column 2, for the words "One hundred rupees" the words "Five hundred rupees" shall be substituted;

(13) in Article 17, in column 2, for the words "One rupee for every one thousand rupees or a part thereof," the figures and words "0.1 per cent." shall be substituted;

(14) in Article 18, in column 2, for the words "One hundred rupees" the word "Five hundred rupees" shall be substituted;

(15) in Article 24, in column 2, for the words "Two hundred rupees" the words "Five hundred rupees" shall be substituted;

(16) in Article 25, for clause (a), the following clause shall be substituted, namely:-

"(a) if relating to movable property	3 per cent. of the market value of the property.";
--------------------------------------	--

(17) for Article 28, the following Article shall be substituted, namely:-

**"28. CUSTOMS BOND OR EXCISE BOND,** Five hundred  
that is to say, any bond given pursuant to the rupees.";  
provisions of any law for the time being in force  
or to the directions of any officer of Custom 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.

(18) in Article 34, in column 2, after the existing proviso, the following proviso shall be added, namely:-

"Provided further that, if the residential and agricultural property is gifted to husband, wife, son, daughter, grandson, grand-daughter, wife of deceased son, the amount of duty chargeable shall be rupees two hundred.";

(19) in Article 35, in column 2, for the words "Two hundred rupees" the words "Five hundred rupees" shall be substituted;

(20) in Article 39, -

(i) in clause (a), in column 2, for the words "Two hundred rupees" the words "One thousand rupees" shall be substituted;

(ii) in clause (b), in column 2, for the portion beginning with the words "The same duty" and ending with the words "share capital of the company" the figures and words "0.2 per cent. according to the share capital of the company, subject to minimum of rupees one thousand and maximum of rupees 50,00,000" shall be substituted;

(21) in Article 40, -

(i) in clause (b), in column 2, for the words "Five rupees for every one thousand or part thereof for" the figures and words "0.5 per cent. of" shall be substituted;

(ii) in clause (c), in column 2, for the words and figures "The same duty as a Bond (Article 13) for the amount secured, subject to a maximum of rupees two hundred" the words "Five hundred rupees" shall be substituted;

(22) in Article 45,-

(i) in clause (a),-

(A) in column 1, the words, letters and figures "for every Rs.1,000 or part thereof" shall be deleted;

(B) in column 2, for the words “Ten rupees” the words “One per cent. of amount of payment under order” shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely :—

“(b) where payable at more than one year after date or sight.	Two per cent. of amount of payment under order.”;
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(23) in article 46, in column 2, for the words “Rupees Ten for every rupees five hundred or part thereof” the words “Two per cent.” shall be substituted;

(24) for Article 47, the following Article shall be substituted, namely:-

**“47. PARTNERSHIP—**

(1) Instrument of any partnership inclusive of, Limited Liability Partnership and Joint Venture to run a business, earn profits and to share profits, whether in cash or in kind-

(a) where there is no share of contribution in partnership, or where such share contribution brought in by way of cash does not exceeds 50,000.	Five hundred rupees.
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(b) where such share contribution brought in by way of cash is in excess of rupees 50,000.	One per cent. of the amount of share contribution subject to maximum of rupees fifteen thousand.
--	--

(c) where such share contribution is brought in by way of property, excluding cash.	The same duty as is leviable on a Conveyance under clause (a), (b) or (c), as the case may be, of Article 25, on the market value of such property.
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(2) Dissolution of partnership or retirement of partner inclusive of, Limited Liability Partnership and Joint Venture to run a business, earn profits and to share profits, whether in cash or in kind-

(a) where on dissolution of the partnership or on retirement of a partner any property is taken as his share by a partner other than a partner who brought in that property as his share of contribution in the partnership.	The same duty as is leviable on a Conveyance under clause (a), (b) or (c), as the case may be, of Article 25, on the market value of such property, subject to a minimum of rupees one hundred.
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(b) in any other case	Five hundred rupees.”;
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(25) in Article 48,—

- (i) in clause (a), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;
- (ii) in clause (b), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;
- (iii) in clause (c), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;
- (iv) in clause (d), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;
- (v) in clause (e), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;
- (vi) in clause (f), in sub-clause (ii), in paragraph (a), for the words “grandson, grand-daughter or such other close relative” the words “son, grandson, grand-daughter or father, mother, brother or sister of the spouse” shall be substituted”;
- (vii) in clause (h), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;

(26) for Article 51, the following Article shall be substituted, namely :—

**“51. RECONVEYANCE OF MORTGAGE PROPERTY**                        Five hundred rupees.”;

(27) in Article 52 , in column 1, in clause (a), after the words “above relations” the words “without consideration in any form” shall be added;

(28) in Article 53, in column 2, for the words, brackets and figures “Same duty as a Bond (Article 13) for the amount of the loan secured” the figure and words “One per cent. of the amount of the loan secured, subject to a minimum of rupees five hundred” shall be substituted;

(29) for Article 54, the following Article shall be substituted, namely :—

**“54. SECURITY BOND OR MORTGAGE DEED**, where such security bond or mortgage deed is 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 by a surety to secure the due performance of a contract, or in pursuance of an order of the court or a public officer, not being otherwise provided for by the Maharashtra Court-fees Act.

0.5 per cent. for the amount secured by such deed subject to the maximum of ten lakh rupees:

Provided that, where on an instrument executed by a person for whom a person stands surety and

LX of  
1959.

executes security bond or a mortgage deed, duty has been paid under article 40, then the duty payable shall be one hundred rupees.”;

### *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 114 of the Maharashtra Irrigation Act, 1976;
- (c) by a person taking advance under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884 or by their sureties as security for the repayment of such advances;
- (d) by officers of the Government or their sureties to secure the due execution of an office or due accounting for money or other property received by virtue thereof.

(30) in Article 55, -

(i) in clause (A), in sub-clause (i), in column 2, for the words "Ten rupees for every rupees five hundred or part thereof of" the words "Two per cent. of" shall be substituted;

(ii) in clause (B),-

(a) in sub-clause (i), in column 2, for the portion beginning with the words "The same duty" and ending with the words "but not exceeding two hundred rupees" the words "Five hundred rupees" shall be substituted;

(b) in sub-clause (ii), in column 2, for the portion beginning with the words "The same duty" and ending with the words "but not exceeding two hundred rupees" the words "Five hundred rupees" shall be substituted.

(31) in Article 59, -

(i) in clause (a), in column 2, for the words and figures "Fifty paise for every rupees 100 or part thereof" the figures and words "0.5 per cent." shall be substituted;

(ii) in clauses (b), (c) and (d), in column 2, for the portion beginning with the words "The same duty" and ending with the words "subject to a maximum of two hundred rupees" the words "Five hundred rupees" shall be substituted.

(32) in Article 60, in column 2, for the portion beginning with the words "The same duty" and ending with the words "which is subject matter of transfer" the following portion shall be substituted, namely:-

"The same duty as is leviable on lease under clause (i), (ii), (iii) or (iv), as the case may be, of Article 36, for the remaining period of lease";

(33) in Article 61, -

(i) in entry (A),-

(I) in sub-entry (a), in sub-clause (i), in column 2, for the words "Ten rupees for every rupees five hundred or part thereof" the words "Two per cent." shall be substituted;

## (II) in sub-entry (b),-

(a) in sub-clause (i), in column 2, for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” the words “Five hundred rupees” shall be substituted;

(b) sub-clause (ii), in column 2, for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” the words “Five hundred rupees” shall be substituted;

(ii) in entry (B), in column 2, for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” the words “Five hundred rupees” shall be substituted.

## (34) in Article 63,-

(i) in clause (a), in column 2, for the words “One hundred rupees” the words “Five hundred rupees” shall be substituted;

(ii) in clause (b), in column 2, for the portion beginning with the words “One hundred rupees” and ending with the words “maximum of rupees five lakh” the words and figures “Five hundred rupees plus 0.1 per cent. of the amount above rupees ten lakh subject to maximum of rupees twenty-five lakhs” shall be substituted.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष २, अंक ३१(२)]

शुक्रवार, एप्रिल २९, २०१६/वैशाख ९, शके १९३८

[ पृष्ठे २ किंमत : रुपये २७.००

असाधारण क्रमांक ५२

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment) Act, 2016 (Mah. Act No. XVIII of 2016) is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XVIII OF 2016.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 29th April 2016).

An Act further to amend the Maharashtra Stamp Act.

LX of  
1958.

WHEREAS it is expedient further to amend the Maharashtra Stamp Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Stamp (Amendment) Act, Short title. 2016.

LX of  
1958.

2. In section 70 of the Maharashtra Stamp Act (hereinafter referred to as "the principal Act"), sub-section (2) shall be deleted. Amendment of section 70 of LX of 1958.

Amendment of  
SCHEDULE I  
of LX of 1958.

3. In SCHEDULE I of the principal Act, in Article 1, in clause (1),—
- (i) in sub-clause (c), in column (1), the word “and” shall be deleted ;
- (ii) for sub-clause (d), the following sub-clauses shall be substituted, namely :—
- |   |                       |
|---|-----------------------|
| “(d) exceeds rupees 10,000<br>but is less than<br>rupees 10,00,000; and | Fifty rupees.         |
| (e) is rupees 10,00,000 and<br>above.                                   | One Hundred rupees.”. |



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ६५]

शनिवार, ऑगस्ट १९, २०१७/श्रावण २८, शके १९३९

[ पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १२७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment) Act, 2017 (Mah. Act No. XLVII of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,  
Principal Secretary and Remembrancer  
of Legal Affairs to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XLVII OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 19th August 2017.)

An act further to amend the Maharashtra Stamp Act.

LX of WHEREAS it is expedient further to amend the Maharashtra Stamp 1958. Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Stamp (Amendment) Act, Short title. 2017.

LX of 2. In section 10D of the Maharashtra Stamp Act (hereinafter referred 1958. to as "the principal Act"),— Amendment of section 10D of LX of 1958.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, direct that any State Government Department, institution of local self-Government, semi Government organization, banking or non-banking financial institution or the body owned, controlled or substantially financed by the State Government or any class of them, shall ensure that the proper duty is paid to the State Government through Government Receipt Accounting System (G.R.A.S.) or by any other system of payment as may be notified by the State Government in this behalf, in respect of such instruments, as may be specified in the notification in which such Department or body, etc., is a party or which creates a right in favour of such Department or body, etc., and of which registration is not compulsory :

Provided that, in case of instruments requiring stamp duty of less than rupees five hundred, the stamp duty may be paid to the State Government through any other mode of payment permissible under this Act and the provisions of sub-sections (2) and (3) shall not be applicable in case of such payment.”;

(b) in sub-section (2), after the words “defacing the challan” the words “electronically in the Government Receipt Accounting System (G.R.A.S.) or any other system of payment notified by the State Government in this behalf” shall be inserted ;

(c) after sub-section (3), the following proviso shall be added, namely :—

“ Provided that, whenever the Stamp Duty has been paid through Government Receipt Accounting System (G.R.A.S.) by receipt of e-payment *i.e.* electronically Secured Bank and Treasury Receipt (e-SBTR), the provisions of sub-sections (2) and (3) shall not be applicable.”.

**Amendment of section 30A of LX of 1958.** 3. In section 30A of the principal Act, in sub-section (1), after the words “to collect it from the other party” the words “, if the other party fails to pay the proper stamp duty” shall be added.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ६९(४)

गुरुवार, सप्टेंबर ७, २०१७/भाद्र १६, शके १९३९

[पृष्ठे २, किंमत : रुपये २७.००]

असाधारण क्रमांक १४३

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stmp (Second Amendment) Act, 2017 (Mah. Act No. LIX of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,  
Principal Secretary and R. L. A. to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. LIX OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 7th September 2017).

An Act further to amend the Maharashtra Stamp Act.

LX of 1958. WHEREAS it is expedient further to amend the Maharashtra Stamp Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Stamp (Second Amendment) Short title. Act, 2017.

(१)

Amendment  
of  
SCHEDULE  
I of LX of  
1958.

- 2. In SCHEDULE I appended to the Maharashtra Stamp Act,—** LX of  
1958.
- (a) in Article 25, in clause (b),—
- (i) in sub-clause (ii), in column 2, for the figure and words “ 4 per cent. ” the figure and words “ 5 per cent. ” shall be substituted ;
- (ii) in sub-clause (iii), in column 2, for the figure and words “ 3 per cent. ” the figure and words “ 4 per cent. ” shall be substituted ;
- (b) in Article 34, in column 2, in the proviso,—
- (i) for the words “ at the same rate as specified in this article or at the rate of rupees ten for every rupees five hundred or part thereof on the market value ” the words and figure “ at the rate of 3 per cent. on the market value ” shall be substituted ;
- (ii) the words “, whichever is less ” shall be deleted.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक १(५)]

सोमवार, जानेवारी १५, २०१८/पौष २५, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००]

### असाधारण क्रमांक ५

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि  
विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment and Validation) Act, 2017 (Mah. Act. No. V of 2018), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. V OF 2018.

(First published, after having received the assent of the Governor in  
the "Maharashtra Government Gazette", on the 15th January 2018).

An Act further to amend the Maharashtra Stamp Act.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that  
circumstances existed which rendered it necessary for him to take immediate  
LX of action further to amend the Maharashtra Stamp Act, for the purposes  
1958. hereinafter appearing ; and, therefore, promulgated the Maharashtra Stamp  
Mah. Ord. (Amendment and Validation) Ordinance, 2017 on the 3rd November 2017 ;  
XXVI of  
2017.

AND, WHEREAS, it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

**Short title**      **1.** (1) This Act may be called the Maharashtra Stamp (Amendment and Validation) Act, 2017.

**and com-**      (2) It shall be deemed to have come into force with effect from the 15th  
**mencement.**      December 2016.

**Amendment**      **2.** In section 2 of the Maharashtra Stamp Act (hereinafter referred to as “the principal Act”), in clause (g), for sub-clause (iv), the following sub-  
**of section 2 of**      clause shall be substituted, namely :—  
**LX of 1958.**

“(iv) every order made by the High Court under section 394 of the Companies Act, 1956 or every order made by the National Company Law Tribunal under sections 230 to 234 of the Companies Act, 2013 or every confirmation issued by the Central Government under sub-section (3) of section 233 of the Companies Act, 2013, in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies (including subsidiaries of parent company); and every order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949, in respect of amalgamation or reconstruction of Banking Companies ; ”.

**Amendment**      **3.** In Schedule I appended to the principal Act, in article 25, in clause  
**of Schedule I**      (da), in column (1), for the portion beginning with the brackets, letters and words “(da) if relating to the order of High Court ” and ending with the words and figures "Banking Regulation Act, 1949", the following portion  
**of LX of 1958.**      shall be substituted, namely :—

“(da) if relating to the order of the High Court under section 394 of the Companies Act, 1956 or the order of the National Company Law Tribunal under sections 230 to 234 of the Companies Act, 2013 or confirmation issued by the Central Government under sub-section (3) of section 233 of the Companies Act, 2013 in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies (including subsidiaries of parent company) or order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or reconstruction of Banking Companies.”.

**Validation.**      **4.** (1) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary or in the principal Act, stamp duty assessed, levied and collected, including any action taken in pursuance of such assessment, levy and collection by the authorities under the said Act, acting or purporting to act under the provisions of article 25 in the Schedule I to the principal Act shall be deemed to have been validly levied and collected in accordance with law as if the provisions of the said article 25, as amended by the Maharashtra Stamp (Amendment and Validation) Act, 2017 (hereinafter in this section referred to as “the Amendment Act ”) had been continuously in force at all material time and accordingly,—

(a) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the levy and collection of the stamp duty shall for all purposes, be deemed to have been done or taken in accordance with the provisions of the said Act ;

(b) no suit or other proceedings shall be maintainable or continued in any court, against the said authorities for the refund of the stamp duty so levied and collected ;

Mah. V  
of 2018.

- (c) no court or any other authority shall enforce any decree or order directing the refund of the stamp duty so levied or collected.
- (2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act as amended by the Amendment Act, any assessment, reassessment, levy or collection of stamp duty referred to in sub-section (1), or

(b) from claiming refund of any stamp duty paid by him under the principal Act, in excess of the amount due from him by way of stamp duty under the principal Act, as amended by the Amendment Act.

Mah. Ord. 5. (1) The Maharashtra Stamp (Amendment and Validation) Ordinance, Repeal of  
XXVI of 2017, is hereby repealed.  
2017.

XXVI of 2017  
and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ५, अंक २९(४)]

मंगळवार, जुलै २३, २०१९/श्रावण १, शके १९४१

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ६८

### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment and Validation) (Continuance) Act, 2019 (Mah. Act No. XXI of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT NO. XXI OF 2019.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 23rd July 2019.)

An Act further to amend the Maharashtra Stamp Act.

Mah. WHEREAS the Governor of Maharashtra had promulgated the Maharashtra Ord. I of Stamp (Amendment and Validation) Ordinance, 2019 (hereinafter referred to as 2019. "the said Ordinance"), on the 13th February 2019;

AND WHEREAS upon the reassembly of the State Legislature on the 25th February 2019, the Maharashtra Stamp (Amendment and Validation) Bill, 2019 (L. A. Bill No. I of 2019), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 26th February 2019 and was transmitted to the Maharashtra Legislative Council;

AND WHEREAS, thereafter, as the Maharashtra Legislative Council was prorogued on the 28th February 2019, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate after the 7th April 2019, the date on which the period of six weeks from the date of reassembly of the State Legislature expires ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance ;

AND WHEREAS both Houses of the State Legislature were not in session ; and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance ; and therefore, promulgated the Maharashtra Stamp (Amendment and Validation) (Continuance) Ordinance, 2019 on the 8th March 2019 ;

Mah. Ord.  
VII of 2019.

AND WHEREAS it is expedient to replace the Maharashtra Stamp (Amendment and Validation) (Continuance) Ordinance, 2019, by an Act of the State Legislature; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

Mah. Ord.  
VII of 2019.

Short title  
and  
commencement.

**1.** (1) This Act may be called the Maharashtra Stamp (Amendment and Validation) (Continuance) Act, 2019.

(2) It shall be deemed to have come into force on the 13th February 2019.

Amendment of  
section 9 of  
LX of 1958.

**2.** In section 9 of the Maharashtra Stamp Act (hereinafter referred to as “the principal Act”), in clause (a), for the word “duties” the words “duties or penalty, if any, or both” shall be substituted and shall be deemed to have been substituted with effect from the 1st April 1994.

LX of  
1958.

Amendment of  
section 39 of  
LX of 1958.

**3.** In section 39 of the principal Act, in sub- section (f), in clause (b),—

(i) before the first proviso, the following shall be inserted, namely :—

“Provided that, duty for which reduction or remission is granted by the Government under clause (a) of section 9 under any prevailing policy shall not be treated as deficient portion of duty for the purposes of calculation of penalty, if the beneficiary of such reduction or remission in duty surrenders or forgoes or has surrendered or forgone such benefit with prior approval or with no objection from the Government :”;

(ii) in the first proviso, for the words “Provided that” the words “Provided further that” shall be substituted ;

(iii) in the second proviso, for the words “Provided further that” the words “Provided also that” shall be substituted.

Validation.

**4.** (1) Notwithstanding anything contained in any judgment, decree or order of any court to the contrary or in the principal Act, reduction or remission in the duties or penalty or both, granted under clause (a) of section 9 of the principal Act including any action taken in pursuance of such reduction or remission by the authorities under the said Act, acting or purporting to act under the provisions of the

principal Act, shall be deemed to have been validly granted in accordance with law as if the provisions of clause (a) of section 9 of the principal Act as amended by the Mah. XI Maharashtra Stamp (Amendment and Validation) (Continuance) Act, 2019 of 2019. (hereinafter in this section referred to as "the Amendment Act") had been continuously in force at all material times and accordingly,—

(a) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the reduction or remission of the duty or penalty or both shall for all purposes, be deemed to have been done or taken in accordance with the provisions of the principal Act ;

(b) no suit or other proceedings shall be maintainable or continue in any court, against the said authorities for the remission or reduction granted in respect of the duties or penalty or both.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act, as amended by the Amendment Act, any assessment, re-assessment, levy or collection of stamp duty or penalty or both, referred to in sub-section (1) of this section ; or

(b) from claiming refund to any stamp duty paid by him under the principal Act, in excess of the amount due from him by way of duties or penalty or both under the principal Act, as amended by the Amendment Act.

Mah. 5. (1) The Maharashtra Stamp (Amendment and Validation) (Continuance) Ordinance, 2019, is hereby repealed. Repeal of  
Ord. VII Mah. Ord. VII  
of 2019 and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.