

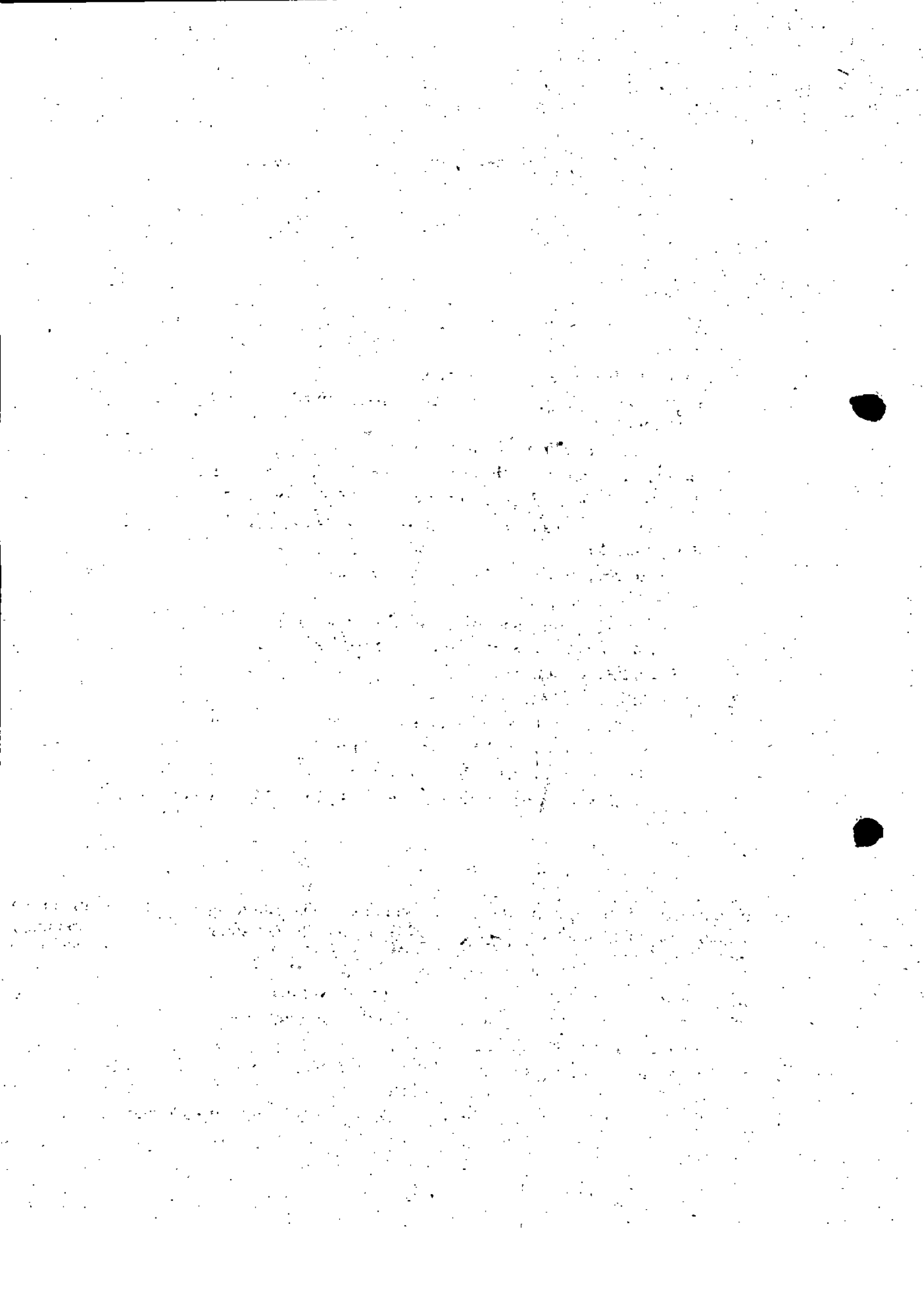
## THE BOMBAY STAMP ACT, 1958

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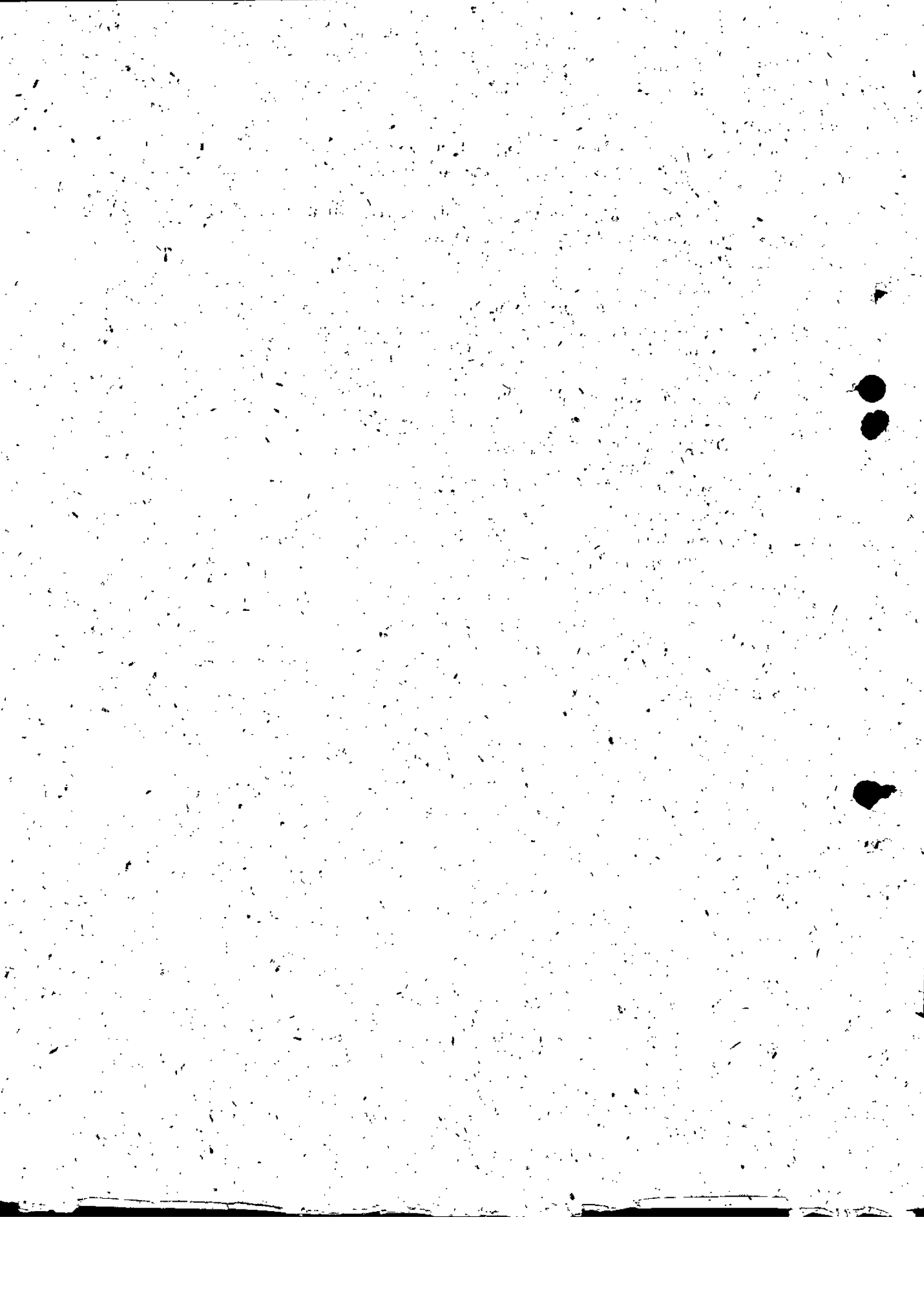
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SCHEDULE II.



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)

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† Maharashtra Ordinance No. VI of 1988 was repealed by Mah. 27 of 1988, s. 3.

‡ Maharashtra Ordinance No. II of 1990 was repealed by Mah. 9 of 1990, s. 4.

@ Maharashtra Ordinance No. V of 1994 was repealed by Mah. 20 of 1994, s. 4.

†† Maharashtra Ordinance No. VIII of 1995 was repealed by Mah. 12 of 1995, s. 15.

@@ Maharashtra Ordinance No. XII of 1996 was repealed by Mah. 9 of 1997, s. 48.

Amended by Mah. 30 of 1997£ (15-5-1997)

”	”	”	21	of 1998 @@@ (1-5-1998)*
”	”	”	22	of 2001 (1-5-2001)*
”	”	”	1	of 2002 (2-1-2002)*
”	”	”	20	of 2002 (1-5-2002)
”	”	”	10	of 2003 @@@@ (3-2-2003)**
”	”	”	16	of 2003 (1-5-2003)***
”	”	”	13	of 2004 (1-7-2004)*

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

@@@ Maharashtra Ordinance No. VI of 1998 was repealed by Mah. 21 of 1998, s. 30.

@@@@ Maharashtra Ordinance No. I of 2003 was repealed by Mah. 10 of 2003, s. 4(1).

\*\* This Act was brought into force by G. N., Finance Department, No. BUD-31-01/CR-58, Taxation-1, dated the 30th April 2001, p. 484.

\*\*\* This Act was brought into force by G. N. Revenue and Forest Department, No. Mudrank-2003/523/CR-138/M-1, dated the 24th April 2003, p. 460.

Validation  
of duty  
levied and  
collected.

“ 9. (1) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary or in the Stamp 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 purporating to act under the provisions of article 25 in the Schedule I to the Stamp Act 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 :—

(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.”

Mah.  
XXX  
of  
1997.



**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

1. (1) This Act may be called the Bombay Stamp Act, 1958. Short title,  
extent and  
commence-  
ment.
- (2) It extent 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.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
- (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 of 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

<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 *ibid.*, s.(b).

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>[(*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 transaction <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.  
LX of  
1958.

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

(*f*) “ Collector” means 4\* \* \* \*

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 <sup>7</sup>[\* \* \* \*]

(*iii*) every decree or final order of any Civil Court,

by which property whether moveable or immovable or any estate or interest in any property is transferred to, or vested in, any other person, *inter vivos*, and which is not otherwise specifically provided for by Schedule I ;

<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>1</sup>[(iv) every order made by the High Court under section 394 of the Companies Act, 1956 <sup>2</sup>[in respect of amalgamation or reconstruction of companies ; and every order made by the Reserve Bank of India under section 44A the Banking Regulation Act, 1949 in respect of amalgamation or reconstruction of Banking 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>3</sup>[(ga) “ Deputy Inspector General of Registration and Deputy Controller of Stamps” means the officer or officers appointed by State Government, by notification issued under clause (f) and on whom any or all of the powers of the Collector under this Act are conferred ;]

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<sup>1</sup> Sub-clause (iv) was inserted, by Mah. 17 of 1993 s. 28(a)(ii).

<sup>2</sup> This portion was substituted for the words “ in respect of amalgamation of Companies” by Mah. 1 of 2002, s.2.

<sup>3</sup> Clause (ga) was inserted by Mah. 13 of 2004, s.2.

(h) "duly stamped" as applied to an instrument means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in the State;

(i) "executed" and "execution" used with reference to instruments mean "signed" and "signature";

XVIII  
of  
1944.

(j) "Government securities" means a Government security as defined in the Public Debt Act, 1944;

<sup>1</sup>[(ja) "immoveable property" includes land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;]

(k) "impressed stamp" includes,—

(i) labels affixed and impressed by the proper officer;

(ii) stamps embossed or engraved on stamped paper;

<sup>2</sup>[(iii) impression by franking machine;

(iv) impression by any such machine as the State Government may, by notification in the *Official Gazette*, specify;]

(l) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded, but does not include a bill of exchange, cheque, promissory note, bill of lading, letter of credit, policy of insurance, transfer of share, debenture, proxy and receipt;]

<sup>3</sup>[(la) "instrument of gift" includes, where the gift is of any moveable <sup>4</sup>[or immovable] property but has not been made in writing, any instrument recording whether by way of declaration or otherwise the making or acceptance of such oral gift;].

(m) "instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severally and includes,—

(i) in final order for effecting a partition passed by any revenue authority or any civil court,

(ii) an award by an arbitration directing a partition, and

(iii) when any partition is effected without executing any such instrument and instrument or instruments signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;

(n) "lease" means a lease of immoveable <sup>5</sup>[or moveable (or both)] property and includes also,—

(i) a Patta;

(ii) a *Kabulayat*, or other undertaking in writing not being a counterpart of a lease to cultivate, occupy or pay or deliver rent for immoveable property;

(iii) any instrument by which tolls of any description are let;

(iv) any writing on an application for a lease intended to signify that the application is granted;

<sup>1</sup> Clause (ja) was inserted by Mah. 27 of 1985, s. 2(d).

<sup>2</sup> These sub-clauses were added by Mah. 20 of 1994, s. 2.

<sup>3</sup> Clause (la) was inserted by Mah. 31 of 1962, s. 2.

<sup>4</sup> These words were inserted by Mah. 13 of 1974, s. 2.

<sup>5</sup> These words were inserted by Mah. 17 of 1993, s. 28(b)(i).

<sup>1</sup>[(v) a decree or final order of any Civil Court in respect of lease:

Provided that, where subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument;]

<sup>2</sup>[(na) "market value" in relation to any property which is the subject matter of an instrument, means the price which such property would have fetched if sold in open market on the date of execution of such instrument], <sup>3</sup>[for the consideration stated in the instrument, whichever is higher;]

(o) "marketable security" means a security of such description as to be capable of being sold in any stock market in India \* \* \* \* \*

(p) "mortgage deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers or creates to, or in favour of another, a right over or in respect of specified property;

<sup>5</sup>[(pa) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees and property of every other description, except immoveable property, by which any right or liability is or is purported to be created, transferred, limited, extended, extinguished or recorded;]

(q) "paper" includes vellum, parchment or any other material on which an instrument may be written;

(r) "power of attorney" includes any instrument (not chargeable with a fee under the law relating to court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it <sup>6</sup>[and includes an instrument by which a person, not being a person who is a legal practitioner, is authorised to appear on behalf of any party in any proceeding before any court, Tribunal or authority];

<sup>7</sup>[(ra) "public officer" means a public officer as defined in clause (17) of section 2 of the Code of Civil Procedure, 1908]; V of 1908.

(s) "Schedule" means a Schedule appended to this Act;

(t) "settlement" means any non-testamentary disposition in writing of movable or immovable property made —

(i) in consideration of marriage,

(ii) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(iii) for any religious or charitable purpose, and includes an agreement in writing to make such a disposition and where any such disposition has not been made in writing any instrument recording whether by way of declaration of trust or otherwise, the terms of any such disposition;

(u) "soldier" includes any person below the rank of a non-commissioned officer who is enrolled under the Army Act, 1950. XLVI of 1950.

<sup>1</sup> Sub-clause (v) was inserted, by Mah. 17 of 1993, s. 28(b)(ii).

<sup>2</sup> Clause (na) was inserted by Mah. 16 of 1979, s. 2.

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

<sup>4</sup> The words "or in the United Kingdom" were deleted, *ibid.*, s. 2(f).

<sup>5</sup> Clause (pa) was inserted by Mah. 17 of 1993, s. 28(c).

<sup>6</sup> This portion was added, by Mah. 27 of 1985, s. 2(g).

<sup>7</sup> Clause (ra) was inserted, *ibid.*, s. 2(h).

## 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 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—

Instrument chargeable with duty.

(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 :

<sup>1</sup>[Provided that a copy or extract, whether certified to be a true copy or not and whether a facsimile image or otherwise of the original instrument on which stamp duty is chargeable under the provisions of this section shall be chargeable with full stamp duty indicated in Schedule I if the proper duty payable on such original instrument is not paid :]

<sup>2</sup>[Provided further 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 <sup>3</sup>[ or where the Government has undertaken to bear the expenses towards the payment of the duty.]

XIX  
of  
1838.  
XLVI  
of  
1958.

(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>4</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>5</sup>[one hundred rupees] instead of the duty ( if any) prescribed for it in that Schedule.

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

<sup>1</sup> This proviso was added by Mah. 21 of 1998, s. 6(a).

<sup>2</sup> These words were substituted for the words " Provided that", *ibid.*, s. 6(b).

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

<sup>4</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>5</sup> These words were substituted, for the words " twenty rupees" by Mah.13 of 2004, s. 3.

(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>1</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.

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<sup>1</sup> Sub-section (3) was inserted by Mah. 27 of 1985, s. 4(b).



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

Instrument relating to several distinct matters.

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

Instruments coming within several description in Schedule I.

Provided that nothing in this Act contained shall render chargeable with duty exceeding <sup>1</sup>[ten rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

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,—

Payment of higher duty in respect of certain instruments.

(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).]

IX of 1914.

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

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

Power to reduce, remit or compound duties.

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 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*

Duties how to be paid.

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>[(2-1A) From the date of coming into force of the Bombay Stamp (Amendment) Act, 2003, in the case of instruments, stamped with impressed stamps, such stamps shall bear the stamp and signature with date, of the authorised officer of the Treasury, Sub-Treasury or the General Stamp Office in the State, or of the proper officer appointed by the Chief Controlling Revenue Authority, Superintendent of Stamps or Collector of Stamps in the State :

Mah.  
X of  
2003.

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

<sup>2</sup> This sub-section was inserted by Mah. 10 of 2003, s. 2(a).

Provided that, the Chief controlling Revenue Authority may, by notification in the *Official Gazette*, from the specified date, do away with such requirement.]

<sup>1</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.]

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<sup>1</sup> These sub-sections were inserted by Mah. 20 of 1994, s. 3(1).

<sup>1</sup>[(3) Notwithstanding anything contained in sub-section (1), the Chief Controlling Revenue Authority, shall, by notification in the *Official Gazette*, specify the instruments in Schedule I in respect of which the duties chargeable, as specified in column 2 of the said Schedule shall be paid,—

- (i) by means of a franking machine ;
- (ii) by way of cash ;
- (iii) by demand draft ; or
- (iv) by pay order,

in any Government Treasury or Sub-Treasury or General Stamp Office, and such payment shall be indicated on such instrument by endorsement to that effect made on the instrument by the proper officer duly notified by the Chief Controlling Revenue Authority for this purpose.]

<sup>2</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>3</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).]

Duties to be paid in cash, by demand draft or by pay order by Government controlled bodies, Insurance Companies and Banks.

<sup>4</sup>[10A. Notwithstanding anything contained in section 10, the State Government may, by notification in the *Official Gazette*, direct that, in case of the bodies owned or controlled by the State or Central Government, Insurance Companies and Nationalised Banks, the duty may be paid by their Head Office or Regional Office or Zonal Office 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 proper officer, not below the rank of Branch Manager, so notified by the Chief Controlling Revenue Authority, shall make an endorsement on the instrument as follows :—

“ Stamp duty of Rs. .... paid in cash / by demand draft / pay order, *vide* Receipt / Challan No. .... dated the .....

Signature of proper officer.]

<sup>1</sup> Sub-section (3) was substituted by Mah. 10 of 2003, s. 2(b).

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

<sup>3</sup> These words, brackets, figures and letter were inserted by Mah. 9 of 1997, s. 7.

<sup>4</sup> Section 10A was inserted by Mah. 10 of 2003, s.3.

11. The following instruments may be stamped with adhesive stamps, namely :—

Use of  
adhesive  
stamps.

<sup>1</sup>[(a) \* \* \* \* \*]

<sup>2</sup>[(b) instruments mentioned at <sup>3</sup>[articles 1,] 5(a) to (g), 17, 29, 37, <sup>4</sup>[41], 42 43, 59(a) and 62 in Schedule I.]

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<sup>1</sup> This clause was deleted by Mah. 9 of 1988, s. 34(a).

<sup>2</sup> Clause (b) was substituted for the original clauses (b) and (c) by Mah. 10 of 1965, s. 3.

<sup>3</sup> This word and figure was substituted for the word and letters " article Nos." by Mah. 9 of 1988, s. 34 (b).

<sup>4</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

Cancellation  
of adhesive  
stamps.

(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 instru-  
ments 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.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

[The main body of the page contains several lines of text that are extremely faint and illegible due to the quality of the scan. The text appears to be a list or a series of entries, possibly related to a physics experiment or a theoretical study. The lines are roughly horizontal and spaced out across the page.]

PHYSICS DEPARTMENT  
5720 S. UNIVERSITY AVE.  
CHICAGO, ILL. 60637



15. Every instrument written in contravention of section 13 <sup>1</sup>[14 or 14A] shall be deemed to be <sup>2</sup>[not duly stamped].

Instrument written contrary to section 13, <sup>3</sup>[14 or 14A] deemed not duly stamped].

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

Denoting duty.

(C)—Of the time of stamping Instruments

17. All instruments chargeable with duty and any executed by any person in this State shall be stamped before or at the time of execution <sup>4</sup>[or immediately thereafter <sup>5</sup>[on the next working day following the day of execution]].

Instruments executed in State.

<sup>6</sup>[Provided that the clearance list described in Article 19, 20, 21, 22 or 23 of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and by-laws with the requisite amount of stamp duty, within two months from the date of its execution.]

18. (1) Every instrument chargeable with duty executed only out of this State may be stamped within three months after it has been first received in this state.

Instruments executed out of State.

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

19. Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in this State is executed out of the State and subsequently <sup>7</sup>[such instrument or a copy of the instrument is] received in the State,—

Payment of duty on certain instruments <sup>8</sup>[or copies thereof] liable to increased duty in <sup>10</sup>[Maharashtra State].

(a) the amount of duty chargeable on such instrument <sup>8</sup>[or a copy of the instrument] shall be the amount of duty chargeable under Schedule I on a document of the like description executed in this State less the amount of duty, if any, already paid under any law in force in India excluding the State of Jammu and Kashmir on such instrument when it was executed ;

<sup>1</sup> These figures, word and letter were substituted for the words and figure "or section 14" by Mah. 27 of 1985, s. 11(a).

<sup>2</sup> These words were substituted for the word "unstamped", *ibid.*, s. 11(b).

<sup>3</sup> These figures, words and letters were substituted for the words and figure "or 14 deemed unstamped", *ibid.*, s. 11(c).

<sup>4</sup> These words were added, *ibid.*, s. 12.

<sup>5</sup> These words were inserted by Mah. 17 of 1993, s. 31.

<sup>6</sup> This proviso was substituted for the original by Bom. 95 of 1958, s. 3.

<sup>7</sup> These words were inserted by Mah. 17 of 1993, s. 32(a).

<sup>8</sup> These words were inserted, *ibid.*, s. 32(b).

<sup>9</sup> These words were inserted, *ibid.*, s. 32(e).

<sup>10</sup> These words were substituted for the words "Bombay State" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(b) and in addition to the stamps, if any, already affixed thereto such instrument <sup>1</sup>[or a copy of such instrument] shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner and at the same time and by the same persons as though such instrument <sup>1</sup>[or a copy of such instrument] were an instrument received in this State for the first time at the time when it became chargeable with the higher duty, and

(c) the provisions contained in clause (b) of the proviso to sub-section (3) of section 32 shall apply to such instrument <sup>2</sup>[or a copy of such instrument] as if such were an instrument executed or first executed out of this State and first received in this State when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (a) of the said proviso shall not apply thereto.

(D)—Of Valuations for Duty

Conversion of amount expressed in foreign currencies. 20. (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of India, such duty shall be calculated on the value of such money in the currency of India according to the current rate of exchange on the day of the date of the instrument.

(2) The rate of exchange for the conversion of British or any foreign currency into the currency of India prescribed under sub-section (2) of section 20 of the  $\Pi$  of Indian Stamp Act, 1899, shall be deemed to be the current rate for the purpose of sub-section (1).

Stock and marketable securities how to be valued. 21. Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

Effect of statement of rate of exchange or average price. 22. Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement it shall, so far as regards the subject matter of such statement, be presumed until the contrary is proved, to be duly stamped.

Instruments reserving interest. 23. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

Certain instruments connected with mortgages of marketable securities to be chargeable as agreements. 24. (1) Where an instrument—  
 (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or  
 (b) makes redeemable or qualifies a duly stamped transfer intended as a security or any marketable security,  
 it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5(h) of Schedule I.

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.

<sup>1</sup> These words were inserted, by Mah. s. 17 of 1993, 32(c).

<sup>2</sup> These words were inserted *ibid.*, s. 32(d).

[25. Where any property is transferred to any person—

- (a) in consideration, wholly or in part, of any debt due to him; or  
 (b) subject either certainly or contingently to the payment or transfer (to him or any other person), of any money or stock, whether being or constituting a charge or incumbrance upon the property or not,

How transfers in consideration of debt or subject to future payments, etc. to be charged.

such debt, money or stock, shall be deemed to be the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty :

Provided that, nothing in this section shall apply to any such certificate of sale as is mentioned in Article 16 of Schedule I.

*Explanation.*—Where property is sold and sale is subject to a mortgage or other incumbrance, any unpaid mortgage-money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale, whether or not the purchaser expressly undertakes with the seller to pay the same or indemnify the seller if the seller has to pay the same :

Provided that, where any property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

#### Illustrations

1. A owes B Rs. 1,000. A sells a property to B, the consideration of the property being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp duty is payable on Rs. 1,500.

2. A sells a property to B for Rs. 500. The property is subject to a mortgage to C for Rs. 1,000 and unpaid interest of Rs. 200. The sale is subject to the mortgage. Stamp duty is payable on Rs. 1,700.

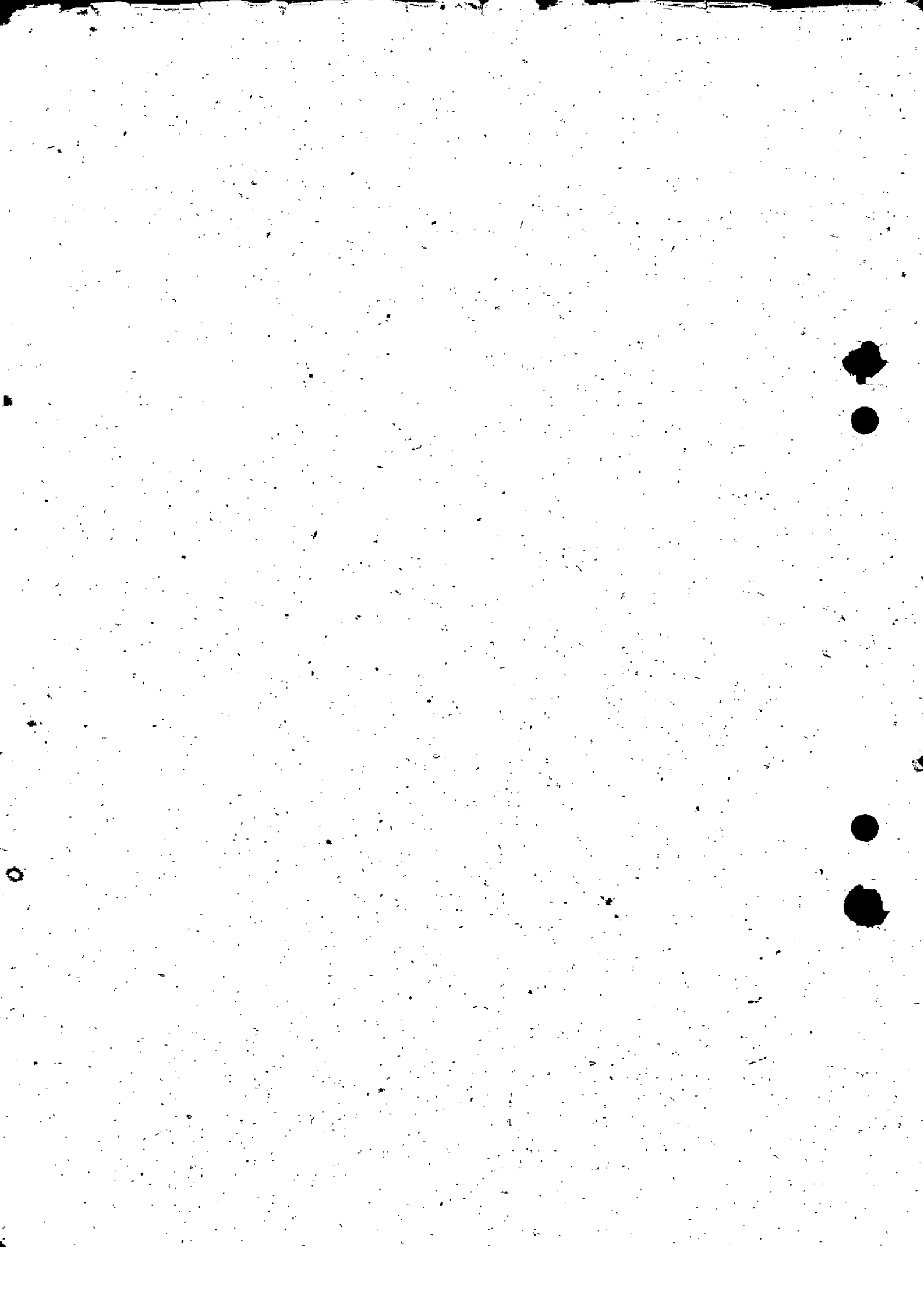
3. A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp duty is payable on Rs. 10,000 less the amount of stamp duty already paid for the mortgage.]

26. Where an instrument is executed to secure the payment of an annuity or other sum payable periodically or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be—

Valuation in case of annuity, etc.

(a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained, such total amount ;

<sup>1</sup> Section 25 was substituted for the original by Mah. 27 of 1985, s. 13.



(b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance, the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance, the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

27. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or in the case of an instrument executed before the commencement of this Act could not have been ascertained at the date of its execution or, first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, <sup>1</sup>have been sufficient, and the instrument shall be deemed to be insufficiently stamped as respects the excess amount and the provisions of section 34 shall accordingly apply in relation to the admission of the instrument in evidence:

Stamp where value of subject-matter is indeterminate.

Provided that, for the purposes of application of section 34 to such an instrument, it shall be sufficient if the deficiency in the duty is paid, and thereupon no penalty shall be levied:]

<sup>2</sup>[Provided further that,] in the case of the lease of a mine in which royalty of a share of the produce is received as the rent or part of the rent, if shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty,—

(a) when the lease has been granted by or on behalf of the Government at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(b) when the lease has been granted by any other person, at <sup>3</sup>[fifty thousand rupees] a year;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 40, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

28. The consideration (if any) <sup>4</sup>[the market value] and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable shall be fully and truly set forth therein.

Facts affecting duty to be set forth in instrument.

29. (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the <sup>5</sup>[market value] shall be apportioned in such manner as the parties think fit, provided that a distinct <sup>5</sup>[market value] for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct <sup>5</sup>[market value].

Direction as to duty in case of certain conveyances.

<sup>1</sup> These words were substituted for the words "have been sufficient" by Mah. 27 of 1985, s. 14(a).

<sup>2</sup> These words were substituted for the words "provided that" *ibid.*, s. 14(b).

<sup>3</sup> These words were substituted for the words "twenty thousand rupees" by Mah. 17 of 1993, s. 33.

<sup>4</sup> These words were inserted by Mah. 16 of 1979, s. 4.

<sup>5</sup> These words were substituted for the words "consideration" *ibid.*, s. 5(a).

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part <sup>1</sup>[in respect of the market value of such part of the property.]

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad valorem* duty <sup>2</sup>[in respect of the market value of the property at the time of sale] by the original purchaser to the sub-purchaser.

(4) Where a person having contracted for the purchase of any property but not having obtained a conveyance thereof contracts to sell the whole or any part thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty <sup>3</sup>[in respect of only the market value of the part sold to the sub-purchaser, without regard to the amount of the market value of the property conveyed by the original seller; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect of the market value of such residue:]

Provided that notwithstanding anything contained in article 25 of Schedule I the duty on such last mentioned conveyance shall in no case be less than <sup>4</sup>[ten rupees.]

<sup>5</sup>[(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad valorem* duty in respect of the market value of the property which is the subject matter of the conveyance and is duly stamped accordingly, any conveyance to be made afterwards to him in respect of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property which is the subject matter of the conveyance or where such duty exceeds <sup>6</sup>[fifty rupees] with a duty of <sup>6</sup>[fifty rupees.]]

(E)—Duty by whom payable

**Duties by whom payable.** 30. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,—

(a) in the case of any instrument described in any of the following articles of Schedule I, namely:—

No. 2 (Administration Bond),

No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge),

No. 13 (Bond),

No. 14 (Bottomry Bond),

No. 28 (Customs Bond),

No. 33 (Further Charge).

<sup>1</sup> These words were substituted for the words "of the consideration therein specified", by Mah. 16 of 1979, s. 5(b).

<sup>2</sup> These words were substituted for the words "in respect of the consideration for the sale" *ibid.* s. 5(c).

<sup>3</sup> This portion was substituted for the portion beginning with the words "in respect only of the consideration paid by such sub-purchaser" and ending with the words "considerations paid by the sub-purchasers" *ibid.*, s. 5(d).

<sup>4</sup> These words were substituted for the words "three rupees" by Mah. 27 of 1985, s. 15(a).

<sup>5</sup> Sub-section (5) was substituted for the original by Mah. 16 of 1979, s. 5(e).

<sup>6</sup> These words were substituted for the words "seven rupees and fifty paise" by Mah. 27 of 1985, s. 15(b).

- No. 35 (Indemnity-Bond),  
 No. 40 (Mortgage-Deed),  
 No. 52 (Release),  
 No. 53 (Respondentia Bond),  
 No. 54 (Security-Bond or Mortgage-Deed),  
 No. 55 (Settlement),

No. <sup>1</sup>[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  
1899.

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>[(1) When any instrument, whether executed or not and whether previously 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

Adjudi-  
cation as  
to proper  
stamps.

<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 (1) 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).

Article of Schedule I under which] it is chargeable and pay <sup>1</sup>[a fee of one hundred 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>2</sup>[or the Article of Schedule I under which] in his judgment, the instrument is chargeable.]

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<sup>1</sup> These words were substituted for the words " a fee of fifty rupees" by Mah. 22 of 2001, s. 2(a).

<sup>2</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 the 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.]

<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>1</sup>[Provided that, in no case, the amount of penalty shall exceed double the deficient portion of the stamp duty.]

Certificate  
by  
Collector. **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>2</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.

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<sup>1</sup> This proviso was added by Mah. 22 of 2001, s. 2(b).

<sup>2</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) <sup>1</sup>[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 duly stamped :

Provided that nothing in this section shall authorise the Collector to endorse—

(a) any instrument executed or first executed in the State and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be ;

(b) any instrument executed or first executed out of the State and brought to him after the expiration of three months, after it has been first received in this State ; or

(c) any instrument chargeable with the duty of twenty naye paise or less when brought to him, after the drawing or execution thereof, on paper not duly stamped.

<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., under-valued how to be dealt with.

Mah. XVI of 1908.

Provided that, in case of such instruments executed on or after the 4th July 1980, 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 be the true copy accompanying the instrument, presented for registration for the purpose of sub-section (1).

Mah. XXXVI of 1985.

<sup>3</sup>[(2) Any registering officer receiving such instrument for registration has reason to believe, on the basis of the information available with him in this behalf, that the market value of immovable property which is the subject matter of such instrument has not been truly set forth therein, he shall, immediately after receiving of such instrument, refer it to the Collector for determination of the true market value of such property :

Provided that, 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 where, in the opinion of the registering officer, the true market value of the

Mah. IX of 1997.

<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. 13 of 2004, s. 4.

immovable property, which is the subject matter of the said instrument, has not been determined by the Collector of the District, it shall be lawful for the registering officer to verify the true market value of such property as per the annual statement of rates of immovable property determined under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 and issue notice to the person, who is liable to pay stamp duty under section 30 calling upon such person to pay the deficit amount of stamp duty and penalty at the rate of 2 per cent. of the deficient portion of the stamp duty, for every month or part thereof from the date of execution of such instrument :

Provided further that, on the receipt of such notice, if the person liable to pay deficit amount of stamp duty and the penalty, pays within one month from the date of receipt of such notice, the deficient amount of stamp duty and also pays the fixed penalty of rupees two hundred fifty, he shall not be liable to make payment of penalty at the rate of 2 per cent., as provided in the first proviso ; and the reference already made to the Collector of the District shall abate :

Provided also that, in no case, the amount of the penalty to be charged under the proviso shall exceed double the deficit portion of the stamp duty.]

(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 immovable property which is the subject matter of such instrument has not been truly set forth 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>1</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 immovable 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 immovable 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>2</sup>[a penalty <sup>3</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 set forth in the instrument and the market value as determined by the Collector of the District does not exceed ten per cent. of the market value determined by the Collector of the District :

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<sup>1</sup> This proviso was added by Mah. 30 of 1997, 3(b).

<sup>2</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>3</sup> These words and figures were substituted for the words and figures " of 15 per cent. for each year of part of the year " by Mah. 30 of 1997, s.3(c).

<sup>1</sup>[Provided further that, in respect of references pending with the Collector of the District, before the commencement of the Maharashtra Tax Laws (Levy, Second Amendment and Validation) Act, 1996, for determination of true market value of the immovable 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.]

Mah.  
IX of  
1997.

<sup>2</sup>[Provided also that, in no case, the amount of the penalty shall exceed double the deficient portion of the stamp duty.]

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<sup>1</sup> This proviso was substituted by Mah. 9 of 1997, s. 9(b)(ii).

<sup>2</sup> This proviso was added by Mah. 22 of 2001, s.3(b).

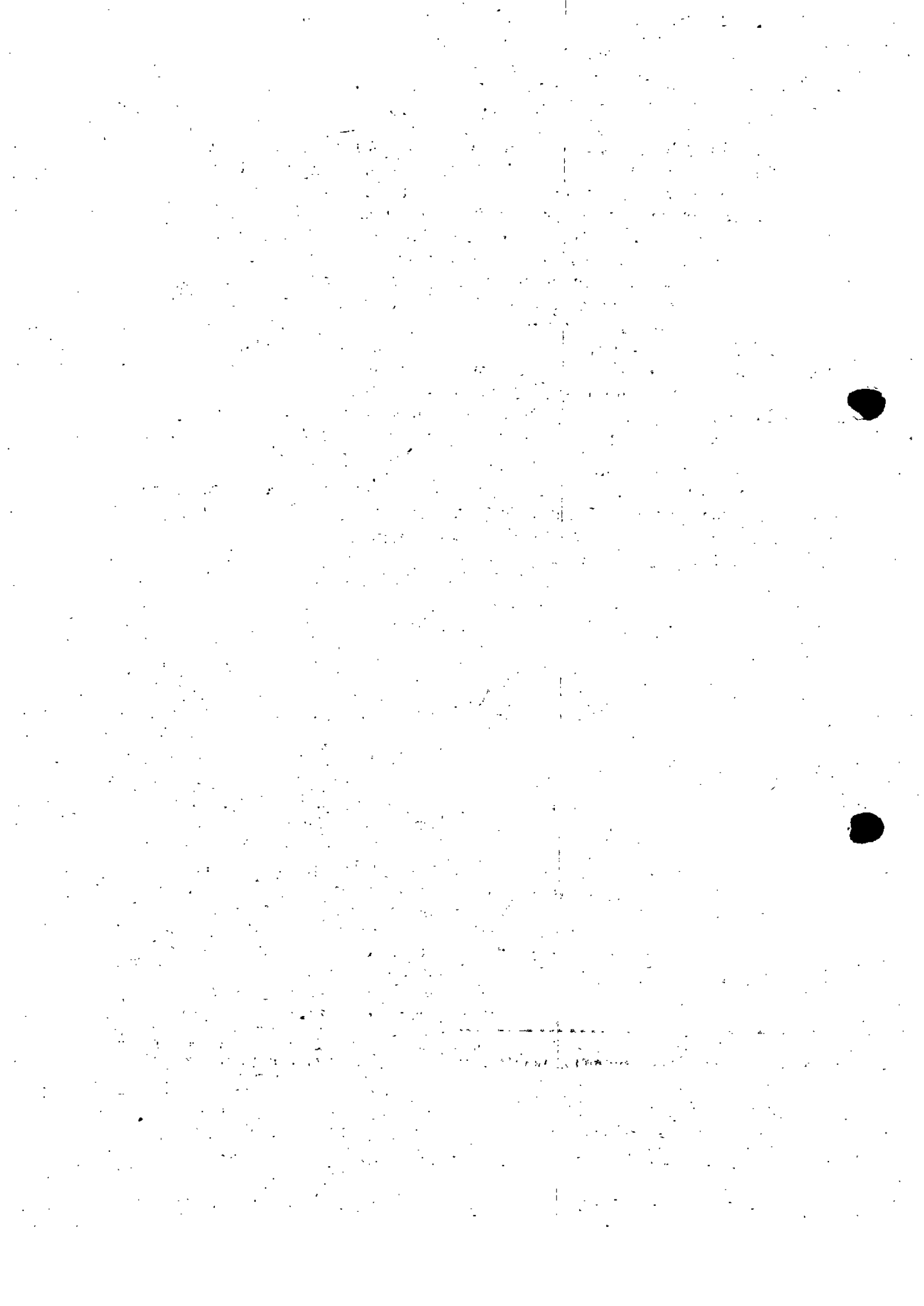
(5) The Collector of the District may, *suo motu* or on receipt of information from any source, within <sup>1</sup>[ten years] from the date of registration of any instrument referred to in sub-section (1), (not being the instrument upon which an endorsement has been made under section 32 or the instrument 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 immovable 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.]

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<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).





<sup>1</sup>[32B. (1) Any person aggrieved by any order determining the market value under sub-section (3) of section 31 or under section 32A or any order imposing any penalty under section 32A may, within sixty days from the date of receipt of such order, by an application in writing (accompanied by such fee not exceeding three hundred rupees as the State Government may, from time to time, by notification in the *Official Gazette*, specify; and different rates of fees may be specified for different areas), file an appeal against such order, to the Deputy Inspector General of Registration and Deputy Controller of stamps, who shall after considering the same, pass such order thereon as he thinks just and proper ; and the order so passed shall, subject to the provisions of section 32C, be final and shall not be questioned in any Court or before any authority : Appeal.

Mah. XVIII of 1989. Provided that, all applications made and pending with the Collector immediately before the commencement of the Bombay Stamp (Amendment) Act, 1989 (hereinafter, in this section, referred to as " the Amendment Act"), for being referred to Courts for decision under section 32B as it existed immediately before the coming into force of the Amendment Act, shall, on the coming into force of the Amendment Act be transferred by the Collector to the Deputy Inspector General of Registration-and-Deputy Controller of Stamps and the applications so transferred shall be deemed to be the appeals filed and pending before the Deputy Inspector General of Registration-and-Deputy Controller of Stamps who shall dispose of the same in accordance with this section :

Provided further that, nothing contained in sub-section (1) and the first proviso shall affect the references already made by the Collector to the Courts and pending before the Courts immediately before the commencement of the Amendment Act; and such references shall be disposed of by the concerned Courts as if the Amendment Act has not been passed.

(2) No appeal and no application for revision shall lie against the order of the Deputy Inspector General of Registration-and-Deputy Controller of Stamps, passed under sub-section (1).

32C. Subject to the provisions of section 32 B and any rules which may be made in this behalf by the State Government, the Chief Controlling Revenue Authority may, *suo motu*, call for and examine the record of any order passed (including an order passed in appeal) under this Act or the rules made thereunder, by any officer and pass such order thereon as he thinks just and proper ; and the order so passed shall be final and shall not be called in question in any Court or before any authority : Revision.

<sup>1</sup> These sections were substituted for section 32B by Mah. 18 of 1989, s.3.

Provided that, no notice calling for the record under this section shall be served by the Chief Controlling Revenue Authority after the expiry of three years from the date of communication of the order sought to be revised and no order of revision shall be made by the said Authority hereunder after the expiry of five years from such date :

Provided further that, no order shall be passed under this section which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.]

## CHAPTER IV

## INSTRUMENTS NOT DULY STAMPED.

33. (1) <sup>1</sup>[Subject to the provisions of section 32A, every person] having by law or consent of parties authority to receive evidence and every person in charge of a public office, except an officer of police <sup>2</sup>[or any other officer, empowered by law to investigate offences under any law for the time being in force,] before whom any instrument chargeable, in his opinion, with duty, is produced or comes in the performance of his functions shall if it appears to him that such instrument is not duly stamped impound the same <sup>3</sup>[irrespective whether the instrument is or is not valid in law.] <sup>4</sup>Examination and impounding of instruments.

(2) For the purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law for the time being in force in the State when such instrument was executed or first executed :

Provided that,—

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do any instrument coming before him in the course of any proceeding other than a proceeding under <sup>4</sup>[Chapter IX or part D of Chapter X of the Code of Criminal Procedure, 1973] ;

II of  
1974.

(b) in the case of a Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court may appoint in this behalf.

(3) For the purposes of this section, in cases of doubt,—

(a) the State Government may determine what offices shall be deemed to be public offices ; and

(b) the State Government may determine who shall be deemed to be persons in charge of public offices.

XVI  
of  
1908.

<sup>5</sup>[33A. When through mistake or otherwise any instrument which is not duly stamped is registered under the Registration Act, 1908, the registering officer may call for the original instrument from the party and, after giving the party an opportunity of being heard and recording the reasons in writing and furnishing a copy thereof to the party, impound it. On failure to produce such original instrument by the party, a true copy of such instrument taken out from the registration record shall, for the purposes of this section, be deemed to be the original of such instrument.]

Impounding of instruments after registration.

<sup>1</sup> These words were substituted for the words "Every person" by Mah. 16 of 1979, s. 8.

<sup>2</sup> These words were inserted by Mah. 27 of 1985, s.20(a)(i).

<sup>3</sup> These words were added, *ibid.*, s. 20(a)(ii).

<sup>4</sup> These word, figures and letter were substituted for the words and figures "Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898", *ibid.* s. 20(b).

<sup>5</sup> Section 33A was inserted, *ibid.*, s. 21.

Instruments  
not duly  
stamped  
inadmi-  
ssible in  
evidence,  
etc.

34. No instrument chargeable with duty<sup>1</sup> \* \* \* shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer unless such 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

<sup>5</sup>[(ii) a penalty at the rate of 2 per cent. of the deficient portion of the stamp duty for every month or part thereof, from the date of execution of such instrument :

Provided that, in no case, the amount of the penalty shall exceed double the deficient portion of the stamp duty ;]

(b) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp ; the contract or agreement shall be deemed to be duly stamped ;

(c) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding <sup>6</sup>[under Chapter IX or part D of Chapter X of the Code of Criminal Procedure, 1973] ;

II of  
1974.

(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>7</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> These words, brackets, figures and letters "(not being any instrument referred to in sub-section (1) 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 Mah. 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> Sub-clause (ii) was substituted by Mah. 22 of 2001, s. 4.

<sup>6</sup> these words, figures and letters were substituted for the "words and figures" under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, *ibid.*, s. 22(b).

<sup>7</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.

Admission of improperly stamped instruments.

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.

Instruments impounded how to be dealt with.

<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 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 certificates; 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.]

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

Collector's power to refund penalty paid under section 37, sub-section (1). 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.

Collector's power to stamp instrument's impounded. 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 ;

(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] :

<sup>3</sup>[Provided that, in no case, the amount of the penalty shall exceed double the deficient portions of the stamp duty :]

<sup>4</sup>[Provided further 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>5</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 *nay 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 section 33 and 39, receive such amount and proceed as next hereinafter prescribed.

Instruments unduly stamped by accident.

41. (1) When the duty and penalty (if any) leviable in respect of any instrument <sup>6</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.

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

<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> This proviso was inserted by Mah. 22 of 2001, s 5(a).

<sup>4</sup> These words were substituted for the words " Provided that " *ibid.*, s. 5(b).

<sup>5</sup> These words, figures and letter were substituted for the words " every certificate " by Mah. 27 of 1985, s. 24.

<sup>6</sup> These brackets, words, figures and letter were inserted by Mah.16 of 1979, s. 10.

(2) <sup>1</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>2</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 ;

(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. V of  
1908.

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<sup>1</sup> These words, figures and letter was substituted for the words " every instrument" by Mah. 27 of 1985, s. 25(a).

<sup>2</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).



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

Prosecution of offence against 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.

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 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.

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

(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 <sup>1</sup>[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.

44. (1) Where any penalty is paid under section 34 or section 39, the Chief Controlling Revenue Authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

Power of revenue authority to refund penalty or 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 <sup>2</sup>[one year] from the date of receipt of the order charging the same, refund the excess.

45. (1) If any instrument sent to the Collector under sub-section (2) of section 37 is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

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

<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.

(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. <sup>1</sup>[(1)] All duties, penalties and other sums required to be paid under this <sup>2</sup>[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.

<sup>2</sup>[(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 ;

(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.

Mah.  
XLI  
of  
1966.

<sup>1</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.

<sup>2</sup> This word was substituted for the word " Chapter " by Mah. 17 of 1993, s. 35.

(3) Every notice issued or order passed in exercise of the powers conferred by sub-section (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 in advertently 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>[(1A) 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 in the form proposed;

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended ;

(5) by reason of the refusal of any person to act under the same, or 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 (1A)], 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 (1A) 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 <sup>1</sup>[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 <sup>4</sup>[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 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 <sup>5</sup>[six months] after the date of the instrument, or, if it is not dated, within <sup>5</sup>[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. <sup>6</sup>[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 <sup>7</sup>[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—

Allowance  
for stamps  
not  
required  
for use.

(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.

<sup>3</sup>[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 amount of duty paid,—

Allowance  
for duty.

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

(ii) in any other district exceeds rupees one lakh,—

the concerned Collector shall not make allowance on such application for the stamps, or the cash amount paid under the *Challans*, which are spoilt or misused or used incorrectly or not required for use, but shall after making necessary enquiries, forward such application, with his remarks thereon—

(a) in case of the application falling in clause (i) through the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps of his division, to the Chief Controlling Revenue Authority ; and

<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 ", Mah. 30 of 1997, s. 7(1).

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

<sup>3</sup> Section 52A was substituted by Mah. 13 of 2004, s.5.

(b) in case of the application falling in clause (ii) to the concerned Deputy Inspector General of Registration and Deputy Controller of Stamp of his division.

(2) The concerned Deputy Inspector General of Registration and Deputy Controller of Stamps shall, on receiving such applications,—

(i) in case of first category of the applications forward the same with his remarks, if any, to the Chief Controlling Revenue Authority for decision ; and

(ii) in case of the second category of applications 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 :

Provided that, if on consideration of the application, the amount exceeds rupees ten lakh, the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps shall submit such application, also with his remarks thereon, to the Chief Controlling Revenue Authority.” ]

Invalidation  
of stamps  
and  
saving.

<sup>1</sup>[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 day”) 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

Mah.  
XVIII  
of  
1989.

<sup>1</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 provisions 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

### <sup>1</sup>[REFERENCE, REVISION AND APPEAL]

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 ;

Control of and statement of case to 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 immovable 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 if, with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.

<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).

(3) Such authority <sup>1</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.

<sup>2</sup>[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 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, required 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.

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<sup>1</sup> These words were inserted by Mah. 27 of 1985, s. 34(b).

<sup>2</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>[(1) 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.

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

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.

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 <sup>2</sup>[pass such orders as are necessary for disposal of the case comfortably 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,—

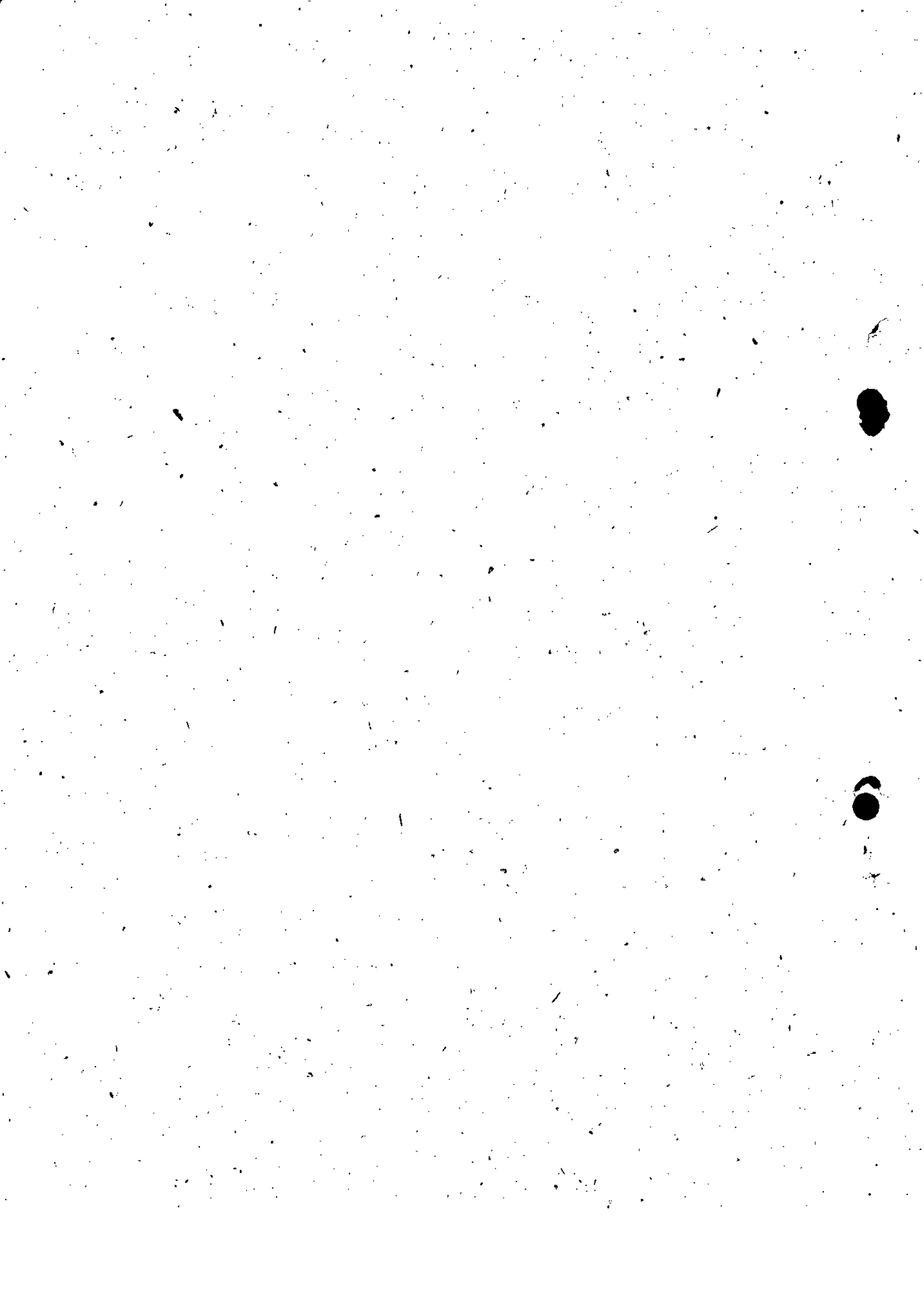
(a) where the instrument has already been impounded or a penalty is levied in respect thereof under clause (a) of the proviso to section 34; or

(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.



①-4

58. (1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding <sup>1</sup>[under Chapter IX or Part D of Chapter II of X of the Code of Criminal Procedure, 1973,] makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 34, the Court to which appeals lie from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

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

(2) If such Court, after such consideration is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 34, or without the payment of a higher duty and penalty than those paid it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, <sup>2</sup>[and may require,—

(i) the party or person concerned to make the payment of the proper duty or the amount required to make up the same, together with a penalty under section 34, or payment of a higher duty and penalty than those paid, to itself or to the Collector; and

(ii) any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.]

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

<sup>3</sup>[(3A) When the duty and penalty leviable in respect of any instrument in accordance with the declaration made under sub-section (3) and required to be paid thereunder are paid to the Court or to the Collector, then the Court or, as the case may be, the Collector shall certify by endorsement thereon that the proper duty and penalty, stating the amount of each, have been levied in respect of such instrument, and the name and residence of the person paying the same.

(3B) Every instrument so endorsed shall thereupon be delivered, on an application in this behalf, to the person from whose possession the instrument came in the possession of such Court, or as such person may direct, to any other person authorised by him.]

(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 41, or in section 42, prosecute any person for any offence against the stamp law which the Collector considers him to have committed in respect of such instrument:

Provided that—

(a) no such prosecution shall be instituted where the amount including duty and penalty, which, according to the determination of such Court, was payable in respect of the instrument under section 34, <sup>4</sup>[is paid to the Court or the Collector, unless the Collector thinks] that the offence was committed with an intention of evading payment of the proper duty;

(b) except for the purposes of such prosecution no declaration made under this section shall affect the validity of any order admitting any instrument in evidence or of any certificate granted under section 41.

<sup>1</sup> These words, figures and letter were substituted for the words and figures, "under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure 1898, "*ibid.*, s. 39 (a).

<sup>2</sup> This portion was substituted, for the portion beginning with the words, "and may require" and ending with the words "the same when produced", *ibid.*, s. 39(d).

<sup>3</sup> Sub-sections (3A) and (3B) were inserted, by Mah. 27 of 1985, s. 39 (c).

<sup>4</sup> These words were substituted for the words "is paid to the Collector, unless he thinks" *ibid.* s. 39(c).

## CHAPTER VII

## OFFENCES AND PROCEDURE

Penalty for executing etc. instrument not duly stamped. 59. (1) <sup>1</sup>[Any person who, with the intention to evade the duty, executes or signs] otherwise than as a witness any instrument chargeable with duty without the same being duly stamped shall, on conviction, for every such offence <sup>2</sup>[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 fine which may extend to five thousand rupees:]

Provided that, when any penalty has been paid in respect of any instrument under section 34, section 39, or section 58, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a share warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall, on conviction, be punished with fine which may extend to five hundred rupees.

No prosecution under section 59, if instrument admitted by Court. <sup>3</sup>[59A. No person shall be prosecuted under section 59, in respect of an instrument which was produced in Court and which was admitted after a decision by the Court that the said instrument was duly stamped or that no stamp was required.]

Penalty for making false declaration on clearance list. 60. Any person who in a clearance list makes a declaration which is false or which he either knows or believes to be false, shall, on conviction, be punished with <sup>4</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.]

Penalty for failure to cancel adhesive stamp. 61. Any person required by section 12 to cancel an adhesive stamp, fails to cancel, such stamp in the manner prescribed by that section he shall, on conviction be punished with fine which may extend to one hundred rupees.

Penalty for omission to comply with provisions of section 28. 62. Any person who, with intent to defraud the Government,—  
 (a) executes any instrument in which all the facts and circumstances required by section 28 to be set forth in such instrument are not fully and truly set forth; or  
 (b) being employed or concerned in or about the preparation of any instrument neglects or omits fully and truly to set forth therein all such facts and circumstances; or  
 (c) <sup>5</sup>[makes any false statement or does any other act] calculated to deprive the Government of any duty or penalty under this Act, shall, on conviction, be punished with fine which may extend to five thousand rupees.

<sup>1</sup> These words were substituted for the words "Any person executing or signing" *ibid.*, s. 40.

<sup>2</sup> These words were substituted by Mah. 27 of 1985, for words "be punished with fine which may extend to five hundred rupees" by Mah. 18 of 1989, s. 9.

<sup>3</sup> Section 59A was inserted by Mah. 27 of 1985 s. 41.

<sup>4</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. 10.

<sup>5</sup> These words were substituted for the words "does any other act" by Mah. 27 of 1985, s. 42.

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 stamps 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].

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

<sup>3</sup>[63A. (1) Any person who, before date of commencement of the Maharashtra 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, of from any person, any sum purporting to be towards the payment of stamp duty, 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.

Mah. XXX of 1997.

Non-remittance of stamp duty within prescribed time to be offence.

(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.

Institution and conduct of prosecutions.

(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>2</sup> of 1974. <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].

place of trial.

## 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 <sup>5</sup>[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>6</sup>[and, if necessary, to seize and impound them under section 33].

Books etc. to be opened to inspection.

<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 power to authorise officer to enter premises and inspect certain documents 68. The Collector may, where he has reason to believe that all or any of the instruments specified in 1[\* \* \* \*] Schedule I have not been charged at all or incorrectly charged with duty leviable under this Act, authorised in writing any officer to enter upon any premises where he has reason to believe that any registers, books, 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 as such officer deems necessary. Every person having in his custody or maintaining 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 2[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 4[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 5[\* \* \* \*];
- (c) the duties and remuneration of such persons 6[\* \* \* \*];
- 7[(d) the manner of ascertaining the true market value of immoveable property;]
- 8[(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*.

9[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.

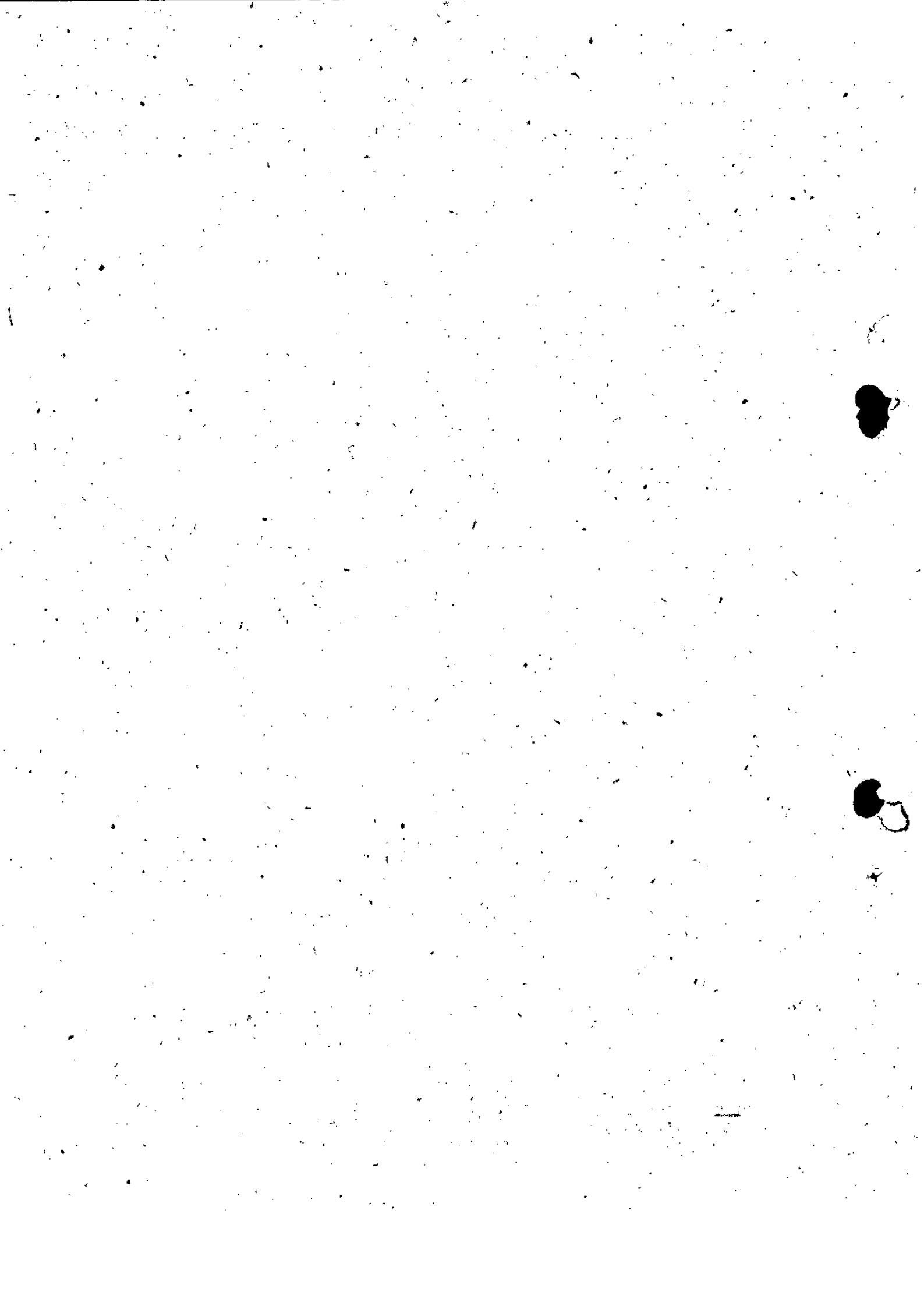
(a) all or any of the powers conferred on it by sections 2(f), 33(3)(b), 64, [and 69] to the Chief Controlling Revenue Authority; and

(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.





73B. [Use of Bombay government Stamps by Maharashtra for certain period] [Deleted by Mah. 27 of 1985, s. 49].

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

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

75. The State Government shall make provision for the sale of translation of this Act in <sup>1</sup>[ Marathi and Hindi] at a price <sup>2</sup>[as may be fixed from time to time] per copy.

Act to be translated and sold cheaply.

76. (1) The enactments specified in column 3 of Schedule II hereto annexd shall be repealed in the manner and to the extent specified in column 4 thereof :

Repeal of enactments.

Provided that, the repeal hereby made shall not affect—

(i) any right, title obligation, or liability already acquired, accrued or incurred or anything done or suffered,

(ii) any legal proceeding or remedy in respect of any such right, title, obligation or liability,

under the provisions of the enactments hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced as if this Act had not been passed.

(2) Any appointment, notification, notice, order rule or form made or issued under any of the enactments hereby repealed shall be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Act and shall continue in force, unless and until is superseded by an appointment, notification, notice, order, rule or form made or issued under this Act.

(3) All stamps in denomination of *annas* four or multiples thereof shall be deemed to be stamps of the value of twenty-five *naye paise* or, as the case may be, multiples thereof and valid accordingly.

<sup>1</sup> These words were substituted for the words " to principal vernacular languages of the territories administered by it " by Mah. 27 of 1985, s. 50(a).

<sup>2</sup> These words were substituted for the words "not exceeding one rupee" by Mah. 17 of 1993, s. 37.

<sup>1</sup>[SCHEDULE I

## STAMP DUTY ON INSTRUMENTS

(See section 3)

Description of Instrument (1)	Proper Stamp duty (2)
<p>1. ACKNOWLEDGEMENT of<sup>3</sup>[(1)] a debt written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession, and the amount or value of such debt—</p> <p>(a) exceeds rupees 100 but does not exceed rupees 1,000 ;</p> <p>(b) exceed rupees 1,000 but does not exceed rupees 5,000 ;</p> <p>(c) exceeds rupees 5,000 but does not exceed rupees 10,000 ; and</p> <p>(d) for every rupees 10,000 or part thereof in excess of rupees 10,000.</p> <p><sup>3</sup>[(2) a letter, article, document, parcel, package or consignment, of any nature or description whatsoever or by whatever name called, given by a person, courier company, firm or body of persons whether incorporated or unincorporated to the sender of such letter, article, document, parcel, package or consignment.</p>	<p>Twenty paise.</p> <p>Fifty paise.</p> <p>One rupee.</p> <p>One rupee subject to a maximum of <sup>2</sup>[one hundred rupees].</p> <p>One rupee for every rupees one hundred or part thereof of the amount charged therefor.]</p>
<p>V of 1873. XXXIX of 1925. 1925—</p> <p>2. ADMINISTRATION-BOND, including a bond given under section 6 of the Government Savings Banks Act, 1873 or the Indian Succession Act, 1925—</p> <p>(a) where the amount does not exceed rupees 2,500 ;</p> <p>(b) in any other case.</p>	<p>The same duty as Bond (Article 13) for such amount.</p>

<sup>1</sup> Schedule I was substituted by Mah. 27 of 1985, s. 51.<sup>2</sup> These words were substituted for the words " fifty rupees " by Mah. 13 of 2004, s. 6(1).<sup>3</sup> The portion beginning with the words " a debt written " and ending with the words " fifty rupees " were re-numbered in clause (1) of Article 1; and after clause (1) as so re-numbered clause (2) was added by Mah. 29 of 1994, s.3.

(1)	(2)
(b) in any other case.	<sup>1</sup> [One hundred rupees].
3. ADOPTION DEED, that is to say, any instrument (other than a Will) recording an adoption or conferring or purporting to confer an authority to	<sup>2</sup> [Two hundred rupees].

<sup>1</sup> These words were substituted for the words " fifty rupees " by Mah. 13 of 2004, s. 6(2).

<sup>2</sup> These words were substituted for the words "one hundred rupees" by Mah. 22 of 2001, s. 6(a).

(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. <sup>1</sup>[One hundred].

*Exemptions*

Affidavit or declaration in writing when made—

- XLV of 1950. XLVI of 1950. LXII of 1957.
- (a) as a condition of enrolment under the Air Force Act, 1950, the Army Act, 1950 or the Navy Act, 1957 ;
- (b) for the immediate purposes of being filed or used in any Court or before the officer of any Court ; or
- (c) for the sole purpose of enabling any person to receive any pension or charitable allowance.

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

- (a) if relating to the sale of a bill of exchange ; One rupee for every rupees 10,000 or part thereof.
- (b) if relating to the purchase or sale of a Government Security ; 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 <sup>2</sup>[subject to a maximum of rupees one thousand.]
- (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—

<sup>1</sup> These words were substituted for the words " twenty rupees" by Mah. 13 of 2004, s. 6(3).

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

(1)	(2)
(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 ;	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.
(ii) in any other case ;	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.

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1956.

(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 bulling 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> .

(1)	(2)
<p><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.</p>	<p>Five rupees for every five hundred rupees or part thereof of the market value of the property :</p> <p>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 :</p> <p>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.]</p>
<p><sup>2</sup>[(g-b) * * * *]</p> <p>[(g-c) * * * *]</p>	
<p><sup>3</sup>[(g-d) if relating to transfer of</p>	

<sup>1</sup> Clause (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 1994, s. 3(2).

(1)	(2)
tenancy of immovable property, for every square metre of the area of the tenanted property 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 ;	<sup>1</sup> [Two thousand rupees].
(B) for the purpose of residential use ;	<sup>2</sup> [Two hundred rupees].
(ii) the Municipal Corporation of the Cities of Thane, Pune, Nagpur and Navi Mumbai—	
(A) for the purpose of non-residential use of any nature whatsoever :	<sup>3</sup> [One thousand rupees].
(B) for the purpose of residential use ;	<sup>4</sup> [One hundred rupees].
<sup>5</sup> (iii) any Municipal Corporation other than those Municipal Corporations mentioned in columns (i) and (ii),—	
(A) for the purpose of non-residential use of any nature whatsoever	Four hundred rupees ;
(B) for the purpose of residential use ;	Fifty rupees ;]
6*           *           *           *           *	
7*           *           *           *           *	
(h) if not, otherwise provided for	<sup>8</sup> [One hundred rupees].

<sup>1</sup> These words were substituted for the words "One thousand rupees" by Mah. 22 of 2001, s. 6(b)(1)(i).

<sup>2</sup> These words were substituted for the words "One hundred rupees" *ibid.*, s. 6 (b) (1)(ii).

<sup>3</sup> These words were substituted for the words "five hundred rupees" *ibid.*, s. 6(b)(2)(i).

<sup>4</sup> These words were substituted for the words "Fifty rupees" *ibid.*, s.6 (b)(2)(ii).

<sup>5</sup> Sub-clause (iii) was substituted *ibid.*, s. 6 (3).

<sup>6</sup> *Explanation I.*—proposed to be inserted by section 2 of Mah. 29 of 1994, was deleted by Mah. 38 of 1994, s.2(1)(b).

<sup>7</sup> *Explanation II* was deleted, *ibid.*, s.3(1)(b).

<sup>8</sup> These words were substituted for the words "Twenty rupees" by Mah. 13 of 2004, s.4.



(1)

(2)

*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) 1\* \* \* \*]

(c) 1\* \* \* \*]

<sup>1</sup> Clause (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 HYPOTHICATION, 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), 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 ;

<sup>2</sup>[Five rupees for every five hundred or part thereof for the amount secured by such deed subject to the minimum of one hundred rupees and the maximum of five lakh rupees.]

(2) The pawn, pledge or hypothication of movable property, where such pawn, pledge, hypothication 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 ;

<sup>3</sup>[Five rupees for every five hundred or part thereof for the amount secured by such deed subject to the minimum of one hundred rupees and the maximum of five lakh rupees.]

<sup>1</sup> Clauses (1) and (2) were substituted by Mah. 20 of 2002, s. 8(i).

<sup>2</sup> This was substituted for the words, brackets and figures " The same duty as is levible on a mortgage deed under clause (b) of Article 40", by Mah. 13 of 2004, s. 6(5)(a).

<sup>3</sup> This was substituted for the words, brackets and figures " the same duty as is leviable on a mortgage deed under clause (b) of Article 40" *ibid.*, s. 6(5)(b).

(1)

(2)

*Explanation* <sup>1</sup>[I].—For the purposes of clause (1) of this article, notwithstanding anything contained in any judgment, 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.

<sup>2</sup>[*Explanation II*.—for the purposes of this Article, the maximum duty of ten lakh rupees shall be leviable for a single instrument involved in a one time transaction. Instrument of other or subsequent transaction in respect of the same property or of renewal clause in the same instrument shall be treated as a fresh instrument;]

*Exemption*

(1) <sup>3</sup>\* \* \* \*

(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

(b) of property movable or immovable.

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

<sup>5</sup>[Two hundred and fifty rupees].

8. APPRAISEMENT OR VALUATION, made otherwise than under an order of the court in the course of suit.

Same duty as per Bond (Article 13) subject to maximum of <sup>6</sup>[One hundred rupees.]

<sup>1</sup> The *Explanation* was number as *explanation (I)* by Mah. 20 of 2002, s. 8 (ii).

<sup>2</sup> *Explanation II* was added after *Explanation I* *ibid.*, s. 8 (ii).

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

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

<sup>5</sup> These words were substituted for the words " Fifty five rupees" *ibid.*, s. 38. (4) (b).

<sup>6</sup> These words were substituted for the words "fifty rupees" by Mah. 13 of 2004, s. 6(b).

(1)	(2)
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*Exemption*

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

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

9. APPRENTICESHIP-DEED; <sup>1</sup>[One hundred rupees].  
including every writing relating to the service or tuition of any apprentice clerk or servant, placed with any master to learn any profession, trade or employment, not being articles of clerkship (Article 11).

*Exemption*

Instrument of apprenticeship executed under the Apprentices Act, 1961, or by which a person is apprenticed by or at the charge of any public charity.

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10. ARTICLES OF ASSOCIATION OF A COMPANY—

<sup>2</sup>[Where the Company has no share capital] or nominal share capital or increased share capital.

One thousand rupees for every rupees 5,00,000 or part thereof, <sup>3</sup>[subject to a maximum of Rs. 50,00,000].

*Exemption*

Articles of any association not formed for profit and registered under section 25 of the Companies Act, 1956, [See also Memorandum of Association of a Company (Article 37)].

I of  
1956.

<sup>1</sup> These words were substituted for the words " Fifty rupees" by Mah. 13 of 2004, s. 6(7).

<sup>2</sup> These words were substituted for the words " On the share capital " by Mah. 9 of 1998, s. 38(6).

<sup>3</sup> These words were added by Mah. 22 of 2001, s. 6(c).

(1)

(2)

11. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an Attorney in any High Court. <sup>1</sup>[Seven hundred and fifty rupees].

ASSIGNMENT, *See* Conveyance (Article 25), Transfer (Article 59) and Transfer of lease (Article 60) , as the case may be.

ATTORNEY, *See* entry as an Attorney (Article 31) and Power of Attorney (Article 48).

AUTHORITY TO ADOPT, *See* Adoption Deed (Article 3).

<sup>1</sup> These words were substituted for the words " three hundred and seventy five rupees" by Mah. 17 of 1993, s. 38 (6).

(1)

(2)

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 a partition—

(a) on the amount of value of the property to which the award relates as set forth in the award.

(b) in any other case.

*Exemption*

Award under section 18 of the Bombay Hereditary Offices Act, 1874 or section 330 of \*the Maharashtra Municipalities Act, 1965.

13. BOND not being a debenture and not being otherwise provided for by any provisions of this Act (whether or not such provisions relate to any particular types of bonds), or by the Bombay Court-fees Act, 1959—for every rupees five hundred or part thereof.

*Exemption*

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

The same duty as Bond (Article 13), subject to a maximum of <sup>1</sup>[one hundred rupees].

<sup>2</sup>[One hundred rupees].

<sup>3</sup>[Five rupees subject to a minimum of rupees one hundred].

Bom.  
III of  
1874.  
Mah.  
XL of  
1965.

Bom.  
XXXVI  
of  
1959.

<sup>1</sup> These words were substituted for the words " fifty rupees" by Mah. 17 of 1993, s. 38(7)(a).

<sup>2</sup> These words were substituted for the words " fifty rupees" *ibid.*, s. 38(7)(b).

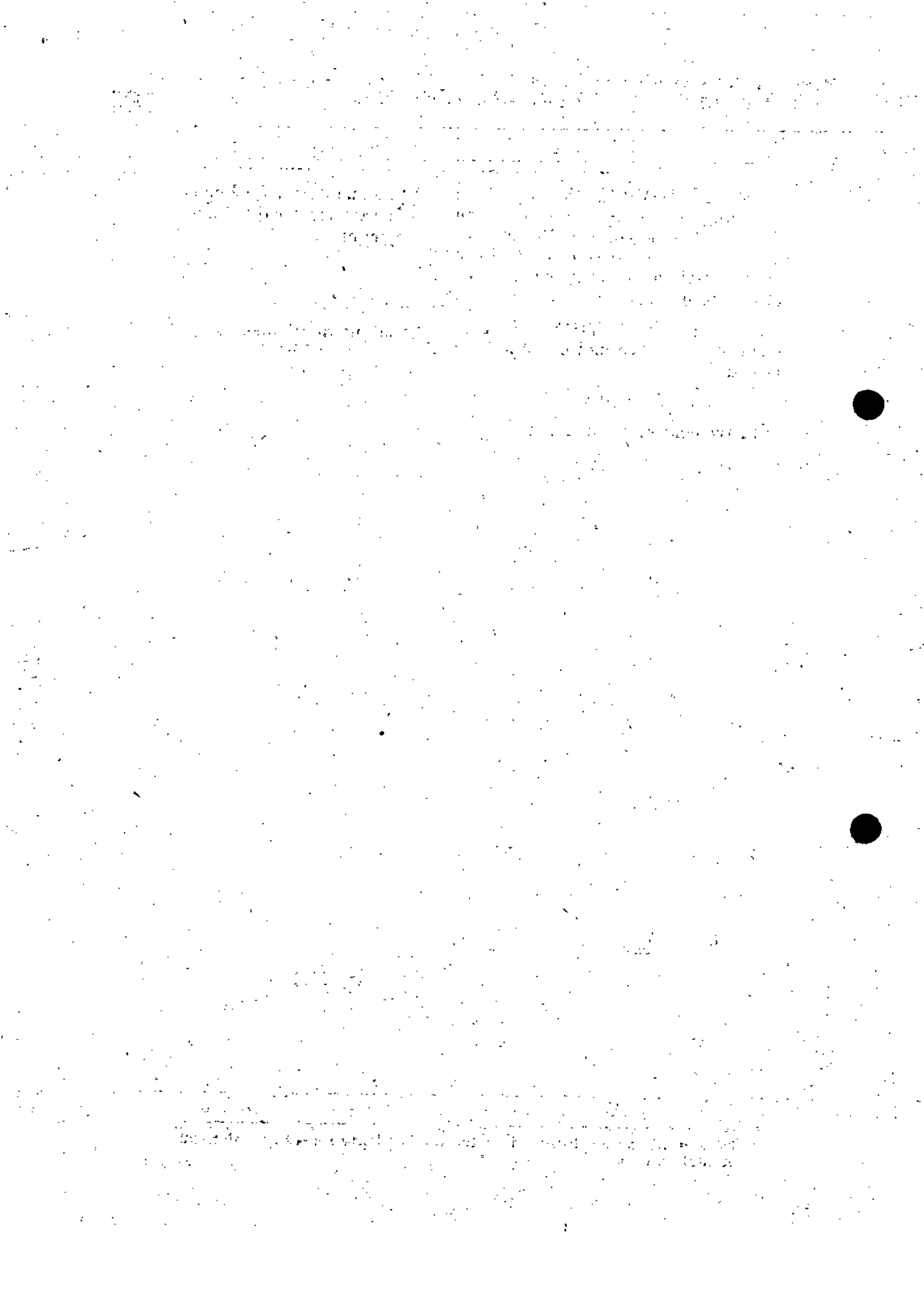
\* Now see Maharashtra Municipal Councils, Nagpur Panchayats and Industrial Township Act, 1965.

<sup>3</sup> These words were substituted for the words " Twenty rupees" by Mah. 13 of 2004, s 6(8).

(1)	(2)
14. BOTTOMRY BOND, that is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	The same duty as a Bond (Article 13), for the same amount.
15. CANCELLATION— Instrument of, if attested and not otherwise provided for.	[One hundred rupees].
<i>Exemption</i>	
Instrument revoking a Will.	

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<sup>1</sup> These words were substituted for the words "Forty rupees", by Mah. 22 of 2001, s. 6(d).





(1)	(2)
<p>16. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer or any other officer empowered by law to sell property by public auction.</p>	<p>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 the market value of the property.</p>
<p><sup>2</sup>17. CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person either to any shares, scrip or stock in or, any incorporated company or other body corporate, or to become proprietor of share, scrip or stock in or of, any such company or body.</p> <p>[See also Letter of Allotment of Shares (Article 37)];</p> <p><i>Explanation.</i>— For the purposes of this Article, the value of share, scrip or stock includes the amount of premium, if any.]</p>	<p>One rupee for every one thousand rupees or a part thereof, of the value of the shares, scrip or stock.</p>
<p>18. CHARTER-PARTY, that is to say, any instrument (except) an agreement for the hire of tug steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.</p>	<p><sup>3</sup>[ One hundred].</p>
<p>19. (1) CLEARANCE LIST, relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange.</p>	<p>The sum of duties payable under Article 5(b) or 43(g), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.</p>

<sup>1</sup> These brackets, letters and word were substituted for the word, brackets and letter " or (c) " by Mah. 27 of 1968, s. 2(a).

<sup>2</sup> Article 17 was substituted by Mah. 29 of 1934, s. 3(5).

<sup>3</sup> These words were substituted for the words " Twenty rupees" by Mah. 13 of 2004, s. 6(9).

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(1)	(2)
(2) CLEARANCE LIST, relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporated company, or other body corporate, submitted to the clearing house of a stock exchange recognised under the Securities Contracts (Regulation) Act, 1956.	The sum of duties payable under Article 5(c)(i) or 43(f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

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1956.

(1)	(2)
<p>(3) CLEARANCE LIST, relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporated company or body corporate, submitted to the clearing house of a stock exchange, not recognised under the Securities Contract, (Regulation) Act, 1956.</p>	<p>The sum of duties payable under Article 5(c)(ii) or 43(f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.</p>
<p>XLII of 1956.</p> <p>20. CLEARANCE LIST, relating to the transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton Association.</p>	<p>The sum of duties payable under Article 5(d) or 43(a), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.</p>
<p>21. CLEARANCE LIST, relating to the transactions for the purchase or sale of bullion or species submitted to the clearing house of a Bullion Association.</p>	<p>The sum of duties payable under Article 5(e) or 43(b), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.</p>
<p>22. CLEARANCE LIST, relating to the transactions for the purchase or sale of oil-seeds submitted to the clearing house of an Oil-seeds Association.</p>	<p>The sum of duties payable under Article 5(f) or 43(c), as the case may be, in respect of the entries in such list on the units of transactions or part thereof.</p>
<p>23. CLEARANCE LIST, relating to the transactions for the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind.</p>	<p>The sum of duties payable under Article 5(g) or 43(d), as the case may be, in respect of each of the entries in such list on the units of transactions or part thereof.</p>

(1)	(2)
<p>24. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence for the benefit of his creditors.</p>	<p><sup>1</sup>[Two hundred rupees].</p>
<p>25. CONVEYANCE (not being a transfer charged or exempted under Article 59)—</p>	
<p>On the <sup>2</sup>[true market value] of the property which is the subject matter of the Conveyance —</p>	
<p>(a) if relating to movable property, for every rupees 500 or part thereof ;</p>	<p>Fifteen rupees.</p>

<sup>1</sup> These words were substituted for the words "One hundred rupees" by Mah. 22 of 2001, s. 6(e)

<sup>2</sup> These words were substituted for the words " market value ", by Mah. 9 of 1988, s. 38(e).

(1)	(2)
<p>(b) if relating to immovable property situated within the limits of,—</p> <p><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 ;</p> <p><sup>3</sup>[(i-a) any rural area excluding the rural area referred to in sub-clause (i)—</p> <p>(A) if such property is residential, for every rupees 500 or part thereof.</p> <p style="text-align: center;"><sup>4</sup>* * * *</p> <p><sup>5</sup>[(C) if such property is non-residential for every rupees 500 or part thereof.]</p> <p>(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.</p> <p>(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.</p>	<p><sup>2</sup>[Twenty-five rupees.]</p> <p>Five rupees.</p> <p>Fifteen rupees.</p> <p>Twenty rupees.</p> <p>Twenty-five rupees.</p>

Mah  
IV of  
1975.

<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> These words were substituted for the words "Thirty-five rupees" by Mah. 13 of 2004, s. 6(10)(I)(i).

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

<sup>4</sup> Entry (B) was deleted by mah. 16 of 2003, s:2 (a)(i)(I)(A).

<sup>5</sup> Entry (C) was substituted *ibid.*, s. 2(a)(i)(I)(B).

(1)	(2)
(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>2</sup> [Twenty-five rupees.]
<sup>1</sup> [(iv-a) (i) Lonavala Municipal Council;	<sup>3</sup> [Twenty-five rupees.]

<sup>1</sup> Sub-clause (iv-a) was inserted by Mah. 17 of 1993, s. 38(12)(1)(b).

<sup>2</sup> These words were substituted for the words "Thirty rupees" by Mah. 13 of 2004, s.6(10)(I)(ii).

<sup>3</sup> These words were substituted for the words "Forty-five rupees" *ibid.*, s. 6(10)(I)(iii)(a).

(1)	(2)
<p>(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.</p>	<sup>1</sup> [Twenty-five rupees.]
<p><sup>2</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.</p>	<sup>3</sup> [Twenty-five rupees.]
<p>(vi) (a) Municipal Corporation of Greater Bombay, and (b) Municipal Corporation of the Cities of—</p>	
<p>(i) Pune, including the Cantonments of Pune and Krikee.</p>	<sup>4</sup> [Twenty-five rupees.]
<p>(ii) Thane, including <sup>5</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.]</p>	
<p><sup>6</sup>[(iii) Navi Mumbai—for every rupees 500 or part thereof.]</p>	
<p>(c) if relating to both movable and immovable property.</p>	The same duty as is payable under clause (a) and (b).

<sup>1</sup> These words were substituted for the words "Forty-five rupees" by Mah. 13 of 2004, s. 6(10)(I)(iii)(b).

<sup>2</sup> Sub-clause (v) was substituted by Mah. 29 of 1994, s. 3(4)(a)(ii).

<sup>3</sup> These words were substituted for the words "Forty-five rupees" by Mah. 13 of 2004, s. 6(10)(I)(iv).

<sup>4</sup> These words were substituted for the words "Forty-five rupees" *ibid.*, s. 6(10)(I)(v).

<sup>5</sup> This portion was substituted for the words "that part of Thane Taluka adjoining Greater Bombay which is encirculated by Thane Bassien Creek; for every rupees 500 or part thereof by Mah. 17 of 1993, s. 38 (12)(I)(d)(i).

<sup>6</sup> Sub-entry (iii) was inserted *ibid.*, s. 38 (12) (1) (d).

(1)

(2)

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

(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

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XXIV  
of  
1961.  
Mah.  
XLV  
of  
1963.  
Mah.  
XV of  
1971.

(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

<sup>1</sup> Clause (d) was substituted by Mah. 9 of 1990, s. 3(1)(b)(i) and (2). w.e.f. 12th March 1988.

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



(1)	(2)
(D) by a member of such society in favour of another member <sup>1</sup> [ and incoming member] (whether in consequence of transfer of its shares to another member or not) ; <sup>2</sup> [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 <i>plus</i> 3 per cent. of the value above rupees 2,50,000.
<sup>3</sup> [(iv) exceeds rupees 5,00,000.	8,750 rupees <i>plus</i> 5 per cent. of the value above rupees 5,00,000.]

<sup>1</sup> These words were inserted by Mah. 17 of 1993, s. 38 (12)(2)(b)(i).

<sup>2</sup> This portion was substituted for the portion beginning with the words " and the value of which" and ending with the words and figures "above rupees 10,00,000" by Mah. 16 of 1995, s. 3(1)(b).

<sup>3</sup> Sub-entry (iv) was substituted for sub-entries (iv) and (v) by Mah. 13 of 2004, s. 6 (10)(II).

(1)	(2)
<p>(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).</p> <p><sup>1</sup>[(<i>da</i>) if relating to the order of High Court in respect of the amalgamation of reconstruction of companies under section 394 of the Companies Act, 1956 or under the order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949.</p>	<p>The same duty as is payable under sub-clause (I).];</p> <p>10 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 :</p> <p>Provided that, the amount of duty, chargeable under this clause shall not exceed,—</p> <p>(i) an amount equal to <sup>2</sup>[5 per cent.] of the true market value of the immovable property located within the State of Maharashtra of the transferor company ; or</p> <p>(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 :</p> <p>Provided further that, in case of reconstruction or or demerger the duty chargeable shall not exceed,—</p> <p>(i) an amount equal to <sup>3</sup>[5 per centum] of the true market value of the immovable property located</p>

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1956.  
10 of  
1949.

<sup>1</sup> Clause (*da*) was substituted by Mah. 1 of 2002, s. 3, w. e. f. 1st January 2000.

<sup>2</sup> This figure and words were substituted for the figure and words " 7 per cent" by Mah. 13 of 2004, s. 6(10)(III)(i).

<sup>3</sup> This figure and words were substituted for the figure and words " 7 per centum" *ibid.*, s. 6(10)(III)(ii).

(1)

(2)

within the State of Maharashtra transferred by the Demerging Company to the Resulting Company ;  
or

(ii) an amount equal to 0.7 per centum of the aggregate of the market value of the shares issued or allotted to the Resulting company and the amount of consideration paid for such demerger, whichever is higher.]

<sup>1</sup>[(e)1\* \* \* \*];

*Exemption*

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

<sup>2</sup>[<sup>3</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>4</sup>[or agreed to be transferred] to the purchaser before the execution, or at the time of execution or after the execution of the execution of, such agreement <sup>5</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 :

<sup>1</sup> Clause (e) was added by Mah. 9 of 1997 s. 14(4) (a) w.e.f. 15th September 1996 and clause (e) was dated by Mah. 30 of 1997, s. 9 (c), w.e.f. 15th September 1996.

<sup>2</sup> "Explanation I" alongwith both the provisos was deleted by Mah. 29 of 1994, section 3 (4) (b), but it was not brought into force, subsequently by s. 8 (1) (d) of Mah. 30 of 1994, the existing *Explanation I*, in the form of existed on the 17th August 1994, was deemed to have come into force w.e.f. 10th December 1985.

<sup>3</sup> This *Explanation* was re-numbered of *Explanation I* by Mah. 27 of 1988, s. 2(a) (ii).

<sup>4</sup> These words were inserted by Mah. 17 of 1993, s. 38(12)(2)(c).

<sup>5</sup> The words "without executing the conveyance in respect thereof" were deleted by Mah. 38 of 1994, s. 3(2).

(1)

(2)

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>1</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

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<sup>1</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(1)(b)(ii) and (2).

(1)

(2)

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].

I of  
1872.

<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).

(1)

(2)

*Exemption*

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

(b) Copy of or extract form, 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>1</sup>[rupees  
twenty].

<sup>1</sup> These words were substituted for the words "rupees ten" by Mah. 17 of 1993, s. 38(14).

(1)	(2)
<p>28. CUSTOMS BOND OR EXCISE BOND that is to say, any bond given pursuant to the provisions of any law for the time being in force or to the directions of any officer of Customs or Excise for or in respect of, any of the duties of customs or Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto,—</p> <p>(a) where the amount does not exceed rupees 2,500 ;</p> <p>(b) in any other case.</p> <p>DECLARATION OF ANY TRUST, <i>See</i> Trust (Article 61).</p> <p>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.]</p> <p>DEPOSIT OF TITLE DEEDS, <i>See</i> Agreement relating to Deposit of title-Deeds, Pawan, Pledge or Hypothecation (Article 6).</p>	<p>The same duty as a Bond (Article 13) for such amount, subject to a maximum of <sup>1</sup>[rupees one hundred].</p> <p><sup>2</sup>[One hundred rupees.]</p> <p><sup>5</sup>[Ten rupees].</p>

<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> These 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).

(1)

(2)

DISSOLUTION OF PARTNER-SHIP,  
*See* Partnership (Article 47).

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

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

<sup>1</sup>[One hundred rupees].

DUPLICATE, *See* Counterpart  
(Article 27).

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<sup>1</sup> These words were substituted for the words " fifty rupees " by Mah. 22 of  
2001, s. 6(f).



(1)	(2)	
<p>31. ENTRY OF MEMORANDUM OF MARRIAGE in the register under the Bombay Registration of Marriages Act, 1953.</p>	<p><sup>1</sup>[One hundred rupees.]</p>	<p>Bom V of 1954.</p>
<p>32. EXCHANGE OF PROPERTY— instrument of—  EXCISE BOND, <i>See</i> Customs Bond or Excise Bond (Article 28).</p>	<p>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, on the market value of the property of the greatest value.</p>	
<p>33. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—</p> <p>(a) when the original mortgage is one of the description referred to in clause (a) of Article 40 (that is, with possession).</p> <p>(b) when such mortgage is one of the description referred to in clause (b) of Article 40 (that is without possession)—</p> <p>(i) If at the time of execution of the instrument of further charge possession of the property is given under such instrument.</p>	<p>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 the amount of the further charge secured by such instrument.</p> <p>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 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.</p>	

<sup>1</sup> These words were substituted for the words " fifty rupees" by Mah. 13 of 2004, s. 6(11).

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

(1)	(2)
<p>(ii) if possession is not so given.</p>	<p><sup>1</sup>[Five rupees for every five hundred or part thereof for the amount of further charge secured by such instrument subject to minimum of the one hundred rupees and the maximum of five lakh rupees.]</p>
<p>34. GIFT, Instrument of—not being a Settlement (Article 55) or Will or Transfer (Article 59).</p>	<p>The same duty is leviable on a Conveyance under clause (a), (b) <sup>2</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 the gift :</p> <p><sup>3</sup>[Provided that, if the property is gifted to a family member being the husband, wife, brother or sister of the donor, or any lineal ascendant or descendant of the donor, then the amount of duty chargeable shall be 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 of the property which is the subject-matter of the gift, whichever is less.]</p>
<p style="text-align: center;">HIRING AGREEMENT or agreement for service, See Agreement (Article) 5.</p>	

<sup>1</sup> This portion was substituted for the portion beginning with the words "The same duty" and ending with the words "such instrument" by Mah. 16 of 2003, s. 2(b).

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

<sup>3</sup> This proviso was added by Mah. 20 of 2002, s. 8(d).

(1)	(2)
35. INDEMNITY BOND	<sup>1</sup> [Two hundred rupees].
INSPECTORSHIP-DEED, <i>See</i> 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.

<sup>1</sup> These words were substituted for the words "Two hundred rupees" by Mah. 22 of 2001, s. 6(9).

<sup>2</sup> Clause (a) was substituted by Mah. 29 of 1994, s. 3(6)(a).

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

(1)	(2)
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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 it 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\*            \*            \*            \*]

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

<sup>1</sup> *Explanation III* was deleted by Mah. 16 of 1995, s. 3(3).

<sup>2</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).

(1)

(2)

<sup>1</sup>[36A. LEAVE AND LICENCE AGREEMENT—

<sup>2</sup>[(a) Where the leave and licence agreement purports to be for a term not exceeding thirty three months with or without the renewal clause and relates to property situated within the limits of,

(i) the District of Mumbai City and Mumbai Suburban District :

(A) Where the amount of average annual rent plus the amount of security deposit, or maney advanced or to be advanced does not exceed rupees two lakh fifty thousand for a single term of eleven months ;

Seven hundred fifty rupees for every term of eleven months or part thereof ;

(B) Where the amount of average annual rent plus the amount of security deposit or money advanced or to be advanced exceeds rupees two lakh fifty thousand but does not exceed rupees five lakh for a single term of eleven months ;

One thousand five hundred rupees for every term of eleven months or part thereof ;

(C) Where the amount of average annual rent plus the amount of security deposit or money advanced or to be advanced exceed rupees five lakh for a single term of eleven months ;

Three thousand rupees for every term of eleven months or part thereof ;

(ii) the Municipal Corporation of the Cities Thane, Pune, Nagpur and Navi Mumbai, Nashik, Pimpri-Chinchwad, Kolhapur, Aurangabad, Amrawati, Solapur, Sangli and Cantonments of Pune, Kirkee, Dehu Road, Devlali and Aurangabad,—

(A) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced does not exceed rupees two lakh fifty thousand for a single term of eleven months ;

Five hundred rupees for every term of eleven months or part thereof ;

<sup>1</sup> Article 36A was substituted by Mah. 20 of 2002, s. 8(e).

<sup>2</sup> Clause (a) was substituted by Mah. 13 of 2004, s. 6(12).

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<p>(B) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced exceeds rupees two lakh fifty thousand but does not exceed rupees five lakh for a single term of eleven months ;</p>	<p>One thousand rupees for every term of eleven months or part thereof ;</p>
<p>(C) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced exceeds rupees five lakh for a single term of eleven months ;</p>	<p>Two thousand rupees for every term of eleven months or part thereof ;</p>
<p>(iii) in any other area excluding the area referred to in sub-clauses (i) and (ii) ;</p>	
<p>(A) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced does not exceed rupees two lakh fifty thousand for a single term of eleven months ;</p>	<p>Three hundred rupees for every term of eleven months or part thereof ;</p>
<p>(B) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced exceed rupees two lakh fifty thousand but does not exceeds rupees five lakh for a single term of eleven months ;</p>	<p>Six hundred rupees for every term of eleven months or part thereof ;</p>
<p>(C) Where the amount of average annual rent plus the amount of security deposit, or money advanced or to be advanced exceed rupees five lakh for a single term of eleven months ;</p>	<p>One thousand two hundred rupees for every term of eleven months or part thereof.]</p>
<p>(b) where such leave and licence agreement purports to be for a period exceeding three terms as described in clause (a) with or without renewal clause ;</p>	<p>The same duty as is leviable on lease, under clause (a), (b) or (c), as the case may be, of Article 36.]</p>
<p>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 Documents (Article 17).</p>	<p>One rupee.</p>
<p>LETTER OF GUARANTEE, See Agreement (Article 5).</p>	





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38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditor, that the latter shall, for a specified time, suspend his claims and allow the debtor to carry on business at his own discretion.

<sup>1</sup>[One hundred rupees].

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

I of  
1956.

(a) if accompanied by articles of association under section 26 of the Companies Act, 1956 ;

<sup>2</sup>[Two hundred rupees].

(b) if not so accompanied.

The same duty as is leviable on Articles of Association under Article 10 according to the share capital of the company.

#### *Exemption*

I of  
1956. Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.

40. MORTGAGE-DEED, not being an agreement, relating to <sup>3</sup>[Deposit of Title-Deeds, Pawn or Pledge or Hypothecation (Article 6)] Bottomry Bond (Article 14),

Mortgage of a Crop (Article 41),

Respondentia Bond (Article 53), or Security Bond or Mortgage Deed (Article 54)—

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgage or agreed to be given ;

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, for the amount secured by such deed.

<sup>1</sup> These words were substituted for the words "Fifty rupees" by Mah. 13 of 2004, s. 6(13).

<sup>2</sup> These words were substituted for the words "One hundred rupees" by Mah. 22 of 2001, s. 6(i).

<sup>3</sup> these words, brackets and figure were inserted by Mah. 13 of 2004, s. 6(14)

<sup>4</sup> These word, brackets and letters were substituted for " or (c)" by Mah. 27 of 1988, s. 2(g).

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(b) when possession is not given or agreed to be given as aforesaid.

<sup>1</sup>[Five rupees for every five hundred or part thereof for the amount secured by such deed, subject to the minimum of one hundred rupees and the maximum of <sup>2</sup>[five lakh rupees.]]

*Explanation* <sup>3</sup>[I].—A mortgagor who gives to the mortgagee a power of attorney to collect rents, or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.

<sup>3</sup>[*Explanation II*.—Where in the case of an agreement to mortgage the amount or part thereof sought to be secured by such an agreement is advanced or disbursed to the mortgagor without execution of a mortgage-deed, then such

<sup>1</sup> This portion was substituted for the portion beginning with the words "Ten rupees" ending with the words and figure "maximum of 2,00,000 rupees" by Mah. 20 of 2002, s. 8(f)(ii).

<sup>2</sup> These words were substituted for the words "ten lakh rupees" by Mah. 16 of 2003, s.2(c)

<sup>3</sup> Existing *Explanation* was re-numbered as *Explanation I* and after *Explanation I* as so re-numbered *Explanation II* was inserted by Mah. 38 of 1994, s. 3 (3).

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an agreement to mortgage shall, notwithstanding anything contained in clause (d) of section 2, become chargeable under this Article as mortgage-deed on the date of making of such advance or disbursement either in part or in whole.]

(c) when a collateral or auxilliary or additional or substituted security, or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped.

*Exemptions*

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

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

41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop whether the crop is or is not in existence at the time of mortgage, for every rupees 200 or part thereof.

The same duty as a Bond (Article 13) for the amount secured subject to a maximum of <sup>1</sup>[rupees two hundred].

One rupee.

42. NOTARIAL ACT, that is to say any instrument, endorsement, note, attestation, certificate or entry not being a Protest (Article 49) executed by a Notary Public in the performance of the duties of his office, or by any other person lawfully acting as a Notary Public.

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

<sup>1</sup> These words were substituted for the words " rupees one hundred" by Mah. 22 of 2001 s. 6(i).

<sup>2</sup> These words were substituted for the words " five rupees " by Mah. 17 of 1993, s. 38(21).

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43. NOTE OR MEMORANDUM sent by a broker or agent to his principal intimating the purchase or sale on account of such principal—	
(a) of cotton	One rupee for every unit of transaction of 4,500 kilo- grams or part thereof.
(b) 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.

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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 of part thereof of the value of the security, at the time of its purchase or sale, as the case may be <sup>1</sup> [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.

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

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(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.

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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 MASTER OF A SHIP. <sup>1</sup>[One hundred rupees].

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

45. ORDER FOR THE PAYMENT OF MONEY.

II of 1899. Not being a Bill of Exchange within the meaning of the Indian Stamp Act, 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. <sup>2</sup>[Ten rupees].

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

(i) does not exceed rupees 500, <sup>3</sup>[Ten rupees].

(ii) exceeds rupees 500 but does not exceed rupees 1,000. <sup>4</sup>[Twenty rupees].

(iii) exceeds rupees 1,000 for every additional rupees 1,000 or part thereof. <sup>5</sup>[Twenty rupees].

<sup>1</sup> These words were substituted for the words “ Twenty rupees” by Mah. 13 of 2004, s. (15).

<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).

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(1)	(2)
46. PARTITION.—Instrument of	<sup>1</sup> [Rupees Ten for every rupees five hundred or part there 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.

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<sup>1</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.— <i>contd.</i>	<p>Provided always that—</p> <p>(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;</p> <p><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];]</p> <p>(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.</p>
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;	Five hundred rupees.
(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.	Five hundred rupees, subject to maximum duty of rupees five thousand.]
<sup>5</sup> [(c) where such share contribution is brought in by way of property, excluding cash.	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).

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<sup>1</sup>[<sup>2</sup>] <sup>3</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>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 whatsoever) of, any immovable property.

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

<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

XV  
of  
1882.

<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 1988, 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 1190, 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).

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they apply to a conveyance under that section :

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.]

(h) in any other case

<sup>1</sup>[One hundred rupees for each person authorised.]

*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 <sup>XVI</sup> 'registration' includes every operation of incidental to registration under the 1908. Registration Act, 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>2</sup>[One hundred rupees].

<sup>1</sup> These words were substituted for the words " Five rupees for each person authorised " by Mah. 13 of 2004, s. 6(16).

<sup>2</sup> These words were substituted for the words " Twenty rupees" *ibid.*, s. 6(17).

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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>1</sup>[One hundred rupees].

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

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<sup>1</sup> These words were substituted for the words "Twenty rupees" by Mah. 13 of 2004, s. 6(18).

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<p>51. RECONVEYANCE OF MORTGAGED PROPERTY—</p> <p>(a) if the consideration for which the property was mortgaged does not exceed rupees 2,500.</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (Article 13) for such consideration.</p> <p><sup>1</sup>[Two hundred rupees].</p>
<p>52. RELEASE, 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—</p> <p>(a) if the amount or value of the claim does not exceed rupees 2,500.</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (Article 13) for such amount or value.</p> <p><sup>2</sup>[Two hundred rupees].</p>
<p>53. RESPONDENTIA BOND, 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.</p> <p>REVOCATION OF ANY TRUST OF SETTLEMENT.</p> <p>See Settlement (Article 55), Trust (Article 61).</p>	<p>The same duty as a Bond (Article 13) for the amount of the loan secured.</p>
<p>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 Bombay Court-fees Act, 1959,—</p> <p>(i) where the amount secured does not exceed rupees 2,500.</p>	<p>The same duty as a Bond (Article 13) for the amount secured.</p>

<sup>1</sup> These words were substituted for the words "One hundred rupees" by Mah. 22 of 2001, s. 6 (k).

<sup>2</sup> These words were substituted for the words "One hundred rupees" *ibid.* 6 (l).

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<sup>1</sup>[(*ii*) where the amount secured exceeds rupees 2,500, for every rupees five hundred of the amount secured or part thereof.]

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<sup>2</sup>[The same duty as is leviable under clause (*b*) of Article 40 :

Provided that, where 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 6 or 40, then the duty payable shall be one hundred rupees.]

<sup>1</sup> Clause (*ii*) was substituted by Mah. 29 of 1994, s. 3(9).

<sup>2</sup> This was substituted for the portion beginning with the words "Ten rupees" and ending with the words "duty payable under this Article" by Mah. 20 of 2002, s. 8(g).

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*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 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.

(ii) in any other case.

<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.

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 :

<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).

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Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed ten rupees :

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*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.

(ii) in respect of settlement described in sub-clause (ii) of clause A.

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].

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>[Two hundred rupees.]

The same duty is as leviable on a Conveyance under clause (a), (b) [(c) or (d)], 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>3</sup>[Two hundred rupees.]

<sup>1</sup> These words were substituted for the words "One hundred rupees" by Mah. 22 of 2001, s. 8 (m)(i).

<sup>2</sup> This was substituted for the words brackets and letter "or (c)" by Mah. 27 of 1988, s. 2 (j).

<sup>3</sup> These words were substituted for the words "One hundred rupees" *ibid.* s.8(m)(ii).

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<p>56. SHARE WARRANTS to bearer issued under the Companies Act, 1956 for every rupees five hundred or part thereof.</p>	Five rupees.
<p><i>Exemption</i></p>	
<p>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—</p>	
<p>(a) one and a half <i>per centum</i> of the whole subscribed capital of the company, or</p>	

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<p>(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.</p> <p><b>SCRIP</b>, See Certificate (Article 17).</p>	
<p>57. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel.</p>	<p>One rupee.</p>
<p><sup>1</sup>[58. SURRENDER OF LEASE including an agreement for surrender of lease—</p> <p>(a) without any consideration.</p> <p>(b) with consideration.</p> <p><i>Explanation.</i>—For the purposes of this Article, return of money paid as advance, on security deposit by lessee to the lessor shall not be treated as consideration for the surrender.</p>	<p>Two hundred rupees ;</p> <p>The same duty as is leviable under clauses (a), (b), (c) or (d) of Article 25 on the amount of consideration.]</p>
<p>59. TRANSFER (whether with or without consideration).—</p> <p>(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.</p> <p><i>Explanation.</i>—For the purposes of this clause, the term “debenture” includes debenture stock ;</p>	<p>Fifty paise for every rupees 100 or part thereof of the consideration amount of the debenture <sup>2</sup>[subject to a maximum of ten thousand rupees.]</p> <p>The same duty as a Bond</p>

II of  
1899.

<sup>1</sup> Article 58 was substituted by Mah. 20 of 2002, s. 8 (h).

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

(1)	(2)
<p>(b) of any interest secured by bond, mortgage-deed or policy of insurance ;</p> <p>(c) of any property under section 22 of the Administrators-General Act, 1963 ;</p> <p>(d) of any trust property without consideration from one trustee to another trustee, of from a trustee to a beneficiary.</p>	<p>(Article 13) for such amount or value of the interest as set forth in the transfer, subject to a <sup>XLV</sup> <sup>1</sup>[maximum] of <sup>2</sup>[Two of 1963.] hundred rupees.]</p>

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

<sup>2</sup>These words were substituted for the words " One hundred rupees " by Mah. 22 of 2001, s. 6 (n).

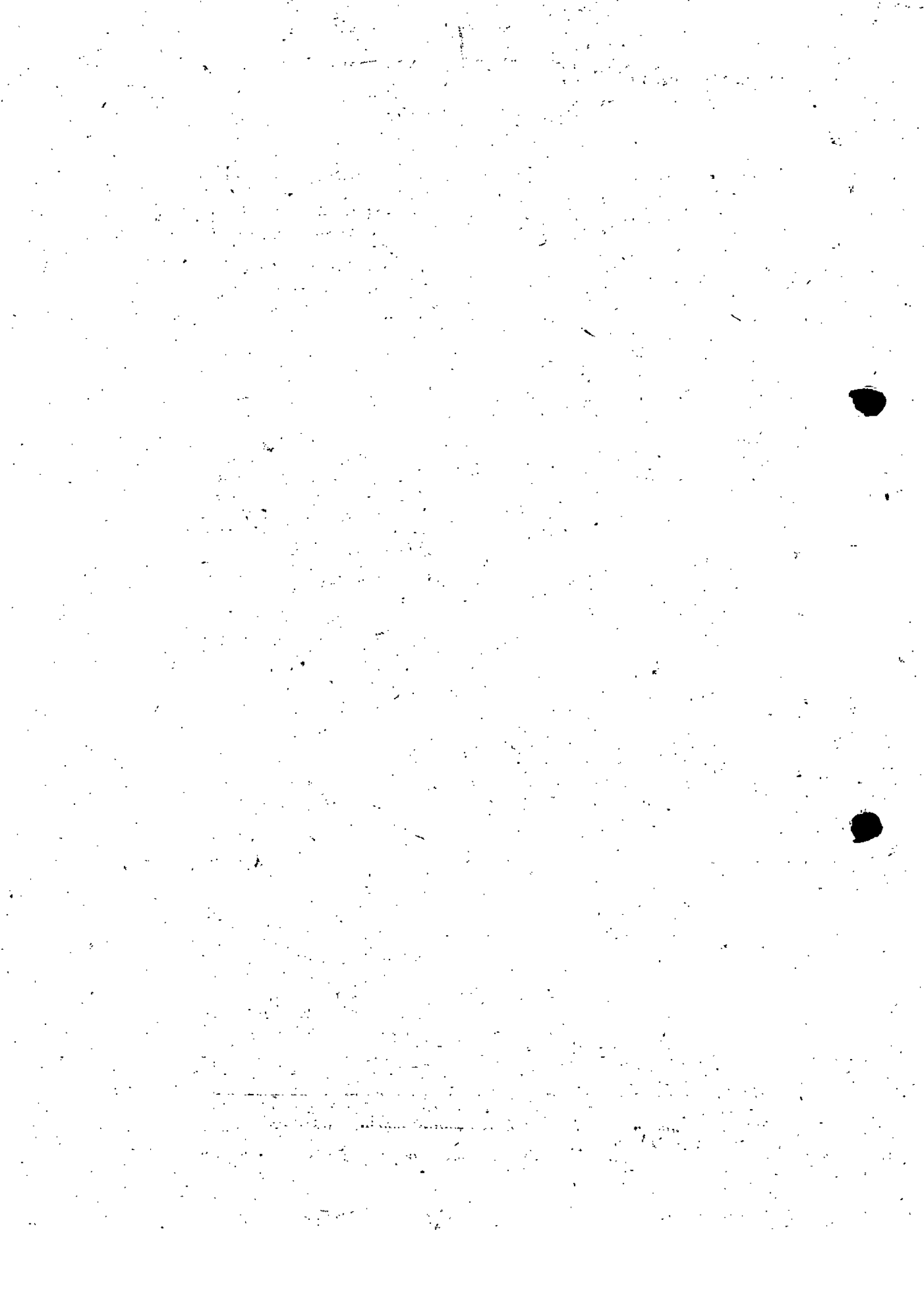
(1)	(2)
60. TRANSFER OF LEASE by way of assignment and not by way of under-lease or by way of decree or final order passed by any Civil Court or any Revenue Officer.	The same duty is as leviable on a Conveyance under clauses (a), (b), <sup>1</sup> [(c) or (d)], as the case may be of Article 25, on the 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 clauses (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> [two 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> [two 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(11).

<sup>3</sup> There words were substituted for the words "One hundred rupees" by Mah. 22 of 2001, s. 6(o)(1)(i).

<sup>4</sup> These words were substituted for the words "one rupee" *ibid.*, s. 6(o)(1)(ii).



(1)	(2)
<p>B. Revocation of, or concerning any property when made by any instrument other than a Will.</p> <p><i>See also Settlement (Article 55)</i></p> <p>VALUATION, <i>See</i> Appraisement (Article 8).</p> <p>62. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf; such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.</p>	<p>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>1</sup>[two hundred rupees].</p> <p>One rupee.</p>

<sup>1</sup> These words were substituted for the words "one hundred rupees" by Mah. 22 of 2001, s. 6 (o) (2).

## SCHEDULE II

## ENACTMENTS REPEALED

(See section 76)

Year (1)	No. (2)	Enactments (3)	Extent of Repeal (4)
1899	II	The Indian Stamp Act, 1899 in its application to the Pre-Recognition State of Bombay, excluding the transferred territories and to the Vidarbha Region and the Kutch area of the State of Bombay.	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India.
1899	II	The Indian Stamp Act, 1899 as applied to the Saurashtra Area of the State of Bombay.	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India.
1331 Fasli	IV	The Hyderabad Stamp Act, 1313-F	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India.
1932	II	The Bombay Finance Act, 1932.	Parts IV and V containing sections 15, 16, 17, 18 and 19.
1943	XIV	The Bombay Insurance of Stamp Duties Act, 1943.	The whole.