



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

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

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

भाग आठ

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

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

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

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

MAHARASHTRA ACT No. XII OF 2006.

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

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

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

- (1) This Act may be called the Bombay Stamp (Amendment) Act, 2006. Short title and commencement.
- (2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

(३२९)

Amendment
of section 2
of Bom. LX
of 1958.

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

Bom.
LX of
1958.

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

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

Allowance
for Duty.

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

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

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

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

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

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

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

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

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

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

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

(2) in article 6,—

(A) in clause (1), in column 2,—

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

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

(B) in clause (2), in column 2,—

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

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

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

(i) in sub-entry (i),—

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

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

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

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

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

Amendment
to Schedule I
of Bom. LX
of 1958.

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

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

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

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

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

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

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

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

(b) in any other case.

Two hundred rupees.

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

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

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

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

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

One hundred rupees.

(b) where it exceeds rupees ten lakh.

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