



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, एप्रिल १२, २००६/चैत्र २२, 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 विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Bombay Stamp (Amendment) Bill, 2006 (L. A. Bill No. XLIII of 2006), introduced in the Maharashtra Legislative Assembly on the 12th April 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.

L. A. BILL No. XLIII OF 2006.

A BILL

further to amend the Bombay Stamp Act, 1958.

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

1. (1) This Act may be called the Bombay Stamp (Amendment) Act. 2006.

Short title  
and  
commence-  
ment.

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

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 :—

<p>“(vi) project under Built, Operate and Transfer (BOT) system, whether with or without toll or fee collection rights.</p>	<p>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.” ;</p>
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(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 one hundred rupees for every rupees 1,00,000 or part thereof, above rupees ten lakh, subject to the maximum of rupees five lakh."

## STATEMENT OF OBJECTS AND REASONS

With a view to give effect to the proposals in respect of stamp duty levied under the Bombay Stamp Act, 1958 (Bom. LX of 1958), obtaining in the Budget Speech made by the Hon'ble Finance Minister for the year 2006-2007, it is proposed to make certain amendments in the said Act.

2. The important provisions proposed to be made in the Bombay Stamp Act, 1958, are broadly as follows :—

(a) Amendments of sections 2 and 52A of the Act are proposed in view of the changes brought in the administration of the Stamps and Registration Department.

(b) The stamp duty on the instruments of unsecured loans chargeable under article 5(h) (A) (iv) in Schedule I to the Act is proposed to be reduced by 60 per cent.

(c) For encouraging the Built, Operate and Transfer (BOT) Projects, a separate legal status is proposed for such agreements with reduced rate of stamp duty.

(d) For inspiring execution of the instruments of deposit of title deeds, pawn, pledge or hypothecation, the stamp duty chargeable under Article 6 in the said Schedule is proposed to be reduced by 80 per cent. and the maximum amount of stamp duty of rupees ten lakh on such instruments is also proposed to be reduced to rupees five lakh.

(e) In order to assist the common citizens to fulfill their dream to own a house, stamp duty chargeable under Conveyance relating to the residential premises (Article 25(d)), for the first rupees 2,50,000, is proposed to be reduced from 0.5 per cent to rupees one hundred.

(f) It is proposed to reduce the stamp duty on the instruments of release deeds relating to renouncement of claim in the ancestral property chargeable under Article 52 in the said Schedule, from 1 per cent. to rupees two hundred.

(g) For providing levy of stamp duty on the instruments relating to works contract, a new article is proposed to be incorporated in the said Schedule.

3. The Bill seeks to achieve the above objectives.

Mumbai,

NARAYAN RANE,

Dated the 5th April 2006.

Minister for Revenue.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill includes the following proposals for delegation of legislative power, namely :—

*Clause 1(2).*—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 2.*—Under this clause, which seeks to amend clause (ga) of section 2 of the Bombay Stamp Act, 1958 (Bom. LX of 1958), power is taken to the State Government to designate any officer or officers as a Deputy Inspector General of Registration and Deputy Controller of Stamps and also to appoint, by notification in the *Official Gazette*, any other officer as a Deputy Inspector General of Registration and Deputy Controller of Stamps.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF  
THE CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and  
Judiciary Department)

In exercise of the powers conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the consideration of the Bombay Stamp (Amendment) Bill, 2006.