

Major Provisions of the Maharashtra Stamp Act –

Section 2:	<p style="text-align: center;">Definitions</p> <p>In this Act, unless there is anything repugnant in the subject or context,-</p> <p>a) “association” means any association, exchange, organization or body of individuals, whether incorporated or not, established for the purpose of regulating and controlling business of the sale or purchase of, or other transaction relating to, any goods or marketable securities;</p> <p>(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, repayable on demand or otherwise and withdrawal by cheque, draft, order or otherwise;</p> <p>c) “bond” includes –</p> <p>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;</p> <p>ii) any instrument attested by a witness and not payable or order or bearer, whereby, a person obliges himself to pay money to another; and</p> <p>iii) any instrument so attested whereby a person, obliges himself to deliver grain or other agricultural produce to another;</p> <p>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 executants sign or affix his mark to the instrument, or has seen some other person sign the instrument in presence and by the direction of the executants, or has received from the executants a personal acknowledgment 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 executants; 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.</p> <p>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;</p> <p>(dd) “Chief Controlling Revenue Authority” means such officer as the State Government may, by notification in the Official Gazette, appoint in this behalf for the whole or any part of the State of Maharashtra.</p> <p>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:</p> <p>Provided that no instrument shall, for the purposes of this Act, be deemed to be a clearance list unless it contains the following declaration</p>
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signed by the person dealing in such transaction or on his behalf by a properly constituted attorney, namely; -

“I /We hereby solemnly declare that the above list contains a complete and true statement of my/our transactions including crossed our transaction 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 1 to the Bombay Stamp Act, 1958, as the case may be, is omitted.”

Explanation – Transaction for the purpose for this clause shall include both sale and purchase;

f) “Collector” means * * * the Chief Officer in charge of the revenue administration of a district and includes any officer whom the State Government may, by notification in the official Gazette, appoint in this behalf;

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

(g) “Conveyance” includes, -

- i) a conveyance on sale,
- ii) every instrument, ⁷(x)
- iii) every decree of final order of any Civil Court,
- iv) every order made by the High Court under section 394 of the Companies Act, 1956 in respect of amalgamation or reconstruction of companies; and every order made by the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or reconstruction of Banking Companies;

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

Explanation – 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;

(ga) “Deputy Inspector General of Registration and Deputy Controller of Stamps” means the officer or officers so designated by the State Government and includes any other officer whom the State Government may, by notification in the Official Gazette, appoint in this behalf;

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”;

Explanation,-The terms “signed” and “signature” also include attribution of electronic record as per section 11 of the Information Technology Act, 2000.

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

ja) "immovable property" includes land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

k) "impressed stamp" includes,-

i) labels affixed and impressed by the proper officer,

ii) stamps embossed or engraved on stamped paper;

(iii) impression by franking machine;

iv) impression by any such machine as the State Government may, by notification in the official Gazette, specify;

(v) receipt of e-payment;

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

Explanation – The term "document" also includes any electronic record as defined in clause (t) of sub-section(a) of section 2 of the Information Technology Act, 2000.

(la) "instrument of gift" includes, where the gift is of any movable 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) a 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, any instrument or instruments signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;

n) "lease" means a lease of immovable or movable (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 immovable 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;

	<p>(v) a decree or final order of any Civil Court in respect of a lease:</p> <p>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;</p> <p>(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 or the consideration stated in the instrument whichever is higher;</p> <p>(o) “marketable security” means a security of such description as to be capable of being sold in any stock market in India. * * *:</p> <p>(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;</p> <p>(pa) “movable property” includes standing timber, growing crops and grass, fruit upon and juice in trees and property of every other description, except immovable property, by which any right or liability is or is purported to be created, transferred limited, extended, extinguished or recorded;</p> <p>q) “paper” includes vellum, parchment or any other material on which an instrument may be written;</p> <p>r) “power of attorney” includes any instrument (not chargeable with a fee under the 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 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;</p> <p>(ra) “public officer” means a public officer as defined in clause (17) of section 2 of the Code of Civil Procedure, 1908;</p> <p>s) “Schedule” means a Schedule appended to this Act;</p> <p>t) “settlement” means any non-testamentary disposition in writing of movable or immovable property made,-</p> <p>i) in consideration of marriage,</p> <p>ii) for the purpose of distributing property of the settle among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or</p> <p>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;</p> <p>u) “soldier” includes any person below the rank of a non-commissioned officer who is enrolled under the Army Act, 1950.</p>
Section 3:	<p style="text-align: center;">Instrument chargeable with duty</p> <p>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</p>

	<p>is to say-</p> <p>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;</p> <p>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:</p> <p>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 the Schedule I if the proper duty payable on such original instrument is not paid</p> <p>Provided further that no duty shall be chargeable in respect of –</p> <p>1) any instrument executed by or on behalf of, or in favour of, the Government in cases, where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument or where the Government has undertaken to bear the expenses towards the payment of the duty;</p> <p>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, 1938, or Merchant Shipping Act, 1958.</p>
<p>Section 4:</p>	<p>Several Instruments used in single transaction of development agreement sale, mortgage or settlement</p> <p>1) Where, in the case of any development agreement 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, development agreement mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one hundred rupees instead of the duty (if any) prescribed for it in that Schedule.</p> <p>2) The parties may determine for themselves with of the instruments so employed shall, for the purposes of sub – section (1), be deemed to be the principal instrument.</p> <p>(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:</p> <p>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 instrument employed.</p>
<p>Section 5:</p>	<p>Instruments relating to several distinct matters</p> <p>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.</p>
<p>Section 6:</p>	<p>Instruments coming within several descriptions in Schedule I</p> <p>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.</p>

	<p>Provided that nothing in this Act contained shall render chargeable with duty exceeding one hundred rupees a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.</p>
Section 7:	<p>Payment of higher duty in respect of certain instruments</p> <p>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,-</p> <p>a) on the principal or original instrument, as the case may be, or</p> <p>b) in accordance with the provisions of this section,</p> <p>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.</p> <p>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:</p> <p>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.</p> <p>(3) The provisions of this Act and the rules made thereunder, in so far as they relate to the recovery of duties chargeable on instruments under section 3 shall, so far as may be, apply to the recovery of duties chargeable on a counterpart, duplicate or a copy of an instrument under sub-section (1).</p>
Section 8 :	<p>Bond or securities other than debentures issued on loans under Act IX of 1914 or other law</p> <p>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 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.</p> <p>2) The provisions of sub- section (a) 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.</p> <p>3) In the case of willful 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 to duty payable, and a like penalty for every month after the first month during which such neglect continues.</p>
Section 9:	<p>Power to reduce, remit or compound duties.</p> <p>The State Government, if satisfied that it is necessary to do so in the public interest, may, by rule or order published in the Official Gazette,-</p>

	<p>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</p> <p>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.</p>
<p>Section 10 :</p>	<p>Duties how to be paid</p> <p>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,-</p> <p>a) according to the provisions herein contained; or</p> <p>b) when no such provision is applicable thereto, as the State Government may, by rules, direct.</p> <p>2) The rules made under sub-section (1) may, among other matter, regulate,-</p> <p>a) in the case of each kind of instrument, the description of stamps which may be used;</p> <p>b) in the case of instruments stamped with impressed stamps, the number of stamps which may be used.</p> <p>(2-1A) From the date of coming into force of the Bombay Stamp (Amendment) Ordinance, 2003, in the case of instruments, stamped with impressed stamps, such stamps shall bear the stamp and signature with date, of the authorized 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 stamp or Collector of Stamps in the State:</p> <p>Provided that, the Chief Controlling Revenue Authority may, by notification in the official Gazette, from the specified date, do away with such requirement.”.</p> <p>2A) The Chief Controlling Revenue Authority may, subject to such conditions as the may deem fit to impose, authorize use of franking machine or any other machine specified under sub-clause (iv) of clause (k) of section 2, for making impressions of instrument’s chargeable with duties to indicate payment of duties payable on such instruments;</p> <p>(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 authorised any person, body or organization to such use of franking machine or any other machine, he may, by order in writing authorize such person, body or organization;</p> <p>b) Every such authorization shall be subject to such conditions, if any, as the Chief Controlling Revenue Authority may, by any general or special order, specify in this behalf.</p> <p>(2c) The procedure to regulate the use of franking machine or any other machine as so authorised shall be such as the Chief Controlling</p>

	<p>Revenue Authority may, by order determine.</p> <p>(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,-</p> <p>i) by means of a franking machine;</p> <p>ii) by way of cash;</p> <p>iii) by demand draft; * * *</p> <p>iv) by pay, order; or</p> <p>v) by e-payment;</p> <p>in any Government Treasury or Sub-Treasury or General Stamp Office, or as the case may be Government Receipt Accounting System (G.R.A.S.) (Virtual Treasury) 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 of this purpose.</p> <p>Explanation.- For the purpose of this sub- section, the expressions “demand draft’ and by’ pay order mean the demand draft or pay order issued by the State Bank of India constituted under State Bank of India Act, 1955 or, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer or Undertakings) Act, 1970 or, under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or, any other bank being a schedule bank as defined in clause (e) of section 2 of the Reserve Bank of India Act. 1934.</p> <p>(4) An impression made under sub-sections (2A), (2B) and (2C) or , as the case may be, an endorsement made under sub – section (3), or under sub-section (2) of section 32A on any instruments, 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)</p>
<p>Section 10A:</p>	<p>Duties to be paid in cash , by demand draft or by pay order by Government controlled bodies, Insurance Companies and Banks</p> <p>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 Nationalized 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,-</p> <p>“Stamp duty of Rs. _____/- paid in cash or by demand draft or by pay order, vide Receipt / Challan No. _____, dated the _____,”</p>
<p>Section 10B:</p>	<p>Stock exchange etc., to deduct stamp duty from trading member’s account</p> <p>Notwithstanding anything contained in this Act, in case of transaction through stock exchange or an association as defined in clause (a) of section 2 of the Forward Contracts (Regulation) Act, 1952, the stock exchange or, as the case may be, an association, shall collect the due stamp duty by deducting the same from the trading member’s account at the time of settlement of such transactions. The stamp duty so collected shall be</p>

	<p>transferred to the Government. Treasury, Sub – Treasury or General Stamp office in the manner specified by the Chief Controlling Revenue Authority.</p> <p>Explanation, - For the purposes of this Section, “Stock exchange” means the stock exchange as defined in clause (j) of section 2 of the Securities Contract (Regulation)Act, 1956.</p>
Section C:	<p>Duties to be paid in cash, or by demand draft or by pay order by notary</p> <p>Notwithstanding anything contained in section 10, in case of the notary appointed under the Notaries Act, 1952, for the whole or any part of the State of Maharashtra, the duty payable for performing the functions entrusted to him under any law for the time being in force, may be paid by him by way of cash, r by demand draft or by pay order, in any Government Treasury or sub- Treasury or General Stamp Office, Mumbai and the notary shall make an endorsement on the instrument as follows, namely-</p> <p>“Stamp Duty of Rs._____/- paid* in cash/ by demand draft / by pay order, vide *Receipt / Challan No._____, dated the _____, in * Government Treasury / Sub – Treasury Office at _____ / the General Stamp Office, Mumbai</p> <p>Seal of the Notary. Signature of the notary with date.</p> <p>*Strike out whatever is not applicable.”</p>
Section 11:	<p>Use of Adhesive Stamps</p> <p>The following instruments may be stamped with adhesive stamps, namely:-</p> <p>a) * * * * *</p> <p>(b) instruments mentioned at articles 1, 5(a) to (g), 17, 29, 37, 41, 42, 43, 59(a) and 62 in Schedule I.</p>
Section 12:	<p>Cancellation of adhesive stamps</p> <p>1) a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and</p> <p> 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.</p> <p>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.</p> <p>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.</p>
Section 13:	<p>Instruments stamped with impressed stamps how to be written</p> <p>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.</p> <p>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</p>

	<p>be signed by the executants or one of the executants, with an endorsement indicating that the additional sheet is attached to the sheet on which the instrument is written.</p> <p>Explanations II.- Where the sheet or sheets bearing impressed stamps is or are insufficient to admit of the entire instrument being written thereon, 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 executants but where it is not so signed it shall not render the instrument not duly stamped.</p>
Section 14:	<p>Only one instrument to be on same stamp</p> <p>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:</p> <p>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 or which is secured thereby.</p>
Section 14A:	<p>Alterations in instruments how to be charged</p> <p>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.</p>
Section 15:	<p>Instrument written contrary to sections 13, 14 or 14A deemed not duly stamped.</p> <p>Every instrument written in contravention of Section 13, 14 or 14A deemed not duly stamped,</p>
Section 16:	<p>Denoting Duty</p> <p>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.</p>
Section 17:	<p>Instruments executed in State</p> <p>All instruments chargeable with duty and executed by any person in this State shall be stamped before or at the time of execution or immediately thereafter or on the next working day following the day of execution:</p> <p>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 bye – laws with the requisite amount of stamp duty, within two months from the date of its execution.</p>
Section 18:	<p>Instruments executed out of State</p> <ol style="list-style-type: none"> 1) Every instrument chargeable with duty executed only out of this State may be stamped within three months after it has been first received in this State. 2) Where any such instrument cannot with reference, to the description

	<p>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 stamp of such value as the person so taking such instrument may require and pay for.</p>
Section 19:	<p>Payment of duty on certain instruments or copies thereof liable to increased duty in Maharashtra State</p> <p>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 such instrument or a copy of the instrument is received in the State ,-</p> <p>a) the amount of duty chargeable on such instrument 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;</p> <p>b) and in addition to the stamp, if any, already affixed thereto such instrument or a copy of the 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 or a copy of the instrument were an instrument received in this State for the first time at the time when it became chargeable with the higher duty, and</p> <p>c) the provisions contained in clause (b) of the proviso to sub – section (3) of section 32 shall apply to such instrument 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.</p>
Section 20:	<p>Conversion of amount expressed in foreign currencies</p> <p>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.</p> <p>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 Indian Stamp Act, 1899, shall be deemed to be the current rate for the purpose of sub-section (1)</p>
Section 21:	<p>Stock and marketable securities how to be valued</p> <p>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.</p>
Section 22:	<p>Effect of Statement of rate of exchange or average price</p> <p>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.</p>
Section 23:	<p>Instruments reserving interest</p> <p>Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than</p>

	that with which it would have been chargeable had no mention of interest been made therein.
Section 24:	<p>Certain instruments connected with mortgages of marketable securities to be chargeable as agreements</p> <p>1) Where an instrument –</p> <p style="padding-left: 40px;">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</p> <p style="padding-left: 40px;">b) makes redeemable or qualifies a duly stamped transfer intended as a security or any marketable security.</p> <p>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.</p> <p>2) A release or discharge of any such instrument shall only be chargeable with the like duty.</p>
Section 25:	<p>How transfers in consideration of debt or subject to future payments, etc. to be charged</p> <p>Where any property is transferred to any person –</p> <p>a) in consideration, wholly or in part, of any debt due to him; or</p> <p>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 encumbrance upon the property or not;</p> <p>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:</p> <p>Provided that, nothing in this section shall apply to any such certificate of sale as is mentioned in Article 16 of Schedule I.</p> <p>Explanation – Where property is sold and sale is subject to a mortgage or other encumbrance, 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:</p> <p>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.</p> <p style="text-align: center;">Illustrations</p> <p>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.</p> <p>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.</p> <p>3. A mortgages a house of the value of Rs.10000 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.</p>
Section 26:	Valuation in case of annuity, etc.

	<p>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, -</p> <p>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;</p> <p>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</p> <p>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.</p>
Section 27:	<p>Stamp where value of subject – matter is indeterminate</p> <p>Where the amount of 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, 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:</p> <p>Provided that, for the purpose of application to 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 :</p> <p>Provided further that in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty, -</p> <p>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</p> <p>b) when the lease has been granted by any other person, at fifty thousand rupees a year,</p> <p>and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:</p> <p>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.</p>
Section 28:	<p>Facts affecting duty to be set forth in instrument</p> <p>The consideration (if any), 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</p>

	forth therein.
Section 29:	<p>Direction as to duty in case of certain conveyances</p> <p>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 market value shall be apportioned in such manner as the parties think fit, provided that a distinct 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 market value.</p> <p>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 of 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 in respect of the market value of such part of the property.</p> <p>3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty in respect of the market value of the property at the time of sale by the original purchaser to the sub-purchaser.</p> <p>4) Where a person having contracted for the purchase of any property but not having obtained a conveyance thereof contracts to sell the whole or any part thereof, to any other person, or persons, and the property is in consequence conveyed by the original seller to different persons in parts the conveyance of each part sold to a sub – purchaser shall be chargeable with ad valorem duty in respect only of the market value of the part sold to the sub-purchaser, without regard to the amount of the market value of the 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:</p> <p>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 ten rupees.</p> <p>(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 fifty rupees with a duty of fifty rupees.</p>
Section 30:	<p>Duties by whom payable.</p> <p>In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne:-</p> <p>a) in the case of any instrument described in any of the following articles of schedule I, namely :-</p> <p>No.2 (Administration Bond),</p> <p>No.6 (Agreement relating to Deposit of Title – deed, Pawn or Pledge),</p>

	<p>No.13 (Bond),</p> <p>No.14 (Bottomry Bond),</p> <p>No.28 (Customs Bond),</p> <p>No.33 (Further Charge),</p> <p>No.35 (Indemnity Bond),</p> <p>No.40 (Mortgage Deed),</p> <p>No.52 (Release),</p> <p>No.53 (Respondentia Bond),</p> <p>No.54 (Security Bond or Mortgage Deed),</p> <p>No.55 (Settlement),</p> <p>No. 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),</p> <p>No. 59(b) (Transfer of any interest secured by a bond or mortgage deed or policy of insurance), by the person drawing or marking such instrument;</p> <p>b) in the case of a conveyance (including a conveyance of mortgaged property) by the grantee; in the case of a lease or agreement to lease by the lessee or intended lessee;</p> <p>c) in the case of a counter part of a lease by the lessor;</p> <p>d) in the case of an instrument of exchange by the parties in equal shares;</p> <p>e) in the case of a certificate of sale by the purchaser of the property to which such certificate relates; x</p> <p>f) in the case of an instrument of partition by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue Authority or Civil Court or Arbitrator, in such proportion, as such Authority, Court of arbitrator directs; and</p> <p>(g) in any other case, by the person executing the instrument.</p>
<p>Section 30A:</p>	<p>Duties payable by financial institution</p> <p>1) Notwithstanding anything contained in section 30, where any instrument referred to in clauses (a) to (g) of section 30, is executed on or after the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013, in favour of or by any financial institution such as Bank, Non – Banking Finance Company, Housing Finance Company or alike, which creates any right in favour of any such financial institution, the liability to pay proper stamp duty shall be on such financial institution concerned without affecting their right, if any, to collect it from the other party.</p> <p>2) In respect of any such instrument executed before the date of commencement of the Maharashtra Tax Laws (levy and Amendment) Act, 2013, and are effective and where proper stamp duty is not paid, then the</p>

	<p>financial institution shall impound such instrument on or before the 30th September 2013 and forward the same to the Collector for recovery.</p> <p>3) Where the financial institution fails to impound such instrument as provided in sub-section (2), then the concerned financial institution shall be liable to pay a penalty equal to the stamp duty payable on such instrument.</p>
<p>Section 31:</p>	<p>Adjudication as to proper stamps</p> <p>(1) When an instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, 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 or the Article of Schedule I under which) it is chargeable and pay a fee of one hundred rupees the Collector shall determine the duty (if any) with which or the Article of Schedule I under which in his judgement, the instrument is chargeable.</p> <p>2) For this purpose the Collector may require to be furnished with a true copy of 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 upon any such application until such true copy or abstract and evidence have been furnished accordingly;</p> <p>Provided that,-</p> <p>a) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in any inquiry as to the duty with which the instrument to which it relates is chargeable; and</p> <p>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.</p> <p>(3) Where the Collector acting under sub – sections (1) and (2) is not the Collector of the District and if he has reasons to believe that the market value of the property, which is the subject matter of the instrument, received by him for adjudication, has not been truly set forth therein, he shall, 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.</p> <p>(4) When an instrument is brought to the Collector for adjudication, -</p> <p>i) within one month of the execution or first execution of such instrument in the State; or</p> <p>ii) if, such instrument is executed or first executed, out of the State, within three months from the date of first receipt of such instrument in this State,</p> <p>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:</p> <p>Provided that, in no case, the amount of the penalty shall exceed</p>

	double the deficient portion of the stamp duty.
Section 32:	<p>Certificate by Collector</p> <p>1) When an instrument brought to the Collector under section 31, is in his opinion on of a description chargeable with duty, and –</p> <p>a) the Collector determines that it is already full stamped, or</p> <p>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,</p> <p>The Collector shall certify by endorsement on such instrument that the full duty (stating the relevant Article of Schedule I and the amount) with which it is chargeable has been paid.</p> <p>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.</p> <p>3) Subject to the provisions of section 53-A, any instrument upon which an endorse-ment 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:</p> <p>Provided that nothing in this section shall authorize the Collector to endorse –</p> <p>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;</p> <p>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 receive in this State; or</p> <p>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.</p>
Section 32A:	<p>Instrument of conveyance, etc. undervalued how to be dealt with</p> <p>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 provisions of Registration Act, 1908, shall be accompanied by a true copy thereof:</p> <p>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 purposes of sub-section (1).</p> <p>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:</p> <p>Provided that, in respect of the instrument presented for registration before the date of commencement of the Maharashtra Tax Laws (Levy,</p>

Second Amendment and Validation) Act, 1996 where, in the opinion of the registering officer, the true market value of the immovable property, which is the subject property 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 the such property as per the annual statement officer 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.

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;

On receipt of the instrument or the true copy of the instrument as the case may be, under sub-section (2) or (3), the Collector⁵ 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, a penalty 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 on such 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 the 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

	<p>Collector of the District:</p> <p>Provided further that, in respect of references pending with the Collector of the District, before the commencement of the Maharashtra Tax Laws (Levy Section 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 penalty exceeding rupees 250 if, the market 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.</p> <p>Provided also that, in no case, the amount of the penalty shall exceed double the deficient portion of the stamp duty.</p> <p>5) The Collector of the District, may suo moto or on receipt of information from any source, within ten years from the date of registration of any instrument referred to in sub-section (1), (no being the instrument upon which an endorsement has been made under section 32 or the instrument or the instruments in respect of 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 office 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 been truly and fully setforth in the instrument he shall proceed as provided in sub-section (4).</p> <p>It shall be lawful for the Chief Controlling Revenue Authority or the Collector of the District to transfer to 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.</p>
<p>Section 32B:</p>	<p>Appeal</p> <p>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 fee 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:</p> <p>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 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 off the same in accordance with this section:</p> <p>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</p>

	<p>disposed off by the concerned Courts as if the Amendment Act has not been passed.</p> <p>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).</p>
Section 32C:	<p>Revision</p> <p>Subject to the provisions of section 32B and any rules which may be made in this behalf by the State Government, the Chief Controlling Revenue Authority may, suo moto, 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:</p> <p>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:</p> <p>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.</p>
	<p>CHAPTER IV INSTRUMENT NOT DULY STAMPED</p>
Section 33:	<p>Examination and impounding of instruments</p> <p>1) Subject to the provisions of section 32-A, 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 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 irrespective whether the instrument is or is not valid in law.</p> <p>2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law for the time being in force in the State when such instrument was executed or first executed:</p> <p>Provided that,-</p> <p>a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do any instrument coming before him in the course of any proceeding other than a proceeding under Chapter IX or Part D of Chapter X of the Code of Criminal Procedure, 1973;</p> <p>b) in the case of 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.</p> <p>3) For the purposes of this section, in cases of doubt, -</p> <p>a) the State Government may determine what offices shall be deemed to be public offices; and</p> <p>b) the State Government may determine who shall be deemed to be persons in charge of public offices.</p>

<p>Section 34:</p>	<p>Instruments not duly stamped inadmissible in evidence, etc.</p> <p>No instrument chargeable with duty * * * shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer unless such instrument is duly stamped or if the instrument is written on sheet of paper with impressed stamp such stamp paper is purchased in the name of one of the parties to the instrument.</p> <p>Provided that, -</p> <p>(a) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of, -</p> <p>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</p> <p>(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:</p> <p>Provided that, in no case, the amount of the penalty shall exceed double the deficient portion of the stamp duty.</p> <p>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;</p> <p>c) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter IX or Part D of Chapter X of the Code of Criminal Procedure 1973;}</p> <p>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;</p> <p>(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.</p>
<p>Section 35:</p>	<p>Admission of instrument where not to be questioned</p> <p>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.</p>
<p>Section 36:</p>	<p>Admission of improperly stamped instruments</p> <p>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.</p>
<p>Section 37:</p>	<p>Instruments impounded how dealt with</p> <p>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 on payment of a penalty as provided by section 34</p>

	<p>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.</p> <p>(2) In every other case, a person so impounding the original instrument shall prepare an authentic copy of such instrument and where it is a true copy or an abstract referred to in section 31 or true copy referred to in section 33A, he shall send such authentic copy or, true copy or, as the case may be, an abstract to the Collector, for the purpose of taking action on the authentic copy or a true copy or, as the case may be, an abstract as if it were the original instrument and endorsing thereon a certificate with reference to the instrument under clause (a) of sub – section (1) of section 39 or under sub-section (1) of section 41, as the case may be. On receipt of the authentic copy, the true copy or, as the case may be, an abstract with the certificate as aforesaid endorsed thereon, the person who had impounded the original instrument shall copy on the Original instrument the certificate endorsed on the authentic copy and shall authenticate such certificate; and where it is a true copy or an abstract on which the certificate as aforesaid is endorsed, the registering officer who had forwarded the true copy or an abstract shall make appropriate entries in respect of the instrument of which it was a true copy or an abstract, in the relevant register maintained by him and on an application made in this behalf issue under his signature a certificate to the effect that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect of that instrument, and the name and residence of the person paying such duty and penalty.</p>
<p>Section 38:</p>	<p>Collector's Power to refund penalty paid under section 37, sub – section (1)</p> <p>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.</p> <p>2) When such instrument has been impounded only because it has been written in contravention of section 12 or section 14, the Collector may refund the whole penalty so paid.</p>
<p>Section 39:</p>	<p>Collector's power to stamp instruments impounded</p> <p>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:-</p> <p>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 be;</p> <p>b) if he is of opinion that such instrument is chargeable with duty and is not duly stamped he shall required the payment of the proper duty or the amount required to make up the same, together with a penalty of an amount equal to 2per 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:</p> <p>Provided that, in no case, the amount of the penalty shall exceed double the deficient portion of the stamp duty:</p> <p>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, he thinks fit, remit the whole penalty prescribed by this</p>

	<p>section.</p> <p>2) Subjection 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.</p> <p>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.</p>
Section 40:	<p>Instruments unduly stamped by accident</p> <p>If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of twenty naye paise or less is produced by any person of his own motion before the Collector within one year from the date of its execution of first execution, and such person brings to the notice \ of the Collector the fact that such instrument is not duly stamped and officers 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 ma instead of proceeding under sections 33 and 39, receive such amount and proceed as next hereinafter prescribed.</p>
Section 41:	<p>Endorsement of instrument on which duty has been paid under section 34, 39 or 40</p> <p>1) When the duty and penalty (if any) levable in respect of any instrument (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 be 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.</p> <p>2) 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 duly stamped, and shall be delivered 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 direction of such person:</p> <p>Provided that, -</p> <p>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;</p> <p>b) nothing in this section shall effect the provisions of rule 9 of Order XIII in Schedule I of the Code of Civil Procedure, 1908.</p>
Section 42:	<p>Prosecution for offence against stamp law</p> <p>The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the stamp law in respect of such instrument:</p> <p>Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.</p>

Section 43:	<p>Persons paying duty or penalty may recover same in certain cases</p> <p>1) When any duty or penalty has been paid under section 34, section 36, 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 expenses 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.</p> <p>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.</p> <p>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 for 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.</p>
Section 44:	<p>Power of Revenue Authority to refund penalty or excess duty in certain cases</p> <p>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.</p> <p>2) Where, in the opinion of the Chief Controlling Revenue Authority stamp duty in excess of that which is legally chargeable has been charged and paid under section 34 or section 39, such authority may, upon application in writing made by the party concerned within one year from the date of receipt of the order charging the same, refund the excess.</p>
Section 45:	<p>Non-liability for loss of instrument sent under section 37</p> <p>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.</p> <p>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 expenses of such first – mentioned person and authenticated by the person impounding such instrument.</p>
Section 46:	<p>Recovery of duties and penalties</p> <p>(1) All duties, penalties and other sums required to be paid under this Act may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or as an arrear of land revenue.</p> <p>(2) For the purpose of effecting such recovery, as arrears of land revenue,-</p> <p>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;</p> <p>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.</p> <p>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.</p>

Section 47:

Allowance for spoiled stamps

Subject to such rules as may be made by State Government as to the evidence to be required, or the inquiry to be made, the Collector may on application, made within the period prescribed in section 48, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely:-

a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person;

b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;

c) the stamp used for an instrument executed by any party thereto which –

1) has been afterwards found by the party to be absolutely void in law from the beginning;

(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 purposes;

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, 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 to be cancelled, or has been already given up to the Court to be cancelled.

Explanation.- The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

<p>Section 48:</p>	<p>Application for relief under section 48 when to be made</p> <p>the application for relief under section 47 shall be made within the following period, that is to say,-</p> <p>1) in the cases mentioned in clause (c) (5), within six months of the date of the instruments:</p> <p>Provided that where an Agreement to sell 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 years of the date of the instrument or where such agreement is cancelled by a registered cancellation deed on the grounds of, dispute regarding the premises concerned, inadequate finance, financial dispute in terms of agreed consideration, or afterwards found to be illegal construction or suppression of any other material fact, the application may be made within two years from the date of such registered cancellation deed;</p> <p>(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.</p> <p>3) in any other case, within six month from the date of purchase of stamp.</p>
<p>Section 49:</p>	<p>Allowance in case of printed forms no longer required by corporations</p> <p>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 fro 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.</p>
<p>Section 50:</p>	<p>Allowance for misused stamps</p> <p>1) When any person has inadvertently used, fro 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</p> <p>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;</p> <p>the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.</p>
<p>Section 51:</p>	<p>Allowance for spoiled or misused stamps how to be made</p> <p>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, -</p> <p>a) the same value in money, deducting therefrom such amount</p>

	<p>as may be prescribed by rules made in this behalf by the State Government; or</p> <p>b) if the applicant so requires, other stamps of any other description and value; or</p> <p>c) if the applicant so requires, stamps of any other description of the same amount in value:</p> <p>Provided that, in the cases covered by clauses (b) and (c) a stationary 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.</p>
Section 52:	<p>Allowance for stamps not required for use</p> <p>When any person is possessed of a stamp or stamps which have not been, spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting 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-</p> <p>a) that such stamp or stamps were purchased by such person with a bona fide intention to use them; and</p> <p>b) that he has paid the full price thereof; and</p> <p>c) that they were so purchased within the period of six months next preceding the date on which they were so delivered:</p> <p>Provided that, where the person is a licensed vendor of stamps, the Collector may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.</p>
Section 52A:	<p>Allowance for duty</p> <p>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,-</p> <p>a) the Additional Controller of stamps for the cases handled by the Collectors working in the Mumbai City District and Mumbai Suburban District; and</p> <p>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).</p> <p>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.</p> <p>3) The Chief Controlling Revenue Authority on receiving such</p>

	<p>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.</p>
Section 52B:	<p>Invalidation of stamps and saving</p> <p>Notwithstanding anything contained in section 47, 50, 51 and 52,-</p> <p>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 date” and the period of six months from the date of purchase of such stamps has not elapsed before the commencement date, may be used before a period of six months from the date of purchase of such stamps is completed, or delivered for claiming the allowance under the relevant provision of this Act; and any stamps not so used or so delivered within the period aforesaid shall be rendered invalid.</p> <p>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.</p>
	<p>Chapter VI REFERENCE, REVISION AND APPEAL</p>
Section 53:	<p>Control of and statement of case to chief Controlling Revenue Authority</p> <p>1) The powers exercisable by a Collector under Chapter III, Chapter IV and Chapter V and under clause (a) of the second proviso to section 27 shall in all cases be subject to the control of the Chief Controlling Revenue Authority:</p> <p>(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 the section 27 may, within sixty days from the date of receipt of such order, by an application in writing, accompanied by a fee of tree 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.</p> <p>2) If any Collector, action under section 31, section 39 or section 40, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.</p> <p>Provided that, nothing contained in this sub-section shall apply 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.</p> <p>3) Such authority 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.</p>
Section 53A:	<p>Revision of Collector’s decision under sections 32, 39 and 41</p> <p>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</p>

	<p>of six years from the date of certificate of the Collector under section 32, 39 or 41, as the case may be, require the concerned party to produce before him the instrument and, after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable, or any duty is less levied, thereon and order the recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.</p> <p>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 the section.</p>
Section 54:	<p>Statement of case by Chief Controlling Revenue Authority to High Court</p> <p>(1) The Chief Controlling Revenue Authority may state any case –</p> <ul style="list-style-type: none"> 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; <p>and refer such case formulating the precise question with its own opinion thereon, to the High Court.</p> <p>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.</p>
Section 55:	<p>Power of High Court to call for further particulars as to case stated</p> <p>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.</p>
Section 56:	<p>Procedure in disposing of case stated</p> <p>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.</p> <p>2) The High Court shall send to the Revenue Authority, by which the case was stated a copy of such judgement under the seal of the Court and the signature of the Registrar; and the Revenue Authority shall, on receiving such copy, pass such orders as are necessary for disposal of the case conformably to such judgement.</p>
Section 57:	<p>Statement of case by other Court to High Court</p> <p>1) If any Court, other than the High Court, feels doubts as to the amount 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.</p> <p>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 Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgement.</p>

	<p>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</p> <p>(4) Without prejudice to the provisions of section 58, no Court shall take action under this section, -</p> <p>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</p> <p>b) in the case to which section 35 applies.</p>
<p>Section 58:</p>	<p>Revision of certain decisions of Court regarding the sufficiency of Stamps</p> <p>1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter IX or Part D of Chapter X of the Code of Criminal Procedure 1973, makes any order admitting any instrument in evidence as duty 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.</p> <p>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 than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require,-</p> <p>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</p> <p>ii) any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.</p> <p>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 .</p> <p>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.</p> <p>(3B) Every instrument so endorsed shall thereupon be delivered, on a 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.</p> <p>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.</p>

	<p>Provided that –</p> <p>a) no such prosecution shall be instituted where the amount including duty and penalty, which, according to the determination of such Court, was payable in respect of the instrument under section 34, is paid to the Court or the Collector, unless the Collector thinks) That the offence was committed with an intention of evading payment of the proper duty;</p> <p>b) except for the purposes of such prosecution no declaration made under this section shall effect the validity of any order admitting any instrument in evidence or of any certificate granted under section 41.</p>
	<p>Chapter VII OFFENCES AND PROCEDURE</p>
Section 59:	<p>Penalty for executing etc. instrument not duty stamped</p> <p>1) 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 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:</p> <p>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.</p> <p>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.</p>
Section 59A:	<p>No prosecution under section 59, if instrument admitted by Court</p> <p>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.</p>
Section 60:	<p>Penalty for making false declaration on clearance list</p> <p>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 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.</p>
Section 61:	<p>Penalty for failure to cancel adhesive stamp</p> <p>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 rupee.</p>
Section 62:	<p>Penalty for omission to comply with provisions of section 28</p> <p>Any person who, with intent to defraud the Government, -</p> <p>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</p> <p>b) being employed or concerned in or about in preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances; or</p> <p>c) makes, any false statement or does any other act calculated to deprive the Government of any duty or penalty under this Act,</p>

	shall, on conviction, be punished with a fine which may extend to five thousand rupees.
Section 63:	<p>Penalty for breach of rule relating to sale of stamps and for unauthorized sale</p> <p>a) Any person appointed, to sell stamps who disobeys any rule made under section 69; and</p> <p>(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.</p> <p>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 fine which may extend to five thousand rupees.</p>
Section 63A:	<p>Non-remittance of stamp duty within prescribed time to be offence</p> <p>1) Any person who, before the 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, 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.</p> <p>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.</p>
Section 64:	<p>Institution and conduct of prosecutions</p> <p>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 specifically, authorizes in that behalf.</p> <p>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.</p> <p>3) The amount of any such composition shall be recoverable in the manner provided by section 46.</p>
Section 65:	Jurisdiction to try offence. Deleted by Mah. 27 of 1958, section 44, (w.e.f. 10.12.1985)
Section 66:	<p>Place of trial</p> <p>Every offence under this Act committed in respect of any instrument may be tried in and 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.</p>
	<p>CHAPTER VIII SUPPLEMENTAL PROVISIONS</p>
Section 67:	<p>Books etc. to be open to inspection</p> <p>Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the State Government or by the Collector to inspect for such purpose, the register, book, papers, documents and proceedings and to take such notes and extracts as he may deem</p>

	necessary without fee or charge and, if necessary, to seize and impound them under section 33.
Section 68:	<p>Collector's power to authorize officer to enter premises and inspect certain documents</p> <p>The Collector may, where he has reason to believe that all or any of the instruments specified in * * * * Schedule – I have not been charged at all or incorrectly charged with duty leviable under this Act, authorize in writing any officer to enter upon any premises where he has reason to believe that any registers, book, 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 and if necessary seized and impound them under section 33.</p>
Section 69:	<p>Power to make rules</p> <p>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.</p> <p>2) Without prejudice to the generality of the powers conferred by sub-section (1), and in particular such rules may regulate, or provide for all or any of the following matters, namely :-</p> <ul style="list-style-type: none"> a) the supply, sale and use of stamps and stamped papers; b) the persons by whom alone such sale is to be conducted; x c) the duties and remuneration of such persons; x (ca) the manner of payment of stamp duty, and refund thereof, by e-payment; (d) the manner of ascertaining the true market value of immovable property; (e) the procedure for suo moto revision proceedings; and f) the amount to be deducted from the allowance of stamps of under section 47, 50, 51 or 52: <p>Provided that, such rules shall not restrict the sale of adhesive stamps of twenty paise or of lesser value.</p> <p>3) All rules made under this Act shall be made subject to the condition of previous publication in the Official Gazette:</p> <p>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 House agree that th 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 from 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.</p>

Section 70:	<p>Rounding off of fractions in duty payable or allowances to be made</p> <p>(1) In determining the amount of duty payable 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 fractions of less than five paise shall be disregarded.</p> <p>2) In determining the amount of duty payable, or of the allowances to be made under this Act, in case of instrument in respect of which duty payable is more than one hundred rupees, any fraction of one hundred rupees equal to or exceeding fifty rupees shall be rounded off to the next one hundred rupees, and fractions of less than fifty rupees shall be disregarded.</p>
Section 71:	<p>Publication of rules. Deleted by Mah. 27 of 1985 section 48, (w.e.f. 10-12-1985).</p>
Section 72:	<p>Delegation of certain powers</p> <p>The State Government may by notification in the Official Gazette, delegate –</p> <p>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</p> <p>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.</p>
Section 73:	<p>Saving as court – fees</p> <p>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.</p>
Section 73A:	<p>Use of former State Stamps permissible for certain period to be botified. Deleted by Mah. 27 of 1985, section 49, (w.e.f. 10-12-1985).</p>
Section 73B:	<p>Use of Bombay Government Stamps by Maharashtra for certain period Deleted by Mah. 27 of 1985, section 49, (w.e.f. 10-12-1985).</p>
Section 74:	<p>Act not applicable to rates of stamp duty on bills of exchange etc.</p> <p>For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.</p>
Section 75:	<p>Act to be translated and sold cheaply</p> <p>The State Government shall make provision for the sale of translation of this Act in Marathi and Hindi at a price as may be fixed from time to time per copy.</p>
Section 76:	<p>Repeal of enactments</p> <p>1) The enactments specified in column 3 of Schedule II hereto annexed shall be repealed in the manner and to the extent specified in column 4 thereof:</p> <p>i) any right, title, obligation, or liability already acquired, accrued or incurred or anything done or suffered.</p> <p>ii) any legal proceeding or remedy in respect of any such right, title, obligation or liability;</p> <p>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.</p> <p>2) Any appointment, notification, notice, order, rule or form made or</p>

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 appointments, 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 denominations of annas four or multiples thereof shall be deemed to be stamp of the value of twenty-five naya paise or, as the case maybe multiples thereof and valid accordingly.