

INDIAN STAMP (UTTARAKHAND AMENDMENT) ACT, 2015

(Uttarakhand Act no. 01 of 2016)

An

Act

to further amend the Indian Stamp Act, 1899 in its Applications to the State of Uttarakhand. It is hereby in acted by the Uttarakhand Legislative Assembly in the Sixty Sixth Year of the Republic of India as follow:-

Short title, Extent and Commencement

1. (1) This act may be called the Indian Stamp (Uttarakhand Amendment) Act, 2015.
- (2) It extends to the whole of Uttarakhand.
- (3) It shall come into force on such date as the State Government may , by notification in Official Gazette, appoint in this behalf.

Amendment of Section 2

2. In section 2 of the Indian Stamp Act, 1899 (herein after referred to as the principle act):-

(a) For clause (14), the following clause shall be substituted ; namely:-

(14) **"Instrument"** Instrument includes every document and record created or maintained in or by an electronic storage and retrieval device or media by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(b) After clause (14), the following clause shall be inserted, namely:-

(14-A) **"Instrument of Gift"** Instrument of gift includes an instrument whether by way of declaration or otherwise, for making or accepting an oral gift;

(c) After clause (22), the following clause shall be inserted namely:-

(22-A) "Public Officer" Public Officer means a Public Officer as defined in clause(17) of section 2 of the Code of Civil Procedure, 1908 and includes every officer working in connection with the affairs of any of the following of the organizations, namely:-

- (a) Any statutory body or authority Constituted under any Utrakhand State Act;
- (b) A "Financing Bank" or "Central Bank" as defined in clause (L) of section 2 of the Uttarakhand Co-operative Societies Act, 2003.

**Amendment of
Section 10**

3.

After section 10(A) the following section shall be inserted, namely:-

10(B) "Various modes of payment of duty"

Notwithstanding anything contained in section 10 & 10(A) all duties with which any instruments are chargeable shall be paid,-

- (1) by way of cash; or
- (2) by demand draft; or
- (3) by pay order ; or
- (4) by e-payment;

in 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 by endorsement on such instruments by an officer authorised by the State Government.

**Amendment of
Section 29**

4.

In section 29 of the Principal Act,-

- (a) In clause (a), after the words (and figures, "No. 40 (Mortgage deed)," the words (and figures "No. 43 (Note or memorandum)," shall be inserted;
- (b) after clause (f), the following clause shall be inserted, namely,-
"(f-f) in the case of an Instrument of Gift by the donee;"

**Amendment of
Section 31**

5.

In section 31 of the Principal Act:-

in sub- section (1), for the words, "Pays a fee of such

amount not exceeding five rupees and not less than fifty paise as the collector may in Each case direct," the words, "Pays a fee such amount As may be fixed by State Government By notification in the Official Gazette", shall be substituted.

**Amendment of
Section 40**

6. In section 40 of the Principal Act :-
after sub-section (1), the following sub- sections shall be inserted, namely:-

"(1-A) The Collector shall also require, alongwith the amount of deficit Stamp Duty of penalty required to be paid under clause(b) of sub-section(1), the payment of a simple interest at the rate of one and half percent per mensem on the amount of deficit stamp duty calculated from the date of the execution of the instrument till the date of actual payment;

Provided that the amount of interest under this sub-section shall be recalculated if the amount of deficit stamp duty is varied on appeal or revision or by any order of a competent court or authority.

(1-B) The amount of interest payable under sub- section (1-A) shall be added to the amount due and be also deemed for all purposes to part of the amount required to be paid.

(1-C) Where realization of the deficit stamp duty reminded stayed by any order of any court or authority and such order of stay is sub- sequently vaated, the interest referred to in sub- section(1-A) shall be payable also for any period during which such order of stay remain in operation.

(1-D) Any amount paid or deposited by, or removed, or refundable to a person under the provisions of this Act, shall first be adjusted towards the deficit stamp duty or penalty outstanding against him and the excess, if any, shall then be adjusted towards the interest, in any, due from him."

**Amendment of
Section 42**

7. In section 42 of the Principal Act, -
(a) in the heading, of the words and figures "Sections

35, 40 or 41", the words and figures, "sections 35, 40, 41 or 47 - A" shall be substituted.

(b) in sub-section (1), for the words and figures "section 40 or section 41", the words and figures, "section 40, section 41 or section 47- A" shall be substituted.

**Amendment of
Section 47-A**

8.

In section 47-A of the Principal Act, :-

(a) For sub-section (1), the following sub-sections shall be substituted, namely -

"(1) (a) If the market value of any property which is the subject of any instrument, on which duty is chargeable on the market value of the property as set forth in such instrument, is less than even the minimum value determined in accordance with the rules made under this Act, the registering officer appointed under the Registration Act, 1908 shall, notwithstanding anything contained in the said Act, immediately after presentation of such instrument and before accepting it for registration and taking any action under section 52 of the said Act, require the person liable to pay stamp duty under section 29, to pay the deficit stamp duty as computed on the basis of the minimum value determined in accordance with the said rules and return the instruments for presenting again in accordance with section 23 of the Registration Act, 1908;

(b) When the deficit stamp duty required to be paid under clause (a), is paid in respect of any instrument and the instrument is presented again for registration, the registering officer shall certify by endorsement thereon, that the deficit stamp duty has been paid in respect thereof and the name and the residence of the person paying them and register the same;

(c) Notwithstanding anything contained in any other provisions of this Act, the deficit stamp duty may be paid under clause (a) in the form of impressed stamps containing such declaration as may be prescribed;

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(d) If any person does not make the payment of the deficit stamp duty after receiving the order referred to in clause (a) and presents the instrument again for registration, the registering officer shall, before registering the instrument, refer the same to the Collector, for determination of the market value of the property and the proper duty payable thereon.”

(b) in sub-section(3) of section 47-A the following explanation shall be inserted, namely:-

“ **Explanation** – The payment of deficit stamp duty by any person under any order of registering officer under sub-section(1) shall not prevent the Collector from initiating proceedings on any instrument under sub section (3).”

(c) after sub-section(4), the following sub-section shall be inserted namely:-

“(4-A) The Collector shall also require along with the deficit stamp duty or penalty required to be paid under clause (ii) of sub-section(4), the payment of a simple interest at the rate of one and a half per cent per mensem on the amount of deficit stamp duty calculated from the date of the execution of the instrument till the date of actual payment;

Provided that the amount of interest under this sub-Section shall be recalculated if the amount of deficit stamp duty is varied on appeal or revision or by any order of a competent court or authority.

(4-B) The amount of interest payable under sub section(4-A) shall be added to the amount due and be also deemed for all purposes to be part of the amount required to be paid.

(4-C) Where realization of the deficit stamp duty remained stayed by any order of any court or authority and such order of stay is subsequently vacated, the interest referred to in sub-section(4-A) shall be payable also for any period during which such order of stay remained in operation.

(4-D) Any amount paid or deposited by or recovered from, or refundable to, a person under the provision

of this Act, shall first be adjusted towards the deficit stamp duty or penalty outstanding against him and the excess if any, shall then be adjusted towards the interest, if any, due from him.”

**Amendment of
Section 56**

9. In section 56 of the Principal Act, after sub-section (1) the following sub-section shall be inserted, namely:-

“(1-A) Notwithstanding anything contained in any other provisions of this Act, any person including the Government aggrieved by any order of the Collector under chapter – IV , chapter-V or under clause (a) of the first proviso to section 26 may, within 60 days from the date receipt of such order, prefer an appeal against such order to the Chairman, Board of Revenue 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.

Provided that no application for stay of recovery of any disputed amount of stamp duty including interest thereon or penalty shall be entertained unless the applicant has furnished satisfactory proof of the payment of not less than one third of such disputed amount.

Provided further that where the Chairman, Board of Revenue passes an order for the stay of recovery of any stamp duty, interest thereon or penalty or for the stay of the operation of any order appealed against and such order results in the stay of recovery of any stamp duty, interest thereon or penalty, such stay order shall not remain in force for more than 30 days unless the appellant furnishes adequate security to the satisfaction of the Collector concern for the payment of the outstanding amount.”

Amendment of Section 62

10.

In sub-section (1) of section 62 of the Principal Act for the words, 'shall for every such offence, be punishable with fine which may extend to five hundred rupees'. shall be substituted as follows, namely:-

“shall for every such offence, be punishable with fine which may extend to five thousand rupees”.

By Order,

JAI DEO SINGH,
Principal Secretary.