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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso for rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT COURT-FEES (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 11 OF 2015.

A BILL

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Court-fees (Amendment) Act, 2015.

Short title and commencement.

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

Guj. 4 of 2004.

2. In the Gujarat Court-fees Act, 2004 (hereinafter referred to as "the principal Act"), in section 2, after clause (b), the following clause shall be inserted, namely :-

Amendment of section 2 of Guj. 4 of 2004.

“(bb) “e-payment” means payment or refund of court-fees under this Act by electronic mode or a system devised for that purpose, in the manner as may be prescribed.”.

Amendment of
section 16 of
Guj. 4 of 2004.

3. In the principal Act, the existing section 16 shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 17 of
Guj. 4 of 2004.

4. In the principal Act, the existing section 17 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 21 of
Guj. 4 of 2004.

5. In the principal Act, in section 21, after the words “or repay the same in money,” the words “which may also be made by e-payment” shall be inserted.

Amendment of
section 37 of
Guj. 4 of 2004.

6. In the principal Act, in section 37, -

- (i) in sub-section (1), after the words “shall be collected by stamps”, the words “or by e-payment” shall be inserted;
- (ii) in the marginal note, the words “by stamp” shall be deleted.

Substitution of
section 38 of
Guj. 4 of 2004.

7. In the principal Act, for section 38, the following section shall be substituted, namely :-

Stamps to be
impressed or
adhesive.

“38. In case where the payment of court-fees is made by stamps, the stamps so used shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.”.

Amendment of
section 39 of
Guj. 4 of 2004.

8. In the principal Act, in section 39, -

- (i) in clause (c), the word “and” shall be deleted;
- (ii) in clause (d), the word “and” shall be added at the end;
- (iii) after clause (d), the following clause shall be inserted, namely :-

“(e) the manner of payment of court-fees and refund thereof by e-payment.”.

9. In the principal Act, to section 42, the following proviso shall be inserted, namely :-

**Amendment of
section 42 of
Guj. 4 of 2004.**

“Provided that where court-fees is paid by e-payment, the officer competent to cancel the stamps shall verify the genuineness of the payment and after satisfying himself that the court-fees is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fees is paid and the entry is locked.”.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Gujarat Court-Fees Act, 2004 (Guj. 4 of 2004), all fees chargeable are collected by impressed or adhesive stamps. In the recent time, there has been huge spurt in litigation and, therefore, the demand of court-fees stamps is increasing day by day and as a result of which there have been instances of short supply of the court-fees stamps. To overcome this problem, it is proposed to make the provisions in the said Act to the effect that the court-fees can also be paid by way of e-payment alongwith existing method of payment of court-fees by way of the impressed or adhesive stamp and for that purpose the relevant provisions of the Act are proposed to be amended suitably. It is also proposed to amend certain provisions of the Act for refund of the court-fees by way of e-payment.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.- New clause (bb) proposed to be inserted in section 2 by this clause empowers the State Government to prescribe by rules, the manner of e-payment and refund of the court-fees.

Clause 7.- Section 38 proposed to be substituted by this clause empowers the State Government to direct by notification in the *Official Gazette*, that how stamps shall be impressed or adhesive or partly impressed or partly adhesive, in case where the payment of court-fees is made by stamps.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 16th March, 2015.

PRADEEPSINH JADEJA.

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

Gandhinagar,
Dated the 16th March, 2015

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.