



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक ६६

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Court-fees (Amendment) Ordinance, 2011 (Mah. Ord. XVI of 2011), is hereby published under the authority of the Governor

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Bombay Court-fees (Amendment) Ordinance, 2011 (Mah. Ord. XVI of 2011) published under the authority of the Governor]

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 8th June 2011.

MAHARASHTRA ORDINANCE No. XVI OF 2011.

AN ORDINANCE

further to amend the Bombay Court-fees Act, 1959.

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Court-fees Act, 1959, for the purposes hereinafter appearing ;

Bom.
XXXVI
of
1959.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title and commencement. 1. (1) This Ordinance may be called the Bombay Court-fees (Amendment) Ordinance, 2011.
- (2) It shall come into force at once.
- Amendment of section 15 of Bom. XXXVI of 1959. 2. In section 15 of the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act"), for the words "from the Collector" the words "from the Collector or by way of e-payment, in the manner as prescribed by rules" shall be substituted.
- Amendment of section 16 of Bom. XXXVI of 1959. 3. In section 16 of the principal Act, for the words "from the Collector" the words "from the Collector or by way of e-payment, in the manner as prescribed by rules" shall be substituted.
- Amendment of section 17 of Bom. XXXVI of 1959. 4. In section 17 of the principal Act, for the words "from the Collector" the words "from the Collector or by way of e-payment, in the manner as prescribed by rules" shall be substituted.
- Substitution of section 37 of Bom. XXXVI of 1959. 5. For section 37 of the principal Act, the following section shall be substituted, namely :—
- Collection of fees by stamps or e-payment. "37. All fees referred to in section 3 or chargeable under this Act shall be collected by stamps or e-payment."
- Amendment of section 39 of Bom. XXXVI of 1959. 6. In section 39 of the principal Act,—
- (1) in clause (c), the word "and" shall be deleted ;
- (2) after clause (d), the following clause shall be added, namely :—
- "(e) the manner of payment of Court-fee and refund thereof by e-payment."
- Amendment of section 42 of Bom. XXXVI of 1959. 7. To section 42 of the principal Act, the following proviso shall be added, namely :—
- "Provided that, where court-fee is paid by e-payment, the officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court-fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fee is paid and the entry is locked."

STATEMENT.

Under the existing provisions of the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), all fees chargeable are collected by way of impressed and adhesive stamps. Due to spurt in litigations, there is increase in demand of court-fee stamps. Sometimes it is difficult to cater the need of litigants and supply requisite court-fee stamps as per their demand. In the present system, court-fee is paid by physical court-fee stamp papers. However, there is no mechanism involved to check genuineness of these court-fee stamp papers. In the recent past, it is revealed that some people are indulging into systematic racket of preparing and circulating fake stamp papers resulting into huge loss of revenue. The Government considers it expedient to devise a system to overcome these problems. These problems can be resolved by use of advanced technology, such as introduction of a system providing for payment through e-payment or payment through Secured Bank and Treasury Receipt (SBTR) in addition to the prevailing system of payment of court-fees through court-fee stamps.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Court-fees Act, 1959, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 8th June 2011.

K. SANKARANARAYANAN,
Governor of Maharashtra.

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

VIJAY ACHLIYA,
Principal Secretary and
Remembrancer of Legal Affairs to Government.