



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५६]

सोमवार, जुलै २४, २०१७/श्रावण २, शके १९३९

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असाधारण क्रमांक १०६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 Maharashtra Stamp (Amendment) Bill, 2017 (L. A. Bill No. XXXVI of 2017), introduced in the Maharashtra Legislative Assembly on the 24th July 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,
Principal Secretary and R. L. A. to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVI OF 2017.

A BILL

further to amend the Maharashtra Stamp Act.

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

1. This Act may be called the Maharashtra Stamp (Amendment) Act, 2017. Short title.

LX of 1958. 2. In section 10D of the Maharashtra Stamp Act (hereinafter referred to as "the principal Act"),— Amendment of section 10D of LX of 1958.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“ (1) Notwithstanding anything contained in this Act, the State Government may, by notification in the *Official Gazette*, direct that any State Government Department, institution of local self-Government, semi Government organization, banking or non-banking financial institution or the body owned, controlled or substantially financed by the State Government or any class of them, shall ensure that the proper duty is paid to the State Government through Government Receipt Accounting System (G.R.A.S.) or by any other system of payment as may be notified by the State Government in this behalf, in respect of such instruments, as may be specified in the notification in which such Department or body, etc., is a party or which create a right in favour of such Department or body, etc., and of which registration is not compulsory :

Provided that, in case of instruments requiring stamp duty of less than rupees five hundred, the stamp duty may be paid to the State Government through any other mode of payment permissible under this Act and the provisions of sub-sections (2) and (3) shall not be applicable in case of such payment. ” ;

(b) in sub-section (2), after the words “defacing the challan” the words “electronically in the Government Receipt Accounting System (G.R.A.S.) or any other system of payment notified by the State Government in this behalf ” shall be inserted ;

(c) after sub-section (3), the following proviso shall be added, namely :—

“ Provided that, whenever the Stamp Duty has been paid through Government Receipt Accounting System (G.R.A.S.) by receipt of e-payment *i.e.* electronically Secured Bank and Treasury Receipt (e-SBTR), the provisions of sub-sections (2) and (3) shall not be applicable.”.

Amendment
of section
30A of LX of
1958.

3. In section 30A of the principal Act, in sub-section (1), after the words “ to collect it from the other party ” the words “, if the other party fails to pay the proper stamp duty ” shall be added.

STATEMENT OF OBJECTS AND REASONS.

With a view to streamlining the procedural aspects of the banks or financial institutions, as regards their responsibilities under sections 10D and 30A of the Maharashtra Stamp Act (LX of 1958), it is proposed to make certain necessary amendments to the said Act as described below :—

(a) Banking sector has resisted implementation of the existing section 10D of the said Act on the ground that it is practically difficult to follow the said provision in case of documents requiring less stamp duty and clarity is needed from the practical point of view. Therefore, in order to remove difficulties in implementation of the existing section 10D, suitable amendments are proposed in the said section 10D.

(b) The provisions of existing section 30A of the said Act cast liability of payment of stamp duty on the financial institutions alone. Where the other party to the instrument has paid the stamp duty, the question of liability on such financial institutions should not arise. Therefore, in order to bring clarity in implementation of the existing section 30A, suitable amendment is proposed in the said section 30A.

2. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 5th June 2017.

CHANDRAKANT (DADA) PATIL,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2(a).— Under this clause, by which section 10D of the Maharashtra Stamp Act is proposed to be amended, power is taken to the State Government to notify the other system of payment of stamp duty in respect of the instruments notified under said section 10D.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill proposes amendment of section 10D and 30A of the Maharashtra Stamp Act (LX of 1958). Although, the Bill requires the recommendation of the Governor of Maharashtra under clause (1) of article 207 of the Constitution of India, there is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै २४, २०१७/श्रावण २, शके १९३९

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

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

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of The Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the introduction of the Maharashtra Stamp (Amendment) Bill, 2017,