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L. A. BILL No. LII OF 2011.

A BILL

further to amend the Bombay Stamp Act, 1958

WHEREAS both Houses of the State Legislature were not in session;
AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take
immediate action further to amend the Bombay Stamp Act, 1958, for the
purposes hereinafter appearing, and, therefore, promulgated the
Bombay Stamp (Amendment) Ordinance, 2011, on the 28th November

Bom.
Act of
1958
Mah.
Ord 10
XXII
of
2011.

Enacted

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Bombay Stamp (Amendment) Act, 2011. 5
(2) It shall be deemed to have come into force on the 28th November 2011.

Amendment of section 2 of Bom. LX of 1958. 2. In section 2 of the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act."), in clause (k), after sub-clause (iv), the following sub-clause shall be added, namely:— 10 1958.

Amendment of section 10 of Bom. LX of 1958. 3. In section 10 of the principal Act, in sub-section (3),—

(a) in clause (iii), the word "or" shall be deleted;

(b) in clause (iv), for the words "pay order," the words "pay order; or" shall be substituted; 15

(c) after clause (iv), the following clause shall be added, namely:—

"(v) by e-payment,"

(d) after the words "General Stamp Office" the words, brackets and letters " or, as the case may be, Government Receipt Accounting System (G.R.A.S.) (Virtual Treasury)?" shall be inserted. 20

Amendment of section 69 of Bom. LX of 1958. 4. In section 69 of the principal Act, in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

"(ca) the manner of payment of stamp duty, and refund thereof, by e-payment,"

Repeal of Mah. Ord. XXII of 2011 and saving. 5. (1) The Bombay Stamp (Amendment) Ordinance, 2011, is hereby repealed. 25 Mah. Ord. XXII of 2011

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the corresponding provisions 30

STATEMENT OF OBJECTS AND REASONS

Section 10 of the Bombay Stamp Act, 1958 (Bom. LX of 1958), provided for payment of stamp duty by means of stamps and empowered the Chief Controlling Revenue Authority to specify the instruments on which the stamp duty shall be paid by means of franking machine, by way of cash, by demand draft, or by pay order, in any Government Treasury or Sub-Treasury or General Stamp Office. It is being observed that, there is continuous increase in the execution of documents requiring payment of stamp duty. With a view to promote efficient delivery of the Government services to the general public by means of reliable electronic records, it was considered expedient to amend the said Act, suitably; so as to provide for payment of stamp duty also by e-payment, which is a speedy, easier and safer mode of payment of stamp duty.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Stamp Act, 1958, for the purposes aforesaid, the Bombay Stamp (Amendment) Ordinance, 2011 (Mah. Ord. XXII of 2011), was promulgated by the Governor of Maharashtra on the 28th November 2011.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 4th December, 2011.

BALASAHEB THORAT,
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 3.—Under this clause, which seeks to amend section 10 of the Bombay Stamp Act, 1958, **under** sub-section (3) thereof, power is **taken** to the Chief Controlling Revenue Authority to specify, by notification in the *Official Gazette*, the instruments in Schedule I in respect of which the duties may also be paid by way of e-payment, in the Government **Receipt Accounting System (G.R.A.S.)** (Virtual Treasury).

Clause 4.—Under **this** clause; **which** seeks to amend section 69 of the **principal** Act, power is **taken** to the State **Government** to make **the rules** for providing the **manner** of payment, of **stamp** duty, add refund **thereof**, by e-payment.

2. The above-mentioned **proposals** for delegation of legislative power are of normal character.

FINANCIAL MEMORANDUM

The Bombay Stamp Act, 1958 (Bom. LX of 1958), is being amended to provide for e-payment as an additional mode of payment of stamp duty. Sections 2 and 10 of the said Act are being amended by clauses 2 and 3, respectively, of the Bill. Under sub-section (3) of section 10, power is taken to the Chief Controlling Revenue Authority to specify, by notification in the *Official Gazette*, the instruments in Schedule I in respect of which the duties may also be paid by way of e-payment in the Government Receipt Accounting System (G.R.A.S.) (Virtual Treasury). Section 69 is being amended by clause 4 of the Bill to take power to the State Government to make the rules for providing the manner of payment of stamp duty, and refund thereof, by e-payment. Thus, there is no provision in the Bill which would involve recurring or non-recurring expenditure from the Consolidated Fund of the State, on its enactment as an Act of the State Legislature.

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ANNEXURE TO LA BILL No. *LII* OF 2011 — THE BOMBAY STAMP ACT (AMENDMENT) BILL, 2011

(Extracts from the Bombay Stamp Act, 1958)

(**Bom. LX** of 1958)

1. to 9.	*	*	*	*	
10. (1) and (2)	*	*	*	*	Duties how to be paid

(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 1 in respect of which the duties chargeable, as specified in column 2. of the said Schedule shall be paid,-

(i) and (ii) . . . * . . .) * . . . *

(iii) by demand draft ; or

(iv) by pay order,

in any Government Treasury or Sub-Treasury or General Stamp Office, 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 for this purpose.

10A. to 73. * * * *

SCHEDULES. * * * *

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. LII OF 2011.]

**[A Bill further to amend the Bombay
Stamp Act, 1958.]**

**[SHRI BALASAHEB THORAT,
Minister for Revenue.]**

**DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.**

GOVERNMENT PRESS, NAGPUR.