

L. A. BILL No. I OF 2021.

A BILL

further to amend the Maharashtra Stamp Act.

(As Passed by the Legislative Assembly on the 3rd March 2021.)

**(As returned by the Legislative Council without any
recommendations on the 4th March 2021.)**

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 Maharashtra Stamp Act, for the
purposes hereinafter appearing ; and, therefore, promulgated the
Mah. Ord. I Maharashtra Stamp (Amendment and Validation) Ordinance, 2021 on the
9th February 2021 ;

LX of
1958.
Mah. Ord. I
of 2021.

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

1. (1) This Act may be called the Maharashtra Stamp (Amendment and Validation) Act, 2021.

(2) It shall be deemed to have come into force on the 9th February 2021.

2. For section 5 of the Maharashtra Stamp Act (hereinafter referred to as “the principal Act”), the following section shall be substituted and shall be deemed to have been substituted with effect from the 11th August 2015, namely :—

“5. Any instrument comprising or relating to several distinct matters or transactions shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters or transactions, would be chargeable under this Act.”.

3. In SCHEDULE I appended to the principal Act,—

(a) in article 6,—

(i) in clause (1), in sub-clause (b), in column (2), for the figures and words “0.2 per cent. of” the figures and words “0.3 per cent. of” shall be substituted ;

(ii) in clause (2), in sub-clause (b), in column (2), for the figures and words “0.2 per cent. of” the figures and words “0.3 per cent. of” shall be substituted;

(iii) after clause (2), the following clause shall be added, namely :—

“(3) The instrument falling under this article when executed as a collateral or auxiliary or additional security and where the proper duty has been paid on the Principal or Primary security under this article.	Five hundred rupees.”;
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(b) in article 40, for clause (b), the following clause shall be substituted, namely:—

“(b). when possession is not given or agreed to be given as aforesaid,—

(i) if the amount secured by such deed does not exceed rupees five lakhs,

0.1 per cent. of the amount secured by such deed, subject to minimum of one hundred rupees;

(ii) in any other cases,

0.3 per cent. of the amount secured by such deed, subject to maximum of ten lakh rupees;”.

Short title and commencement.

Substitution of section 5 of LX of 1958.

Instruments relating to several distinct matters or transactions.

Amendment of SCHEDULE I of LX of 1958.

LX of 1958.

Mah. of
2021.

4. (1) Notwithstanding anything contained in any judgement, decree Validation. or order of any court to the contrary or in the principal Act, stamp duty assessed, levied and collected, including any action taken in pursuance of such assessment, levy and collection by the authorities under the said Act, acting or purporting to act under the provisions of section 5 and articles 6 and 40 in the Schedule I to the principal Act shall be deemed to have been validly levied and collected in accordance with law as if the provisions of the said section 5 and articles 6 and 40, as amended by the Maharashtra Stamp (Amendment and Validation) Act, 2021 (hereinafter in this section referred to as "the Amendment Act") had been continuously in force at all material time and accordingly,—

(a) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the levy and collection of the stamp duty shall for all purposes, be deemed to have been done or taken in accordance with the provisions of the principal Act ;

(b) no suit or other proceedings shall be maintainable or continued in any court, against the said authorities for the refund of the stamp duty so levied and collected ;

(c) no court or any other authority shall enforce any decree or order directing the refund of the stamp duty so levied or collected.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act as amended by the Amendment Act, any assessment, reassessment, levy or collection of stamp duty referred to in sub-section (1), or

(b) from claiming refund of any stamp duty paid by him under the principal Act, in excess of the amount due from him by way of stamp duty under the principal Act, as amended by the Amendment Act.

Repeal of Mah.
Ord. I of 2021
and saving.

5. (1) The Maharashtra Stamp (Amendment and Validation) Ordinance, 2021, is hereby repealed.

Mah.
Ord. I of
2021.

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

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. I OF 2021.]

**[A Bill further to amend the Maharashtra
Stamp Act.]**

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

**[As Passed by the Legislative Assembly
on the 3rd March 2021.]**

**[As returned by the Legislative Council
without any recommendations on the
4th March 2021.]**

**RAJENDRA BHAGWAT,
Secretary,
Maharashtra Legislative Council.**