

**L. A. BILL No. XLV OF 2026.**

*A BILL*

*further to amend the Maharashtra Stamp Act.*

LX of 5 **WHEREAS** it is expedient further to amend the Maharashtra Stamp Act  
1958. for the purposes hereinafter appearing; it is hereby enacted in the Seventy-  
seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Stamp (Third Amendment) Short title.  
Act, 2026.

LX of 10 2. In section 48 of the Maharashtra Stamp Act, in clause (1), to the Amendment of  
1958. proviso, the following *Explanation* shall be added, namely :— section 48 of  
LX of 1958.

*“Explanation.—* The provisions of this proviso shall not be applicable to any other instruments including Development Agreement, chargeable with the same amount of stamp duty as is chargeable for agreement to sale. ”.

## STATEMENT OF OBJECTS AND REASONS

Proviso to clause (1) of section 48 of the Maharashtra Stamp Act (LX of 1958) provides that, where an agreement to sale is cancelled by a registered cancellation deed for whatsoever reasons before taking the possession of the property, within a period of five years from the date of its execution, then the application for refund under section 47 may be made within a period of one year from the date of registration of cancellation deed.

2. Instruments such as Development Agreements, Certificate of sale, agreement of leases etc. are also chargeable with the same amount of stamp duty as an agreement to sale as per various articles of Schedule I of the said Act. The applications for refunds of stamp duty paid are made to the Collector under the said proviso in respect of such instruments if they are cancelled, revoked, rescinded or terminated on the ground that the amount of stamp duty is same as agreement to sale. The intention of granting refund in case of agreement to sale under the said proviso is to give stamp duty relief to individual buyers where, even after execution and payment of stamp duty, possession of property is not taken and such agreement is duly cancelled.

3. The Government, therefore, in the interest of revenue, considers it expedient to clarify that, the provisions of proviso to clause (1) of section 48 of the said Act shall not be applicable to any other instruments including Development Agreement, chargeable with the same amount of stamp duty as is chargeable for agreement to sale by amending the said section, suitably.

4. The Bill seeks to achieve the above objectives.

CHANDRASHEKHAR BAWANKULE,  
Minister for Revenue.

Mumbai,

dated the 29th June, 2026.



ANNEXURE TO THE L.A. BILL No. XLV OF 2026-THE MAHARASHTRA  
STAMP (THIRD AMENDMENT) BILL, 2026.

(Extracts from the Maharashtra Stamp Act, 1958)

(Mah. LX of 1958)

1. to 46. \* \* \* \*

47. Subject to such rules as may be made by the State Government as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section 48, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely :—

Allowance for spoiled stamps.

(a) the stamp on any paper inadvertently and undersignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person;

(b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;

(c) the stamp used for an instrument executed by any party thereto which—

(1) has been afterwards found by the party to be absolutely void in law from the beginning;

(1A) has been afterwards found by the Court, to be absolutely void from the beginning under section 31 of the Specific Relief Act, 1963;

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended;

(3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed;

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended;

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose;

(6) becomes useless in consequence of the transaction intended to be thereby effected by some other instrument between the same parties and bearing a stamp of not less value;

(7) is deficient in value and the transaction intended to be thereby effected had been effected by some other instrument between the same parties and bearing a stamp of not less value;

(8) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped :

Provided that, in the case of an executed instrument, except that falling under sub-clause (1A), no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up

to be cancelled or has been already given up to the Court to be cancelled.

*Explanation.*— The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of the section.

Application for relief order under section 47 when to made.

**48.** The application for relief under section 47 shall be made within the following period, that is to say,—

(1) in the cases mentioned in clause (c) (5), within one year of the date of the instrument:

Provided that, where an agreement to sale of immovable property on which stamp duty is paid under Article 25 of the SCHEDULE I, is registered under the provisions of the Registration Act, 1908 and thereafter such agreement is cancelled by a registered cancellation deed for whatsoever reasons before taking the possession of the property which is the subject matter of such agreement, within a period of five years from the date of execution of the agreement to sale, then the application for relief may be made within a period of one year from the date of registration of cancellation deed.

(2) and (3) \* \* \* \*

**49. to 76.** \* \* \* \*

SCHEDULES.



**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[L. A. BILL No. XLV OF 2026.]**

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

[SHRI CHANDRASHEKHAR BAWANKULE,  
Minister for Revenue.]

JITENDRA BHOLE,  
Secretary-1,  
Maharashtra Legislative Assembly.