THE MAHARASHTRA STAMP ACT

[*Text as on 8th April 2025*]

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2 Maharashtra Ordinance No. 2 of 1990 was repealed by Mah. 9 of 1990, s. 4(*1*).

3 Maharashtra Ordinance No. 5 of 1994 was repealed by Mah. 20 of 1994, s. 4.

4 Maharashtra Ordinance No. 8 of 1995 was repealed by Mah. 12 of 1995, s. 15.

5 Maharashtra Ordinance No. 12 of 1995 was repealed by Mah. 9 of 1997, s. 48.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

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40. Amended by Mah. 24 of 2012 (22-8-2012)

1 Section 9 of Mah. 30 of 1997 reads as under :—

"9. Validation of duty levied and collected.— (*1*) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary or in the Stamp 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 article 25 in the Schedule I to the Stamp Act shall be deemed to have been validly levied and collected in accordance with law as if the provisions of the said article 25, as amended by the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 1997 (Mah. XXX of 1997), 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 Stamp Act in connection with the levy and collection of the stamp duty shall for all purpose, be deemed to have been done or taken in accordance with the provisions of the said 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 doubt, 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 Stamp Act as amended by this Amendment Act, any assessment, re-assessment, levy or collection of stamp duty referred to in sub-section (*1*), or

(*b*) from claiming refund to any stamp duty paid by him under the Stamp Act, in excess of the amount due from him by way of stamp duty under the said Act, as amended by this Amendment Act."

2 Maharashtra Ordinance No. 6 of 1998 was repealed by Mah. 21 of 1998, s. 30.

3 Maharashtra Ordinance No. 1 of 2003 was repealed by Mah. X of 2003, s. 4.

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5 Maharashtra Ordinance No. 2 of 2005 was repealed by Mah. XXXII of 2005, s. 6.

(Extra.), dated 2nd May 2006, p. 667.

7 This Act come into force *w.e.f.* 5th June 2008 *vide*, G.N., R & F.D., No. Mudrank 2007/2797/CR.434/M-1, dated 31st May 2008.

8 Maharashtra Ordinance No. XXII of 2011 was repealed by Mah. 41 of 2011, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

41. Amended by Mah. 8 of 2013 [1](1-5-2013)

42. Amended by Mah. 27 of 2014 (1-7-2014)

43. Amended by Mah. 20 of 2015 (24-4-2015)

44. Amended by Mah. 8 of 2016 (29-4-2016)

45. Amended by Mah. 47 of 2017 (19-8-2017)

46. Amended by Mah. 59 of 2017 (7-9-2017)

47. Amended by Mah. 5 of 2018[2, 3] (15-12-2016)

48. Amended by Mah. 21 of 2019[4, 5] (13-2-2019)

49. Amended by Mah. 3 of 2021[6] (9-2-2021)

50. Amended by Mah. 7 of 2022 (20-10-2022)

1 Mah. Act 8 of 2013 came into force with effect from 1st May 2013 *vide* G.N., F.D., No. VAT 15B/C. R. 57/ Taxation-1, dated the 25th April 2013.

2 Maharashtra Ordinance No. 26 of 2017 was repealed Mah. V of 2018, s. 5.

3 Section 4 of Mah. V of 2018 read as under :—

4. Validation.— (*1*) Notwithstanding anything contained in any judgement, decree 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 article 25 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 article 25, as amended by the Maharashtra Stamp (Amendment and Validation) Act, 2017 (Mah. V of 2018) (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 said 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 doubt, 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.

4 Maharashtra Ordinance No. 7 of 2019 was repealed Mah. XXI of 2019, s. 5.

5 Section 4 of Mah. 21 of 2019 read as under :—

4. Validation.— (*1*) Notwithstanding anything contained in any judgment, decree or order of any court to the contrary or in the principal Act, reduction or remission in the duties or penalty or both, granted under clause (*a*) of section 9 of the principal Act including any action taken in pursuance of such reduction or remission by the authorities under the said Act, acting or purporting to act under the provisions of the principal Act, shall be deemed to have been validly granted in accordance with law as if the provisions of clause (*a*) of Section 9 of the principal Act as amended by the Maharashtra Stamp (Amendment and Validation) (Continuance) Act, 2019 (Mah. XXI of 2019) (hereinafter in this section referred to as "the Amendment Act") had been continuously in force at all material times and accordingly,—

(*a*) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the reduction or remission of the duty or penalty or both 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 continue in any court, against the said authorities for the remission or reduction granted in respect of the duties or penalty or both.

(*2*) for the removal of doubt, 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, re-assessment, levy or collection of stamp duty or penalty or both, referred to in sub-section (*1*) of this section; or

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

6 Maharashtra Ordinance No. 1 of 2021 was repealed Mah. III of 2021, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

51. Amended by Mah. 8 of 2022[1] (5-8-2016)

52. Amended by Mah. 32 of 2022 (7-4-2022)

53. Amended by Mah. 32 of 2024 (31-7-2024)

54. Amended by Mah. 9 of 2025[2] (14-10-2024)

55. Amended by Mah. 20 of 2025 (1-4-2025)

1 Section 4 of Mah. 8 of 2022 reads as under :—

4. Validation.— (*1*) Notwithstanding anything contained in any judgment, decree 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 article 25 in Schedule I of the principal Act, shall be deemed to have validly levied and collected in accordance with law as if the provisions of the said article 25, as amended by the Maharashtra Stamp (Second Amendment and Validation) Act, 2021 (Mah. VIII of 2022) (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 nder the principal Act in connection with

the levy and collection of the stamp duty shall for all purpose, 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 form him by way of stamp duty under the principal Act, as amended by the Amendment Act.

2 Maharashtra Ordinance No. 12 of 2024 was repealed Mah. IX of 2025, s. 3.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

BOMBAY ACT No. LX OF 1958[1]

[THE MAHARASHTRA STAMP ACT.]

[This Act received the assent of the President on 4th June 1958; and assent was first published, in the *Bombay Government Gazette*, Part IV, on the 11th June 1958.]

An Act to consolidate and amend the law relating to stamps and stamp duties in the State of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to stamps and rates of stamp duties other than those in respect of document specified in entry 91 of List I in the Seventh Schedule to the Constitution of India in the State of Bombay; It is hereby enacted in the Ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the [2][the Maharashtra Stamp Act].

(*2*) It extends to the whole of the [3][State of Maharashtra].

(*3*) It shall come into force on such date[4] as the State Government may, by notification in the *Official Gazette*, direct.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

[5][(*aa*) "Additional Controller of Stamps, Mumbai" means the officer or officers so designated by the State Government and includes any other officer whom the State Government may, by notification in the *Official Gazette*,appoint in this behalf;]

(*a*) "association" means any association, exchange, organisation or body of individuals, whether incorporated or not, established for the purpose of regulating and controlling business of the sale or purchase of, or other transaction relating to, any goods or marketable securities;

[6][(*b*) "banker" means an association, a company or a person who accepts, for the purpose of lending or investment, deposits of money from the public, repayable on demand or otherwise and withdrawable by cheque, draft, order or otherwise;]

(*c*) "bond" includes,—

(*i*) any instrument whereby a person obliges himself to pay money to another, on condition that obligation shall be void if a specified act is performed, or is not performed, as the case may be;

(*ii*)any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(*iii*)any instrument so attested whereby a person, obliges himself to deliver grain or other agricultural produce to another;

7[*Explanation.*— Notwithstanding anything contained in any law for the time being in force, for the purposes of this clause, "attested", in relation to an instrument, means attested by one or more witnesses each of whom has seen the executant sign or affix his mark to the

2 The short title was amended for "the Bombay Stamp Act, 1958" by Mah. 24 of 2012, Sch. Entry 67, *w.e.f.* 1st May 1960. 3 These words were substituted for the words "State of Bombay" by the Maharashtra Adaption of Laws (State and Concurrent Subjects) Order, 1960.

4 This Act came into force *w.e.f.* 16th February 1959, *vide* G.N., R.D., No. STP. 1507 IR, dated 4-2-1959, B.G.G., Part IV-B, p. 191.

5 Clause (*aa*) was inserted by Mah. 20 of 2015, s. 2.

6 Clause (*b*) was substituted for the original by Mah. 27 of 1985, s. 2(*a*).

7 This *Explanation* was added Mah. 27 of 1985, s. 2(*b*).

instrument, or has seen some other person sign the instrument in the presence and by the direction of the executant, or has received from the executant a personal acknowledgment of his signature or mark or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant; but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary;]

(*d*) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act and as applied to any other instruments, chargeable under the law in force in the State when such instrument was executed or, where several persons executed the instrument at different times, first executed;

1[(*dd*) "Chief Controlling Revenue Authority" means such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf for the whole or any part of the 2[State of Maharashtra];]

(*e*) "clearance list" means a list of transactions relating to contracts required to be submitted to the clearing house of an association in accordance with the rules or bye-laws of the association:

Provided that no instrument shall, for the purposes of this Act, be deemed to be a clearance list unless it contains the following declaration signed by the person dealing in such transaction or on his behalf by properly constituted attorney, namely :—

"I/We hereby solemnly declare that the above list contains a complete and true statement of my/our transaction 3[including crossed out transactions and transactions required to be submitted to the clearing house in accordance with the rules/bye-laws of the association]. I/We further declare that no transaction for which an exemption is claimed under Article 5 or Article 43 in Schedule I to 4the Bombay Stamp Act, 1958 (Bom. LX of 1958), as the case may be, is omitted."

Explanation.— Transaction for the purpose for this clause shall include both sale and purchase;

(*f*)"Collector" means 5* * * * * the Chief Officer in charge of the revenue administration of a district, and includes any officer whom the State Government may, by notification in the *OfficialGazette*, appoint in this behalf; 6[and on whom any or all the powers of the Collector under this Act are conferred by the same notification or any other like notification;]

7[(*g*) "Conveyance" includes,—

(*i*) a conveyance on sale,

(*ii*) every instrument, 8***

(*iii*) every decree or final order of any Civil Court,

9[(*iv*) every order made by the High Court under section 394 of the Companies Act, 1956 (1 of 1956) or every order made by the National Company Law Tribunal under sections 230 to 234 of the Companies Act, 2013 (18 of 2013) or every confirmation issued by the Central Government under sub-section (*3*) of section 233 of the Companies Act, 2013 (18 of 2013), in respect of the amalgamation, merger, demerger, arrangement or

1 Clause (*dd*) was inserted by Bom. 95 of 1958, s. 2.

2 These words were substituted for the words "State of Bombay" by the Maharashtra Adaption of Laws (State and Concurrent Subjects) Order, 1960.

3 This portion was substituted for the portion beginning with the words "and that it" and ending with the words "of the association" by Mah. 10 of 1965, s. 2.

4 The short title was amended for "the Bombay Stamp Act, 1958" by Mah. 24 of 2012, Sch. entry 67 *w.e.f.* 1st May 1960.

5 The words "in Greater Bombay the Collector of Bombay and elsewhere" were deleted by Mah. 9 of 1988, s. 32(*a*). 6 These words were added by Mah. 9 of 1988, s. 32(*b*).

7 Clause (*g*) was substituted for the original by Mah. 27 of 1985, s. 2(*c*).

8 The word "and" was deleted by Mah. 17 of 1993, s. 28 (*a*)(*i*).

9 Sub-clause (*iv*) was substituted by Mah. 5 of 2018, s. 2.

reconstruction of companies (including subsidiaries of parent company); and every order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 (10 of 1949) in respect of amalgamation or reconstruction of Banking Companies 1[and every order made by the Board for Industrial and Financial Reconstruction under section 18 or 19 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), in respect of sanction of Scheme specified therein or every order made by the National Company Law Tribunal under section 31 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), in respect of approval of resolution plan;]

by which property, whether moveable or immoveable, or any estate or interest in any property is transferred to, or vested in, any other person, *intervivos* and which is not otherwise specifically provided for by Schedule I;

Explanation.— An instrument whereby a co-owner of any property transfers his interest to another co-owner of the property and which is not an instrument of partition, shall, for the purposes of this clause, be deemed to be an instrument by which property is transferred *inter vivos*;]

2[(*ga*) "Deputy Inspector General of Registration and Deputy Controller of Stamps" means the officer or officers 3[so designated by the State Government may, by notification in the *Official Gazette*, appoint in this behalf;]

(*h*) "duly stamped" as applied to an instrument means that the instrument bears and adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in the state;

(*i*)"executed" and "execution" used with reference to instruments, mean "signed" and "signature";

4[*Explanation*.— The terms "signed" and "signature" also include attribution of electronic record as per section 11 of the Information Technology Act, 2000 (21 of 2000);]

(*j*) "Government securities" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944);

5[(*ja*) "immoveable property" includes land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;]

(*k*) "impressed stamp" includes,—

(*i*) labels affixed and impressed by the proper officer;

(*ii*) stamps embossed or engraved on stamped paper;

6[(*iii*)impression by franking machine;

[7][(*v*) receipt of e-payment;]

(*l*)"instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded, but does not include a bill of exchange, cheque, promissory note, bill of lading, letter of credit, policy of insurance, transfer of share, debenture, proxy and receipt;

1 This portion was inserted by Mah. 8 of 2022, s. 2.

2 Clause (*ga*) was inserted by Mah. 13 of 2004, s. 2.

3 These words were substituted for the original by Mah. 12 of 2006, s. 2. 4 The *Explanation* was added by Mah. 32 of 2005, s. 2(*1*).

5 Clause (*ja*) was inserted by Mah. 27 of 1985, s. 2(*d*).

6 Sub-clauses (*iii*) and (*iv*) were added by Mah. 20 of 1994, s. 2.

7 Sub-clause (*v*) was added by Mah. 41 of 2011, s. 2.

[1][*Explanation*.— The term "document" also includes any electronic record as defined in clause (*t*) of sub-section (*1*) of section *2* of the Information Technology Act, 2000 (21 of 2000);]

[2][(*la*) "instrument of gift" includes, where the gift is of any moveable [3][or immoveable] property but has not been made in writing, any instrument recording whether by way of declaration or otherwise the making or acceptance of such oral gift;]

(*m*)"instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty and includes,—

(*i*) a final order for effecting a partition passed by any revenue authority or any civil court,

(*ii*) an award by an arbitrator directing a partition, and

(*iii*) when any partition is effected without executing any such instrument, any instrument or instruments signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;

(*n*) "lease" means a lease of immovable property, [4][or moveable (or both)] and includes also,—

(*i*) a Patta;

(*ii*) a Kabulayat, or other undertaking in writing, not being a counterpart of a lease to cultivate, occupy or pay or deliver rent for immovable property;

(*iii*) any instrument by which tolls of any description are let;

(*iv*) any writing on an application for a lease intended to signify that the application is granted;

[5][(*v*)a decree or final order of any Civil Court in respect of lease:

Provided that, where subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument;]

[6][(*na*) "market value" in relation to any property which is the subject matter of an instrument, means the price which such property would have fetched if sold in open market on the date of execution of such instrument] [7][or the consideration stated in the instrument, whichever is higher];

(*o*) "marketable security" means a security of such description as to be capable of being sold in any stock market in India, [8]* * *;

(*p*) "mortgage deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of an engagement, one person transfers or creates to, or in favour of, another, a right over or in respect of specified property;

[9][(*pa*) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees and property of every moveable property, by which

1 This *Explanation* was added by Mah. 32 of 2005, s. 2(*2*).

2 Clause (*la*) was inserted by Mah. 31 of 1962, s. 2.

3 These words were inserted by Mah. 13 of 1974, s. 2.

4 These words were inserted by Mah. 17 of 1993, s. 28(*b*)(*i*).

5 Sub-clause (*v*) was inserted by Mah. 17 of 1993, s. 28(*b*)(*ii*).

6 Clause (*na*) was inserted by Mah. 16 of 1979, s. 2.

7 This portion was added by Mah. 27 of 1985, s. 2(*e*).

8 The words "or in the United Kingdom" were deleted by Mah. 27 of 1985, s. 2(*f*). 9 Clause (*pa*) was inserted by Mah. 17 of 1993, s. 28(*c*).

any right or liability is or is purported to be created, transferred, limited, extended, extinguished or recorded;]

(*q*) "paper" includes vellum, parchment or any other material on which an instrument may be written;

(*r*) "power of attorney" includes any instrument (not chargeable with a fee under the law relating to court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it 1[and includes an instrument by which a person, not being a person who is a legal practitioner, is authorised to appear on behalf of any party in any proceeding before any court, Tribunal or authority];

2[(*ra*) "public officer" means a public officer as defined in clause (*17*) of section 2 of the Code of Civil Procedure, 1908 (V of 1908);]

(*s*) "Schedule" means a Schedule appended to this Act;

(*t*) "settlement" means any non-testamentary disposition in writing of movable or immovable property made,—

(*i*) in consideration of marriage,

(*ii*) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependant on him, or

(*iii*) for any religious or charitable purpose, and

includes an agreement in writing to make such a disposition and where any such disposition has not been made in writing, any instrument recording whether by way of declaration of trust or otherwise, the terms of any such disposition;

(*u*) "soldier" includes any person below the rank of a non-commissioned officer who is enrolled under the Army Act, 1950 (XLVI of 1950).

CHAPTER II

STAMPS DUTIES

(*A*) *Of the Liability of Instruments to Duty.*

3. Instruments chargeable with duty.— Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in Schedule I as the proper duty therefor respectively, that is to say—

(*a*) every instrument mentioned in Schedule I, which, not having been previously executed by any person, is executed in the State on or after the date of commencement of this Act;

(*b*) every instrument mentioned in Schedule I, which, not having been previously executed by any person, is executed out of the State on or after the said date, relates to any property situate, or to any matter or thing done or to be done in this State and is received in this State:

3[Provided that a copy or extract, whether certified to be a true copy or not and whether a facsimile image or otherwise of the original instrument on which stamp duty is chargeable under the

provisions of this section, shall be chargeable with full stamp duty indicated in the Schedule I if the proper duty payable on such original instrument is not paid:]

4[Provided further that] no duty shall be chargeable in respect of—

(*1*) Any instrument executed by or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty

1 This portion was added by Mah. 27 of 1985, s. 2(*g*).

2 Clause (*ra*) was insertedby Mah. 27 of 1985, s. 2(*h*).

3 This proviso was inserted by Mah. 21 of 1998, s. 6(*a*).

4 These words were substituted for the words "provided that" by Mah. 21 of 1998, s. 6(*b*).

chargeable in respect of such instrument 1[or where the Government has undertaken to bear the expenses towards the payment of the duty.]

(*2*) Any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Bombay Coasting Vessels Act, 1838 (XIX of 1838), or 2[Merchant Shipping Act, 1958 (XLIV of 1958)].

4. Several instruments used in single transaction of 3[development agreement,] sale, 4[lease,] mortgage or settlement.— (*1*) Where, in the case of any 5[development agreement,] sale, 6[lease,] mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I for the conveyance, 7[development agreement,] 8[lease,] mortgage or settlement, and each of the other instruments shall be chargeable with a duty of 9[five hundred rupees] instead of the duty (if any) prescribed for it in that Schedule.

(*2*) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (*1*), be deemed to be the principal instrument.

10[(*3*) If the parties fail to determine the principal instrument between themselves, then the officer before whom the instrument is produced may, for the purposes of this section, determine the principal instrument:]

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

11**[5. Instruments relating to several distinct matters or transactions.—** 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.]

6. Instruments coming within several descriptions in Schedule I.— Subjects to the provisions of section 5, an instrument so framed as to come within two or more of the descriptions in Schedule I shall, where the duties chargeable thereunder are different, be chargeable only with the highest or such duties:

Provided that nothing in this Act contained shall render chargeable with duty exceeding 12[one hundred rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

7. Payment of higher duty in respect of certain instruments.— (*1*) Notwithstanding anything contained in section 4 or 6 or in any other enactment, unless it is proved that the duty chargeable under this Act has been paid,—

(*a*) on the principal or original instrument, as the case may be, or

(*b*) in accordance with the provisions of this section,

1 These words were added by Mah. 27 of 1985, s. 3(*a*).

2 These words and figures were substituted for the words and figures "Indian Registration of Ships Act, 1841" by Mah. 27 of 1985, s. 3(*b*).

3 These words were inserted by Mah. 32 of 20

4 These words were inserted by Mah. 20 of 2015, s. 3(*b*).
5 These words were inserted by Mah. 32 of 2005, s. 3(*1*).
6 These words were inserted by Mah. 20 of 2015, s. 3(*a*).
7 These words were inserted by Mah. 32 of 2005, s. 3(*1*).
8 These words were inserted by Mah. 20 of 2015, s. 3(*a*).
9 These words were substituted for the words "one hundred rupees" by Mah. 20 of 2025, s. 2.
10 Sub-section (*3*) was inserted by Mah. 27 of 1985, s. 4(*b*).
11 This section shall be deemed to have been substituted *w.e.f.* 11th August 2015 by Mah. 3 of 2021, s. 2.
12 These words were substituted for the words "ten rupees" by Mah. 5 of 2010, s. 2.

the duty chargeable on an instrument of sale, mortgage or settlement, other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in this State have been chargeable under this Act with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19.

(*2*) Notwithstanding anything contained in any enactment for the time being in force, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence unless the duty chargeable under this section has been paid thereof:

Provided that any Court before which any such instrument, duplicate or copy is produced may permit the duty chargeable under this section to be paid thereon and may then receive it in evidence.

1[(*3*) The provisions of this Act and the rules made thereunder, in so far as they relate to the recovery of duties chargeable on instruments under section 3 shall, so far as may be, apply to the recovery of duties chargeable on a counterpart, duplicate or a copy of an instrument under sub-section (*1*).]

8. Bonds or securities other than debentures issued on loans under Act IX of 1914 or other law.— (*1*) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loans Act, 1914 (IX of 1914) or of any other law for the time being in force, by the issue of bonds or securities other than debentures shall, in respect of such loan, be chargeable with duty of 2[two per centum] on the total amount of such bonds or securities issued by it, and such bonds or securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

(*2*) The provisions of sub-section (*1*) exempting certain bonds or securities from being stamped and from being chargeable with certain further duty shall apply to the bonds or securities other than debentures of all outstanding loans of the kind mentioned therein, and all such bonds or securities shall be valid, whether the same are stamped or not.

(*3*) In the case of wilful neglect to pay the duty required by this section the local authority shall be liable to forfeit to the State Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which such neglect continues.

9. Power to reduce, remit or compound duties.— The State Government 3[, if satisfied that it is necessary to do so in the public interest] may, by rule or order published in the *Official Gazette*,—

(*a*) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the State the 4[duties or penalty, if any, or both] with which any instruments or any particular class of instruments or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and

(*b*) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of bonds or marketable securities other than debentures.

(*B*) *Of Stamps and the mode of using them.*

10. Duties how to be paid.— (*1*) Except as otherwise expressly provided in this Act, all duties with which any instrument are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps,—

(*a*) according to the provisions herein contained; or

(*b*) when no such provision is applicable thereto, as the State Government may, by rules, direct.

1 Sub-section (*3*) was added by Mah. 17 of 1993, s. 29.

2 These words were substituted for the words "one and half per centum" by Mah. 17 of 1993, s. 30. 3 These words were inserted by Mah. 27 of 1985, s. 6.

4 These words were substituted for the word "duties" by Mah. 21 of 2019, s. 2, *w.e.f.* 1-04-1994.

(*2*) The rules made under sub-section (*1*) may, among other matters, regulate,—

(*a*) in the case of each kind of instrument, the description of stamps which may be used;

(*b*) in the case of instruments stamped with impressed stamps, the number of stamps which may be used.

1[(*2-1A*) From the date of coming into force of the Bombay Stamps (Amendment) Act, 2003 (Mah. X of 2003), in the case of instruments, stamped with impressed stamps, such stamps shall bear the stamp and signature with date, of the authorised officer of the Treasury, sub-Treasury or the General Stamp Office in the State, or of the proper officer appointed by the Chief Controlling Revenue Authority, Superintendent of Stamps or Collector of Stamps in the State:

Provided that, the Chief Controlling Revenue Authority may, by notification in the *Official Gazette*, from the specified date, do away with such requirement.]

2[(*2A*) The Chief Controlling Revenue Authority may, subject to such conditions as he may deem fit to impose, authorise use of franking machine or any other machine specified under sub-clause (*iv*) of clause (*k*) of section 2, for making impressions on instruments chargeable with duties to indicate payment of duties payable on such instruments.

(*2B*) (*a*) Where the Chief Controlling Revenue Authority or the Superintendent of Stamps, Bombay when authorised by the Chief Controlling Revenue Authority in this behalf, is satisfied that having regard to the extent of instruments executed and the duty chargeable thereon, it is necessary in public interest to authorise any person, body for organisation to such use of franking machine or any other machine, he may, by order in writing authorise such person, body or organisation;

(*b*) Every such authorisation shall be subject to such conditions, if any, as the Chief Controlling Revenue Authority may, by any general or special order, specify in this behalf.

(*2C*) The procedure to regulate the use of franking machine or any other machine as so authorised shall be such as the Chief Controlling Revenue Authority may, by order determine.]

3[(*3*) (*a*) Notwithstanding anything contained in sub-section (*1*), the Chief Controlling Revenue Authority shall by notification in the *Official Gazette*, specify the instruments in Schedule I in respect of which the duties chargeable, as specified in column (*2*) of the said Schedule shall be paid,—

(*i*) by means of franking machine; or

(*ii*) by e-payment, in Virtual Treasury through Government Receipt Accounting System (G.R.A.S.) or in any Bank Account specified in the *Official Gazette* by the said Authority in this behalf through any permissible net banking mode.

(*b*) Any duties paid by e-payment shall be indicated,—

(*i*) by an endorsement to that effect made on the instrument by the proper officer duly notified by the Chief Controlling Revenue Authority for this purpose; or

(*ii*) in case of consolidated payment for electronic record pertaining to such instruments by the certificate issued by such proper officer; or

(*iii*) by e-stamp certificate issued through electronic means and mode as may be prescribed by the Chief Controlling Revenue Authority.

(*c*) If the proper officer has not endorsed the instrument or has not issued the certificate or the e-stamp certificate has not been issued through the prescribed electronic means and mode, as the case may be, under clause (*b*), then the mere e-payment under clause (*a*) shall not be treated as duty paid for any of the purposes of the Act.

1 Sub section (*2-1A*) was inserted by Mah. 10 of 2003, s. 2(*a*).

2 Sub-sections (*2A*), (*2B*) and (*2C*) were inserted by Mah. 20 of 1994, s. 3(*1*). 3 Sub-section (*3*) was substituted by Mah. 20 of 2025, s. 3(*1*).

(*d*) The procedure to regulate the use of e-payment, endorsement or certification by proper officer and generation of e-stamp certificate shall be such as the Chief Controlling Revenue Authority may by an order determine.]

1[* * * * * *]

2[(*4*) An impression made under sub-sections (*2A*), (*2B*) and (*2C*) or, as the case may be, an endorsement made 3[, certificate issued or e-stamp certificate generated] under sub-section (*3*) 4[or, under sub-section (*2*) of section 32A] on any instrument, shall have the same effect as if the duty of an amount equal to the amount indicated in the impression or, as the case may be, stated in the endorsement 5[, certificate or e-stamp certificate] has been paid, in respect of, and such payment has been indicated on such instrument by means of stamps, under sub-section (*1*)].

6**[10A. Duties to be paid in cash, by demand draft or by pay order by Government controlled bodies, Insurance Companies and Banks.—** Notwithstanding anything contained in section 10, the State Government may, by notification in the *Official Gazette*, direct that, in case of the bodies owned or controlled by the State or Central Government, Insurance companies and Nationalised Banks, the duty may be paid by their Head Office or Regional Office or Zonal Office by way of cash, or by demand draft or by pay order, in any Government Treasury or Sub-Treasury or General Stamp Office, Mumbai and the proper officer, not below the rank of Branch Manager, so notified by the Chief Controlling Revenue Authority, shall make an endorsement on the instrument as follow:—

"Stamp duty of Rs. ……. Paid in cash/by demand draft/pay order, *vide* Receipt/Challan No. ……. dated the……".

Signature of proper Officer.]

7**[10B. Stock exchange, etc., to deduct stamp duty from trading member's account.—** Notwithstanding anything contained in this Act, in case of transactions through stock exchange or an association as defined in clause (*a*) of section 2 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the stock exchange or, as the case may be, an association, shall collect the due stamp duty by deducting the same from the trading member's account at the time of settlement of such transactions. The stamp duty so collected shall be transferred to the Government Treasury, Sub-Treasury or General Stamp Office in the manner specified by the Chief Controlling Revenue Authority.

Explanation.— For the purposes of this section, "stock exchange" means the stock exchange as defined in clause (*j*) of section 2 of the Securities Contract (Regulation) Act, 1956 (42 of 1956).]

8**[10C. Duties to be paid in cash, or by demand draft or by pay order by notary.—** Notwithstanding anything contained in section 10, in case of the notary appointed under the Notaries Act, 1952 (53 of 1952), for the whole or any part of the State of Maharashtra, the duty payable for performing the functions entrusted to him under any law for the time being in force, may be paid by him by way of cash, or by demand draft or by pay order, in any Government Treasury or Sub-Treasury or General Stamp Office, Mumbai and the notary shall make an endorsement on the instrument as follows, namely:—

Stamp duty of Rs. …… paid *in cash/by demand draft/by pay order, *vide* *Receipt/Challan No. ……., dated the ……., in *Government Treasury/Sub-Treasury Office at ……. /the General Stamp Office, Mumbai.

1 Sub-section (*3A*) was deleted by Mah. 20 of 2025, s. 3(*2*).

2 Sub-section (*4*) was substituted by Mah. 20 of 1994, s. 3(*2*).

3 These words and letter were inserted by Mah. 20 of 2025, s. 3(*3*)(*i*). 4 These words were inserted by Mah. 9 of 199

5 These words and letter were inserted by Mah. 20 of 2025, s. 3(*3*)(*ii*). 6 This section was inserted by Mah. 10 of 2003, s. 3.
7 This section was inserted by Mah. 32 of 2005, s. 4.
8 Section 10C was inserted by Mah. 5 of 2010, s. 3.

Seal of the notary. Signature of the notary with date.

*Strike out whatever is not applicable.]

1**[10D. Certain Departments, organisations, institutions, etc., to ensure payment of stamp duty.—** 2[(*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.]

(*2*) The Chief Controlling revenue Authority shall authorise a person nominated by such Department or body, etc. as mentioned in sub-section (*1*) as a proper officer for defacing the challan 3[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] and making the endorsement on such instruments.

4[(*3*) It shall be the duty of the proper officer so authorised under sub-section (*2*) to make an endorsement on the instruments after defacing the challan, as follows :—

"Stamp duty of Rs. …….. paid by e-Challan, *vide* GRN No. …..…… CIN…….., dated the……

Seal of the Office. Signature of the Officer."]

5[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) 6[or e-stamp certificate generated under sub-section (*3*)], the provisions of sub-section (*2*) and (*3*) shall not be applicable.]

11. Use of adhesive Stamps.— The following instruments may be stamped with adhesive stamp, namely :—

(*a*) 7[* * * * *]

8[(*b*) instrument mentioned at 9[articles 1,] 5(*a*) to (*g*), 17, 29, 37, 10[41], 42, 43, 59(*a*) and 62 in Schedule I].

12. Cancellation of adhesive stamps.— (*1*) (*a*) Whoever affixes any adhesive stamp to any Instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

1 Section 10D was inserted by Mah. 20 of 2015, s. 5.
2 Sub-section (*1*) was substituted by Mah. 47 of 2017, s. 2(*a*).
3 These words were inserted by Mah. 47 of 2017, s. 2(*b*).
4 Sub-section (*3*) was substituted by Mah. 20 of 2025, s. 4(*1*).
5 This proviso was added by Mah. 47 of 2017, s. 2(*c*).
6 These words, letter, brackets and figure were inserted by Mah. 20 of 2025, s. 4(*2*).
7 Clause (*a*) was deleted by Mah. 9 of 1988, s. 34(*a*).
8 Clause (*b*) was substituted for the original clauses (*b*) and (*c*) by Mah. 10 of 1965, s. 3.
9 This word and figure were substituted for the word and letters "article Nos." by Mah. 9 of 1988, s. 34(*b*).
10 These figures were substituted for the figure ah. 7 of 1985, s. 8.

(*b*) Whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in the manner aforesaid, cancel the same so that it cannot be used again.

(*2*) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(*3*) The person required by sub-section (*1*) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

[1]**[13. Instruments stamped with impressed stamps how to be written.—** Every instrument for which sheet of paper stamped with impressed stamp is used shall be written in such manner that the writing may appear on the face and, if required, on the reverse of such sheet so that it cannot be used for or applied to any other instrument.

Explanation I.— Where two or more sheets of papers stamped with impressed stamps are used to make up the amount of duty chargeable in respect of any instrument, either a portion of such instrument shall be written on each sheet so used, or the sheet on which no such portion is written shall be signed by the executant or one of the executants, with an endorsement indicating that the additional sheet is attached to the sheet on which the instrument is written.

Explanation II.— Where the sheet or sheets bearing impressed stamps is or are insufficient to admit of the entire instrument being written thereon, so much plain paper may be subjoined thereto as may be necessary for completing the writing of such instrument, provided a substantial part of the instrument is written on the sheet which bears the stamp before any part is written on the plain paper so subjoined; and such plain paper may or may not be signed by the executant but where it is not so signed it shall not render the instrument not duly stamped.].

14. Only one instrument to be on same stamp.— No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

[2]**[14A. Alterations in instruments how to be charged.—** Where due to material alterations made in an instrument by a party, with or without the consent of other parties, the character of the instrument is materially or substantially altered, then such instrument shall require a fresh stamp paper according to its altered character.]

15.Instrument written contrary to sections 13 [3]**[, 14 or 14A deemed not duly stamped].—** Every instrument written in contravention of section 13, [4][14 or 14A] shall be deemed to be [5][not duly stamped].

16. Denoting duty.— Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first mentioned instrument, by endorsement under the hand of the Collector in such other manner (if any) as the State Government may, by rules, prescribe.

1 Section 13 was substituted for the original by Mah. 27 of 1985, s. 9.

2 Section 14A was inserted by Mah. 27 of 1985, s. 10.

3 These figures, words and letters were substituted for the words and figures "or 14 deemed unstamped" by Mah. 27 of 1985, s.11(*c*).

4 These figures, words and letter were substituted for the words and figures "or section 14" by Mah. 27 of 1985, s. 11(*a*). 5 These words were substituted for the word "unstamped" by Mah. 27 of 1985, s. 11(*b*).

(*C*) *Of the time of stamping Instruments.*

17. Instruments executed in State.— All instruments chargeable with duty and executed by any person in this State shall be stamped before or at the time of execution [1][or immediately thereafter] [2][on the next working day following the day of execution]:

[3][Provided that the clearance list described in Article 19, 20, 21, 22 or 23 of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and bye-laws with the requisite amount of stamp duty, within two months from the date of its execution.]

18. Instruments executed out of State.— (*1*) Every instrument chargeable with duty executed only out of this State may be stamped within three months after it has been first received in this State.

(*2*)Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the State Government may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. Payment of duty on certain instruments [4][or copies thereof] liable to increased duty in [5][Maharashtra State].— Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in this State in executed out of the State and subsequently [6][such instrument or a copy of the instrument is] received in the State,—

(*a*) the amount of duty chargeable on such instrument [7][or a copy of the instrument] shall be the amount of duty chargeable under Schedule I on a document of the like description executed in this State less the amount of duty, if any already paid under any law in force in India excluding the State of Jammu and Kashmir on such instrument when it was executed;

(*b*) and in addition to the stamps, if any, already affixed thereto such instrument [8][or a copy of the instrument] shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (*a*) of this section in the same manner and at the same time and by the same persons as though such instrument [9][or a copy of the instrument] were an instrument received in this State for the first time at the time when it became chargeable with the higher duty, and

(*c*) the provisions contained in clause (*b*) of the proviso to sub-section (*3*) of section 32 shall apply to such instrument [10][or a copy of such instrument] as if such were an instrument executed or first executed out of this State and first received in this State when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (*a*) of the said proviso shall not apply thereto.

(*D*) *Of valuation for Duty.*

20. Conversion of amount expressed in foreign currencies.— (*1*) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of India, such duty shall be calculated on the value of such money in the currency of India according to the current date of exchange on the day of the date of the instrument.

1 These words were added by Mah. 27 of 1985, s. 12.

2 These words were added by Mah. 17 of 1993, s. 31.

3 This proviso was substituted for the original by Bom. 95 of 1958, s. 3.

4 These words were inserted by Mah. 17 of 1993, s. 32(*e*).

5 These words were substituted for the words "Bombay State" by the Maharashtra Adaption of Laws (State and Concurrent Subjects) Order, 1960.

6 These words were inserted by Mah. 17 of 1993, s. 32(*a*).

7 These words were inserted by Mah. 17 of 1993, s. 32(*b*).

8 These words were inserted by Mah. 17 of 1993, s. 32(*c*).

9 These words were inserted by Mah. 17 of 1993, s. 32(*c*).

10 These words were inserted by Mah. 17 of 1993, s. 32(*d*).

(*2*) The rate of exchange for the conversion of British or any foreign currency into the currency of India prescribed under sub-section (*2*) of section 20 of the Indian Stamp Act, 1899 (II of 1899), shall be deemed to be current rate for the purpose of sub-section (*1*).

21. Stock and marketable securities how to be valued.— Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

22. Effect of Statement of rate of exchange or average price.— Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. Instruments reserving interest.— Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that which it would have been chargeable had no mention of interest been made therein.

24. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.— (*1*) Where an instrument—

(*a*) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

(*b*) Makes redeemable or qualifies a duly stamped transfer intended as a security of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (*h*) of Schedule I.

(*2*) A release or discharge of any such instrument shall only be chargeable with the like duty.

[1]**[25. How transfer in consideration of debt or subject to future payments etc., to be charged.—** Where any property is transferred to any person—

(*a*) in consideration, wholly or in part, of any debt due to him; or

(*b*) subject either certainly or contingently to the payment or transfer (to him or any other person) of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock, shall be deemed to be the whole or part, as the case may be, of the consideration in respect where of the transfer is chargeable with *ad valorem* duty:

Provided that, nothing in this section shall apply to any such certificate of sale as is mentioned in Article 16 of Schedule I.

Explanation.— Where property is sold and sale is subject to a mortgage or other incumbrance, any unpaid mortgage-money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale, whether or not the purchaser expressly undertakes with the seller to pay the same or indemnify the seller if the seller has to pay the same:

Provided that, where any property subject to mortgage is transferred to the mortgage, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations.

1. A owes B Rs. 1,000. A sells a property to B, the consideration of the property being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp duty is payable on Rs. 1,500.

1 Section 25 was substituted for the original by Mah. 27 of 1985, s. 13.

2. A sells a property to B for Rs. 500. The property is subject to a mortgage to C for Rs. 1,000 and unpaid interest of Rs. 200. The sale is subject to the mortgage. Stamp duty is payable on Rs. 1,700.

3. A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp duty is payable on Rs. 10,000 less the amount of stamp duty already paid for the mortgage.]

26. Valuation in case of annuity, etc.— Where an instrument is executed to secure the payment of an annuity or other sum payable periodically or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be,—

(*a*) Where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained, such total amount;

(*b*) Where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance, the total amount which, according to the term of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(*c*) Where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance, the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment become due.

27. Stamp where value of subject matter is indeterminate.— Where the amount or value of the subject matter of any instrument chargeable with *ad valorem* duty cannot be, or in the case of an instrument executed before the commencement of this Act could not have been ascertained at the date of its execution or, first execution, nothing shall be claimable under such instrument more than the highest, amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, [1][have been sufficient, and the instrument shall be deemed to be insufficiently stamped as respects the excess amount and the provisions of section 34 shall according apply in relation to the admission of the instrument in evidence:

Provided that, for the purpose of application of section 34 to such an instrument, it shall be sufficient if the deficiency in the duty is paid, and thereupon no penalty shall be levied:]

[2][Provided further that] in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty,—

(*a*) When the lease has been granted by or on behalf of the Government at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(*b*) When the lease has been granted by any other person, at [3][fifty thousand rupees] a year;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 40, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

1 These words were substituted for the words "have been sufficient" by Mah. 27 of 1985, s. 14(*a*).

2 These words were substituted for the words "Provided that" by Mah. 27 of 1985, s. 14(*b*). 3 These words were substituted for the words "twenty thousand rupees" by Mah. 17 of 1993, s. 33.

28. Facts affecting duty to be set forth in instrument.— The consideration (if any) [1][the market value] and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

29. Direction as to duty in case of certain conveyances.— (*1*) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the [2][market value] shall be apportioned in such manner as the parties think fit, provided that a distinct [3][market value] for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad-valorem* duty in respect of such distinct [4][market value].

(*2*) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others or wholly for others, is conveyed in parts by separate instruments of the persons, by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad-valorem* duty in respect of the distinct part [5][in respect of the market value of such part of property].

(*3*) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with *ad-valorem*[6][in respect of the market value of the property at the time of sale] by the original purchaser to the sub-purchaser.

(*4*) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person, or persons, and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad-valorem* duty [7][in respect only of the market value of the part sold to the sub-purchaser, without regard to the amount of the market value of the property conveyed by the original seller, and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad-valorem* duty in respect of the market value of such residue:]

Provided that, notwithstanding anything contained in article 25 of Schedule I the duty on such last mentioned conveyance shall in no case be less than [8][ten rupees].

[9][(*5*) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with *ad-valorem* duty in respect of the market value of the property which is the subject matter of the conveyance and is duly stamped accordingly, any conveyance to be made afterwards to him in respect of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property which is the subject matter of the conveyance or where such duty exceeds [10][fifty rupees] with a duty of [11][fifty rupees].

(*E*) *Duty by whom payable.*

30. Duties by whom payable.— In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,—

1 These words were inserted by Mah. 16 of 1979, s. 4.

2 These words were substituted for the word "consideration" by Mah. 16 of 1979, s. 5(*a*).

3 These words were substituted for the word "consideration" by Mah. 16 of 1979, s. 5(*a*).

4 These words were substituted for the word "consideration" by Mah. 16 of 1979, s. 5(*a*).

5 These words were substituted for the word "of the consideration therein specified" by Mah. 16 of 1979, s. 5(*b*).

6 These words were substituted for the word "in respect of the consideration for the sale" by Mah. 16 of 1979, s. 5(*c*). 7 This portion was substituted for the portion beginning with the words "in respect only of the consideration paid by the such sub-purchaser" and ending with the words "considerations paid by the sub-purchaser" by Mah. 16 of 1979, s. 5(*d*). 8 These words were substituted for the words "three rupees" by Mah. 27 of 1985, s. 15(*a*).

9 Sub-section (*5*) was substituted for the original by Mah. 16 of 1979, s. 5(*e*).

10 These words were substituted for the words "seven rupees and fifty *naye paise*" by Mah. 27 of 1985, s. 15(*b*).

11 These words were substituted for the words "seven rupees and fifty *naye paise*" by Mah. 27 of 1985, s. 15(*b*).

(*a*) in the case of any instrument described in any of the following articles of Schedule I, namely:—

No. 2 (Administration Bond),
No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge),
No. 13 (Bond),
No. 14 (Bottomry Bond),
No. 28 (Customs Bond),
No. 33 (Further Charge),
No. 35 (Indemnity Bon

No. 40 (Mortgage Deed),
No. 52 (Release),
No. 53 (Respondentia Bond),
No. 54 (Security-Bond or Mortgage-Deed),
No. 55 (Settlement),

No. [1][59(*a*)] (Transfer of debentures, being marketable securities whether the debentures is liable to duty or not, except debentures provided for by section 8 of the Indian Stamp Act, 1899 (II of 1899)),

No. 59(*b*) (Transfer of any interest secured by a bond or mortgage deed or policy of insurance by the person drawing or making such instrument;

(*b*) in the case of a conveyance (including a re-conveyance of mortgaged property) by the grantee; in the case of a lease or agreement to lease by the lessee or intended lessee;

(*c*) in the case of a counterpart of a lease by the lessor;

(*d*) in the case of an instrument of exchange by the parties in equal shares;

(*e*) in the case of a certificate of sale by the purchaser of the property to which such certificate relates; [2][**]

(*f*) in the case of an instrument of partition by the parties thereto in proportion to their respective share in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue authority or Civil Court or arbitrator, in such proportion as such authority, Court or [3][arbitrator directs; [4][**]],

[5][(*f-a*) in case of instruments of works contract as provided in Article 63 of SCHEDULE-I, by the person receiving the contract;]

[6][(*g*) in any other case, by the person executing the instrument.]

[7]**[30A. Duties payable by financial institution.—** (*1*) Notwithstanding anything contained in section 30, where any instrument referred to in clauses (*a*) to (*g*) of section 30, is executed on or after the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013 (Mah. VIII of 2013), in favour of or by any financial institution such as Bank, Non-banking Finance Company, Housing Finance Company or alike, which creates any right in favour of any such financial institution, the liability to pay proper stamp duty shall be on such financial institution concerned without affecting their right, if any, to collect it from the other party [8][if the other party fails to pay the proper stamp duty.]

1 These figures, brackets and letter were substituted for the figures, brackets and letter "58(*a*)" by Mah. 27 of 1985, s. 16(*a*).

2 The word "and" was deleted by Mah. 27 of 1985, s. 16(*b*).

3 These words were substituted for the words "arbitrator directs" by Mah. 27 of 1985, s. 16(*c*). 4 The word "and" was deleted by Mah. 20 of 2015, s. 6(*a*).

5 Clause (*f-a*) was inserted by Mah. 20 of 2015, s. 6(*b*).

6 Clause (*g*) was added by Mah. 27 of 1985, s. 16(*d*).

7 Section 30A was inserted by Mah. 8 of 2013, s. 2.

8 These words were added by Mah. 47 of 2017, s. 3.

(*2*) In respect of any such instrument executed before the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2013 (Mah. VIII of 2013), and are effective and where proper stamp duty is not paid, then the financial institution shall impound such instrument on or before the 30th September 2013 and forward the same to the Collector for recovery.

(*3*) Where the financial institution fails to impound such instrument as provided in sub-section (*2*), then the concerned financial institution shall be liable to pay a penalty equal to the stamp duty payable on such instrument.]

CHAPTER III

ADJUDICATION AS TO STAMPS

31.Adjudication as to proper stamps.— [1][(*1*) When an instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, [2][by one of the parties to the instrument and such person] applies to have the opinion of that officer as to the duty (if any) with which [3][or the Article of Schedule I under which] it is chargeable and pays [4][a fee of one thousand rupees] in case not involving stamp duty on *ad valorem* basis, and one rupee for every Rs. 1,000 or part thereof, subject to a minimum of five rupees and maximum of twenty-five rupees in cases involving stamp duty on *ad valorem* basis, the Collector shall determine the duty (if any) with which, [5][or the Article of Schedule I under which] in his judgement, the instrument is chargeable.]:

[6][Provided that, after commencement of the Maharashtra Stamp (Amendment) Act, 2025 (Mah. XX of 2025), in respect of executed instruments, no application shall be accepted for adjudication, unless the person has deposited with the Collector,—

(*i*) where the stamp duty is chargeable on the market value of the property, which is the subject matter of such instrument, the amount of difference between the stamp duty chargeable as per the value of consideration stated in the instrument or the market value of such property according to the person, whichever is higher and the stamp duty already paid on the instruments ; and

(*ii*) in other cases, the amount of difference between the stamp duty chargeable according to the person and the stamp duty already paid on the instruments:

Provided further that, the Collector shall adjust such deposited amount against the stamp duty finally determined and refund the excess amount deposited, if any, to the person depositing it within a period of forty-five days, without any interest.]

(*2*) For this purpose the Collector may require to be furnished with [7][a true copy or] an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon such application until [8][such true copy or abstract] and evidence have been furnished accordingly:

Provided that—

(*a*) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and

(*b*) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relived from any penalty which he

1 Sub-section (*1*) was substituted for the original by Mah. 13 of 1974, s. 3.

2 These words were substituted for the words "and the person bringing it" by Mah. 9 of 1997, s. 8(*a*). 3 These words were inserted by Mah. 27 of 1985, s. 17(*a*).

4 These words were substituted for the words "a fee of one hundred rupees" by Mah. 20 of 2025, s. 5(*1*). 5 These words were inserted by Mah. 27 of 1985, s. 17(*a*).

6 This proviso was inserted by Mah. 20 of 2025, s. 5(*2*).

7 These words were inserted by Mah. 27 of 1985, s. 17(*b*)(*i*).

8 These words were substituted for the words "such abstract" by Mah. 27 of 1985, s. 17(*b*)(*ii*).

may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

[1][(*3*) Where the Collector acting under sub-sections (*1*) and (*2*) is not the Collector of the District and if he has reason to believe that the market value of the property, which is the subject matter of the instrument, received by him for adjudication, has not been truly set forth therein, [2][he shall, for the purpose of assessing the stamp duty, determine the true market value of such property, as laid down in the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995]].

[3][(*4*) When an instrument is brought to the Collector for adjudication,—

(*i*) within one month of execution or first execution of such instrument in the State; or

(*ii*) if, such instrument is executed or first executed, out of the State, within three months from the date of first receipt of such instrument in this State,

the person liable to pay the stamp duty under section 30 shall pay the same within sixty days from the date of service of the notice of demand in respect of the stamp duty adjudicated by the Collector. If such person fails to pay the stamp duty so demanded within the said period, he shall be liable to pay a penalty at the rate of two per cent., of the deficient portion of the stamp duty, for every month or part thereof, from the date of execution of such instrument, or as the case may be, date of the first receipt of such instrument in the State]:

[4][Provided that, in no case, the amount of the penalty shall exceed [5][four times] the deficient portion of the stamp duty.]

32. Certificate by Collector.— (*1*) When an instrument brought to the Collector under section 31, is in his opinion, one of a description chargeable with duty, and—

(*a*) the Collector determines that it is already fully stamped, or

(*b*) the duty determined by the Collector under section 31, or such sum as with the duty already paid in respect of the instrument, is equal to the duty, so determined has been paid,

the collector shall certify by endorsement on such instrument that the full duty [6][(stating the relevant Article of Schedule I and the amount)] with which it is chargeable has been paid.

(*2*) When such instrument, is in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

(*3*) [7][subject to the provisions of section 53-A, any instrument upon which an endorsement has been made] under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped:

Provided that nothing in this section shall authorise the Collector to endorse,—

(*a*) any instrument executed or first executed in the State and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;

(*b*) any instrument executed or first executed out of the State and brought to him after the expiration of three months after it has been first received in this State; or

1 Sub-section (*3*) was added by Mah. 16 of 1979, s. 6.

2 This portion was substituted for the portion beginning with the words "he may" and ending with the words "on the instrument" by Mah. 30 of 1997, s. 2(*a*).

3 Sub-section (*4*) was added by Mah. 30 of 1997, s. 2(*b*).

4 This proviso was added by Mah. 22 of 2001, s. 2(*b*).

5 These words were substituted for the word "double" by Mah. 20 of 2015, s. 7.

6 These brackets, words and figures were substituted for the brackets and words "(stating the amount)" by Mah. 27 of 1985, s. 18(*a*).

7 These words were substituted for the words "Any instrument upon which an endorsement has been made" by Mah. 27 of 1985, s. 18(*b*).

(*c*) any instrument chargeable with the duty of twenty *naye paise* or less when brought to him, after the drawing or execution thereof, on paper not duly stamped.

[1]**[32A. Instrument of conveyance, etc., under valued how to be dealt with.—** (*1*) Every instrument of conveyance, exchange, gift, certificate of sale, deed of partition or power of attorney to sell immovable property when given for consideration, deed of settlement or transfer of lease by way of assignment [2][and also other instruments mentioned in SCHEDULE I chargeable with duty on the basis of market value of the property], presented for registration under the provisions of Registration Act, 1908 (XVI of 1908), shall be accompanied by a true copy thereof:

Provided that, in case of such instruments executed on or after the 4th July 1980, to the date of commencement of the Bombay Stamp (Amendment) Act, 1985 (Mah. XXVII of 1985), an extract of the

instrument to be taken from the registration record shall be deemed to be the true copy accompanying the instrument, presented for registration for the purposes of sub-section (*1*).

[3][(*2*) Any registering officer receiving such instrument for registration has reason to believe, on the basis of the information available with him in this behalf, that the market value of immovable property which is the subject matter of such instrument has not been truly set forth therein, he shall, immediately after receiving of such instrument, refer it to the Collector for determination of the true market value of such property:

Provided that, in respect of the instrument presented for registration before the date of commencement of the Maharashtra Tax Laws (Levy, Second Amendment and Validation) Act, 1996 (Mah. IX of 1997) where, in the opinion of the registering officer, the true market value of the immovable property, which the subject matter of the said instrument, has not been determined by the Collector of the District, it shall be lawful for the registering officer to verify the true market value of such property as per the annual statement of rates of immovable property determined under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, and issue notice to the person, who is liable to pay stamp duty under section 30 calling upon such person to pay the deficit amount of stamp duty and penalty at the rate of 2 per cent., of the deficient portion of the stamp duty, for every month or part thereof from the date of execution such instrument:

Provided further that, on the receipt of such notice, if the person liable to pay deficit amount of stamp duty and the penalty, pays within one month from the date of receipt of such notice, the deficient amount stamp duty and also pays the fixed penalty of rupees two hundred fifty, he shall not liable to make payment of penalty at the rate of 2 per cent., as provided in the first proviso; and the reference already made to the Collector of the District shall abate:

Provided also that, in no case, the amount of the penalty to be charged under the proviso shall exceed [4][four times] the deficit portion of the stamp duty.]

(*3*) If any person referred to in section 33, before whom any such instrument is produced or comes in the performance of his functions, has reason to believe that the market value of the immovable property which is the subject matter of such instrument has not been truly set forth therein, he may, after performing his function in respect of such instrument, refer the instrument along with a true copy of such instrument to the Collector of the District for determination of the true market value of such property and the proper duty payable on the instrument:

[5][Provided that, if the person, before whom any such instrument is produced or comes in performance of his functions, is an officer appointed as the Collector under clause (*f*) of section 2, and he has reason to believe that the market value of the immovable property which is the subject matter of such instrument has not been truly set-forth therein, he shall, for the purpose of assessing the stamp duty, determine the true market value of such property in the manner laid down in the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995.]

1 Section 32A shall be deemed to have been substituted with effect from the 4th July 1980 by Mah. 27 of 1985, s. 19. 2 These words were inserted by Mah. 20 of 2015, s. 8(*i*).

3 Sub-section (*2*) was substituted by Mah. 13 of 2004, s. 4.

4 These words were substituted for the word "double" by Mah. 20 of 2015, s. 8(*ii*). 5 This proviso was added by Mah. 30 of 1997, s. 3(*b*).

(*4*) On receipt of the instrument or the true copy of the instrument as the case may be, under sub-section (*2*) or (*3*), the Collector of the District shall, after giving the parties concerned a reasonable opportunity of being heard and in accordance with the rules made by the State Government in that behalf, determine the true market value of the immovable property which is the subject matter of the instrument and the proper duty payable thereon. Upon such determination, the Collector of the district shall require the party liable to pay the duty, to make the payment of the amount required to make up the difference between the amount of duty determined under this sub-section and the amount of duty already paid by him and shall also require such party to pay in addition, [1][a penalty [2][of 2 per cent., for every month or part thereof] from the date of execution of t l amount of stamp duty]; and on such

payment, the instrument received under sub-section (*2*) or (*3*) shall be returned to the officer or person referred to therein:

[3][* * *]

[4][Provided also that, in no case, the amount of the penalty shall exceed [5][four times] the deficient portion of the stamp duty.]

(*5*) The Collector of the District may, *suo motu* or on receipt of information from any source, within [6][ten years] from the date of registration of any instrument referred to in sub-section (*1*) (not being the instrument upon which an endorsement has been made under section 32 or the instrument or the instrument in respect of which the proper duty has been determined by him under sub-section (*4*) or an instrument executed before the 4th July 1980), call for the true copy or an abstract of the instrument from the registering officer and examine it for the purpose of satisfying himself as to the correctness of the market value of the immoveable property which is the subject matter of such instrument and the duty payable thereon; and if, after such examination, he has reason to believe that the market value of such property has not been truly and fully set forth in the instrument he shall proceed as provided in sub-section (*4*).

[7][(*6*) It shall be lawful for the Chief Controlling Revenue Authority or the Collector of the district to transfer to any other Officer, any reference received by the Collector of the District under this section, for disposal in accordance with the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995.]

[8][**32B. Appeal.—** (*1*) Any person aggrieved by any order determining the market value under sub-section (*3*) of section 31 or under section 32A or any order imposing any penalty under section 32A may, within sixty days from the date of receipt of such order, by an application in writing (accompanied by such fee not exceeding three hundred rupees as the State Government may, from time to time, by notification in the *Official Gazette*, specify; and different rates of fees may be specified for different areas), file an appeal against such order, to the [9][Additional Controller of Stamps, Mumbai in respect of the property, which is the subject matter of the instrument, is situated in Mumbai City and Mumbai Suburban Districts and in respect of the properties situated in the other parts to the] Deputy Inspector General of Registration and Deputy Controller of Stamps, who shall after considering the same, pass such order thereon as he thinks just and proper; and the order so passed shall, subject to the provisions of section 32C, be final and shall not be questioned in any Court or before any authority:

Provided that, all application made and pending with the Collector immediately before the commencement of the Bombay Stamp (Amendment) Act, 1989 (Mah. XVIII of 1989) (hereinafter, in this section, referred to as "the Amendment Act"), for being referred to Courts for decision under

1 These words were substituted for the portion beginning with the words "a penalty of" and ending with the words and figures "the 1st March 1990" by Mah. 9 of 1997, s. 9(*b*)(*i*).

2 These words and figure were substituted for the words and figures "of 15 per cent. For each year or part of the year" by Mah. 30 of 1997, s. 3(*c*).

3 First and second provisos were deleted by Mah. 20 of 2015, s. 8(*iii*)(*a*).

4 This proviso was added by Mah. 22 of 2001, s. 3(*b*).

5 These words were substituted for the word "double" by Mah. 20 of 2015, s. 8(*iii*)(*b*).

6 These words were substituted for the words "eight years" by Mah. 30 of 1997, s. 3(*d*).

7 Sub-section (*6*) was substituted by Mah. 30 of 1997, s. 3(*e*).

8 These sections were substituted for section 32B by Mah. 18 of 1989, s. 3.

9 These words were inserted by Mah. 20 of 2015, s. 9(*i*).

section 32B as it existed immediately before the coming into force of the Amendment Act, shall, on the coming into force of the Amendment Act be transferred by the Collector to the Deputy Inspector General of Registration and Deputy Controller of Stamps and the applications so transferred shall be deemed to be the appeals filed and pending before the Deputy Inspector General of Registration and Deputy Controller of Stamps who shall dispose off the same in accordance with this section:

Provided further that, nothing contained in sub-section (*1*) and the first proviso shall affect the references already made by the Collecto before the Courts immediately before

the commencement of the Amendment Act; and such references shall be disposed off by the concerned Courts as if the Amendment Act has not been passed.

(*2*) No appeal and no application for revision shall lie against the order of the [1][Additional Controller of Stamps, Mumbai or the] Deputy Inspector General of Registration and Deputy Controller of Stamps, passed under sub-section (*1*).

32C. Revision.— Subject to the provisions of section 32B and any rules which may be made in this behalf by the State Government, the Chief Controlling Revenue Authority may, *suo motu*, call for and examine the record of any order passed (including an order passed in appeal) under this Act or the rules made thereunder, by any officer and pass such order thereon as he thinks just and proper; and the order so passed shall be final and shall not be called in question in any Court or before any authority:

Provided that, no notice calling for the record under this section shall be served by the chief Controlling Revenue Authority after the expiry of three years from the date of communication of the order sought to be revised and no order of revision, shall be made by the said Authority hereunder after the expiry of five years from such date:

Provided further that, no order shall be passed under this section which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.]

CHAPTER IV

INSTRUMENTS NOT DULY STAMPED

33.Examination and impounding of instruments.— (*1*) [2][Subject to the provisions of section 32A, every person] having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police [3][or any other officer, empowered by law to investigate offences under any law for the time being in force,] before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions shall, if it appears to him that such instrument is not duly stamped, impound the same [4][irrespective whether the instrument is or is not valid in law].

(*2*)For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law for the time being in force in the State when such instrument was executed or first executed:

Provided that—

(*a*) nothing herein contained shall be deemed to require any Magistrate or Judge of Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under [5][Chapter IX or Part D of Chapter X of the Code of Criminal Procedure, 1973 (2 of 1974)];

1 These words were inserted by Mah. 20 of 2015, s. 9(*ii*).

2 These words were substituted for the words "Every person" by Mah. 16 of 1979, s. 8.

3 These words were inserted by Mah. 27 of 1985, s. 20(*a*)(*i*).

4 These words were added by Mah. 27 of 1985, s. 20(*a*)(*ii*).

5 These words, figures and letter were substituted for the words and figures "Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1998" by Mah. 27 of 1985, s. 20(*b*).

(*b*) in the case of a Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court may appoint in this behalf.

(*3*) For the purposes of this section, in cases of doubt,—

(*a*) the State Government may determine what offices shall be deemed to be public offices; and

(*b*) the State Government may determine who shall be deemed to be persons in charge of public off ices.

[1][**33A. Impounding of instrument after registration.—** When through mistake or otherwise any instrument which is not duly stamped is registered under the Registration Act, 1908 (XVI of 1908), the registering officer may call for the original instrument from the party and, after giving the party an opportunity of being heard and recording the reasons in writing and furnishing a copy thereof to the party, impound it. On failure to produce such original instrument by the party, a true copy of such instrument taken out from the registration record shall, for the purposes of this section, be deemed to be original of such instrument.]

34. Instrument not duly stamped inadmissible in evidence, etc.— No instrument chargeable with duty [2]* * * * shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer unless such instrument is duly stamped [3][or if the instrument is written on sheet of paper with impressed stamp [4][such stamp paper is purchased in the name of one of the parties to the instrument]]:

Provided that,—

[5][(*a*) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of—

(*i*) the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, the amount required to make up such duty, and

[6][(*ii*) a penalty at the rate of 2 per cent. of the deficient portion of the stamp duty for every month or part thereof, from the date of execution of such instrument:

Provided that, in no case, the amount of the penalty shall exceed [7][four times] the deficient portion of the stamp duty;]

(*b*) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;

(*c*) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding [8][under Chapter IX of part D of Chapter X of the Code of Criminal Procedure, 1973 (2 of 1974)];

(*d*) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the Government or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act;

1 Section 33A was inserted by Mah. 27 of 1985, s. 21.

2 The brackets, words, figures and letter "(not being any instrument referred to in sub-section (*2*) of section 32A)" were deleted by Mah. 29 of 1994, s. 2(*1*).

3 These words were inserted by Mah. 29 of 1994, s. 2(*2*).

4 These words were substituted for the portion beginning with the words "and the executor or one of the executors" and ending with the words "the stamp paper is purchased" by Mah. 9 of 1997, s. 10.

5 Clause (*a*) was substituted for the original by Mah. 27 of 1985, s. 22(*a*).

6 Sub-clause (*ii*) was substituted by Mah. 22 of 2001, s. 4.

7 These words were substituted for the word "double" by Mah. 20 of 2015, s. 10.

8 These words, figures and letter were substituted for the words and figures "under Chapter XII or chapter XXXVI of the Code of Criminal Procedure, 1998" by Mah. 27 of 1985, s. 22(*b*).

[1][(*e*) nothing herein contained shall prevent the admission of a copy of any instrument or of an oral admission of the contents of any instrument, if the stamp duty or a deficient portion of the stamp duty and penalty as specified in clause (*a*) is paid.]

35. Admission of instrument where not to be questioned.— Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 58, be called in question at any stage of the same suit or proceeding on theground that the instrument has not been duly stamped.

36. Admission of improperly stamped instrument.— The State Government may make rules providing that, where an instrument be mount but of improper description, it

may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

37. Instrument impounded how dealt with.— (*1*) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of penalty as provided by section 34 or of duty as provided by section 36, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

2[(*2*) In every other case, a person so impounding the original instrument shall prepare an authentic copy of such instrument and where it is a true copy or an abstract referred to in section 31 or true copy referred to in section 33A, he shall send such authentic copy or, the true copy or, as the case may be, an abstract to the Collector, for the purpose of taking action on the authentic copy or a true copy or, as the case may be, an abstract as if it were the original instrument and endorsing thereon a certificate with reference to the instrument under clause (*a*) of sub-section (*1*) of section 39 or under sub-section (*1*) of section 41, as the case may be. On receipt of the authentic copy, the true copy or, as the case may be, an abstract with the certificate as aforesaid endorsed thereon, the person who has impounded the original instrument shall copy on the original instrument the certificate endorsed on the authentic copy and shall authenticate such certificate; and where it is a true copy or an abstract, on which the certificate as aforesaid is endorsed, the registering officer who has forwarded the true copy or an abstract shall make appropriate entries in respect of the instrument to which it was a true copy or an abstract, in the relevant register maintained by him and on an application made in this behalf issue under his signature a certificate to the effect that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect of that instrument, and the name and residence of the person paying such duty and penalty.]

38. [*Collector's power to refund penalty paid under section 37, sub-section* (*1*). (*Deleted by Mah. 20 of 2015, s. 11.*)]

39. Collector's power to stamp instruments impounded.— (*1*) When the Collector impounds any instrument under 3[section 33 or 33A], or receives any instrument sent to him under sub-section (*2*) of section 37, 4*** he shall adopt the following procedure :—

(*a*) if he is of opinion that such instrument is duly stamped or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;

(*b*) if he is of opinion that such instrument is chargeable with duty and is not duly stamped he shall require the payment of the proper duty or the amount required to make up the same,

1 Clause (*e*) was added by Mah. 27 of 1985, s. 22(*c*).

2 Sub-section (*2*) was substituted for the original by Mah. 27 of 1985, s. 23.

3 These word, figures and letter were substituted for the word and figures "section 33" by Mah. 32 of 2024, s. 2(*1*). 4 The words "not being an instrument chargeable with a duty of twenty *naya paise*, or less," were deleted by Mah. 32 of 2024, s. 2(*2*).

together with a penalty 1[in case of registered instrument an amount equal to 1 per cent. and in other cases an amount equal to 2 per cent.] of the deficient portion of the stamp duty, for every month or part thereof] from the date of execution of the instrument subject to the payment of a minimum penalty of rupees one hundred]:

2[Provided that, duty for which reduction or remission is granted by the Government under clause (*a*) of section 9 under any prevailing policy shall not be treated as deficient portion of duty for the purposes of calculation of penalty, if the beneficiary of such reduction or remission in duty surrenders or forgoes or has surrendered or forgone such benefit with prior approval or with no objection from the Government:]

3[4[Provided further that] in no case, the amount of the penalty shall exceed 5[four times] the deficient portion of the stamp duty:]

6[Provided also that], when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

(*2*) 7[Subject to the provisions of section 53A, every certificate] under clause (*a*) of sub-section (*1*) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

(*3*) Where an instrument has been sent to the Collector under sub-section (*2*) of section 37 the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

40. Instrument unduly stamped by accident.— If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of twenty *naye paise* or less is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 39, receive such amount and proceed as next hereinafter prescribed 8[with the prior approval of the Additional Controller of Stamps, Mumbai for the areas in Mumbai City and Mumbai Suburban Districts and for the other areas the Deputy Inspector General of Registration and Deputy Controller of Stamps].

41. Endorsement of instruments on which duty has been paid under section 34, 39 or 40.— (*1*) When the duty and penalty (if any) leviable in respect of any instrument 9[(not being any instrument referred to in sub-section (*1*) of section 32A),] have been paid under section 34, section 39 or section 40, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.

(*2*) 10[Subject to the provisions of section 53A, every instrument] so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly

1 These words and figures were substituted for the words and figure "of an amount equal to 2 per cent." by Mah. 32 of 2024, s. 2(*3*).

2 This proviso was inserted by Mah. 21 of 2019, s. 3(*i*).

3 This proviso was inserted by Mah. 22 of 2001, s. 5(*a*).

4 These words were substituted for the words "Provided that" by Mah. 21 of 2019, s. 3(*ii*).

5 These words were substituted for the words "double" by Mah. 2 of 2015, s. 12.

6 These words were substituted for the words "Provided further that" by Mah. 21 of 2019, s. 3(*iii*).

7 These words, figures and letter were substituted for the words "Every Certificate" by Mah. 27 of 1985, s. 24.

8 These words were added by Mah. 20 of 2015, s. 13.

9 These brackets, words, figures and letter were inserted by Mah. 16 of 1979, s. 10.

10 These words, figures and letters were substituted for the words "Every instrument" by Mah. 27 of 1985, s. 25(*a*).

stamped, and shall be delivered 1[on the application in this behalf, to the person who produced it, or the person from whose possession it came into the hands of the Officer impounding it, or to any other person according to the directions of such person:]

Provided that—

(*a*) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 34, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate;

(*b*) nothing in this section shall affect the provisions of rule 9 of Order XIII in Schedule I of the Code of Civil Procedure, 1908 (V of 1908).

42. Prosecution for offence against stamp law.— The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the stamp law in respect of such instrument:

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

43. Persons paying duty or penalty may recover same in certain cases.— (*1*) When any duty or penalty has been paid under section 34, section 36, section 39 or section 40, by any person in respect of an instrument, and, by agreement or under the provisions of section 30 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(*2*) For the purpose of such recovery any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.

(*3*) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not 2[for the reasons to be recorded in writing,] include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

44. Power to Revenue authority to refund penalty or excess duty in certain cases.— (*1*) Where any penalty is paid under section 34 or section 39, the Chief Controlling Revenue Authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(*2*) Where, in the opinion of the Chief Controlling Authority stamp duty in excess of that which is legally chargeable has been charged and paid under section 34 or section 39, such authority may, upon application in writing made by the party concerned within 3[one year] from the date of receipt of the order charging the same, refund the excess.

45. Non-liability for loss of instruments sent under section 37.— (*1*) If any instrument sent to the Collector under sub-section (*2*) of section 37, is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

(*2*) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

1 This portion was substituted for the portion beginning with the words "on his application" and ending with the words "such person may direct:" by Mah. 27 of 1985, s. 25(*b*).

2 These words were inserted by Mah. 27 of 1985, s. 26.

3 These words were substituted for the words "three months" by Mah. 27 of 1985, s. 27.

46. Recovery of duties and penalties.— 1[(*1*)] All duties, penalties and other sums required to be paid under this 2[Act] may be recovered by the Collector by distress and sale of the moveable property of the person from whom the same are due, or as an arrear of land revenue.

3[(*2*) For the purpose of effecting such recovery, as arrears of land revenue,—

(*a*) the Chief Controlling Revenue Authority shall have and exercise all the powers and perform all the duties of the Commissioner under the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966);

(*b*) the officer appointed as the Collector under clause (*f*) of section 2 shall have and exercise all the powers and perform all the duties of the Collector under the said Code.

(*3*) Every notice issued or order passed in exercise of the powers conferred by sub-section (*2*) shall, for the purposes of this Act, be deemed to be notice issued or an order passed under this Act.]

ALLOWANCES FOR STAMPS IN CERTAIN CASES

47. Allowance for spoiled stamps.— 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 :—

(*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 [4][by the party] to be absolutely void in law from the beginning;

[5][(*1A*) has been afterwards found by the Court, to be absolutely void from the beginning under section 31 of the Specific Relief Act, 1963 (47 of 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 is 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;

1 Section 46 was renumbered as sub-section (*1*) thereof by Mah. 30 of 1997, s. 5. 2 This word was substituted for the word "Chapter" by Mah. 17 of 1993, s. 35. 3 Sub-section (*2*) was added by Mah. 30 of 1997, s. 5.

4 These words were inserted by Mah. 27 of 1985, s. 28(*a*)(*i*).

5 Clause (*1A*) was inserted by Mah. 27 of 1985, s. 28(*a*)(*ii*).

(*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 in executed and duly stamped :

Provided that, in the case of an executed instrument, [1][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 [2][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.

48. Application for relief order under section 47 when to be made.— 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 [3][one year] of the date of the instrument:

[4][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 (XVI of 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 [5][one year] from the date of registration of cancellation deed.]

[6][(*2*) in the case when for unavoidable circumstances any instrument for which another instrument has been substituted cannot be given up to be cancelled, the application may be made within [7][one year] after the date of execution of the substituted instruments;

(*3*) in any other case, within [8][one year] from the date of purchase of stamps].

49. Allowance in case of printed forms no longer required by Corporations.— The Chief Controlling Revenue Authority or the Collector if empowered by the Chief Controlling Revenue Authority in this behalf may without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker, company or body corporate:

Provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

50. Allowance for misused stamps.— (*1*)When any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(*2*) when any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of provisions of section 13;

1 These words, brackets, figures and letter were inserted by Mah. 27 of 1985, s. 28(*b*)(*i*).

2 These words were inserted for the words "to be cancelled" by Mah. 27 of 1985, s. 28(*b*)(*ii*).

3 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 3(*1*)(*a*).

4 This proviso was substituted by Mah. 20 of 2015, s. 14.

5 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 3(*1*)(*b*).

6 Clauses (*2*) and (*3*) were substituted for the original clauses (*2*) and (*3*) and the proviso thereto by Mah. 27 of 1985, s. 29(*b*).

7 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 3(*2*).

8 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 3(*3*).

the Collector may, on application made within [1][one year] after the date of the instrument, or, if it is not dated, within [2][one year] after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

[3]**[51. Allowance for spoiled or misused stamps how to be made.—**In any case in which allowance is made for spoiled stamps under section 47, or misused stamps under section 50, or in respect of printed forms no longer required under section 49, the Collector may give, in lieu thereof,—

(*a*) the same value in money, deducting [4][there from such amount as may be prescribed by rules made in this behalf by the State Government]; or

(*b*) if the applicant so requires, other stamps of the same description and value; or

(*c*) if the applicant so requires, stamps of any other description of the same amount in value:

Provided that, in the cases covered by clauses (*b*) and (*c*) a stationery charge as may be prescribed by rules made by the State Government, shall also be recovered in respect of spoiled or misused stamp papers, surrendered.]

52. Allowance for stamps not required for use.— When any person is possessed of a stamp or stamps which have not been, spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting [5][there form such amount as may be prescribed by rules made in this behalf by the State Government] upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction,—

(*a*) that such stamp or stamps were purchased by such person with a *bona fide* intention to use them; and

(*b*) that he has paid the full price thereof; and

(*c*) that they were so purchased within the period of [6][six months] next preceding the date on which they were so delivered:

Provided that, where the person is licensed vendor of stamp, the Collector may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

[7]**[52A. Allowance for duty.—** (*1*) Notwithstanding anything contained in sections 47, 50, 51 and 52, when payment for duty is made by stamps or in a cash as provided for under sub-section (*3*) of section 10 or section 10A or section 10B, and when the amount of duty paid exceeds rupees [8][five lakhs], the concerned Collector shall not make allowance for the stamps, or the cash amount paid under the *Challans* which are spoilt or misused or not required for use, but shall, after making necessary enquiries, forward the application with his remarks thereon to,—

(*a*) the Additional Controller of Stamps for the cases handled by the Collectors working in the Mumbai City District and Mumbai Suburban District; and

1 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 4.

2 These words were substituted for the words "six months" by Mah. 32 of 2024, s. 4.

3 Section 51 was substituted for the original by Mah. 27 of 1985, s. 31.

4 These words were substituted for the words "ten paise for each rupee or fraction of a rupees of the total value of the stamps or rupees twenty-five for each stamp, whichever is less;" by Mah. 18 of 1989, s. 6.

5 These words were substituted for the words "ten paise for each rupee or portion of a rupee or rupees twenty-five for each stamp, whichever is less," by Mah. 18 of 1989, s. 7(*1*).

6 These words were substituted for the words "ten paise for each rupee or portion of a rupee or rupees twenty-five for each stamp, whichever is less," by Mah. 18 of 1989, s. 7(*1*).

7 Section 52A was substituted for the original by Mah. 12 of 2006, s. 3.

8 These words were substituted for the words "one lakh" by Mah. 20 of 2015, s. 15(*a*).

(*b*) the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps of the division for the cases handled by the Collectors other than those mentioned in clause (*a*).

(*2*) The Additional Controller of Stamps or, the concerned Deputy Inspector General of Registration and Deputy Controller of Stamps of the division, as the case may be, on receiving such application consider the same and decide whether such allowance shall be given or not, and accordingly shall, grant the same, if the amount of allowance does not exceed rupees [1][twenty lakhs], and if, it exceeds rupees [2][twenty lakhs], shall submit such application, with his remarks thereon to the Chief Controlling Revenue Authority for decision.

(*3*) The Chief Controlling Revenue Authority on receiving such application shall decide on merit whether such allowance shall be given or not, and pass such order thereon as he thinks just and proper, which shall be final and shall not be questioned in any court or before any authority.]

[3]**[52B. Invalidation of stamps and saving.—** Notwithstanding anything contained in sections 47, 50, 51 and 52,—

(*a*) Any stamps which have been purchased but have not been used or in respect of which no allowance has been claimed on or before the day immediately preceding the date of commencement of the Bombay Stamp (Amendment) Act, 1989 (Mah. XVIII of 1989) (hereinafter referred to as "the commencement date") and the period of six months from the date of purchase of such stamps has not elapsed before the commencement period of six months from the date of

purchase of such stamps is completed, or delivered for claiming the allowance under the relevant provision of this Act; and any stamps not so used or so delivered within the period aforesaid shall be rendered invalid.

(*b*) Any stamps which have been purchased on or after the commencement date but have not been used, or no allowance has been claimed in respect thereof, within a period of six months from the date of purchase thereof, shall be rendered invalid.]

CHAPTER VI

[4][REFERENCE,REVISION AND APPEAL]

53. Control of and statement of case to Chief Controlling Revenue Authority.— (*1*) The powers exercisable by a Collector under [5][Chapter III], Chapter IV and Chapter V and under clause (*a*) of [6][the second proviso] to section 27 shall in all cases be subject to the control of the Chief Controlling Revenue Authority:

[7][Provided that nothing contained in this sub-section shall apply [8][in relation to any order of the Collector of the District determining the true market value of the immoveable property which is the subject-matter of the instrument] referred to in sub-section (*1*) of section 32A.]

[9][(*1A*) Any person aggrieved by an order of the Collector under Chapter III, Chapter IV, Chapter V and under clause (*a*) of the second proviso to section 27 may, within sixty days from the date of receipt of such order, by an application in writing, accompanied by a fee of three hundred rupees, file an appeal against such order to the Chief Controlling Revenue Authority, who shall, after giving the parties a reasonable opportunity of being heard, consider the case and pass such order thereon as he thinks just and proper and the order so passed shall be final.]

1 These words were substituted for the words "ten lakh" by Mah. 20 of 2015, s. 15(*b*).

2 These words were substituted for the words "ten lakh" by Mah. 20 of 2015, s. 15(*c*).

3 Section 52B was inserted by Mah. 18 of 1989, s. 8.

4 This heading was substituted for the heading "REFERENCE AND REVISION" by Mah. 9 of 1997, s. 12. 5 These words and figures were inserted by Mah. 27 of 1985, s. 34(*a*)(*i*).

6 These words were substituted for the words "the first proviso" by Mah. 27 of 1985, s. 34(*a*)(*ii*). 7 This proviso was added by Mah. 16 of 1979, s. 11.

8 These words were substituted for the words "in relation to any instrument" by Mah. 9 of 1997, s. 13. 9 Sub-section (*1A*) was inserted by Mah. 9 of 1997, s. 13.

(*2*) If any Collector, acting under section 31, section 39 or section 40, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.

(*3*) Such authority [1][after giving the parties a reasonable opportunity of being heard,] shall consider the case and send a copy of its decision to the collector, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

[2]**[53A. Revision of Collector's decision under sections 32, 39 and 41.—** (*1*) Notwithstanding anything contained in sub-section (*3*) of section 32, sub-section (*2*) of section 39 and sub-section (*2*) of section 41, when through mistake or otherwise any instrument is charged with less duty than leviable thereon or is held not chargeable with duty, as the case may be, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under sections 32, 39 or 41, as the case may be, require the concerned party to produce before him the instrument and, after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable, or any duty is less levied, thereon and order the recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.

(*2*) On failure to produce the original instrument by the party, the Chief Controlling Revenue Authority shall proceed under this section on the basis of the true copy or an abstract of the instrument filed with the Collector under section 31 or sub-section (*2*) of section 37 and such copy or abstract shall be deemed to be the original instrument for .]

54. Statement of case by Chief Controlling Revenue Authority to High Court.— [3][(*1*) The Chief Controlling Revenue Authority may state any case—

(*a*) referred to it under sub-section (*2*) of section 53;

(*b*) on an application made to it by party interested, within the period, which in the opinion of the Authority is reasonable, raising a substantial question of law for referring the same; or

(*c*) otherwise coming to its notice;

and refer such case formulating the precise question with its own opinion thereon, to the High Court.]

(*2*) Every such case shall be decided by not less than three judges of the High Court and in case of difference, the opinion of the majority shall prevail.

55. Power of High Court to call for further particulars as to case stated.— If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the question raised thereby, the High Court may refer the case back to the Revenue Authority by which it was stated, to make such additions thereto or alterations therein as the High Court may direct in that behalf.

56. Procedure in disposing of case stated.— (*1*) The High Court upon the hearing of any such case shall decide the question raised thereby, and shall deliver its judgement thereon containing the grounds on which such decision is founded.

(*2*) The High Court shall sent to the Revenue Authority, by which the case was stated a copy of such judgement under the seal of the Court and the signature of the Registrar; and the Revenue Authority shall, on receiving such copy [4][, pass such orders as are necessary for disposal of the case conformably to such judgment.]

1 These words were inserted by Mah. 27 of 1985, s. 34(*b*).

2 Section 53A was inserted by Mah. 27 of 1985, s. 35.

3 Sub-section (*1*) was substituted for the original by Mah. 27 of 1985, s. 36.

4 These words were substituted for the words "dispose of the case conformably to such judgement" by Mah. 27 of 1985, s. 37.

57. Statement of case by other Courts to High Court.— (*1*) If any Court, other than the High Court, feels doubt as to the amount of duty to be paid in respect of any instrument under clause (*a*) of the proviso to section 34, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court.

(*2*) The High Court shall deal with the case as if it had been referred under section 54, and send a copy of its judgement under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue Authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgement.

(*3*) Reference made under sub-section (*2*), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any Subordinate Revenue Court, shall be made through the Court immediately superior.

[1][(*4*) without prejudice to the provisions of section 58, no Court shall take action under this section,—

(*a*) where the instrument has already been impounded or a penalty is levied in respect thereof under clause (*a*) of the proviso to section 34; or

(*b*) in the case to which section 35 applies.]

58. Revision of certain decision of Courts regarding the sufficiency of stamps.— (*1*) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding [2][under Chapter IX or Part D of Chapter X of the Code of Criminal Procedure, 1973 (2 of 1974),] makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 34, the Court to which appeals lie from, or reference are made by, such

first mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(*2*) If such Court, after such consideration is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 34, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, [3][and may require,—

(*i*) the party or person concerned to make the payment of the proper duty or the amount required to make up the same, together with a penalty under section 34, or payment of a higher duty and penalty than those paid, to itself or to the Collector; and

(*ii*) any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.]

(*3*) When any declaration has been recorded under sub-section (*2*), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

[4][(*3A*) When the duty and penalty leviable in respect of any instrument in accordance with the declaration made under sub-section (*3*) and required to be paid thereunder are paid to the Court or to the Collector, then the Court or, as the case may be, the Collector shall certify by endorsement thereon that the proper duty and penalty, stating the amount of each, have been levied in respect of such instrument, and the name and residence of the person paying the same.

(*3B*) Every instrument so endorsed shall thereupon be delivered, on an application in this behalf, to the person from whose possession the instrument came in the possession of such Court, or as such person may direct, to any other person authorised by him.]

1 Sub-section (*4*) was added by Mah. 27 of 1985, s. 38.

2 These words, figures and letters were substituted for the words and figures "under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898," by Mah. 27 of 1985, s. 39(*a*).

3 This portion was substituted for the portion beginning with the words "and may require" and ending with the words "the same when produced" by Mah. 27 of 1985, s. 39(*b*).

4 Sub-section (*3A*) and (*3B*) were inserted by Mah. 27 of 1985, s. 39(*c*).

(*4*) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 41, or in section 42, prosecute any person for any offence against the stamp law which the Collector considers him to have committed in respect of such instrument:

Provided that—

(*a*) no such prosecution shall be instituted where the amount including duty and penalty, which, according to the determination of such Court, was payable in respect of the instrument under section 34, [1][is paid to the Court or the Collector, unless the Collector thinks] that the offence was committed with an intention of evading payment of the proper duty,

(*b*) except for the purposes of such prosecution no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 41.

CHAPTER VII

OFFENCE AND PROCEDURE

59. Penalty for executing, etc., instrument not duly stamped.— (*1*) [2][Any person who, with the intention to evade the duty, executes or signs] otherwise than as a witness any instrument chargeable with duty without the same being duly stamped shall, on conviction, for every such offence [3][be punished with rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees:]

Provided that, when any penalty has been paid in respect of any instrument under section 34, section 39 or section 58, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(*2*) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall, on conviction, be punished with fine which may extend to five hundred rupees.

[4]**[59A. No prosecution under section 59, if instrument admitted by Court.—** No person shall be prosecuted under section 59, in respect of an instrument which was produced in Court and which was admitted after a decision by the Court that the said instrument was duly stamped or that no stamp required.]

60. Penalty for making false declaration on clearance list.— Any person who in a clearance list makes a declaration which is false or which he either knows or believes to be false, shall, on conviction, be punished with [5][rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees.]

61. Penalty for failure to cancel adhesive stamp.— Any person required by section 12 to cancel an adhesive stamp, fails to cancel such stamp in the manner prescribed by that section he shall, on conviction, be punished with fine which may extend to one hundred rupees.

62. Penalty for omission to comply with provisions of section 28.— Any person who, with intent to defraud the Government,—

1 These words were substituted for the words "is paid to the Collector, unless he thinks" by Mah. 27 of 1985, s. 39(*d*). 2 These words were substituted or the words "Any person executing or signing" by Mah. 27 of 1985, s. 40.

3 These words were substituted for words "be punished with fine which may extend to five hundred rupees" by Mah. 18 of 1989, s. 9.

4 Section 59A was inserted by Mah. 27 of 1985, s. 41.

5 These words were substituted for the words "imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both" by Mah. 18 of 1989, s. 10.

(*a*) executes any instrument in which all the facts and circumstances required by section 28 to be set forth in such instrument are not fully and truly set forth; or

(*b*) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances; or

(*c*) [1][makes any false statement or does any other act] calculated to deprive the Government of any duty or penalty under this Act, shall, on conviction, be punished with fine which may extend to five thousand rupees.

63. Penalty for breach of rule relating to sale of stamps and for unauthorised sale.—

(*a*) Any person appointed to sell stamps who disobeys any rule made under section 69; and

[2][(*b*) any person not so appointed, who carries on business of dealing in stamps other than adhesive stamps of twenty paise or of lesser value,] shall, on conviction, be punished with [3][rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees].

[4]**[63A. Non-remittance of stamp duty within prescribed time to be offence.—** (*1*) Any person who, before the date of commencement of the Maharashtra Tax Laws (Levy, Amendment and Validation) Act, 1997 (Mah. XXX of 1997) (hereinafter, in this section, referred to as "the said date"), has collected or any time after the said date collects, from any person, any sum purporting to be towards the payment of stamp duty, shall within 120 days from the said date or, as the case may be, within 30 days from the date of collection of such amount, remit the same in Government Treasury or General Stamp Office, Mumbai, or any other place as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

(*2*) Whoever contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with a fine which may extend to five thousand rupees.]

64. Institution and conduct of prosecutions.— (*1*) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed shall be instituted without the sanction of the Collector or such other officer as the State Government generally, or the Collector specially, authorises in that behalf.

(*2*) The Chief Controlling Revenue Authority or any officer generally or specially authorised by it in this behalf, may stay any such prosecution or compound any such offence.

(*3*) The amount of any such composition shall be recoverable in the manner provided by section 46.

65. (*Jurisdiction to try offences*.) [*Deleted by Mah. 27 of 1985 section 44.*]

5**[66. Place of trial.—** Every offence under this Act committed in respect of any instrument may be tried in any district or a Metropolitan area in which such instrument is executed or found or where such offence is triable under the Code of Criminal Procedure, 1973 (2 of 1974)].

CHAPTER VIII

SUPPLEMENTAL PROVISIONS

67. Books, etc., to be open to inspection.— Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure

1 These words were substituted for the words "does any other act" by Mah. 27 of 1985, s. 42.

2 Clause (*b*) was substituted for the original by Mah. 27 of 1985, s. 43.

3 These words were substituted for the words "imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both" by Mah. 18 of 1989, s. 11.

4 This section was inserted by Mah. 30 of 1997, s. 7.

5 Section 66 was substituted for the original by Mah. 27 of 1985, s. 45.

any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing 1[by the State Government or] by the Collector to inspect for such purpose, the register, books, papers, documents and proceedings and to take such notes and extracts as he may deem necessary without fee or charge 2[and, if necessary, to seize and impound them under section 33].

3**[67A. Obligation to furnish information.—** (*1*) Any such individual, institution, organisation, company or a body responsible for creating, executing, maintaining, recording, verifying an instrument chargeable with duty as may be notified by the State Government in the *Official Gazette*, shall, when called upon by any officer specifically authorised by the Chief Controlling Revenue Authority in this behalf, furnish information in the form and within the time limit specified by the Chief Controlling Revenue Authority.

(*2*) Any such individual, institution, organisation, company or a body responsible to furnish the information under sub-section (*1*) fails to furnish the same within the specified time, the Chief Controlling Revenue Authority or any other officer authorised by him in this behalf, direct such defaulter to pay by way of penalty, a sum not less than rupees five hundred but which may extend to rupees ten thousand for each failure.]

4**[68. Powers to inspect and call for information.—** Any officer not below the rank of collector having sufficient reason to believe that, it is necessary to inspect or call for any registers, books, records, including a diskette, magnetic cartridge tape, CD-ROM or any other computer readable media or any electronic record mentioned under clause (*t*) of sub-section (*1*) of section 2 of the Information Technology Act, 2000 (21 of 2000), papers, documents, instruments or proceedings which may lead to the discovery of any fraud or omission in relation to any duty, shall, at all reasonable times may himself or through any officer authorised by him in this behalf, who shall be not below the rank of *Gazetted* Group-B officer or Sub-Registrar, Grade-I appointed under the Registration Act, 1908 (XVI of 1908) or Inspector of Stamps, enter in any premises and inspect the same in the custody of any person, office, firm or any other entity

and take such notes and extracts as he may deem necessary, without payment of any fee or charge, and if necessary, seize and impound only the chargeable documents as per the provisions of section 33.]

5[**68A. Prevention or obstruction of an officer to be an offence.—** If any person prevents or obstructs entry of any officer authorised under section 68 or fails to give any reasonable assistance to him, he shall, on conviction, be punished with imprisonment for a term which shall not be less than one month, but which may extend to six months and with fine which may extend to rupees five thousand.]

6[**69. Power to make rules.—** (*1*) The State Government may, by notification in the *Official Gazette*, make rules to carry out generally the purposes of this Act, and such rules may provide that a breach thereof shall, on conviction, be punished with fine not exceeding five hundred rupees.

(*2*) Without prejudice to the generality of the powers conferred by sub-section (*1*), and in particular such rules 7[may regulate, or provide for all or any of the following matters, namely] :—

(*a*) the supply, sale and use of stamps and stamped papers;

(*b*) the persons by whom alone such sale is to be conducted; 8*

(*c*) the duties and remuneration of such persons; 9*

1 These words were inserted by Mah. 27 of 1985, s. 46(*a*).

2 These words were added by Mah. 27 of 1985, s. 46(*b*).

3 Section 67A was inserted by Mah. 20 of 2015, s. 16.

4 Section 68 was substituted by Mah. 20 of 2015, s. 17.

5 Section 68A was inserted by Mah. 20 of 2015, s. 18.

6 Section 69 and 70 were substituted for the original sections 69, 70 and 71 by Mah. 27 of 1985, s. 48. 7 These words were substituted for the words "may regulate" by Mah. 9 of 1988, s. 37(*a*).

8 The word "and" was deleted by Mah. 9 of 1988, s. 37(*b*).

9 The word "and" was deleted by Mah. 18 of 1989, s. 12(*a*).

1[(*ca*) the manner of payment of stamp duty, and refund thereof, by e-payment;]

2[(*d*) the manner of ascertaining the true market value of immovable property;]

3[(*e*) the procedure for *suo motu* revision proceedings; and

(*f*) the amount to be deducted from the allowance of stamps under section 47, 50, 51, or 52:]

Provided that, such rules shall not restrict the sale of adhesive stamps of twenty paise or of lesser value.

(*3*) All rules made under this Act shall be made subject of the condition of previous publication in the *Official Gazette*.

4[Provided that, if State Government is satisfied that circumstances exists which render it necessary to take immediate action, it may dispense with the condition of previous publication of any rule to be made under this section.]

(*4*) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

70. Rounding off of fractions in duty payable or allowances to be made.— 5[(*1*)] In determining the amount of duty payable, or of the allowance to be made, under this Act, any fraction of ten paise equal to or exceeding five paise shall be rounded off to the next ten paise and fractions of less than five paise shall be disregarded.

6* * *

71. [*Publication of rules.* (*Deleted by Mah. 27 of 1985, s. 48*.)]

(*a*) all or any of the powers conferred on it by sections 2(*f*), 33(*3*)(*b*), 64, [7][and 69] to the Chief Controlling Revenue Authority; [8][* * *]

[9][(*a-a*) powers conferred on it by clause (*b*) of section 9, to the Additional Controller of Stamps, Mumbai or any other officer; and]

(*b*) all or any of the powers conferred on the Chief Controlling Revenue Authority by sections 44, 53(*1*) and 64(*2*) to such subordinate Revenue Authority as may be specified in the notification.

1 Clause (*ca*) was inserted by Mah. 41 of 2011, s. 4.

2 Clause (*d*) was inserted by Mah. 9 of 1988, s. 37(*d*).

3 These clauses were added by Mah. 18 of 1989, s. 12(*b*).

4 This proviso was added by Mah. 12 of 1995, s. 2.

5 Section 70 was renumbered as sub-section (*1*) and after sub-section (*1*) so renumbered, sub-section (*2*) was added by Mah. 8 of 2013, s. 3.

6 Sub-section (*2*) was deleted by Mah. 18 of 2016, s. 2.

7 This word and figures were substituted for the figures and word "69 and 75" by Mah. 17 of 1993, s. 36.

8 The word "and" was deleted by Mah. 20 of 2015, s. 19(*i*).

9 Clause (*a-a*) was inserted by Mah. 20 of 2015, s. 19(*ii*).

73. Saving as court-fees.— Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

73A. [*Use of former State Stamps permissible for certain period to be notified*]. [*Deleted by Mah. 27 of 1985, s. 49*].

73B. [*Use of Bombay Government Stamps by Maharashtra for certain period*]. [*Deleted by Mah. 27 of 1985, s. 49*].

74. Act not applicable to rates of stamp duty on bills of exchange, etc.— For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

75. Act to be translated and sold cheaply.— The State Government shall make provision for the sale of translation of this Act in [1][Marathi and Hindi] at a price [2][as may be fixed from time to time] per copy.

76. Repeal of enactments.— (*1*) The enactments specified in column 3 of Schedule II hereto annexed shall be repealed in the manner and to the extent specified in column 4 thereof:

Provided that, the repeal hereby made shall not affect—

(*i*) any right, title, obligation, or liability already acquired, accrued or incurred or anything done or suffered,

(*ii*) any legal proceeding or remedy in respect of any such right, title, obligation or liability,

under the provisions of the enactments hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced as if this Act had not been passed.

(*2*) Any appointment, notification, notice, order, rule or form made or issued under any of the enactments hereby repealed shall be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule or form is not inconsistent with the provisions of this Act and shall continue in force, unless and until it is superseded by an appointment, notification, notice, order, rule or form made or issued under this Act.

(*3*) All stamps in denominations of annas four or multiples thereof shall be deemed to be stamps of the value of twenty-five *naye paise* or, as the case may be, multiples thereof and valid accordingly.

1 These words were substituted for the words "the principal vernacular languages of the territories administered by it" by Mah. 27 of 1985, s. 50(*a*).

2 These words were substituted for the words "not exceeding one *rupee*" by Mah. 17 of 1993, s. 37.

[1][SCHEDULE I

STAMP DUTY ON INSTRUMENTS

(*See* section 3)

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
1. ACKNOWLEDGEMENT OF,— [2][(*1*)] a debt written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession, and the amount or value of such debt—	
[3][* * * *]	
(*c*) exceeds rupees 5,000 but does not exceed rupees 10,000; [4][* * *]	One rupee.
[5][(*d*) exceeds rupees 10,000 but is less than rupees 10,00,000; and	Fifty rupees.
(*e*) is rupees 10,00,000 and above	[6][(*2*) a letter, article, document, parcel, package or consignment, of any nature or description whatsoever or by whatever name called, given by a person, courier company, firm or body of persons whether incorporated or unincorporated to the sender of such letter, article, document, parcel, package or consignment.
[8][2. ADMINISTRATION BOND, including a bond given under section 6 of the Government Savings Banks Act, 1873 (V of 1873) or the Indian Succession Act, 1925 (XXXIX of 1925).	One Hundred rupees.]
3. ADOPTION DEED, that is to say, any instrument (other than a Will) recording an adoption or conferring or purporting to confer an authority to adopt.	[7][one per cent. of the amount charged thereof.]
4. AFFIDAVIT, that is to say, a statement in writing purporting to be a statement of facts, signed by the person making it and confirmed by him on oath or, in the case of persons by law allowed to affirm or declare instead of swearing, by affirmation.	Five hundred rupees.]
	[9][One thousand rupees.]
	[10][Five hundred rupees].

1 Schedule I was substituted by Mah. 27 of 1985, s. 51.

2 The portion beginning with the words "a debt written" and ending with the words "fifty rupees" was renumbered as clause (*1*) by Mah. 29 of 1994, s. 3(*1*)(*a*).

3 Sub-clauses (*a*) and (*b*) were deleted by Mah. 32 of 2005, s. 5(*1*).

4 The word "and" was deleted by Mah. 18 of 2016, s. 3(*i*).

5 These sub-clauses were substituted for the sub-clause (*d*) by Mah. 18 of 2016, s. 3(*ii*).

6 Clause (*2*) was added by Mah. 29 of 1994, s. 3(*1*)(*b*).

7 These words were substituted for the words "one rupee for every rupees one hundred or part thereof" by Mah. 20 of 2015, s. 20(*1*)(*B*).

8 This Article was substituted by Mah. 20 of 2015, s. 20(*2*).

9 These words were substituted for the words "Two hundred rupees" by Mah. 20 of 2015, s. 20(*3*).

10 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*1*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
Exemptions	
Affidavit or declaration in writing when made—	(*a*) as a condition of enrolment under the Air Force Act, 1950 (XLV of 1950), the Ar 0), or the Navy Act, 1957 (LXII of

1957);

(*b*) for the immediate purposes of being filed or used in any court or before the officer of any Court; or

(*c*) for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. AGREEMENT OR ITS RECORDS OR MEMORANDUM OF AN AGREEMENT—

(*a*) if relating to the sale of a bill of exchange;

One rupee for every rupees 10,000 or part thereof.

(*b*) if relating to the purchase of sale of a Government security;

(*c*) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate—

[1][Fifty *paise* for every rupees 1,00,000 or part thereof of the value of security at the time of its purchase or sale, as the case may be.]

(*i*) when such agreement or memorandum of an agreement is with or through a member or between members of Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956 (XLII of 1956); One rupee for every rupees 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

(*ii*) in any other case;

(*d*) if relating to the purchase or sale of cotton;

One rupee for every rupees 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

[2][One rupee for every rupees 10,000 or part thereof of the value of cotton.]

(*e*) if relating to the purchase or sale of bullion or species;

[3][One rupee for every rupees 10,000 or part thereof of the value of silver or gold or sovereigns, as the case may be.]

1 This portion was substituted by Mah. 32 of 2005, s. 5(*2*)(*A*).

2 This portion was substituted for the portion beginning with the words "One rupee" and ending with the words "part thereof" by Mah. 32 of 2005, s. 5(*2*)(*B*).

3 This portion was substituted for clauses (*a*), (*b*) and (*c*) by Mah. 32 of 2005, s. 5(*2*)(*C*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

(*f*) if relating to purchase or sale of oil seeds;

(*g*) if relating to the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind;

[1][One rupee for every rupees 10,000 or part thereof of the value of oil seeds.]

[2][One rupee for every rupees 10,000 or part thereof of the value of yarn of any kind, non-mineral oil or spices of any kind, as the case may be.]

[3][(*g-a*) [4][(*i*)] if relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, development of

[5][The same duty as is leviable on a Conveyance under clause (*b*), [6][or (*c*)], as the case may be, of Article 25, on the market value of the

or, sale or transfer (in any manner whatsoever) of, any immovable property.

property]:

[7][(*ii*) if relating to the purchase of one or more units in any scheme or project by a person from a developer:

Provided that, the provisions of section 32A shall, *mutatis mutandis*, apply to such

Provided that, on conveyance of property by the person, under an agreement under this sub-clause, to the subsequent purchaser, the duty chargeable for each unit under this sub-clause shall be adjusted against the duty chargeable

agreement, records thereof or memorandum, as they apply to an instrument under that section:

Provided further that, if the proper stamp duty is paid under clause (*g*) of article 48 on a power of attorney executed between the same parties in respect of the same property then, the stamp duty under this article shall be one hundred

under article 25 (conveyance) after keeping the balance of one hundred rupees, if such transfer or assignment is made [8][within a period of three years] from the date of the agreement. If on adjustment, no duty is required to be paid, then the minimum duty for the conveyance shall be rupees one hundred.

rupees.] Same duty as is leviable on

Explanation.— For the purposes of this sub-clause, the unit shall include a flat, apartment, tenement, block or any other unit by whatever name called, as approved by the Competent Authority in the building plan.

[10][* * * *]

[11][* * * *]

conveyance under clauses (*a*), (*b*), [9][or (*c*)], as the case may be, of article 25 on the market value of the unit.]

1 This portion was substituted for the portion beginning with the words “One rupee” and ending with the words “part thereof” by Mah. 32 of 2005, s. 5(*2*)(*D*).
2 This portion was substituted for portion beginning with the words “One rupee” and ending with the words
3 Clause (*g-a*) was inserted by Mah. 9 of 1997, s. 14(*2*), with effect from 7th February 1990.
4 Clause (*g-a*) was re-numbered as sub-clause (*i*) by Mah. 32 of 2005, s. 5(*2*)(*E*).
5 This portion was substituted for the portion beginning with the words “Five rupees” and ending with the words “Value of the Property” by Mah. 16 of 2008, s. 2(*a*)(*i*).
6 These brackets, letter and words were substituted for the brackets, letters and word “(*c*) or (*d*)” by Mah. 8 of 2012, s. 2(*a*) *w.e.f.* 25-04-2012.
7 Sub-clause (*ii*) was added by Mah. 32 of 2005, s. 5(*2*)(*E*).
8 These words were substituted for the words “within a period of one year” by Mah. 32 of 2022, s. 2.
9 These word, brackets and letter were substituted for the brackets, letters and word “(*c*) or (*d*)” by Mah. 8 of 2012, s. 2(*a*).
10 Clause (*g-b*) was deleted by Mah. 38 of 1994, s. 3(*1*)(*a*).
11 Clause (*g-c*) was deleted by Mah. 38 of 1994, s. 2(*1*)(*a*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

[1][(*g-d*) if relating to transfer of tenancy of immovable property, for every square meter of the area of the tenanted property the right of tenancy in which is the subject matter of transfer and situated within the limits of—

(*i*) the Municipal Corporation of Greater Bombay—

(*A*) for the purpose of non-residential use of any nature whatsoever;

[2][The same duty as is payable under article 36(*iv*).]

[3][(*B*) for the purpose of residential use,—

(*1*) having area upto 27.88 s t);

(*2*) having area more than 27.88 square metres (300 square feet).	[4][Two hundred rupees or an amount equal to 5 per cent. of the amount of consideration, whichever is higher].
(*ii*) the Municipal Corporations of the Cities of Thane, Pune, Nagpur and Navi Mumbai—	[5][The same duty as is payable under Article 36(*iv*).]]
(*A*) for the purpose of non-residential use of any nature whatsoever;	[6][The same duty as is payable under article 36(*iv*).]]
[7][(*B*) for the purpose of residential use,—	[8][One hundred rupees or an amount equal to 5 per cent. of the amount of consideration,
(*1*) having area upto 27.88 square metres (300 square feet);	
(*2*) having area more than 27.88 square metres (300 square feet).	
[10][(*iii*) any Municipal Corporations other than those Municipal Corporations mentioned in columns (*i*) and (*ii*),—	whichever is higher.] [9][The same duty as is payable under Article 36(*iv*).]] [11][The same duty as is payable under Article 36(*iv*).]
(*A*) for the purpose of non-residential use of any nature whatsoever;	

1 Clause (*g-d*) and *Explanations* I and II were inserted by Mah. 38 of 1994, s. 3(*2*).
2 These words and figures were substituted by Mah. 20 of 2015, s. 20(*4*)(*A*)(*I*)(*a*).
3 Entry (*B*) was substituted by Mah. 15 of 2011, s. 2(*a*)(*viii*)(*A*)(*2*).
4 These words and figures were substituted by Mah. 20 of 2015, s. 20(*4*)(*A*)(*I*)(*b*)(*i*).
5 This words and figures were substituted for the words and figures "The same duty as is payable under Article 60" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*I*)(*b*)(*ii*).
6 These words and figures were substituted for the words and figures "The same duty as is payable under Article 60" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*II*)(*i*).
7 This entry was substituted by Mah. 15 of 2011, s. 2(*a*)(*viii*)(*B*)(*2*).
8 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*II*)(*ii*)(*a*).
9 These words and figures were substituted for the words and figures "The same duty as is payable under Article 60" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*II*)(*ii*)(*b*).
10 Clause (*iii*) was substituted by Mah. 22 of 2001, s. 6(*b*)(*3*).
11 These words and figures were substituted for the words and figures "The same duty as is payable under Article 60" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*III*)(*a*).

Description of Instrument. (1)	Proper Stamp Duty. (2)
[1][(*B*) for the purpose of residential use,—	[2][Fifty rupees or an amount equal to 5 per cent. of the amount of consideration, whichever is higher.]
(*1*) having area upto 27.88 square metres (300 square feet);	
(*2*) having area more than 27.88 square metres (300 square feet).	
(*g-e*) if relating to hire-purchase.	
[4][* * * *]	
[5][* * * *]	
[6][(*h*) [7][(*A*) If relating to,—	

(*i*) any advertisement on mass media, made for promotion of any product; or programme or event with an intention to make profits or business out of it,—

(*a*) if the amount agreed does not exceed rupees ten lakhs;

(*b*) in any other case.

(*ii*) conferring exclusive rights of telecasting, broad-casting or exhibition of an event or a film,—

(*a*) if the amount agreed does not exceed rupees ten lakhs;

(*b*) in any other case.

(*iii*) specific performance by any person or a group of persons where the

[3][The same duty as is payable under Article 36(*iv*).]]

The same duty as is payable under Article 36.]

[8][0.25 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[9][0.5 per cent. of] the amount agreed in the contract.

[10][0.25 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[11][0.5 per cent. of] the amount agreed in the contract.

value of contract exceed rupees 1,00,000,—

1 Clause (*B*) was substituted by Mah. 15 of 2011, s. 2(*a*)(*viii*)(*c*)(*2*).

2 These words were substituted for the words "Fifty rupees" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*III*)(*b*)(*i*).

3 These words and figures were substituted for the words and figures "The same duty as is payable under Article 60" by Mah. 20 of 2015, s. 20(*4*)(*A*)(*III*)(*b*)(*ii*).

4 *Explanation I* was deleted by Mah. 38 of 1994, s. 2(*1*)(*b*).

5 *Explanation II* was deleted by Mah. 38 of 1994, s. 3(*1*)(*b*).

6 This clause was substituted by Mah. 32 of 2005, s. 2(*a*).

7 Sub-clause (*A*) was substituted by Mah. 17 of 2009, s. 2(*a*).

8 These figures and words were substituted for the words and figures "Two rupees and fifty *paise* for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*i*)(*I*).

9 These figures and words were substituted for the words and figures "Five rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*i*)(*II*).

10 These figures and words were substituted for the words and figures "Two rupees and Fifty *paise* for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*ii*)(*I*).

11 These figures and words were substituted for the words and figures "Five rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*ii*)(*II*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

(*a*) if the amount agreed does not exceed rupees ten lakhs;

(*b*) in any other case.

(*iv*) creation of any obligation, right or interest and having monetary value, but not covered under any other article,—

(*a*) if the amount agreed does not exceed rupees ten lakhs;

(*b*) in any other case.

(*v*) assignment of copyright under the Copyright Act, 1957 (14 of 1957),—

(*a*) if the amount agreed does not exceed rupees ten lakhs;

(*b*) in any other case.

(*vi*) project under Built, Operate and Transfer (BOT) system, whether with or without toll or fee collection rights,—

(*a*) if the amount agreed doe hs;

(*b*) in any other case.

(*B*) If not otherwise provided for,—

Explanation.— No duty shall be chargeable on agreements or its record covered under sub-clauses (*b*) and (*c*) of this article, if proper duty is paid under article 51A.

6. AGREEMENT RELATING TO DEPOSIT OF THE TITLE DEEDS, PAWN, PLEDGE OR HYPOTHECATION, that is to say, any instrument evidencing an agreement relating to—

[1][0.25 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[2][0.5 per cent. of] the amount agreed in the contract.

[3][0.1 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[4][0.2 per cent. of] the amount agreed in the contract.

[5][0.25 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[6][0.5 per cent. of] the amount agreed in the contract.

[7][0.1 per cent. of] the amount agreed in the contract subject to minimum of rupees 100.

[8][0.2 per cent. of] the amount agreed in the contract.]

[9][Five hundred rupees].

1 These figures and words were substituted for the words and figures "Two rupees and Fifty *paise* for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*iii*)(*I*).

2 These figures and words were substituted for the words and figures "Five rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*iii*)(*II*).

3 These figures and words were substituted for the words and figures "One rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*iv*)(*i*).

4 These figures and words were substituted for the words and figures "Two rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*iv*)(*ii*).

5 These figures and words were substituted for the words and figures "Two rupees and fifty *paise* for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*v*)(*I*).

6 These figures and words were substituted for the words and figures "Five rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*v*)(*II*).

7 These figures and words were substituted for the words and figures "One rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*vi*)(*i*).

8 These figures and words were substituted for the words and figures "Two rupees for every rupees 1,000 or part thereof on" by Mah. 20 of 2015, s. 20(*4*)(*B*)(*vi*)(*II*).

9 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*2*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

[1][(*1*) The deposit of the title deeds or instrument constituting or being evidence of the title to any property whatever (other than a marketable security), where such deposit has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt,—

(*a*) if the amount secured by such deed does not exceed rupees five lakhs;

(*b*) in any other case.

(*2*) The pawn, pledge or hypothecation of movable property, where such pawn, pledge or hypothecation has been made by way of security for their repayment of money advanced or to be advanced by way of loan or an existing or future debt,—

(*a*) if the amount secured by such deed does not exceed rupees five lakhs;

(*b*) in any other case.

11[(*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.

13[*Explanation I*].— For the purposes of clause (*1*) of this Article, notwithstanding anything contained in any judgement, decree or order of any court or order of any authority, any

2[0.1 per cent. of] the amount secured by such deed subject to the minimum of one hundred rupees.

3[4[0.3 per cent. of] the amount secured by such deed subject to the maximum of 5[twenty lakh rupees.]]

6[Provided that, in case of instrument executed in favour of consortium of banks, the duty chargeable shall not exceed fifty lakh rupees.]

7[0.1 per cent. of] the amount secured by such deed subject to the minimum of one hundred rupees.

8[9[0.3 per cent. of] the amount secured by such deed subject to the maximum of 10[twenty lakh rupees.]]

Five hundred rupees:

12[Provided that, in case of instrument executed in favour of consortium of banks, the duty chargeable shall not exceed fifty lakh rupees.]

1 These clauses were substituted by Mah. 17 of 2009, s. 2(*b*)(*i*).
2 These figures and words were substituted for the words "one rupee for every one thousand or part thereof for" by Mah. 20 of 2015, s. 20(*5*)(*A*)(*i*).
3 These words and figures were substituted for the words and figures "Two rupees for every rupees 1,000 or part thereof for the amount secured by such deed" by Mah. 27 of 2014, s. 2(*1*).
4 There figure and words were substituted for the figures and words "0.2 per cent. of" by Mah. 3 of 2021, s. 3(*a*)(*i*).
5 These words were substituted for the words "ten lakh rupees" by Mah. 7 of 2022, s. 2(*1*)(*a*).
6 This proviso was inserted by Mah. 7 of 2022, s. 2(*1*)(*a*)(*ii*).
7 These figures and words were substituted for the words "one rupee for every one thousand or part thereof for" by Mah. 20 of 2015, s. 20(*5*)(*B*)(*i*).
8 These words and figures were substituted for the words and figures "Two rupees for every rupees 1,000 or part thereof for the amount secured by such deed" by Mah. 27 of 2014, s. 2(*2*).
9 These figures and words were substituted for the figures and words "0.2 per cent. of" by Mah. 3 of 2021, s. 3(*a*)(*ii*).
10 These words were substituted for the words "ten lakh rupees" by Mah. 7 of 2022 s. 2(*b*)(*i*).
11 Clause (*3*) was added by Mah. 3 of 2021, s. 3(*a*)(*iii*).
12 This proviso was inserted by Mah. 7 of 2022, s. 2(*b*)(*ii*).
13 This *Explanation* was renumbered as *ExplanationI* by Mah. 20 of 2002, s. 8(*a*)(*ii*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

letter, note, memorandum or writing relating to the deposit of title deeds whether written or made either before or at the time when or after the deposit of title deeds is effected, and whether it is in respect of the security for the first loan or any additional loan or loans taken subsequently, such letter, note, memorandum or writing shall, in the absence of any separate agreement or memorandum of agreement relating to deposit of such title deeds, be deemed to be an instrument evidencing an agreement relating to the deposit of title deeds.

1[*Explanation II*.— For the purposes of this Article, any new instrument executed for additional loan or extension of previous loan shall be treated as a fresh instrument and chargeable with the duty to the extent of additional amount being secured or disbursed or sanctioned.]

Exemption

(*1*) 2* * * *

(*2*) Letter of hypothecation accompanying a bill of exchange.

7. APPOINTMENT IN EXECUTION OF A POWER; Where made by any writing not being a will—

(*a*) of trustees;

3[One thousand rupees].

(*b*) of property moveable or immovable. 4[One thousand rupees].

8. APPRAISEMENT OR VALUATION made otherwise than under an order of the court in the course of a suit.

Exemption

(*a*) Appraisement on valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.

(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.

9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of

[5][Five hundred rupees].

[6][Five hundred rupees].

1 This *Explanation* was inserted by Mah. 20 of 2015, s. 20(*5*)(*B*)(*iii*).
2 This entry was deleted by Mah. 9 of 1997, s. 14(*3*)(*b*).
3 These words were substituted for the words "one hundred rupees" by Mah. 20 of 2015, s. 20(*6*)(*i*).
4 These words were substituted for the words "Two hundred rupees" by Mah. 20 of 2015, s. 20 (*6*)(*ii*).
5 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*3*).
6 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*4*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

any apprentice clerk or servant, placed with any master to learn any profession, trade or employment, not being articles of clerkship (Article 11).

Exemption

Instrument of apprenticeship executed under the Apprentices Act, 1961 (LII of 1961), or by which a person is apprenticed by or at the charge of any public charity.

10. ARTICLES OF ASSOCIATION OF A COMPANY—

[1][Where the Company has no share capital] or nominal share capital or increased share capital.

Exemption

Articles of any association not formed for profit and registered under section 25 of the [3]Companies Act, 1956 (I of 1956) [*See* also Memorandum of Association of a Company (Article 39)].

11. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an Attorney in any High Court.

ASSIGNMENT, [5][*See* Development Agreement [Article 5 (*g*-*a*)], Conveyance] (Article 25), Transfer (Article 59) and Transfer of lease (Article 60), as the case may be.

ATTORNEY, *See* entry as an Attorney (Article 31) and Power of Attorney (Article 48).

AUTHORITY TO ADOPT, *See* Adaptation Deed (Article 3).

[6][12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, on a reference made otherwise than by an order of the Court in the course of a suit, being an award made as a result of a written agreement to submit present or future differences to Arbitration but not being an award directing partition,—

(*a*) relating to immovable property;

[2][0.3 per cent. on share capital or increased share capital, as the case may be, subject to a maximum of rupees One Crore].

[4][Seven hundred and fifty rupees].

The same duty as is leviable on a conveyance

1 These words were substituted for the words "On the share capital" by Mah. 9 of 1998, s. 38(*6*).
2 These figures and words were substituted fo 2 per cent. on share capital or increased

share capital, as the case may be, subject to a maximum of Rs. 50,00,000" by Mah. 9 of 2025, s. 2(*5*).

3 Now *see* the Companies Act, 2013 (18 of 2013).

4 These words were substituted for the words "Three hundred and seventy-five rupees" by Mah. 17 of 1993, s. 38(*6*).

5 These words, figure and letters were substituted for the words "See conveyance" by Mah. 32 of 2005, s. 5(*4*).

6 Article 12 was substituted by Mah. 9 of 2025, s. 2(*6*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*b*) relating to movable property,—	
(*i*) where the amount granted in the award, does not exceed rupees fifty lakhs;	0.75 per cent. of the amount granted in the award.
(*ii*) where the amount granted in the award, exceeds rupees fifty lakhs but does not exceed rupees five crores;	Rupees thirty seven thousand five hundred plus 0.5 per cent. of the amount granted in the award.
(*iii*) where the amount granted in the award, exceeds rupees five crores;	Two lakhs sixty two thousand five hundred rupees plus 0.25 per cent. of the amount granted in the award.]
13. BOND not being a debenture and not being otherwise provided for any provisions of this Act (whether or not such provisions relate to any particular types of Bonds), or by the [1]Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959.)— [2][***]	[3][One per cent. of amount of Bond, subject to a minimum of rupees five hundred.]
Exemption	
Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions or a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.	
14. BOTTOMERY BOND, that is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.	[4][One per cent. of the amount of Bond, subject to a minimum of rupees five hundred.]
15. CANCELLATION— Instrument of, if attested and not otherwise provided for.	[5][Five hundred rupees].
Exemption	
Instrument revoking a Will.	
16. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer or any other officer empowered by law to sell property by public auction.	The same duty as is leviable on a Conveyance under clause (*a*), (*b*) [6][[7][or (*c*)]] as the case may be, of Article 25 on the market value of the property.

1 The short title of this Act was amended as "t y Mah. 24 of 2012, Sch., *w.e.f.* 1-5-1960.

2 These words "for every rupees five hundred or part thereof" were deleted by Mah. 20 of 2015, s. 20(*10*)(*a*).
3 These words were substituted for the words "Five rupees" by Mah. 20 of 2015, s. 20(*10*)(*b*).
4 These words were substituted for the words and figures "same duty as a Bond (Article 13) for the same amount" by Mah. 20 of 2015, s. 20(*11*).
5 These words were substituted for the words "One Hundred Rupees" by Mah. 20 of 2015, s. 20(*12*).
6 The brackets, letter and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*a*).
7 These word, brackets and letter were substituted for the brackets, letters and word "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*b*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
1[17. CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of share, scrip or stock, in or of any such company or body. [*See* also Letter of Allotment of Shares (Article 37)];	2[0.1 per cent.] of the value of the shares, scrip or stock.]

Explanation.—for the purposes of this Article, the value of shares, scrip or stock includes the amount of premium, if any.

18. CHARTER-PARTY, that is to say, any instrument (except an agreement for the hire of tug steamer) whereby vessel or some specified principal part thereof is left for the specified purposes of the charterer, whether it includes a penalty clause or not.

19. (*1*) CLEARANCE LIST relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange.

3[Five hundred rupees].

The sum of duties payable under Article 5(*b*) or 43(*g*), as the case may be, in respect of each of

(*2*) CLEARANCE LIST, relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security for like nature in or of an incorporated company or other body corporate, submitted to the clearing house of a stock exchange recognised under the Securities Contracts (Regulation) Act, 1956 (XLII of 1956).

(*3*) CLEARANCE LIST, relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of an incorporated company or body corporate, submitted to the clearing house of a stock exchange, not recognised under the Securities Contract (Regulation) Act, 1956 (XLII of 1956).

20. CLEARANCE LIST, relating to the transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton

the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

The sum of duties payable under Article 5(*c*)(*i*) or 43(*f*), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

The sum of duties payable under Article 5(*c*)(*ii*) or 43(*f*), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.

The sum of duties payable under Article 5(*d*) or 43(*a*), as the case may be, in respect of each of the entries in such list on the units of

Association. transactions or part thereof.

21. CLEARANCE LIST, relating to the transactions for the purchase or sale of bullion or species submitted to the clearing house of a

1 Article 17 was substituted by Mah. 29 of 1994, s. 3(*3*).

The sum of duties payable under Article 5(*e*) or 43(*b*), as the case may be, in respect of each of the entries in such list on the units of

2 These figures and words were substituted for the words "One rupees for every one thousand rupees or part thereof," by Mah. 20 of 2015, s. 20(*13*).

3 These words were substituted for the words "one hundred rupees" by Mah. 20 of 2015, s. 20(*14*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
Bullion Association.	

22. CLEARANCE LIST, relating to the transactions for the purchase or sale of oil-seeds submitted to the clearing house of an Oil-seed

transactions or part thereof.

The sum of duties payable under Article 5(*f*) or 43(*c*), as the case may be, in respect of the entries in such list on the units of transactions

Association. or part thereof.

23. CLEARANCE LIST, relating to the transactions for the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind.

24. COMPOSITION-DEED, that is to say,

The sum of duties payable under Article 5(*g*) or 43(*d*), as the case may be, in respect of the entries in such list on the units of transactions or part thereof.

1[Five hundred rupees].	
any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence for the benefit of his creditors.	

25. CONVEYANCE (not being a transfer charged or exempted under Article 59)—

On the 2[true market value] of the property, which is the subject matter of Conveyance,—

3[(*a*) if relating to movable property.	3 per cent. of the market value of the property.]
4[(*b*) if relating to immovable property situated,—	
(*i*) within the limits of any Municipal Corporation or any Cantonment area annexed to it or any urban area not mentioned in sub-clause (*ii*).	5 per cent. of the market value of the property.

(*ii*) within the limits of any Municipal *Nagar Panchayat* or Cantonment area annexed to it, or any rural area within the limits of the Mumbai Metropolitan Region Development Authority, or the Influence Areas as per the annual statement of rates published under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995.	[5]5[5 per cent.] of the market value of the property.
(*iii*) within the limits of any *Grampanchayat* area or any such area not mentioned in sub-clause (*ii*).	[6]6[4 per cent.] of the market value of the property.
(*c*) if relating to both movable and immovable property.	The same duty as is payable under clauses (*a*) and (*b*).

1 These words were substituted for the words "Two hundred rupees" by Mah. 20 of 2015, s. 20(*15*). 2 These words were substituted for the words "Market Value" by Mah. 9 of 1988, s. 38(*e*).

3 Clause (*a*) was substituted by Mah. 20 of 2015, s. 20(*16*).

4 Clause (*b*) was substituted by Mah. 8 of 2012, s. 2(*c*)(*i*).

5 This figure and words were substituted for the figure and words "4 per cent." by Mah. 59 of 2017, s. 2(*a*)(*i*). 6 This figure and words were substituted for the figure and words "3 per cent." by Mah. 59 of 2017, s. 2(*a*)(*ii*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
[1][(*d*) * * * *]	
[2][3][(*da*) if relating to the order of the High Court under section 394 of the Companies Act, 1956 (1 of 1956) or the order of the National Company Law Tribunal under section 230 to 234 of the Companies Act, 2013 (18 of 2013) or confirmation issued by the Central Government under sub-section (*3*) of section 233 of the Companies Act, 2013 (18 of 2013) in respect of the amalgamation merger, demerger, arrangement, or reconstruction of companies (including subsidiaries of parent company) or order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 (10 of 1949), in respect of amalgamation or reconstruction of Banking Companies] [4]4[and every order made by the Board for Industrial and Financial Reconstruction under section 18 or 19 of the Sick Industrial Companies (Special Provisions) Act, 1985 (1 of 1986), in respect of sanction of Scheme specified therein or every order made by the National Company Law Tribunal under section 31 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016), in respect of approval of resolution plan].	
[8][(*e*) [9]9* * * *]	

Exemption

Assignment of copyright under the Copyright Act, 1957 (XIV of 1957).

1 Clause (*d*) was deleted by Mah. 8 of 2012, s. 2(*c*)(*ii*).

10 per cent. of the aggregate of the market value of the shares issued or allotted in exchange or otherwise and the amount of consideration paid for such amalgamation:

Provided that, the amount of duty chargeable under this clause shall not exceed,—

(*i*) an amount equal to 5[5 per cent.] of the true market value of the immovable property located within the State of Maharashtra of the transferor company; or

(*ii*) an amount equal to 6[5 per cent.] of the aggregate of the market value of the shares issued or allotted in exchange or otherwise and the amount of consideration paid, for such amalgamation, whichever is higher:

Provided further that, in case of reconstruction or demerger the duty chargeable shall not exceed,—

(*i*) an amount equal to 7[5 per centum] of the true market value of the immovable property located within the State of Maharashtra transferred by the Demerging Company to the Resulting Company; or

(*ii*) an amount equal to 0.7 per centum of the aggregate of the market value of the shares issued or allotted to the Resulting Company and the amount of consideration paid for such demerger, whichever is higher.]

2 This clause was substituted for the original by Mah. 1 of 2002, s. 3, *w.e.f.* 1st January 2000.

3 This portion was substituted for the portion beginning with the brackets, letters and words "(*da*) if relating to the order of High Court" and ending with the words and figures "Banking Regulation Act, 1949" by Mah. 5 of 2018, s. 3.

4 This portion was added by Mah. 8 of 2022, s. 3.

5 This figure and words were substituted for the figure and words "7 per cent." by Mah. 13 of 2004, s. 6(*10*)(*III*)(*i*).

6 This figure and words were substituted for the figure and words "7 per centum" by Mah. 13 of 2004, s. 6(*10*)(*III*)(*ii*).

7 This figure and words were substituted for the figure and words "7 per centum" by Mah. 13 of 2004, s. 6(*10*)(*III*)(*ii*). 8 Clause (*e*) was added by Mah. 9 of 1997 s. 14(*4*)(*a*) *w.e.f.* 15th September 1996 and clause (*e*) was deleted by Mah. 30 of 1997, s. 1(*c*) *w.e.f.* 15th September 1996.

9 Clause (*e*) was added by Mah. 9 of 1997, s. 14(*4*)(*a*) *w.e.f.* 15th September 1996 and clause (*e*) was deleted by Mah. 30 of 1997, s. 1(*c*) *w.e.f.* 15th September 1996.

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

[1][2][*Explanation* I].— For the purposes of this article, where in the case of agreement to sell an immoveable property, the possession of any immoveable property is transferred [3][or agreed to be transferred] to the purchaser before the execution, or at the time of execution, or after the execution of, such agreement [4]* * * then such agreement to sell shall be deemed to be a conveyance and stamp duty thereon shall be leviable accordingly:

Provided that, the provisions of section 32A shall apply *mutatis mutandis* to such agreement which is deemed to be a conveyance as aforesaid, as they apply to a conveyance under that section:

Provided further that, where subsequently a conveyance is executed in pursuance of such agreement of sale, the stamp duty, if any already paid and recovered on the agreement of sale which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance:]

[5][Provided also that, where proper stamp duty is paid on a registered agreement to sell an immovable property, treating it as a deemed conveyance and subsequently a conveyance deed is executed without any modification then such a conveyance shall be treated as other instrument under section 4 and the duty of one hundred rupees shall be charged.]

[6][*Explanation* II.— * * * * *]

[7][*Explanation* III.— [8][(*i*)] For the purposes of clause (*da*), the market value of shares,—

(*a*) in relation to the transferee company, whose shares are listed and quoted for trading on a stock exchange, means the market value of shares as on the appointed day mentioned in the Scheme of Amalgamation or when appointed day is not so fixed, the date of order of the High Court; and

(*b*) in relation to the transferee company,

1 "*Explanation I*" alongwith both the provisos was deleted by Mah 29 of 1994, section 3(*4*)(*b*), but it was not brought into force, subsequently by s. 8(*1*)(*d*) of Mah. 30 of 1994, was deemed to have come into force *w.e.f.* 10th December 1985.
2 This *Explanation* was renumbered as *Explanation I* by Mah. 27 of 1988, s. 2(*a*)(*ii*).
3 These words were inserted by Mah. 17 of 1993, s. 38(*12*)(*2*)(*c*).
4 These words "without executing the conveyance in respect thereof" were deleted by Mah. 38 of 1994, s. 3(*2*).
5 This proviso was added by Mah. 8 of 2013, s. 4(*a*).
6 The *Explanation II* was deleted by Mah. 8 of 2012, s. 2(*c*)(*iii*).
7 *Explanation III*, which was added by section 14(*4*)(*b*) of Mah. 9 of 1997 was substituted by Mah. 30 of 1997, s. 8(*1*)(*e*).
8 *Explanation III* was re-numbered as para (*i*) and after para (*i*) so re-numbered, para (*ii*) was added by Mah. 32 of 2005, s. 5(*5*)(*ii*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

whose shares are not listed/or listed but not quoted for trading on a stock exchange, means the market value of the shares issued or allotted with reference to the market value of the shares of the transferor company or as determined by the Collector after giving the transferee company an opportunity of being heard.]

[1][(*ii*) for the purposes of clause (*da*), the number of shares issued or allotted in exchange or otherwise shall mean, the number of shares of the transferor company accounted as per exchange ratio as on appointed date.]

26. COPY OR EXTRACT, certified to be a true copy or extract by or by order of any public officer under section 76 of the Indian Evidence Act, 1872 (1 of 1872), and not chargeable under the law for the time being in force relating to court-fees.	[2][Ten rupees].
Exemption	
(*a*) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for a publ	

(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.

(*c*) Copy of any instrument the original of which is not chargeable to duty.

27. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid.

4[28. CUSTOMS BOND OR EXCISE BOND, that is to say, any bond given pursuant to the provisions of any law for the time being in force or to the directions of any officer of Custom or Excise for, or in respect of, any of the duties of Customs or Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto.

The same duty as is payable on the original, subject to maximum of 3[rupees five hundred].

Five hundred rupees.

1 *Explanation III* was re-numbered as para (*i*) and after para (*i*) so re-numbered, para (*ii*) was added by Mah. 32 of 2005, s. 5(*5*)(*ii*).

2 These words were substituted for the words "Five rupees" by Mah. 17 of 1993, s. 38(*13*).

3 These words were substituted for the words "rupees one hundred" by Mah. 9 of 2025, s. 2(*7*).

4 Article 28 was substituted by Mah. 20 of 2015, s. 20(*17*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
29. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, in any warehouse in which goods are stored, or deposited, on rent or hire, or upon any wharf, 1* * * when such goods exceed in 2[value hundred rupees, for every rupees 10,000 or part thereof].	3[Ten rupees].
DEPOSIT OF TITLE-DEEDS, *See* Agreement relating to Deposit of the Title-Deeds, Pawn, Pledge or Hypothecation (Article 6).	
DISSOLUTION OF PARTNERSHIP, *See* Partnership (Article 47).	
4[*Explanation*.— For the purposes of this article, the words "dock or port" shall include "Airport" and "Cargo Hub".]	
30. DIVORCE— Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	5[Five hundred rupees].
DOWER— Instrument of, *See* Settlement (Article 55).	
DUPLICATE, *See* Counterpart (Article 27).	
31. ENTRY OF MEMORANDUM OF MARRIAGE in the register under the 6[Maharashtra Regulation of Marriage Bureaus	

[7][One hundred rupees].

and Registration of Marriages Act, 1998 (Mah. 20 of 1999.)]

32. EXCHANGE OF PROPERTY— The same duty as is leviable on a Conveyance instrument of—

under clause (*a*), (*b*) [8][[9][or (*c*)]], as the case may be, of Article 25, on the market value of the property of the greatest value.

1 These words "such instrument being executed by or on behalf of the owner of such goods upon the sale or transfer of the property therein" were deleted by Mah. 16 of 1995, s. 3(*2*).
2 These words and figures were substituted for the words "value hundred rupees" by Mah. 29 of 1994, s. 3(*5*).
3 These words were substituted for the words "One rupee" by Mah. 17 of 1993, s. 38(*6*).
4 This *Explanation* was added by Mah. 32 of 2005, s. 5(*7*).
5 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*8*).
6 These words and figures were substituted for the words and figures "Bombay Registration of Marriages Act, 1953" by Mah. 32 of 2005, s. 6(*11*).
7 These words were substituted for the words "Fifty rupees" by Mah. 13 of 2004, s. 6(*11*).
8 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*c*).
9 This word were substituted for the words, brackets and letters "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2 (*d*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
EXCISE BOND, *See* Customs Bond or Excise Bond (Article 28).	

[1][*Explanation*.— For the purposes of this article, notwithstanding anything contained hereinabove, the highest duty on either of the property exchanged shall be chargeable.]

33. FURTHER CHARGE— Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

(*a*) when the original mortgage is one of the description referred to in clause (*a*) of Article 40 (that is, with possession);

(*b*) when such mortgage is one of the description referred to clause (*b*) of Article 40 (that is, without possession)—

(*i*) if at the time of execution of the instrument of further charge possession of the property is given under such instrument.

[6][(*ii*) if possession is not so given,—

(*A*) if the amount of further charge secured by such deed does not exceed rupees five lakhs,

(*B*) in any other case,

The same duty as is leviable on a Conveyance under clause (*a*), (*b*), [2][3][or (*c*)]], as the case may be, of Article 25, for the amount of the further charge secured by such instrument.

The same duty as is leviable on a Conveyance under clause (*a*), (*b*) [4][5][or (*c*)]], as the case may be, of Article 25, for the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.

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

0.3 per cent. of the amount of further charge secured by such deed, subject to maximum of twenty lakh rupees.]

[7][[8][One thousand] rupees for every five hundred or part thereof for the amount of further charge secured by such instrument subject to minimum of the one hundred rupees and the maximum of [9][ten lakh rupees]].

1 This *Explanation* was added by Mah. 32 of

2 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*d*).
3 These brackets, letters and word were substituted for the brackets, letters and word "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*e*).
4 These word, brackets and letter were substituted for the brackets, letters and word "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*e*).
5 The brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*d*).
6 Sub-clause (*ii*) was substituted by Mah. 7 of 2022, s. 2(*2*).
7 This portion was substituted for the portion beginning with the words "The same duty" and ending with the words "such instrument" by Mah. 16 of 2003, s. 2(*b*).
8 These words were substituted for the words "Five hundred" by Mah. 32 of 2005, s. 5(*10*)(*i*).
9 These words were substituted for the words "Five lakh rupees" by Mah. 32 of 2005, s. 5(*10*)(*ii*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
34. GIFT, Instrument of— not being a Settlement (Article 55) or Will or Transfer (Article 59).	The same duty as is leviable on a Conveyance under clause (*a*), (*b*), 1[2[or (*c*)]] as the case may be, of Article 25, on the market value of the property which is the subject matter of the gift: 3[Provided that, if the property is gifted to a family member being the husband, wife, brother or sister of the donor or any lineal ascendant or descendant of the donor, then the amount of duty chargeable shall be 4[at the rate of 3 per cent. on the market value] of the property which is the subject matter of the gift, 5[* *]]. 6[Provided further that, if the residential and agricultural property is gifted to husband, wife, son, daughter, grandson, grand-daughter, wife of deceased son, the amount of duty chargeable shall be rupees two hundred.]
HIRING AGREEMENT or agreement for service, *see* Agreement (Article 5).	
35. INDEMNITY BOND INSPECTORSHIP-DEED, *see* Composition Deed (Article 24).	7[Five hundred rupees].
8[36. LEASE, including under-lease or sub-lease and any agreement to let or sub-let or any renewal of lease,— Where such lease purports to be— (*i*) for a period not exceeding five years.	The same duty as is leviable on a conveyance under clause (*a*), (*b*) 9[10[or (*c*)]], as the case may be, of article 25, on 10 per centum of the market value of the property.

1 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*e*).
2 These brackets, letters and word were substituted for the words, brackets and letters ", (*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*f*).
3 This proviso was added by Mah. 20 of 2002, s. 8(*d*).
4 These words were substituted for the words "at the same rate as specified in this article or at the rate of rupees ten for every rupees five hundred or part thereof on the market value" by Mah. 59 of 2017, s. 2(*b*)(*i*).

5 These words "whichever is less" were deleted by Mah. 59 of 2017, s. 2(*b*)(*ii*).
6 This proviso was added by Mah. 20 of 2015, s. 20(*18*).
7 These words were substituted for the words "Two hundred rupees" by Mah. 20 of 2015, s. 20(*19*).
8 This article was substituted by Mah. 32 of 2005, s. 5(*11*).
9 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*f*).
10 These brackets, letter and word were substituted for the brackets, letters and words "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*g*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*ii*) for a period exceeding five years but not exceeding ten years, with a renewal clause contingent or otherwise.	
(*iii*) for a period exceeding ten years but not exceeding twenty-nine years with a renewal clause contingent or otherwise.	
(*iv*) for a period exceeding twenty-nine years or in perpetuity, or does not purport for any definite period, or for lease for a period exceeding twenty-nine years, with a renewal clause contingent or otherwise.	The same duty as is leviable on a conveyance under clause (*a*), (*b*), 1[2[or (*c*)]], as the case may be, of article 25, on 25 per centum of the market value of the property. The same duty as is leviable on a conveyance under clause (*a*), (*b*), 3[4[or (*c*)]], as the case may be, of article 25, on 50 per centum of the market value of the property. The same duty as is leviable on a conveyance under clauses (*a*), (*b*), 5[6[or (*c*)]], as the case may be, of article 25, on 90 per centum of the market value of the property].

Explanation I.— Any consideration in the form of premium or money advanced or to be advanced or security deposit by whatever name called shall, for the purpose of market value, be treated as consideration passed on.

Explanation II.— The renewal period, if specifically mentioned, shall be treated as part of the present lease.

Explanation III.— For the purpose of this article, the market value, for the instruments falling under section 2(*n*)(*iii*) (Toll Agreements), and article 5(*g-e*) (Hire Purchase Agreement) shall be the total contract value and they shall be chargeable to duty same as under clause (*a*) of article 25].

7[36A. LEAVE AND LICENCE AGREEMENT—	
8[(*a*) Where the leave and licence agreement purports to be for a term not exceeding sixty months with or without renewal clause.	0.25 per cent. of the total sum of,—
	(*i*) the licence fees or rent payable under the agreement; plus
	(*ii*) the amount of non-refundable deposit or money advanced or to be advanced or premium, by whatever name called; plus
	(*iii*) the interest calculated at the rate of 10 per cent. per annum on the refundable security

1 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*f*).
2 These brackets, letter and word were substituted for the brackets, letters and words "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*g*).
3 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*f*).
4 These brackets, letter and word were substituted for the brackets, letters and words "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*g*).
5 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*f*).
6 These brackets, letter and word were substituted for the brackets, letters and words "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*g*).
7 This article was substituted by Mah. 20 of 2002, s. 8(*e*).
8 This clause was substituted by Mah. 8 of 2013, s. 4(*b*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

1[(*b*) where such leave and licence agreement purports to be for a period exceeding sixty months with or without renewal clause.

deposit or money advanced or to be advanced, by whatever name called.]

Same day as is leviable on lease under clause (*ii*), (*iii*) or (*iv*), as the case may be, of article 36.]

37. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company. *See* also Certificate or other Document (Article 17). — One rupee.

LETTER OF GUARANTEE, *see* Agreement (Article 5).

38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditor, that the letter shall, for a specified time, suspend his claims and allow the debtor to carry on business at his own discretion.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(*a*) if accompanied by articles of association under section 26 of the Companies Act, 1956 (I of 1956);

(*b*) if not so accompanied.

Exemption

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (I of 1956).

40. MORTGAGE-DEED, not being an agreement relating to 5[Deposit of Title Deeds, Pawn or Pledge or Hypothication (Article 6)], Bottomry Bond (Article 14), Mortgage of a Crop (Article 41), Respondentia Bond (Article 53), or Security Bond of Mortgage Deed (Article 54)—

(*a*) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be

2[Five hundred rupees].

3[One thousand rupees.]

4[0.2 per cent. according to the share capital of the company, subject to minimum of rupees one thousand and maximum of rupees 50,00,000].

The same duty as is leviable on a conveyance under clause (*a*), (*b*) 6[7[(or (*c*)]], as the case may be, of Article 25, for the amount secured

given; by such deed.

1 This clause was substituted by Mah. 32 of 2005, s. 5(*12*)(*B*).

2 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*9*).

3 These words were substituted for the words "Two hundred rupees" by Mah. 20 of 2015, s. 20(*20*)(*i*).

4 These figures and words were substituted for the portion beginning with the words "The same duty" and ending with the words "share capital of the company" by Mah. 20 of 2015, s. 20(*20*)(*ii*).

5 These words, brackets and figure were inserted by Mah. 13 of 2004, s. 6(*14*).

6 These brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*g*).

7 These words were substituted for the words, brackets and letters "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*h*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

1[(*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,

(*ii*) in any other cases.

3[*Explanation I*].— A mortgagor who gives to the mortgagee a power of attorney to collect rents, or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.

5[*Explanation II*.— Where in the case of an agreement to mortgage the amount or part thereof sought to be secured by such an agreement is advanced or disbursed to the mortgagor without execution of a mortgage-deed, then such an agreement to mortgage shall, notwithstanding anything contained in clause (*d*) of section 2, become chargeable under this Article as mortgage-deed on the date of making of such advance or disbursement either in part or in whole.]

(*c*) when a collateral or auxilliary or additional or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped.

7[*Explanation*.— For the purpose of this clause, "the principal or primary security" shall mean, the security created under clause (*a*) or (*b*) above.]

Exemptions

(*1*) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884) or by their sureties as security for the repayments of such advances.

1 Clause (*b*) was substituted by Mah. 3 of 2021, s. 3(*b*).

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

0.3 per cent. of the amount secured by such deed, subject to the maximum of 2[twenty lakh rupees]].

4[Provided that, in case of instrument executed in favour of consortium of banks, the duty chargeable shall not exceed fifty lakh rupees.]

6[Five hundred only].

2 These words were substituted for the words "ten lakh rupees" by Mah. 7 of 2022, s. 3(*3*)(*i*).

3 *Explanation* was renumbered as *Explanation I* by Mah. 38 of 1994, s. 3(3).

4 This proviso was inserted by Mah. 7 of 2022, s. 2(*3*)(*ii*).

5 *Explanation* was renumbered as *Explanation I* and *Explanation II* was inserted by Mah. 38 of 1994, s. 3(*3*).

6 These words were substituted for the words "The same duty as a Bond (Article 13) for the amount secured, subject to a maximum of rupees two hundred" by Mah. 20 of 2015, s. 20(*21*)(*ii*).

7 This *Explanation* was added by Mah. 12 of 2006, s. 4(*5*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

(*2*) Letter of hypothecation accompanying a bill of exchange.

[1][41. MORTGAGE OF CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop whether the crop is or is not in existence at the time of mortgage,—

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

(*ii*) in any other case,

42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (Article 49) executed by a Notary Public in the performance of the duties of his office, or by any other person lawfully acting as a Notary Public.

43. NOTE OR MEMORANDUM sent by a broker or agent to his principal intimating the purchase or sale on account of such principal—

(*a*) of cotton.

(*b*) of bullion of specie.

(*c*) of oil seeds.

(*d*) of yarn of any kind, non-mineral oils or spices of any kind.

(*e*) of any other goods exceeding in value twenty rupees.

(*f*) of any share, script, stock, bond,

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

0.3 per cent. of the amount secured by such deed, subject to the maximum of twenty lakh rupees.]

[2][Twenty-five rupees].

[3][[4][One rupee for every] rupees 10,000 or part thereof,] on the value of cotton.]

[5][One rupee for every rupees 10,000 or part thereof, on the value of silver or gold or sovereigns as the case may be].

[6][One rupee for every rupees 10,000 or part thereof, on the value of oil seeds].

One rupee for every rupees 10,000 or part thereof, on the value of [7][yarn of any kind, non-mineral oils or spices of any kind, as the case may be].

One rupee for every rupees 10,000 or [8][part thereof on the value of goods].

One rupee for every rupees 10,000 or part thereof of the value of the security, at the time

debenture, debenture stock or other

1 This article was substituted by Mah. 7 of 2022, s. 4.

2 These words were substituted for the words "Five rupees" by Mah. 17 of 1993, s. 38(*21*).

3 These words and figures were substituted for the words and figures "unit of transaction of 4,500 kilograms or part thereof" by Mah. 32 of 2005, s. 5(*14*)(*A*).

4 These words and figures were substituted for the words and figure "Rupees 10,000 or part thereof" by Mah. 15 of 2011, s. 2(*b*)(*i*).

5 These words and figures were substituted for sub-clauses (*a*), (*b*) and (*c*) by Mah. 32 of 2005, s. 5(*14*)(*B*).

6 These words and figures were substituted for the figures and words "10,000 kilograms of oil seeds" by Mah. 32 of 2005, s. 5(*14*)(*C*).

7 This portion was substituted for the portion beginning with the words "yarn of any kind" and ending with the words

8 These words were substituted for the words "part thereof" by Mah. 32 of 2005, s. 5(*14*)(*E*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
marketable security of a like nature exceeding in value twenty rupees, not being a Government security.	
(*g*) of a Government security.	
Exemptions	

(*1*) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale on account of such principal or a Government security or a share, script, stock, bond, debenture, debenture stock or other marketable security of like nature in or of an incorporated company or other body corporate, an entry relating to which is required to be made in clearance lists described in clauses (*1*), (*2*) and (*3*) of Article 19.

(*2*) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of cotton on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 20.

(*3*) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of bullion or spices on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 21.

(*4*) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of oil-seeds on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 22.

(*5*) Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind on account of such principal, an entry relating to which is required to be made in a clearance list described in Article 23.

(*6*) Note or Memorandum sent by a broker or agent to his principal in any of the above cases, when the amount stated in the instrument is less than rupees one hundred.

2[*Explanation*.— No duty shall be chargeable on note or Memorandum sent by broker or agent to his principal intimating the purchase or sale on account of such principal of a security or a forward contract on which proper
of its purchase or sale, as the case may be.

1[Fifty *paise* for every rupees 1,00,000 or part
thereof, on the value of security.]

1 This portion was substituted for the portion beginning with the words “One rupee” and ending with the words “one thousand rupees” by Mah. 32 of 2005, s. 5(*14*)(*F*).

2 The *Explanation* was added by Mah. 32 of 2005, s. 5(*14*)(*G*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

duty is paid under article 51A].

44. NOTE OF PROTEST BY THE MASTER OF A SHIP.

See also Protest by the Master of Ship (Article 50).

45. ORDER FOR THE PAYMENT OF MONEY, not being a Bill of Exchange within the meaning of the Indian Stamp Act, 1899 (II of 1899),—

(*a*) where payable otherwise than on demand but not more than one year after date or sight 2[***].

1[Five hundred rupees].

3[One per cent. of amount of payment under order].

4[(*b*) where payable at more than one year after date or sight.

Two per cent. of amount of payment under order.]

46. PARTITION— Instrument of as defined by section 2(*m*).

5[6[Two per cent.] of the] amount or the market value of the separated share or shares of the property.

Note.— The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated.

Provided always that,—

(*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than five rupees;

[7][(*b*) where the instrument relates to the partition of agricultural land, the rate of duty applicable [8][shall be one hundred rupees]];

(*c*) where a final order for effecting a partition passed by any Revenue authority or

1 These words were substituted for the words "One hundred rupees" by Mah. 9 of 2025, s. 2(*10*).
2 The words, letters and figures "for every Rs. 1,000 or part thereof" were deleted by Mah. 20 of 2015, s. 20(*22*)(*i*)(*A*).
3 These words were substituted for the words "Ten rupees" by Mah. 20 of 2015, s. 20(*22*)(*i*)(*B*).
4 Clause (*b*) was substituted by Mah. 20 of 2015, s. 20(*22*)(*ii*).
5 These words were substituted for the words, brackets and figures "The same duty as a Bond (Article 13) for the" by Mah. 9 of 1997, s. 14(*b*)(*i*).
6 These words were substituted for the words "Rupees Ten for every rupees five hundred or part thereof" by Mah. 20 of 2015, s. 20(*23*).
7 Clause (*b*) was substituted by Mah. 9 of 1997, s. 14(*6*)(*ii*).
8 These words were substituted for the portion "shall be 0.5 per cent. on the market value of the separated share or share of the property" by Mah. 30 of 1997, s. 8(*2*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
[1][47. PARTNERSHIP—	
(*1*) Instrument of any partnership inclusive of, Limited Liability Partnership and Joint Venture to run a business, earn profits and to share profits, whether in cash or in kind—	
(*a*) where there is no share of contribution in partnership, or where such share contribution brought in by way of cash does not exceeds 50,000.	Five hundred rupees.
(*b*) where such share contribution brought in by way of cash is in excess of rupees 50,000.	One per cent. of the amount of share contribution subject to maximum of rupees [2][fifty thousand].
(*c*) where such share contribution is brought in by way of property, excluding cash.	The same duty as is leviable on a conveyance under clause (*a*), (*b*) or (*c*), as the case may be, of Article 25, on the market value of such property.
(*2*) Dissolution of partnership or retirement of partner inclusive of, Limited Liability Partnership and Joint Venture to run a business, earn profits and to share profits, whether in cash or in kind—	
(*a*) where on dissolution of the partnership or on retirement of a partner any property is taken as his share by a partner other than a partner who brought in that	

The same duty as is leviable on a Conveyance under clause (*a*), (*b*) or (*c*), as the case may be, of Article 25, on the market value of such property, subject to a minimum of rupees one hundred.

property as his share of contribution in the partnership.

(*b*) in any other case. Five hundred rupees.]

48. POWER OF ATTORNEY not being a Proxy—

(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents; 3[Five hundred rupees].

1 Article 47 was substituted by Mah. 20 of 2015, s. 20(*24*).

2 These words were substituted for the words "fifteen thousand" by Mah. 9 of 2025, s. 2(*11*).

3 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*25*)(*i*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*b*) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 (XV of 1882);	1[Five hundred rupees].
(*c*) when authorising one person or more to act in a single transaction other than the case mentioned in clause (*a*);	2[Five hundred rupees].
(*d*) when authorising one person to act in more than one transaction or generally;	3[Five hundred rupees].
(*e*) when authorising more than one person to act in single transaction or more than one transaction jointly or severally or generally;	4[Five hundred rupees].
5[(*f*) (*i*)] when given for consideration and authorising to sell an immoveable property;	The same duty as is leviable on a Conveyance under clause (*a*), (*b*), 6[7[or (*c*)]], as the case may be, of Article 25, on the market value of the property.
8[(*ii*) when authorising to sell or transfer immoveable property without consideration or without showing any consideration, as the case may be,—	
(*a*) if given to the father, mother, brother, sister, wife, husband, daughter, 9[son, grand-daughter or father, mother, brother or sister of the spouse]; and	
(*b*) in any other case.	
11[(*g*) when given to a promoter or developer by whatever name called, for construction on, development of, or sale or transfer (in any manner whatsoever) of, any immoveable property.	Rupees five hundred.

The same duty as is leviable on a Conveyance under clause (*b*),[10][or (*c*)], as the case may be, of Article 25, on the market value of the property.]

[12][The same duty as is leviable on a Conveyance under clause (*b*), [13][or (*c*)], as the case may be, of Article 25, on the market value of the property]:

1 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*25*)(*ii*).
2 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*25*)(*iii*).
3 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*25*)(*iv*).
4 These words were substituted for the words "One hundred rupees" by Mah. 20 of 2015, s. 20(*25*)(*v*).
5 Clause (*f*) was renumbered as (*i*) and sub-clause (*ii*) was added by Mah. 16 of 2008, s. 2(*b*)(*i*).
6 The brackets, letters and word "(*c*) or (*d*)" were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*i*).
7 This words were substituted for the words, brackets and letters "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*j*).
8 Clause (*f*) was renumbered as (*i*) and sub-clause (*ii*) was added by Mah. 16 of 2008, s. 2(*b*)(*i*).
9 These words were substituted for the words "grandson, grand-daughter or such other close relative" by Mah. 20 of 2015, s. 20(*25*)(*vi*).
10 These word, brackets and letter were substituted for the brackets, word and letters "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*j*).
11 These clauses were substituted for clause (*g*) by Mah. 9 of 1990, s. 3(*c*).
12 This portion was substituted by Mah. 16 of 2008, s. 2(*b*)(*ii*).
13 These word, brackets and letter were substituted for the brackets, letters and word "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*a*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*h*) in any other case.	

Explanation I.— For the purpose of this article more persons than one when belonging to the same firm shall be deemed to be one person.

Explanation II.— The term 'registration' includes every operation incidental to registration under the Registration Act, 1908 (XVI of 1908).

Explanation III.— Where under clause (*f*), duty has been paid on the power of attorney, and the conveyance relating to that property is executed in pursuance of power of attorney between the executant of the power of attorney and the person in whose favour it is executed, the duty on conveyance shall be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.

49. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.

50. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.

See also Note of Protest by the Master of a Ship (Article 44).

Provided that, the provisions of section 32A shall, *mutatis mutandis*, apply to such an instrument of power of attorney as they apply to a conveyance under that section:

Provided further that, when proper stamp duty is paid under clause (*g-a*) of article 5 on an agreement, or records thereof or memorandum of an agreement executed between the same parties and in respect of the same property, the duty chargeable under this clause shall be rupees one hundred].

1[[2][Five hundred rupees] for each person authorised.]]

3[Five hundred rupees].

4[Five hundred rupees].

1[51. RECONVEYANCE OF MORTGAGE Five hundred rupees.]

1 These words were substituted for the words "Five rupees for each person authorised" by Mah. 13 of 2004, s. 6(*16*).
2 These words were substituted for the words of 2015, s. 20(*25*) (*vii*).

3 These words were substituted for the words “One hundred rupees” by Mah. 9 of 2025, s. 2(*12*).
4 These words were substituted for the words “One hundred rupees” by Mah. 9 of 2025, s. 2(*13*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
PROPERTY—	
2[51A. RECORD OF TRANSACTION (Electronic or otherwise) effected by a trading member through a stock exchange or the association referred to in section 10B—	
(*a*) if relating to sale and purchase of Government securities.	Fifty rupees for every rupees one crore or part thereof of the value of security.
(*b*) if relating to purchase or sale of securities, other than those falling under item (*a*) above,—	
(*i*) in case of delivery.	One rupee for every rupees 10,000 or part thereof.
(*ii*) in case of non-delivery.	Twenty *paise* for every rupees 10,000 or part thereof.
(*c*) if relating to future and options trading.	Twenty *paise* for every rupees 10,000 or part thereof.
(*d*) if relating to forward contracts of commodities traded through an association or otherwise.	One rupee for every rupees 1,00,000 or part thereof.]
Explanation.— For the purpose of clause (*b*), “securities” means the securities as defined in clause (*h*) of section 2 of the Securities Contract (Regulation) Act, 1956 (42 of 1956).	
3[52. RELEASE, that is to say, any instrument (not being an instrument as is provided by section 24) whereby a person renounces a claim upon other person or against any specified property,—	
(*a*) if the release deed of an ancestral property or part thereof is executed by or in favour of brother or sister (children of renouncer’s parents) or son or daughter or son of predeceased son or daughter of predeceased son or father or mother or spouse of the renouncer or the legal heirs of the above relations 4[without consideration in any form].	5[Five hundred rupees].
(*b*) in any other case.	The same duty as is leviable on a conveyance under clause (*a*), (*b*), 6[or as the case may be (*c*)], of Article 25 on the market value of the share, interest, part or claim renounced.]

1 Article 51 was substituted by Mah. 20 of 2015, s. 20(*26*).
2 This article was inserted by Mah. 32 of 2005, s. 5(*15*).
3 This article was substituted by Mah. 12 of 2006, s. 4(*6*).
4 These words were added by Mah. 20 of 2015, s. 20(*27*).
5 These words were substituted for the words “Two hundred rupees” by Mah. 9 of 2025, s. 2(*14*).

6 These words, brackets and letter were substituted for the brackets, letters and words "(*c*) or (*d*) as the case may be" by Mah. 8 of 2012, s. 2(*k*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
53. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	1[One per cent. of the amount of the loan secured, subject to a minimum or rupees five hundred.]
REVOCATION OF ANY TRUST OR SETTLEMENT. *See* Settlement (Article 55), Trust (Article 61).	
2[54. SECURITY BOND OR MORTGAGE DEED, where such security bond or mortgage deed is executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof, or by a surety to secure the due performance of a contract, or in pursuance of an order of the court or a public officer, not being otherwise provided for by the Maharashtra Court-fees Act (XXXVI of 1959),—	
(*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 the minimum of one hundred rupees;
(*ii*) in any other case,	0.3 per cent. of the amount secured by such deed, subject to the maximum of twenty lakh rupees: Provided that, where on an instrument executed by a person for whom a person stands surety and executes security bond or a mortgage deed, duty has been paid under article 40, then the duty payable shall be one hundred rupees.".
Exemptions	
Bond or other instrument, when executed,—	
(*a*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;	
(*b*) under the rules made by State Government under section 114 of the Maharashtra Irrigation Act, 1976 (Mah. XXVIII of 1976);	
(*c*) by a person taking advance under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists Loans Act, 1884 (XII of 1884) or by their sureties as security for the repayment of such advances;	

1 These words were substituted for the words, brackets and figures "The same duty as bond (Article 13) for the amount of the loan secured" by Mah. 20 of 2015, s. 20(28).

2 Article 54 was substituted of by Mah. 7 of 2022, s. 2(5).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*d*) by officers of the Government or their sureties to secure the due execution of an office or due accounting for money or other property received by virtue thereof.]	
55. SETTLEMENT—	
A-Instrument of—	
including a deed of dower—	
(*i*) where the settlement is made for a religious or charitable purpose.	
(*ii*) in any other case.	
Exemption	
Deed of dower executed on the occasion of, or in connection with, marriage between Muhammadans, whether executed before or after the marriage.	
B. Revocation of—	
(*i*) in respect of settlement described in sub-clause (*i*) of clause A.	
(*ii*) in respect of settlement described in sub-clause (*ii*) of clause A.	
[1][Two per cent. of] a sum equal to the amount settled or the market value of the property settled.	
The same duty as is leviable on a Conveyance under clause (*a*), (*b*), [2][[3][or (*c*)]], as the case may be, of Article 25, for a sum equal to the amount settled or the market value of the property settled:	
Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed ten rupees:	
Provided further that, where an instrument of settlement contains any provision for the revocation of the settlement, the amount or the value of the property settled shall, for the purposes of duty, be determined, as if no such provisions were contained in the instrument.	
[4][Five hundred rupees].	
[5][Five hundred rupees].	
56. SHARE WARRANTS to bearer issued under the Companies Act, 1956 (I of 1956), for every rupees five hundred or part thereof.	Five rupees.

1 These words were substituted for the words "Ten rupees for every rupees five hundred or part thereof of" by Mah. 20 of 2015, s. 20(*30*)(*i*).

2 These words were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*j*).

3 These words were substituted for the word, brackets and letters "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*l*).

4 These words were substituted for the portion beginning with the words "The same duty" and ending with the words "but not exceeding two hundred rupees" by Mah. 20 of 2015, s. 20(*30*)(*ii*)(*a*).

5 These words were substituted for the portion beginning with the words "The same duty" and ending with the words "but not exceeding two hundred rupees" by Mah. 20 of 2015, s. 20(*30*)(*ii*)(*b*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

Share warrant when issued by a company in pursuance of the provisions of section 114 of the Companies Act, 1956 (I of 1956) to have effect only upon payment as composition for that duty, to the Collector—

(*a*) one and half *per centum* of the whole subscribed capital of the company, or

(*b*) if any company which has paid the said duty or composition in full subsequently issues in addition to its subscribed capital, one and a half *per centum* of the additional capital so issued.

SCRIP, *See* Certificate (Article 17).

57. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel. — One rupee.

[1][58. SURRENDER OF LEASE including an agreement for surrender of lease—

(*a*) without any consideration. (*b*) with consideration.

[2][Five hundred rupees].

The same duty as is leviable under clause (*a*), (*b*), [3][or (*c*)], of Article 25 on the amount of consideration].

Explanation.— For the purposes of this Article, return of money paid as advance, on security deposit by lessee to the lessor shall not be treated as consideration for the surrender.

59. TRANSFER (whether with or without consideration).

(*a*) of debentures, being marketable securities whether the debenture is liable to duty or not, except debentures provided for by section 8 of the Indian Stamp Act, 1899 (II of 1899).

Explanation.— For the purposes of this clause, the term 'debenture' includes debenture stock;

[4][0.5 per cent.] of the consideration amount of the debenture [5][* *].

(*b*) of any interest secured by bond, mortgage-deed or policy of insurance;

1 Article 58 was substituted by Mah. 20 of 2002, s. 8(*h*).

2 These words were substituted for the words "Two hundred rupees" by Mah. 9 of 2025, s. 2(*15*).

3 The word, brackets and letter were substituted for the brackets, letters and word "(*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*m*).

4 The figures and words were substituted for the words and figures "Fifty paise for every rupees 100 or part thereof" by Mah. 20 of 2015, s. 20(*31*)(*i*).

5 The words "subject to a maximum of ten thousand rupees" which were added by Mah. 9 of 1988, s. 28(*g*), were deleted by Mah. 32 of 2005, s. 5(*17*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)

(*c*) of any property under section 22 of the Administrator's General Act, 1963 (XLV of 1963);

(*d*) of any trust property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.

Exemptions

Transfers by endorsement—

(*a*) of a bill of exchange, cheque or promissory note;

(*b*) of a bill of lading, delivery order, warrant for goods or other mercantile document or title to goods;

(*c*) of a policy of insurance;

(*d*) of securities of the Central Government.

60. TRANSFER OF LEASE by way of assignment and not by way of underlease or by way of decree or final order passed by any Civil Court or any Revenue Officer. [1][Five hundred rupees].

[2][The same duty as is leviable on lease under clause (*i*), (*ii*), (*iii*) or (*iv*), as the case may be, or Article 36, for the remaining period of Lease].

61. TRUST

A. Declaration of—of, or concerning, any property when made by any writing not being a Will—

(*a*) where there is disposition of property—

(*i*) where the Trust is made for a religious or charitable purpose;

(*ii*) in any other case.

(*b*) where there is no disposition of property—

[3][[4][Two per cent.] of] a sum equal to the amount settled or market value of the property settled.

The same duty as is leviable on a conveyance under clause (*a*), (*b*), [5][[6][or (*c*)]], as the case may be, of Article 25, for a sum equal to the amount settled or the market value of the property settled.

1 These words were substituted for the portion beginning with the words "The same duty" and ending with the words "subject to a maximum of two hundred rupees" by Mah. 20 of 2015, s. 20(*31*)(*ii*).

2 These words were substituted for the portion beginning with the words "The same duty" and ending with the words "which is subject matter of transfer" by Mah. 20 of 2015, s. 20(*32*).

3 These words were substituted for the words, brackets and figures "The same duty as a Bond (Article 13) for" by Mah. 9 of 1997, s. 14(*11*).

4 These words were substituted for the words "Ten rupees for every rupees five hundred or part thereof" by Mah. 20 of 2015, s. 20(*33*)(*i*)(*l*).

5 These words were substituted for the word, brackets and letter "or (*c*)" by Mah. 27 of 1988, s. 2(*l*).

6 This word, brackets and letter were substituted for the word, brackets and letters ", (*c*) or (*d*)" by Mah. 8 of 2012, s. 2(*o*).

Description of Instrument.	Proper Stamp Duty.
(1)	(2)
(*i*) where the trust is made for religious or charitable purpose.	
(*ii*) in any other case.	

B. Revocation of— of, or concerning, any property when made by any instrument other than a will.

See also Settlement (Article 55).

VALUATION, *See* Appraisement (Article 8).

[1][Five hundred rupees].

[2][Five hundred rupees].

[3][Five hundred rupees].

62. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by One rupee].

behalf of the person in whose custody such goods may be.

[4][63. WORKS CONTRACT, that is to say, a contract for works and labour or services involving transfer of property in goods (whether as goods or in some other form) in its execution and includes a sub-contract,—

(*a*) where the amount or value set forth in such contract does not exceed rupees [5][five lakh].

(*b*) where it exceed rupees [7][five lakh].

[6][Five hundred rupees].

[8][Five hundred rupees plus [9][0.3 per cent. of the amount above rupees five lakh] subject to maximum of rupees twenty-five lakhs.]]

1 These words were substituted for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” by Mah. 20 of 2015, s. 20(*33*)(*i*)(*II*)(*a*).

2 These words were substituted for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” by Mah. 20 of 2015, s. 20(*33*)(*i*)(*II*)(*b*).

3 These words were substituted for the portion beginning with the words “The same duty” and ending with the words “two hundred rupees” by Mah. 20 of 2015, s. 20(*33*)(*ii*).

4 This article was added by Mah. 12 of 2006, s. 4(*8*).

5 These words were substituted for the words “ten lakh” by Mah. 9 of 2025, s. 2(*16*)(*i*).

6 These words were substituted for the words “one hundred rupees” by Mah. 20 of 2015, s. 20(*34*)(*i*).

7 These words were substituted for the words “ten lakh” by Mah. 9 of 2025, s. 2(*16*)(*ii*)(*A*).

8 These words and figures were substituted for the portion beginning with the words “One hundred rupees” and ending with words “maximum of rupees of rupees five lakh” by Mah. 20 of 2015, 20(*34*)(*ii*).

9 These figures and words were substituted for the figures and words “0.1 per cent. of the amount above rupees ten lakh” by Mah. 9 of 2025, s. 2(*16*)(*ii*)(*B*).

SCHEDULE II

ENACTMENTS REPEALED

(*See* section 76)

Year No.	Enactments	Extent of Repeal
(1)	(2)	(3) (4)
1899 II	The Indian Stamp Act, 1899 in its application to the pre-Reorganisation State of Bombay, excluding the transferred territories and to the Vidarbha Region and the Kutch area of the State of Bombay.	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India.
1899 II	The Indian Stamp Act, 1899 as applied to the Saurashtra Area of the State of Bombay.	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India.
1331 Fasli 1331-F.	IV The Hyderabad Stamp Act,	The whole except in so far as it relates to documents specified in entry 91 of List I in the Seventh

		Schedule to the Constitution of India.	
1932	II	The Bombay Finance Act, 1932.	Parts IV and V containing sections 15, 16, 17, 18 and 19.
1943	XIV	The Bombay Insurance of Stamp Duties Act, 1943.	The whole.