



# MSWA'S HOUSING SOCIETIES REVIEW

January 2024

Vol. 17 Issue 10

Total Pages : 44

Price: Rs. 25/-

## STAMP DUTY AMNESTY SCHEME 2023



महाराष्ट्र शासन

‘महाराष्ट्र मुद्रांक शुल्क अभय योजना -२०२३’



**:- WITH BEST COMPLIMENT FROM :-**



## MUMBAI SUBURBAN DISTRICT Co. Op. Housing Federation Ltd

Registration No Bom/DDR.3/GNL/(O)/203/2000-2001, dated 14/02/2001

Administrative Office :- A-2/302, Laram Centre, Opp Railway Station, Andheri (W), Mumbai - 58. Tel.: 022 -42551414

**:- AUTHORS :-**

More Details About  
**“STAMP DUTY AMNESTY SCHEME - 2023”**

Visit : **MahaSeWA News Channel**  
Contact on : **022 42551414 / 25**  
or Login to or website :  
**www.mahasewa.org**



**Shri Abhishek Ghosalkar**  
Chairman, Mumbai Suburban District  
Co-operative Housing Federation,  
Director, Mumbai Bank  
(M) 97695 39111



**CA. Ramesh Prabhu**  
Chairman, MahaSewa  
Email: [rsrabhu13@gmail.com](mailto:rsrabhu13@gmail.com)  
(M) 98201 06768 / 66

## TEAM MEMBERS :



CA. RAMESH PRABHU,  
Chairman, MahaSeWA



ADV. S. PARTHASARATHY,  
Vice President, MahaSeWA



ADV. NARESH PAI,  
Consultant, MahaSeWA



CA. SHREYASH PRABHU,  
Advisor, MahaSeWA

ADV. KIRAN SAHA  
Consultant, MahaSeWA

ADV. POOJA SIGH  
Consultant, MahaSeWA

ADV. MEHAL VORA  
Consultant, MahaSeWA

ADV. SIKANDER TAHSILDAR  
Consultant, MahaSeWA

ADV. Sangharsh Jadhav  
Consultant, MahaSeWA



**CA. Ramesh S. Prabhu**, Chairman, MahaSeWA Submitted Representation for not to repeal of MOFA before , **Hon'ble Shri. Atul Moreshwar Save**, Co-Operation and other Backward Bahunjan Welfare Minister

# MSWA'S HOUSING SOCIETIES REVIEW

## EDITORIAL & PUBLICATION OFFICE

A-2/302, Laram Centre, Near  
Bus Depot, Opp. Andheri Rly. Stn.  
Andheri (W), Mumbai - 58.

**(Pay & Parking Available in  
the Compound )**

## EDITOR & PUBLISHER

CA. RAMESH S. PRABHU

H.O. : 022 - 42551414

Mob.: 09820106766/68

E-mail : rsprabhu13@gmail.com

## MANAGING EDITORS

Mr. V. Viswanathan 9890187344

## DESIGNED BY

Vishal Bamane 9823911027

## EDITORIAL BOARD

Adv. Naresh Pai 9850822472

CA. Vishal Gala 9819513758

S. Parthasarathy 9867690040

**For Members** : Free  
**Annual Membership** (S) Rs. 2360/-  
**(Society) & (Individual)** (I) Rs. 1180/-

## PRINTED AT

Maya Print Art,  
16, Hanuman Indl. Estate, G.D.  
Ambekar Marg, Wadala, Mum - 31

## MOST IMPORTANT

"Readers are recommended to make appropriate enquires and seek appropriate advice before sending money, incurring any expenses, acting on medical recommendation or entering into any commitment in relation to any advertisement published in this publication.

MSWA Group doesn't vouch for any claims made by the Advertisers of products and Services. The Printer, Publisher, Editor, and Owners of the MSWA Group Publications shall not be held liable for any consequences, in the event such claims are not Honoured by the Advertisers."

For General Housing Society related queries, Contact MSWA office at Tel.: 022-42551414  
E-mail : [mswa.hsg@gmail.com](mailto:mswa.hsg@gmail.com)

**Views expressed in this Magazine are of the authors & MSWA is not Responsible for its Contents. Circulate among Friends and other members of the Society**

## EDITORIAL



**Shri Abhishek Ghosalkar**  
Chairman, MUMBAI Suburban District  
Co. Op. Housing Federation Ltd



**CA. Ramesh Prabhu**  
Chairman, MahaSeWA

Dear Friends,

Wish you a happy , healthy and prosperous New year 2024. The government of Maharashtra has come out with an unique Stamp Duty Amnesty Scheme, 2023 to grant the relief in payment of stamp duty and penalty due in the instruments executed during 1<sup>st</sup> January, 1980 and 31<sup>st</sup> December, 2020. The details of the scheme is explained in this magazine with the government order dated 7<sup>th</sup> December, 2023.

In order to help the members of the Co-operative Housing Societies to avail the benefits of the scheme, your Association ( Maharashtra Societies Welfare Association and Federation ( Mumbai Suburban District Co-operative Housing Federation Ltd ) have jointly decided to send our representatives to the member societies to create an awareness of the scheme. You need to contact the office on : 022 42551414 / 24 / 25 / 32 by filling up the form : <https://mahasewa.org/client/client-data/>

Your association and the Federation has appointed Stamp Duty Advisors and consultants to help you to avail the benefits of the scheme.

Your association also will be holding number of seminars/workshop and camps at your local area through the Local Area Committees and NGOs, so that you will be able to avail the benefits of the scheme.

**Continue on Page No. 04**

CONTENT	Page
Stamp Duty Amnesty Scheme (Abhay Yojana)	23-24 05,
Stamp Duty Amnesty Scheme - Overview	10,
Gazet Copy Dated 07th Dec. 2023	17,
Standard Operating Procedure - SDAS- 2023	23,
SOP - Corrigendum - SDAS- 2023	26,

The purpose of this scheme is to facilitate the Deemed conveyance which is pending for a long time due to default committed by few flat owners. If you presently do not avail the benefit of the scheme, the members will have to pay full stamp duty as well as penalty at the rate of 2% per month which may go upto 400% of the stamp duty amount. If the stamp duty is not paid, as per section 34 of the Maharashtra Stamp Act, 1958, such instruments will not be considered as evidence in the court of law. In future if such instruments are found by any government officer, the same may be impounded and sent to the stamp office to recover the stamp duty along with the penalty. Further, if the stamp duty is not paid, the department has the powers to recover the same by auctioning the property related to such instruments.

This is a golden opportunity to the co-operative housing societies and its members to avail the scheme. For the first time, this scheme covers all the registered, unregistered instruments, residential, non-residential, commercial, industrial, agricultural, non-agricultural and all types of the articles as per schedule I of the Maharashtra Stamp Act, 1958 without any exception. So every one should take the benefit of the scheme and make it successful.

In case you have any specific queries you may email to :

[stampdutyamnesty2023@gmail.com](mailto:stampdutyamnesty2023@gmail.com)

[or contact our office on: 022 42551414/25.](tel:02242551414/25)

Your Association also has decided to start online Coaching class for Government Diploma in Co-operation and Accountancy from 1<sup>st</sup> February, 2024 online and you may enquire about the same from our office. We are also publishing the book on GDCA for the benefit of the students. Your federation has started preparing the panel for housing societies manager. 3<sup>rd</sup> Batch of the CHS Managers training is scheduled on 7<sup>th</sup> January, 2024. Similar training will be held once in two months. The housing societies should depute their managers to such training to build their capacity.

With Regards,

**CA. Ramesh S. Prabhu,**  
Chairman, MahaSeWA,  
E-mail: [rsprabhu13@gmail.com](mailto:rsprabhu13@gmail.com)

**Shri Abhishek Ghosalkar**  
Chairman,  
MUMBAI Suburban District  
Co. Op. Housing Federation Ltd

**Book Your Free Consultation : office on 022 42551414 / 25 / 32  
by filling up the form : <https://mahasewa.org/client/client-data>**

## **“MahaSeWA Branch office “**

For more details and Information on **DEEMED CONVEYANCE** and  
All **Society related issues** and for **Books** contact our offices

### **ANDHERI**

**Mr. Shashi Acharya**

**+91 98212 34770**

A-2/302, Laram Centre,  
opp. Railway Station, S. V. Road,  
Andheri (W), Mumbai 400058  
Tel.: 022 - 42551414 / 25

### **VASAI**

**Mr. V. Viswanathan**

**+91 98901 87344**

Swagat Bhavan Bldg.,  
Opp. M. S. E. B. Colony,  
Vasai (E), Thane - 400 208.  
0250 - 645 75 85 / 86

### **NAVI MUMBAI**

**Mr. Mangesh Ranawade**

**+91 77988 33777**

Shop No.13, Mahavir Heritage,  
Sector 35 G, Near Emphyrean  
School, Kharghar, - 410 210  
022 - 35612059

# STAMP DUTY AMNESTY SCHEME (ABHAY YOJANA) 2023-24

## 1. Welcome to Maharashtra's 2023-24 Stamp Duty Abhay Yojana: Amnesty Scheme Details and Benefits:

The Maharashtra Stamp Duty Abhay Yojana or popularly known as Maharashtra Stamp Duty Amnesty Scheme 2023-24 is a government initiative aimed at providing relief to individuals and entities by granting waiver or pardon on stamp duty and penalties. The scheme is set to bring significant benefits to those seeking to regularize their property and other instruments or documents by paying pending stamp duty payments and penalties. Under the scheme, the insufficiently paid documents will be certified by the department as properly paid.

For this the beneficiaries need to be apply under the scheme on online and offline. The department will collect the stamp duty as applicable on the date of execution of the documents by offering relief in the stamp duty amount as well as penalty depending on the period at which such documents were executed and the date on which the application has been filed by the beneficiary to avail the benefit of the scheme.

## 2. What is the Maharashtra Stamp Duty Amnesty Scheme 2023-24?

The Amnesty Scheme offers a comprehensive approach in resolving pending stamp duty-related issues by providing a waiver on penalties and allowing exemptions on deficit stamp duty to eligible applicants. It presents an opportunity for individuals and organizations to rectify their non-compliances and fulfil previous stamp duty obligations by certifying that proper stamp duty has been paid on such documents who avail the benefits of the scheme.



महाराष्ट्र शासन

'महाराष्ट्र  
मुद्रांक शुल्क  
अभय योजना  
-२०२३'

(Stamp Duty Amnesty Scheme)



Through this programme, individuals/ companies / firms have the opportunity to receive waivers and exemptions for penalty payments and stamp duty fees, offering essential relief for those struggling with unpaid stamp duty obligations.

Eligibility for the Amnesty Scheme encompasses various criteria, covering a wide range of instruments which are applicable to avail the benefits of the scheme.

## 2. How does the Maharashtra government plan to implement the stamp duty amnesty scheme?

The implementation of the amnesty scheme is structured in two phases, with each phase having specific key dates and processes designed to facilitate the smooth execution of the programme. The Maharashtra government has outlined a clear plan for the phased implementation of the scheme based on the date of applying to avail the benefit of the scheme to ensure maximum participation and compliance.

### Phase- 1:

First phase shall be the date on which applications are made by the applicants from 1<sup>st</sup> December, 2023 till 31<sup>st</sup> January, 2024 to enable proper ground work for a successful launch is ensuring initial implementation of the scheme.

### Phase-2 :

The Second phase shall be the date on which

applications are made by the applicants from 1<sup>st</sup> February, 2024 till 31<sup>st</sup> March, 2024 with an intention to extend the opportunities for availing benefits, providing individuals with additional time and resources to take advantage of the programme.

### 3. What are the penalties for non-payment of timely stamp duty?

Non-compliance with stamp duty regulations may result in penalties as per section 39 of the Maharashtra Stamp Act, 1958. Penalty of 2% per month or part of the month is charged on deficit amount of stamp duty from the time stamp duty amount is due till the time the deficit stamp duty amount is paid. Maximum penalty is up to 400% i.e. 4 times of the stamp duty amount.

#### Example:

If Stamp duty amount to be paid in year 1998 was Rs. 5,00,000/- which was not paid, the penalty amount will be Rs. 20,00,000/- (2% per month up to 400%).

Understanding the penalties associated with non-compliance is crucial for individuals and entities seeking to regularise their stamp duty

obligations and benefit from the scheme's provisions.

### 4. Exemptions available under the Maharashtra Stamp Duty Abhay Yojana?

Exemptions available under the Abhay Yojana are designed to provide relief to eligible applicants, allowing them to benefit from waivers and reduced stamp duty obligations. The documents applied under the scheme is divided into two schedules considering the date on which such instruments or the documents were executed.

**Schedule 1:** Documents executed between 1<sup>st</sup> January, 1980 to 31<sup>st</sup> December, 2000

**Schedule 2 :** Documents executed between 1<sup>st</sup> January, 2001 to 31<sup>st</sup> December, 2020.

By understanding the exemptions, individuals can leverage the scheme's offerings to rectify any outstanding stamp duty issues. Below is the exemption limit available to individuals availing benefit of the scheme based on the date of execution of the documents ( Schedule 1 or 2) & based on the date of applying to avail the benefits of the scheme ( Phase-1 or 2).

If Instrument between 1<sup>st</sup> Jan 1980 – 31<sup>st</sup> Dec 2000 (Schedule – I)

#### A)Phase I: From 1<sup>st</sup> December 2023 to 31<sup>st</sup> January 2024

Sr. No.	Deficit Stamp duty to be paid or payable	Reduction in stamp duty to be paid / payable	Reduction in penalty to be paid / payable
1	Rs. 1 – Rs. 1,00,000	100% (0% to be paid)	100% (0% to be paid)
2	More than Rs. 1,00,000	50% (50% to be paid)	100% (0% to be paid)

If Instrument between 1<sup>st</sup> Jan 1980 – 31<sup>st</sup> Dec 2000 (Schedule – I)

#### B)Phase II: From 1<sup>st</sup> February 2024 to 31<sup>st</sup> March 2024

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 1,00,000	80% (20% to be paid)	80% (20% to be paid)
2	More than Rs. 1,00,000	40% (60% to be paid)	70% (30% to be paid)

If **Instrument** between **1<sup>st</sup> Jan 2001 – 31<sup>st</sup> Dec 2020 (Schedule – II)**

**A) Phase I: From 1<sup>st</sup> December 2023 to 31<sup>st</sup> January 2024**

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 25,00,00,000 (25 Crores)	25% (75% to be paid)	Penalty < Rs.25,00,000 (25 Lacs) 90% waived off (10% to be paid)
			Penalty >= Rs. 25,00,000 (25 Lacs) Rs.25 Lacs to be paid, rest waived off
2	More than Rs. 25,00,00,000 (25 Crores)	20% (80% to be paid)	Rs. 1,00,00,000 (1 Crore) to be paid, rest waived off

**B) Phase II: From 1<sup>st</sup> February 2024 to 31<sup>st</sup> March 2024**

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 25,00,00,000 (25 Crores)	20% (80% to be paid)	Penalty < Rs.50,00,000 (50 Lacs) 80% waived off (20% to be paid)
			Penalty >= Rs. 50,00,000 (50 Lacs) Rs.50 Lacs to be paid, rest waived off
2	More than Rs. 25,00,00,000 (25 Crores)	10% (90% to be paid)	Rs. 2,00,00,000 (2 Crores) to be paid, rest waived off

The scheme's provisions for penalty waivers contribute to easing the burden on individuals and entities struggling to comply with stamp duty requirements.

**6. How does the amnesty scheme impact stamp duty fees in Maharashtra?**

Maharashtra Government's second highest revenue source is Stamp duty collection after

Goods and Service tax. The introduction of the Stamp Duty Amnesty Scheme in Maharashtra brings significant changes to stamp duty payments and obligations. Understanding the impact of the scheme on stamp duty fees is

essential for individuals and organisations operating within the state, as it directly influences their financial obligations and compliance with stamp duty regulations.

With the implementation of the Amnesty Scheme, individuals and entities gain insights into the changes in stamp duty payments, penalties, and exemptions, thereby enabling them to make informed decisions and take necessary actions to benefit from the relief provided by the scheme.

### **7. What are the key dates and deadlines related to the Stamp Duty Amnesty Scheme 2023-24?**

The Stamp Duty Amnesty Scheme 2023 introduces important dates and deadlines for scheme implementation, providing individuals and entities with a clear timeline for understanding the processes and requirements involved in availing of the scheme's benefits. Adhering to the key dates and deadlines is crucial for effectively participating in the programme and securing relief from stamp duty obligations.

Phase-wise deadlines for availing benefits ensure that applicants have adequate time and support to fulfil the necessary obligations and benefit from the provisions offered under the scheme. By understanding the timelines and requirements, individuals and entities can navigate the process of availing benefits with clarity and confidence.

Considering the significance of stamp duty considerations, including timelines and requirements, helps applicants make informed decisions and take the necessary steps as part of their compliance with the Stamp Duty Amnesty Scheme 2023-24.

### **8. What is Maharashtra's 2023 Stamp Duty Abhay Yojana?**

Maharashtra's 2023 Stamp Duty Abhay Yojana

is an amnesty scheme or stamp duty waiver scheme announced by the Maharashtra government on 7<sup>th</sup> December, 2023 to provide exemption on stamp duty and penalties for a wide range of instruments in the state.

### **9. When will the stamp duty abhay yojana 2023 be implemented?**

The scheme will be implemented in two phases based on the date of receipt of the application made by the applicant. The first phase will begin on December 1, 2023 and will end on 31<sup>st</sup> January, 2024 and the second phase will start on February 1, 2024 and will end on 31<sup>st</sup> March, 2024.

### **10. What are the benefits of the stamp duty abhay yojana 2023?**

The scheme offers exemption on entire stamp duty and penalties for instruments filed or registered between January 1, 1980 to December 31, 2000. Additionally, it provides a waiver on stamp duty fees up to 25% on stamp duty payable and up to 90% waiver in penalty (Maximum payable being Rs. 25 Lakhs) amount for instruments filed or registered between January 1, 2001 to December 31, 2020. The details are provided in the GR dated 7<sup>th</sup> December, 2023 in the appendix -1 in this book.

### **11. Who announced the stamp duty abhay yojana 2023?**

The scheme was announced by the Maharashtra cabinet, including Chief Minister Eknath Shinde and Deputy Chief Minister Devendra Fadnavis, during a cabinet meeting in Mumbai through a Government Order dated 7<sup>th</sup> December, 2023 which is in the appendix -1 of this book.

### **12. What is the deadline for availing the benefits of the stamp duty abhay yojana 2023?**



The scheme's benefits can be availed until March 31, 2024. However, to avail benefits in phase I, the deadline is until January 31, 2024.

### 13. What is the mudrank shulkh abhay yojana?

The mudrank shulkh abhay yojana, also known as the stamp duty abhay yojana 2023, is an amnesty scheme implemented by the Maharashtra government to provide relief on stamp duty and penalties on the documents which were not duly stamped between 1<sup>st</sup> January, 1980 and 31<sup>st</sup> December, 2020.

### 14. How is the stamp duty amnesty scheme implemented in Maharashtra?

The stamp duty amnesty scheme will be implemented in two phases, with the first phase starting from December 1, 2023 and ends on 31<sup>st</sup> January, 2024, and the second phase commencing from February 1, 2024 and ends on 31<sup>st</sup> March, 2024.

### 15. Who is eligible for the exemption on stamp duty under the Maharashtra amnesty scheme?

All instruments as mentioned in Annexure attached in the Government order dated 7<sup>th</sup> December, 2023 appended to this book as Appendix-1 and executed between January 1, 1980 and December 31, 2020 are eligible for the exemption on stamp duty and penalties under the Maharashtra Stamp Duty Abhay Yojana 2023.

### 16. What is the role of the revenue department in the Stamp Duty Abhay Yojana 2023?

The revenue department, under the guidance of the Maharashtra cabinet, oversees the implementation and execution of the stamp duty abhay yojana 2023, providing relief on stamp duty and penalties on the documents which were not duly stamped between 1<sup>st</sup> January, 1980 and 31<sup>st</sup> December, 2020.



More Details About  
"Stamp Duty  
Amnesty Scheme - 2023"  
Visit :  
MahaSeWA News Channel

FREE Guidance Required You need to contact the  
office on : 022 42551414 / 24 / 25 / 32  
by filling up the form : <https://mahasewa.org/client/client-data/>

# STAMP DUTY AMNESTY SCHEME 2023-2024



## 1. Overview:

Considering number of documents remained unstamped in the state of Maharashtra, the government with a aim to regularize the same and to collect the revenue on such document has announced the Stamp Duty Amnesty Scheme 2023 on 7<sup>th</sup> December, 2023 (hereafter referred to as "the Notification"). This is in published elsware in this magazine .

This notification outlines the specific percentage of waivers applicable to deficit stamp duty payable and associated penalties under the recently established Mudrank Shulakh Abhay Yojana (the "Scheme") based on the date of the documents executed (Schedule 1 and 2) and the date for applying under the scheme (Phase 1 and 2). Thus, the Scheme aims to incentivize individuals to settle outstanding stamp duty dues by offering significant reductions in penalty fees incurred due to delayed payments. This initiative aims to improve compliance and bolster revenue collection.

## 2. Applications made in Phase 1 and Phase 2:

**Phase 1** (Application between 1<sup>st</sup> December, 2023 to 31<sup>st</sup> January, 2024):

The Notification specifies that the applications made on online followed by physical delivery of the documents between December 1, 2023 and January 31, 2024 shall be considered as Phase 1 of the Scheme.

**Phase 2:** (Application between 1<sup>st</sup> February, 2024 and 31<sup>st</sup> March, 2024):

The Notification specifies that the applications made on online followed by physical delivery of the documents between 1<sup>st</sup> February, 2024 and March 31, 2024 shall be considered as Phase 2 of the Scheme.

## 3. Waiver of Stamp duty and penalties :

Waiver of deficit stamp duty and the penalties is based on the date of the agreements ( Schedule 1 and Schedule 2) and the phase 1 or 2 in which applications are made under the scheme.

## 4. Phase 1 Wavier of Stamp duty and Penalties (For Schedule 1 documents) :

If Instrument between 1<sup>st</sup> Jan 1980 – 31<sup>st</sup> Dec 2000 (Schedule – I)

A)Phase I: From 1<sup>st</sup> December 2023 to 31<sup>st</sup> January 2024

Sr. No.	Deficit Stamp duty to be paid or payable	Reduction in stamp duty to be paid / payable	Reduction in penalty to be paid / payable
1	Rs. 1 – Rs. 1,00,000	100% (0% to be paid)	100% (0% to be paid)
2	More than Rs. 1,00,000	50% (50% to be paid)	100% (0% to be paid)

The documents executed between 1<sup>st</sup> January, 1980 to 31<sup>st</sup> December, 2000 (schedule 1 documents) and are submitted during the phase-1 period ie. From 1<sup>st</sup> December, 2023 to 31<sup>st</sup> January, 2024 under the scheme, the applicant will get the following benefits:

- (1) If the deficit stamp duty liability is upto Rs.1,00,000/-, then full stamp duty (100%) and full penalty (100%) will be waived. The Collector of stamps will certify that the document has been submitted under the Amnesty scheme and accordingly, the same is regularized without any demand of stamp duty and penalties.
- (2) If the stamp duty liability exceeds

Rs.1,00,000, then half liability (50%) of stamp duty and full penalty (100% will be waived.

Once the demand notice is received, the applicant is required to make the payment within 7 days of receipt of the demand notice. Thereafter, the collector of stamps will certify that the document is regularized under the scheme. In case, the payment is not made within 7 days of receipt of the demand notice, the benefit under the scheme will be lost and the collector will then issue revised demand notice with 100% stamp duty and 100% penalties to be paid to the government. Till the amount is not paid the original documents will not be handed over to the applicant. No withdrawals will be allowed.

## **5. Phase 1 Wavier of Stamp duty and Penalties (For Schedule II documents) :**

**If Instrument between 1<sup>st</sup> Jan 2001 – 31<sup>st</sup> Dec 2020 (Schedule – II)**

### **A) Phase I: From 1<sup>st</sup> December 2023 to 31<sup>st</sup> January 2024**

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 25,00,00,000 (25 Crores)	25% (75% to be paid)	Penalty < Rs.25,00,000 (25 Lacs) 90% waived off (10% to be paid)
			Penalty > = Rs. 25,00,000 (25 Lacs) Rs.25 Lacs to be paid, rest waived off
2	More than Rs. 25,00,00,000 (25 Crores)	20% (80% to be paid)	Rs. 1,00,00,000 (1 Crore) to be paid, rest waived off

- (1) The documents executed between 1<sup>st</sup> January, 2001 to 31<sup>st</sup> December, 2020 (schedule II documents) and are submitted during the phase-1 period ie. From 1<sup>st</sup> December, 2023 to 31<sup>st</sup> January, 2024 under the scheme, the applicant will get the following benefits:
- (2) If the deficit stamp duty liability is upto– Rs. 25,00,00,000 (25 Crores) then 25% of the stamp duty liabilities will be waived and 75% of the stamp duty liability has to be paid. If the penalty is less than Rs.25,00,000/- (Rs. Twenty five Lakhs), then 90% of the penalties will be waived and only 10% penalty will have to be paid.
- (3) If the deficit stamp duty liability is upto– Rs. 25,00,00,000 (25 Crores) and the penalty is more than Rs. 25,00,000/- ( more than Rupees twenty five lakhs), then penalty of Rs.25,00,000/- (Rupees Twenty Five lakhs) has to be paid and the rest of the penalties will be waived.
- (4) If the deficit stamp duty liability is exceeds

Rs. 25,00,00,000 (exceeds Rs Twenty five Crores), then 20% of the stamp duty liabilities will be waived and 80% of the stamp duty liability has to be paid. In this case, penalty of Rs.1,00,00,000/- (Rupees one crores) need to be paid and the rest of the penalties will be waived.

- (5) In all the above cases, the collector of stamps shall do the working of the stamp duty and the penalties that needs to be paid based on the date of the documents and the date of submission under the scheme. Accordingly, issue the demand notice. Once the demand notice is received, the applicant is required to

make the payment within 7 days of receipt of the demand notice. Thereafter, the collector of stamps will certify that the document is regularized under the scheme. In case, the payment is not made within 7 days of receipt of the demand notice, the benefit under the scheme will be lost and the collector will then issue revised demand notice with 100% stamp duty and 100% penalties to be paid to the government. Till the amount is not paid the original documents will not be handed over to the applicant. No withdrawals will be allowed.

## **6. Phase 2 Wavier of Stamp duty and Penalties (For Schedule 1 documents)**

**If Instrument between 1<sup>st</sup> Jan 1980 – 31<sup>st</sup> Dec 2000 (Schedule – I)**

### **A) Phase II: From 1<sup>st</sup> February 2024 to 31<sup>st</sup> March 2024**

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 1,00,000	80% (20% to be paid)	80% (20% to be paid)
2	More than Rs. 1,00,000	40% (60% to be paid)	70% (30% to be paid)

- (1) The documents executed between 1<sup>st</sup> January, 1980 to 31<sup>st</sup> December, 2000 (schedule 1 documents) and are submitted during the phase-2 period i.e. From 1<sup>st</sup> February, 2024 to 31<sup>st</sup> March, 2024 under the scheme, the applicant will get the following benefits:

- (2) If the deficit stamp duty liability is upto Rs.1,00,000/-, then 80% of the stamp duty will be waived and 20% of the stamp duty is payable and 80% penalties will be waived and balance 20% penalties will have to be paid. After the payment is made, the Collector of stamps will certify that the document has been submitted under the Amnesty scheme and accordingly, the same is regularized by payment of stamp duty and penalties.
- (3) If the stamp duty liability exceeds

Rs.1,00,000, then 40% of stamp duty will be waived and 60% stamp duty will have to be paid. Similarly 70% of the penalties will be waived and 30% of the penalties will have to be paid.

- (4) In all the above cases, the collector of stamps shall do the working of the stamp duty and the penalties that needs to be paid based on the date of the documents and the date of submission under the scheme. Accordingly, issue the demand notice. Once the demand notice is received, the applicant is required to make the payment within 7 days of receipt of the demand notice. Thereafter, the collector of stamps will certify that the document is regularized under the scheme. In case, the payment is not made within 7 days of receipt of the demand

notice, the benefit under the scheme will be lost and the collector will then issue revised demand notice with 100% stamp duty and 100% penalties to be paid to the

government. Till the amount is not paid the original documents will not be handed over to the applicant. No withdrawals will be allowed

## 7. Phase 2 Wavier of Stamp duty and Penalties (For Schedule II documents) :

### C) Phase II: From 1<sup>st</sup> February 2024 to 31<sup>st</sup> March 2024 for Schedule II documents executed between 1<sup>st</sup> January, 2001 to 31<sup>st</sup> December, 2020.

Sr. No.	Stamp duty paid / payable	Reduction in <b>stamp duty</b> to be paid / payable	Reduction in <b>penalty</b> to be paid / payable
1	Rs. 1 – Rs. 25,00,00,000 (25 Crores)	20% (80% to be paid)	Penalty < Rs.50,00,000 (50 Lacs) 80% waived off (20% to be paid)
			Penalty >= Rs. 50,00,000 (50 Lacs) Rs.50 Lacs to be paid, rest waived off
2	More than Rs. 25,00,00,000 (25 Crores)	10% (90% to be paid)	Rs. 2,00,00,000 (2 Crores) to be paid, rest waived off

(1) The documents executed between 1<sup>st</sup> January, 2001 to 31<sup>st</sup> December, 2020 (schedule II documents) and are submitted during the phase-2 period i.e. From 1<sup>st</sup> February,2024 to 31<sup>st</sup> March, 2024 under the scheme, the applicant will get the following benefits:

(2) If the deficit stamp duty liability is upto– Rs. 25,00,00,000 (25 Crores) then 20% of the stamp duty liabilities will be waived and 80% of the stamp duty liability has to be paid. If the penalty is less than Rs.50,00,000/- (Rs. Fifty Lakhs), then 80% of the penalties will be waived and only 20% penalty will have to be paid.

(3) If the deficit stamp duty liability is upto Rs. 25,00,00,000 (25 Crores) and the penalty is more than Rs. 50,00,000/- (more than Rupees fifty lakhs), then penalty of Rs.50,00,000/- (Rupees fifty lakhs) has to be paid and the rest of the penalties will be waived.

(4) If the deficit stamp duty liability is exceeds Rs. 25,00,00,000 (exceeds Rs Twenty five

Crores), then 90% of the stamp duty liabilities will be waived and 80% of the stamp duty liability has to be paid. In this case, penalty of Rs.2,00,00,000/- ( Rupees two crores) need to be paid and the rest of the penalties will be waived.

(5) In all the above cases, the collector of stamps shall do the working of the stamp duty and the penalties that needs to be paid based on the date of the documents and the date of submission under the scheme. Accordingly, issue the demand notice. Once the demand notice is received, the applicant is required to make the payment within 7 days of receipt of the demand notice. Thereafter, the collector of stamps will certify that the document is regularized under the scheme. In case, the payment is not made within 7 days of receipt of the demand notice, the benefit under the scheme will be lost and the collector will then issue revised demand notice with 100% stamp duty and 100% penalties to be paid to the government. Till the amount is not paid

the original documents will not be handed over to the applicant. No withdrawals will be allowed.

### **(8) Concerns Regarding Administration of the Mudrank Shulakh Abhay Yojana**

- (1) The recent notification outlining the Mudrank Shulakh Abhay Yojana (the "Scheme") has generated significant concern amongst stakeholders due to perceived ambiguities regarding its administration.
- (2) The primary source of confusion centers on the division of responsibilities between the Sub-Registrar and the Collector of Stamps, particularly with respect to the handling of registered and unregistered documents under the Scheme.

### **(3) Specific areas of ambiguity include:**

- (i) Delineation of responsibilities for processing applications and administering the Scheme benefits for both registered and unregistered documents.
- (ii) Clarity regarding the authority to grant exemptions and waive penalties for various types of instruments under the Scheme.
- (iii) Uncertainty surrounding the procedures and documentation required for availing the Scheme benefits, particularly for unregistered instruments.
- (4) These ambiguities have created confusion and led to inconsistencies in the application of the Scheme across different offices. This inconsistency can potentially undermine the effectiveness of the Scheme and hinder its intended purpose of encouraging compliance and facilitating the settlement of outstanding dues.

### **(5) Our guidance:**

- (I) The applicant who wants to avail the benefit of the scheme, needs to make

application online by uploading the scan copies of all the documents for both registered and unregistered documents.

- (ii) For registered documents, the applicant needs to approach the local sub-registrar and if you do not get proper response from sub-registrar, contact the District Joint Registrar.
- (iii) The self attested copies of the registered documents should be submitted to these authorities & obtain the acknowledgment. In case, such acknowledgments are not given, better to send by speed post with acknowledgment due.
- (iv) In the case of non-registered documents, the applicant needs to make online application and upload all the scanned documents and proofs.
- (v) Before submitting the hard copies, the stamp paper or the franking done or the adhesive stamps submitted, the applicant needs to get the same verified from the government at the appropriate office about the authenticity or the genuineness of the Stamp duty paid.
- (vi) The original agreement with self attested copy of the agreement and the proofs need to be submitted to the collector of stamps of respective districts/ talukas. The acknowledgment for the same needs to be obtained. In case, such acknowledgments are not given, better to send by speed post with acknowledgment due of the xerox copy of the agreement with a covering letter that the original will be submitted in due course of time with a fear the original may be lost in the postal transit.

### **(6) To address these concerns and ensure smooth implementation of the Scheme, it is imperative for the relevant authorities to:**

- (I) Issue clear and unambiguous guidelines that explicitly define the roles and responsibilities of the Sub-Registrar and the Collector of Stamps in administering

the Scheme for registered and unregistered instruments.

- (ii) Provide a comprehensive and accessible information portal / online website outlining the application procedures, required documentation, and eligibility criteria for availing the Scheme benefits.
- (iii) Organize training workshops and awareness campaigns for relevant officials to ensure consistent & accurate application of the Scheme provisions across all offices.
- (iv) Promoting independent online application where people can themselves apply for the scheme online from their websites.
- (v) By addressing these concerns and promoting transparency and clarity, the authorities can ensure the successful implementation of the Mudrank Shulakh Abhay Yojana and maximize its potential to generate revenue, improve compliance, and benefit individuals and entities seeking to settle their outstanding stamp duty dues.

#### **(7) Concerns Regarding Untraceable Documents and Validity of Photocopies / Receipts under the Mudrank Shulakh Abhay Yojana**

The Mudrank Shulakh Abhay Yojana (the "Scheme") raises concerns regarding the handling of untraceable documents and the validity of photocopies/receipts for availing the Scheme's benefits.

#### **(8) Specific concerns include:**

**Untraceable Documents:** The existence of an estimated 20,000 untraceable documents necessitates clear guidelines for their identification, verification, and processing under the Scheme.

**(9) Photocopies/Receipts as Proof:** The potential use of photocopies or receipts as alternative proof of registration raises doubts about their admissibility and the

required documentation for availing the Scheme benefits.

#### **(10) To address these concerns, the relevant authorities should:**

- (i) Develop a comprehensive framework for identifying, verifying, and processing untraceable documents under the Scheme. This framework should consider factors such as age, nature of the instrument, & available supporting evidence.
- (ii) Issue clear and unambiguous guidelines regarding the validity of photocopies or receipts as acceptable proof of registration for availing the Scheme benefits. This should include specific conditions & requirements for the admissibility of such alternate documentation.
- (iii) Provide transparent and accessible information channels for individuals seeking clarification regarding the acceptability of untraceable documents and photocopies/receipts under the Scheme. This could be achieved through dedicated helplines, online resources, and awareness campaigns.
- (iv) Addressing these concerns will ensure that the Scheme is implemented fairly and effectively, minimizing potential challenges faced by individuals with untraceable documents or alternative proof of registration. This will promote compliance, encourage participation, and maximize the Scheme's potential benefits for all stakeholders.

#### **(9) Eligibility For Abhay Yojana 2023 Stamp Duty Maharashtra**

- (1) Applicants who Filed Stamp Duty Fees Under the Government of Maharashtra Can Only Apply.
- (2) Stamp Duty and Penalties for Deeds Executed between 1st January 1980 to December 2020.
- (3) Both Registered and Non Registered Applicants Can Fill Abhay Scheme Form.

#### **(10) Abhay Yojana 2023 Dates**

As already discussed the Abhay Yojana 2023 Stamp Duty will be available in Two Phase. Check Out the Complete Maha Stamp Duty Amnesty Scheme 2023

Event Name	Date
1st Phase Starting Date	1 December 2023
1st Phase Last Date	31 January 2024
2nd Phase Starting Date	1 February 2024
2nd Phase Last Date	31 March 2024

### (11) Documents Required For Maha Stamp Duty Amnesty Scheme 2023

- Passport Size Photo
- Mobile Number & Email ID
- Aadhar Card /Voter ID Card/ PAN Card
- Address Proof

### (12) Steps to Apply For Maha Stamp Duty Abhay Scheme From 2023

- Visit Abhay Yojana Official Website i.e.

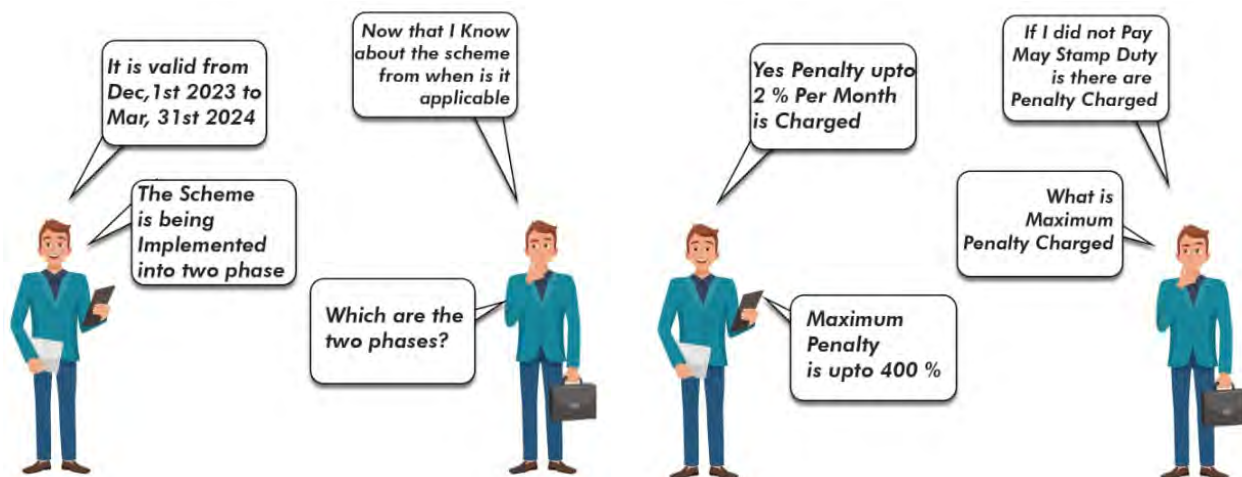
<https://igrmaharashtra.gov.in/Home> and <https://mahagst.gov.in/>.

- From the Home Page Click on Abhay Yojana 2023 Latest Update.
- Here Click on the Maharashtra Stamp Duty Abhay Scheme Form 2023 PDF Link.
- In the new tab, the Form will open.
- Fill in all the Details Asked.
- Attach Documents Asked.
- Now Submit Online or Visit the Office Department.
- In this way, One Can Submit Stamp Duty Abhay Yojana From 2023.

### (13) Maharashtra Collector Stamp District Wise/ Taluka wise:

This is available on [www.igrmaharashtra.gov.in](http://www.igrmaharashtra.gov.in) website.

Source : Sarkari Yojana Stamp Duty Amnesty Scheme 2023-2024



**: Book your FREE Consultation Now :**

Required You need to contact the office on : 022 42551414 / 24 / 25 / 32

by filling up the form : <https://mahasewa.org/client/client-data/>





सत्यमेव जयते

महाराष्ट्र शासन राजपत्र  
असाधारण भाग चार-ब

Revenue and Forests Department,  
Mantralaya, Madam Cama Marg,  
Hutatma Rajguru Chowk,  
Mumbai - 400 032

ORDER

वर्ष १, अंक १६२]

गुरुवार, डिसेंबर ७, २०२३/अग्रहायण १६, शके १९४५

[पृष्ठ १२, किंमत: रुपये १.००

Date: 07th December, 2023

**Maharashtra Stamp Act.**

**No.Mudrank-2023/C.R.No.342/M-I(Policy).-**

Whereas, the Government of Maharashtra, being satisfied that it is necessary to do so in the public interest, has decided to introduce the Maharashtra Stamp Duty Amnesty Scheme-2023 (hereinafter referred to as 'the said Amnesty Scheme-2023 ') in order to remit or reduce stamp duty and the penalty on the instrument as specified in the Annexure appended hereto, chargeable under the provision of the Maharashtra Stamp Act (LX of 1958) (hereinafter referred to as 'the said Act'), as specified in the Schedules appended hereto to be implemented in two phases, the first phase shall be from the 1<sup>st</sup> December 2023 till the 31<sup>st</sup> January 2024 and the Second phase shall be from the 1<sup>st</sup> February 2024 till the 31<sup>st</sup> March 2024;

Now, therefore, the Government of Maharashtra, in exercise of the powers conferred by clause (a) of section 9 of the said Act and of all other powers enabling it in this behalf, hereby remits or reduces the stamp duty and penalty to the extent as specified in the Schedules appended hereto, payable as per the provisions of the said Act, in respect of instruments specified in the Annexure, which are executed between the 1<sup>st</sup> January 1980 and 31<sup>st</sup> December 2020, irrespective of whether they are presented for the registration thereof or not, subject to the following conditions, namely:-

**Conditions :-**

(1) The said Amnesty Scheme-2023 shall

be applicable only to the instruments as specified in the Annexure which are executed on any amount of Stamped Paper exclusively sold by the Government approved Stamp Vendors or any agency or any competent authority authorised by the Chief Controlling Revenue Authority in this behalf,

(2) Any type of instrument or document which is executed on plain paper without any stamp duty shall not be eligible or accepted for the benefit of remission or reduction in stamp duty or penalty under the said Amnesty Scheme-2023; i.e. unstamped instruments which are executed on plain papers shall not be eligible for any benefit under the said Amnesty Scheme-2023;

(3) The applicant shall submit an application in the Form appended hereto, along with original instrument and self-attested copies of supporting documents on or before the last day of the period mentioned in the Schedules appended here to. Such an application shall be made through online system of the Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.

(4) No refund shall be granted where stamp duty or penalty on the deficient portion of duty has already been paid on any of such instruments, prior to the date of publication of this Order in the Maharashtra Government Gazette.

(5) The party to the instrument or his successor in title or power of attorney holder may apply for remission or reduction of stamp duty or penalty under this Order.

(6) The applicant shall be required to pay the deficient portion of stamp duty and penalty as per this Order within a period of seven days from the date of receipt of the demand notice issued by the concerned Collector of Stamps, failing which the applicant shall not be entitled for the benefits provided under this Order.

(7) For the purpose of assessment, the applicant has to submit proper evidence thereof as per requirements in the Annual Statement of Rates and Guidelines issued by the Chief Controlling Revenue Authority, Maharashtra State.

(8) The said instruments, for which action under section 31(4), 32A, 33, 33A or 46 of the said Act has already been initiated or where appeal or review application is pending for decision, before any Court or Authority under the provisions of the said Act, shall be entitled for the benefits under this Order. However, to avail of the benefits under this Order, the applicant shall have to make a fresh application in original in the Form appended hereto:

Provided that, in case where appeal or review application is pending for decision, before any Court or Authority under the provisions of the said Act, the applicant shall have to unconditionally withdraw the case and submit a declaration to that effect along with application under this Order.

**Explanation :-**

1) Stamped Papers means, the impressed stamps as specified in the Sub-Section (k) of Section 2 of the said Act; which includes, labels affixed and impressed by the proper officer; stamps embossed or engraved on stamped paper; impression by franking machine; impression by any such machine as the State Government may, by notification in the Official Gazette, specify i.e. e-SBTR,, receipt of e-payment, G.R.A.S.

2) The Standard Operating Procedure to be followed for the implementation of the said Amnesty Scheme-2023 under this Order shall be issued by the State Government separately

**SCHEDULE-I**

Instruments which are executed between the 1<sup>st</sup> January 1980 and the 31<sup>st</sup> December 2000 (inclusive of both dates).

(A) First phase from the 1st December 2023 till the 31st January 2024:-

Sr. No.	Amount of stamp duty to be paid or payable.	Reduction or remission in stamp duty to be paid or payable.	Reduction or remission in penalty to be charged on whole stamp duty to be paid or payable.
1.	For amount from One rupees upto One Lakh rupees (Rs.1/- upto Rs. 1,00,000/-)	100%	100%
2.	For amount exceeding rupees One Lakh (exceeding Rs. 1,00,000/-)	50%	100%

(B) Second phase from the 1st February, 2024 till the 31 st March, 2024:-

Sr. No.	Amount of stamp duty to be paid or payable .	Reduction or remission in stamp duty to be paid or payable .	Reduction or remission in penalty to be charged on whole stamp duty to be paid or payable.
1.	For amount from One rupees upto One Lakh rupees (Rs.1/- upto Rs. 1,00,000/-)	80%	80%
2.	For amount exceeding rupees One Lakh (exceeding Rs. 1,00,000/-)	40%	70%

**SCHEDULE-II**

Instruments which are executed between the 1<sup>st</sup> January, 2000 and the 31<sup>st</sup> December, 2020 (inclusive of both dates) .-

(A) First phase from the 1st December 2023 till the 31st January 2024: -

Sr. No.	Amount of stamp duty to be paid or payable .	Reduction or remission in stamp duty to be paid or payable .	Reduction or remission in penalty to be charged on whole stamp duty to be paid or payable.
1.	For amount from One rupees upto Twenty Five Crore rupees (From Rs.1/- upto Rs. 25,00,00,000/-)	25%	(1) If the penalty to be charged on whole stamp duty to be paid or payable is less than Rs. 25,00,00,000/- (Twenty Five Lakh Rupees) then 90% reduction in penalty be given on the penalty to be charged on whole Stamp Duty to be paid or payable; (2) If the penalty to be charged on whole stamp duty to be paid or payable is more than Rs. 25,00,00,000/- (Twenty Five Lakh Rupees) then only Rs. 25,00,00,000/- (Twenty Five Lakh Rupees) to be accepted as a penalty and rest or balance penalty shall be remitted.
2.	For amount exceeding rupees Twenty Five Crore (exceeding Rs. 25,00,00,000/-)	20%	Rs. 1,00,00,000/ - (One Crore Rupees) be accepted as a penalty and rest or balance penalty shall be remitted.

(B) Second phase from the 1st February, 2024 till the 31 st March, 2024: -

Sr. No.	Amount of stamp duty to be paid or payable.	Reduction or remission in stamp duty to be paid or payable.	Reduction or remission in penalty to be charged on whole stamp duty to be paid or payable.
1.	For amount from One rupees upto Twenty Five Crore rupees (From Rs.1/- upto Rs. 25,00,00,000/-)	20%	<p>(1) If the penalty to be charged on whole stamp duty to be paid or payable is less than Rs. 50,00,000/- (Fifty Lakh Rupees) then 80% reduction in penalty shall be given on the penalty to be charged on whole Stamp Duty to be paid or payable;</p> <p>(2)</p> <p>(3) If the penalty to be charged on whole stamp duty to be paid or payable is more than Rs. 50,00,000/- (Fifty Lakh Rupees) then only Rs. 50,00,000/- (Fifty Lakh Rupees) shall be accepted as a penalty and rest or balance penalty be remitted.</p>
2.	For amount exceeding rupees Twenty Five Crore (exceeding Rs. 25,00,00,000/-)	10%	Rs. 2,00,00,000/- (One Crore Rupees) be accepted as a penalty and rest or balance penalty shall be remitted.

## ANNEXURE

- (a) Any type of Instrument related to the Conveyance or Agreement to sale or Lease or Sale Certificate or Gift or Agreement relating to deposit of title deeds, pawn, pledge or hypothecation of immovable property for the purpose of residential or non-residential or industrial use;
- (b) Agreement or its records or Memorandum of agreement if relating to transfer of tenancy of immovable property for the purpose of residential use, Conveyance of allotment of residential or non-residential units or houses from the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional Boards, the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) and the Slum Rehabilitation Authority (SRA) to a slum dweller for the purposes of rehabilitation under approved Slum Rehabilitation Scheme and also Conveyance of allotment of residential or non-residential units or houses in registered Co-operative Housing Societies or any apartments whose deemed conveyance is pending;
- © Any type of Development Agreement or Conveyance or Agreement to Sale or Instrument of transaction of Assignment of the rights to the developer regarding the redevelopment of any dilapidated old buildings or any building or immovable property whose redevelopment is necessary;

- (d) Any type of Instrument in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies;
- (e) Any type of Instrument executed by the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional boards, the City & Industrial Development Corporation of Maharashtra Limited (CIDCO) and the Municipal Corporation, Municipal Council, Nagar Panchayat, by the various Development or Planning Authorities approved or constituted by the Government under the prescribed Regulations, the Maharashtra Industrial Development Corporation (MIDC), the Slum Rehabilitation Authority (SRA) etc.
- authorities;
- (f) The First allotment letter or Share Certificate issued or executed regarding residential or non-residential units by the registered Co-operative Housing Society on the Government land or by the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional boards or by the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) or by the Municipal Corporation, Municipal Council, Nagar Panchayat or by the Development or Planning Authorities approved or constituted by the Government under the prescribed Regulations.

## FORM OF APPLICATION

Date:

Name of Applicant :

Address :

Mobile/Phone No. :

E-mail ID :

PAN Number :

Bank Name and Account Number :

To,  
The Collector of Stamps/ Joint District Registrar/ Sub-Registrar,

**Subject :** Application for getting the benefit provided by the Maharashtra Stamp Duty Amnesty Scheme-2023 regarding reduction in stamp duty and penalty on the deficient portion of duty payable under the provisions of the Maharashtra Stamp Act.

**Ref.:** Government of Maharashtra, Revenue and Forests Department,  
Order No.Mudrank-2023/C.R.No.342/M-I (Policy) dated the -----

Sir,

I, the undersigned, Shri/Smt/..... for myself or on behalf of Shri/Smt/....., requesting you by this application along with original instrument and self-attested copies of supporting documents for getting the benefit provided by the Maharashtra Stamp Duty Amnesty Scheme-2023 regarding reduction in stamp duty and penalty on the deficient portion of duty payable under the provisions of the Maharashtra Stamp Act.

Details of Instruments: -

1.	Type of document	:	
2.	Date of execution	:	
3.	Agreed consideration	:	
4.	Details of the property	:	
	(a) Detailed address of property (Flat/Unit No., Building No. and Name, location, etc.)	:	
	(b) Village/Area/Ward etc.	:	
	(c) S.No./C.S.No./C.T.S No./Plot No. etc.	:	
5.	Area of Property	:	
	Carpet Area	:	
	Built up Area	:	
(a)	Other factors affecting the market value	:	
	Type of Construction	:	
	Year of Construction	:	
	No. of Floors	:	
	Lift (Yes/No)	:	
7.a)	Stamp Duty already paid, if any, on the documents	:	
	Amount Rs.	:	
	b) Date of Stamping	:	
8.	Details of the person authorized (along with Power of Attorney)	:	
	Name of person	:	
	Mobile Number	:	
	E-Mail ID	:	

I hereby declare that the above information is true and correct to the best of my knowledge and belief. I have enclosed the self-attested proofs in support of the above declared details.

Yours faithfully,

(Signature) Name of the applicant

Date :

Place :

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

**(Pritamkumar V. Jawale)**  
**Under Secretary to Government**

In the State of Maharashtra,

**"Maharashtra Stamp Duty Abhay Yojana - 2023** through the Government in pursuance of the order notified in the Government Gazette dated 7th December, 2023 regarding the issuance of explanatory instructions by fixing the **STANDARD OPERATING PROCEDURES...**

Dated: 11th December, 2023



## **GOVERNMENT OF MAHARASHTRA REVENUE AND FOREST DEPARTMENT**

CIRCULAR No : Stamp-2023/P.No.342/M-1(Policy)

Madam Kama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai- 40032.

**Read :-**

- 1) Government of Maharashtra Gazette, Extraordinary Part Bar-B, Revenue and Forest Department, Government Order No. Stamp-2023/ Q.No. 342/M-1 (Policy), dated 07th December, 2023**

**Introduction :-**

Stamp duty is levied as per the provisions of the Maharashtra Stamp Act on instruments executed in the State of Maharashtra and filed with the concerned Sub-Registrar for registration. In accordance with the orders executed and registered as aforesaid, regular inspections are carried out by the local auditor team at the Regional Office of the Registration and Stamp Department. Apart from this, the office of the Accountant General of Maharashtra State is also audited by the team. During the said audit and inspection, the issue of payment of stamp duty less than and lower stamp duty comes up from time to time. Pursuant to recovery of lower stamp duty on such documents along with applicable penalty Clause (two) of sub-section (4) of section 31, sub-section (2) and sub-section (4) of section 32A and clause (b) of sub-section (1) of section 39 of the Maharashtra Stamp Act the proceedings are carried out accordingly. In such a low stamp but to the Regional Office of Registration and Stamps Department for recovery of stamp duty as the number of pending documents is very large, also, it is believed that a large amount of revenue in the

form of stamp duty is trapped in it, The registration is underlined by the Inspector General and Controller of Stamps, Pune. Therefore, the revenue trapped in the form of said stamp duty must be deposited in the government account.

By collecting stamp duty stuck in such low stamped documents Provision of penalty or exemption & rebates on underpayment of stamp duty in the State to help increase the revenue revenue of the State Government, Order under reference of Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune dated 07th December, 2023 have been published in the Government Gazette. Pursuant to the said order, Maharashtra Stamp Duty Abhay Yojana-2023, dated 01st December, 2023 to 31st January, 2024 and 01st February, 2024 to 31st March, 2024 it has been approved to be implemented in two phases in the entire state of Maharashtra. The issue of issuing explanatory notices by fixing standard operating procedure in accordance with the said Abhay Yojana was under the consideration of the Government.

## Government Circular:

In pursuance of the **“Maharashtra Stamp Duty Abhay Yojana 2023”**, an explanatory notification is hereby issued by determining laying down the following Standard Operating Procedures :

- 1) The said Stamp Duty Abhay Yojana - 2023 shall apply to documents executed on stamp paper of any amount approved by the Government recognized stamp dealer or Chief Controller Revenue Authority or sold through a mechanism approved by a competent authority subordinate to him.
- 2) Stamped Papers means, the impressed stamps as specified in the Sub-Section (k) of Section 2 of the said Act; which includes, labels affixed and impressed by the proper officer; stamps embossed or engraved on stamped paper; impression by franking machine; impression by any such machine as the State Government may, by notification in the Official Gazette, specify i.e. e-SBTR;, receipt of e-payment, G.R.A.S.
- 3) Unstamped instruments and also on plain paper executed documents and deeds, shall not be eligible for any benefit under “Maharashtra Stamp Duty Abhay Yojana-2023.
- 4) “Maharashtra Stamp Duty Abhay Yojana-2023” the following benefits are only executed during the period 01 January 1980 to 31 December 2020 but it will be applicable only to submitted to registration or not registered documents.
- 5) In the Non-Residential document, the agricultural land documents will also be included. The following benefits will be given to the said above documents under "Maharashtra Stamp Duty Abhay Yojana-2023".
- 6) No refund shall be given if the deficiency amount of stamp duty payable on any such document and document and/or the amount of penalty payable on the deficiency portion of the said stamp duty has already been paid prior to the date of publication of the said order in the Government of Maharashtra Gazette.
- 7) To a party to the relevant document and document or to his successor in title or to a power of attorney, under this order, the penalty can be reduced and discount can be waived.
- 8) The applicant will be required to submit the original and self-attested copies of the required documents in the attached application form on or before the last day of the said period. The said application will be accepted online. For that, the Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune should make immediate arrangements. Also, arrangements should be made to make appropriate changes as required in the above application details only depending on the type of file. However, care should be taken that the basic structure and core of the Maharashtra Stamp Duty Abhay Yojana-2023 is not altered under any circumstances.
- 9) In case of delay or inability of Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune to provide online mechanism and system for accepting applications for concession under Maharashtra Stamp Duty Abhay Yojana- 2023, the applicant shall be allowed to apply through offline mode also. Submission of online application should not be compulsory.
- 10) The amount of stamp duty payable and recoverable in respect of documents executed and registered between 01st January, 1980 to 31st December, 2000 is Rs.1,00,000/- ( not exceeding Rs. one lakh will be less) also, to the concerned parties pursuant to the payment of the said outstanding stamp duty and penalty amount to the Government Account, If no response has been given or is forthcoming from the concerned parties after issuing demand and requisition notices from the Regional Office of Registration and Stamps Department, In such a case, the parties concerned will not need to apply separately for the concessions and benefits under the scheme. Also, in such a case the concerned applicant will not be



required to send a separate demand and demand notice for payment of applicable stamp duty and penalty thereon. Stamp Duty and Penalties applicable to such cases have been exempted at 100% in the first phase of the scheme "Maharashtra Stamp Duty Abhay Yojana-2023\* i.e. from 01 December 2023 to 31 January 2024 regarding proper stamping of such cases at the first stage itself The stamp collector concerned should take immediate action.

- 11) After receiving the application of the applicant for availing the benefit of concession under Maharashtra Stamp Duty Abhay Yojana- 2023, the concerned Sub Registrar should immediately forward the said application to the concerned Collector of Stamps / Joint District Registrar. By the concerned Stamp Collector/ Joint District Registrar Pursuant to the said application In the above application On the mentioned property and transfer documents determination of stamp duty payable on the day of execution of relevant documents applicable in the State it is orderly to do as per provision.
- 12) For determination of stamp duty as aforesaid published by the Chief Comptroller Revenue Authority, State of Maharashtra from time to time and including the rate in the annual rate statement by following the accompanying guiding principles on the sample documents in the application form of the concerned applicant for payment of stamp duty due and penalty thereon to send notice of demand and requisition the whole process is after the application of the concerned applicant is received the concerned stamp must be completed by the Collector/Joint District Registrar within a period of 15 days.
- 13) In cases where the Collector of Stamps has already fixed the amount of stamp duty and penalty by determining the market value of the property in the document. In such a case, if the applicant and the party concerned have applied for the benefit of relief under Maharashtra Stamp Duty Abhay Yojana-2023, it will not be necessary to determine the stamp duty separately in such a case. However, in such cases, the whole process of sending a fresh demand and demand notice for payment of stamp duty and penalty payable on the document and document mentioned in the application of the concerned applicant under the application of the proposed scheme should be completed within a period of 15 days from the receipt of the application of the concerned applicant.
- 14) Up to the date of application by the concerned applicants and parties for availing the benefit of concession under the "Maharashtra Stamp Duty Abhay Scheme- 2023 In the said application, the penalty payable on the sample document and the document should be determined.
- 15) Within a period of seven days from the date of receipt of demand notice for payment of stamp duty and penalty as prescribed above. The applicable stamp duty and penalty Government accounts must be paid by the applicant concerned. If the concerned applicant does not pay the amount due to the Government within the prescribed period, such applicant will not be eligible for the concessions and benefits payable under the present scheme.
- 16) After depositing the said amount in the government account and only after confirming the same, after that within a period of one month thereafter, the relevant stamp collector must certify the relevant document as stamped.
- 17) Daily details of applications received and issued under the said scheme are necessary to be maintained by the concerned Stamp Collector / Joint District Registrar / Deputy Registrar. A separate register should be kept for that. The said information should be submitted without fail to the office of Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune on every Friday of every week. The Inspector General of Registration and Controller of

Stamps, State of Maharashtra, Pune should submit the said details to the Government every Monday. In the said register, the name of the applicant, the type of document filed by the applicant, the stamp duty applicable thereon and the amount of penalty and should be included the amount of stamp duty and penalty payable by the applicant to the government account for granting discount to the applicant under the present Abhay Yojana, so that it will be possible for the government to analyze the success of the scheme.

- 18) For the successful implementation of the said scheme, a special cell should be set up in the office of the concerned Stamp Collector / Joint District Registrar on a temporary basis for the duration of the scheme to benefit the maximum number of people. Also, a Central Special Control Room should also be established in the

office of Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.

- 19) Follow the instructions strictly. Otherwise, disciplinary action will be proposed against the concerned under the Maharashtra Civil Services (Discipline and Appeal) and (behavior) Rules.

The present Government Circular is available on the website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) of the Government of Maharashtra and its reference number is 202312111616047719. This circular is being issued with digital signature attestation.

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

**(Pritamkumar V. Jawale)**

Under Secretary, Govt. of Maharashtra

Regarding implementation of Maharashtra Stamp Duty "**Abhay Yojana-2023**" in the State of Maharashtra by the Government through the order notified in the Government Gazette dated 07th December, 2023 regarding the issue of explanatory notice establishing **Standard Operating Procedures (Corrigendum)**

Date : 13th December, 2023

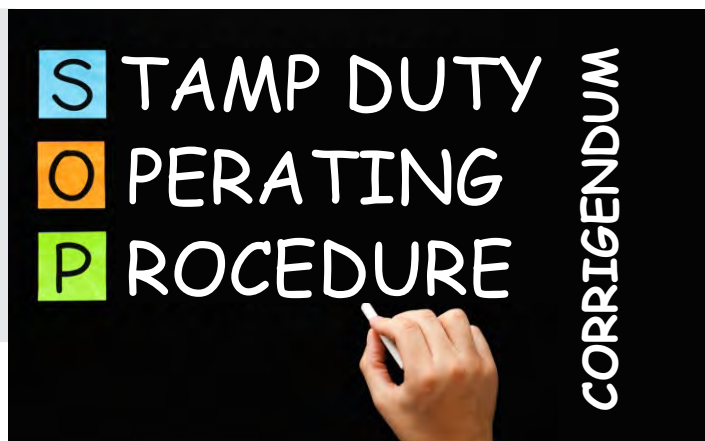
## **GOVERNMENT OF MAHARASHTRA REVENUE & FOREST DEPARTMENT**

Corrigendum No. Mudrank-2023/Q.No.342/M-1 (Policy) Madam Kama Road, Hutatma Rajguru Chowk, Manatralay, Mumbai - 400 032.

Read :-

- 1) Government of Maharashtra Gazette, Extraordinary Part 4-B, Revenue and Forest Department, Government Order No. Stamp-2023/ Q.No. 342/M-1 (Policy), dated 07th December, 2023
- 2) Government of Maharashtra, Revenue and Forest Department, Circular no. Stamp-2023/Q.No.342/M-1 (Policy), dated 11th December, 2023

Introduction : -



Stamp duty is levied as per the provisions of the Maharashtra Stamp Act on instruments executed in the State of Maharashtra and filed with the concerned Sub-Registrar for registration. However, as the number of cases pending with the Regional Office of the Registration and Stamp Department for recovery of stamp duty is very large, and also to help increase the revenue of the State Government by recovering the outstanding stamp duty, the entire State of Maharashtra in reference No. 1 vide order notified in the Government Gazette dated 07 December 2023 "Maharashtra Stamp Duty Abhay Yojana 2023 has been approved to be implemented in two phases from 01 December 2023 to 31 January 2024 and 01 February 2024 to 31 March 2024. In accordance with the said Stamp Duty Abhay Yojana, standard operating procedures have been determined and explanatory instructions have been issued as per mentioned government circular in reference no.2.

02. In fact as per Section 17 of the Maharashtra Stamp Act Deed execution or as per the applicable provision on the next working day by the persons executing the said deed It is necessary to pay the appropriate stamp duty in the government account. However, in such case of non-payment of stamp duty, the provision for recovery of unpaid stamp duty along with penalty is prescribed in Section 39 along with Section 34 of the said Act. Further, if such persons, despite repeated notices, fail to pay the fees or fines payable under the said Act into the Government account, the powers prescribed for recovery of arrears of land revenue under the provisions of the Maharashtra Land Revenue Code have been conferred on the Chief Revenue Controller along with the Collector of Stamps under Section 46 of the said Act. In short, the provision of compulsory recovery of unpaid stamp duty and penalty thereon is provided by the Act to the concerned Collector of Stamps. However, opportunities have been repeatedly given to the concerned persons and parties to remit such underpa-

yment of stamp duty and penalty thereon to the Government account only as a sympathetic approach as well as in the event of underpayment of stamp duty in ignorance of the law. As a part of the same, in accordance with the requests made by the Inspector General of Stamps, Maharashtra State, Pune to the Government from time to time, the Government has implemented Stamp Duty Abhay Yojana for different periods from 1994 till date.

03. The above mentioned Stamp Duty Abhay Scheme has certainly helped in collecting the stamp duty revenue stuck in the vault of the State Government. However, on purpose by some individuals Only for the purpose of defeating the government That is, even with the intention of deliberately evading stamp duty Actions are taken to execute and register the deed. In order to curb such intentional evasion of stamp duty, Section 59 and Section 62 of the Maharashtra Stamp Act have also prescribed a clear provision regarding giving competent Imprisonment punishment after conviction. Hence, from the revenue generated by the state government to implement various developmental and welfare schemes for common citizens with a view to curbing willful evasion of stamp duty alternatively, for guarantee of revenue in the form of stamp duty, as per Government Circular No. 2 received by the State Government the issue of including new instructions in the instructions was under the consideration of the government.

#### **Corrigendum :-**

Pursuant to the considerations mentioned in the preamble above and to implement various developmental and welfare schemes for the common citizens from the revenue generated by the State Government. Alternatively, with a view to corrigendum willful evasion of stamp duty, For sustainability of stamp duty revenue received by the state government as per Government Circular referred to in Reference No.2 in the instructions given under the

present corrigendum, the following new instructions are given:-

1) In cases where the total amount of stamp duty and penalty to be deposited in Government account is Rs. 5 Crores (Rs. Five Crores in words) and above, In all such cases by determining the amount of stamp duty and penalty thereon reasonably payable by the Collector of Stamps concerned along with their feedback should be submitted through the Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune for prior approval of the Government.

The Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune should submit the said proposal to the Government within three (03) days of its receipt. The concerned Stamp Collector shall complete the said entire proceedings within a period of eight (08) days from the receipt of the application of the concerned applicant, without the prior approval of the Government, no demand and demand notice shall be sent to the concerned applicant for payment of stamp duty and penalty applicable thereto. After obtaining the prior approval of the Government, the concerned Stamp Collector should complete the proceedings within the next three (03) days for sending the demand and demand notice for payment of the stamp duty and penalty applicable to the concerned applicant in such case. Also, the concerned applicant and party shall be obliged to pay the applicable stamp duty and penalty thereon to the Government account within seven (07) days.

2) Under this scheme, the applicant shall in any case be obliged to complete the process of depositing the amount paid as per the demand notice issued to him for payment to the government account before 31st March, 2024.

3) After the expiry of the Maharashtra Stamp Duty Abhay Yojana-2023, a proposal to propose action under Section 59 and Section 62 of the Maharashtra Stamp Act against the

relevant parties and persons executing the deed in which the revenue of the State Government in the form of stamp duty is stuck, by the concerned Collector of Stamps, Inspector General of Registration and Stamps. To be submitted for the approval of the Government through the Controller, State of Maharashtra, Pune.

4) Besides, in this case the stamp duty of the state government is stuck to recover such full Government charges by the Collector of Stamps concerned Action should be taken as per Section 46 of Maharashtra Stamp Act immediately after the expiry of Maharashtra Stamp Duty Abhay Yojana-2023.

5) The Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune should regularly review the action initiated by the concerned Collector of Stamps and submit the compliance report to the Government on a regular basis.

6) Follow the above instructions strictly. Otherwise, disciplinary action will be proposed against the concerned under the Maharashtra Civil Services (Discipline and Appeal) and (behavior) Rules.

02. The present Government corrigendum (Circular) has been made available on the website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) and its reference number is 202312131442156419.

This corrigendum (circular) is being issued by attesting with digital signature.

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

(Pritamkumar V. Jawale)  
Under Secretary, Govt. Of Maharashtra

**Free Guidance on Stamp Duty Amnesty 2023. Please Book your free Consultation on [www.mahasewa.org](http://www.mahasewa.org) or Call on 022 42551414**

# TYPES OF DOCUMENTS COVERED UNDER THE SCHEME



- (a) Any type of Instrument related to the Conveyance or Agreement to sale or Lease or Sale Certificate or Gift or Agreement relating to deposit of title deeds, pawn, pledge or hypothecation of immovable property for the purpose of residential or non-residential or industrial use;
- (b) Agreement or its records or Memorandum of agreement if relating to transfer of tenancy of immovable property for the purpose of residential use, Conveyance of allotment of residential or non-residential units or houses from the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional Boards, the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) and the Slum Rehabilitation Authority (SRA) to a slum dweller for the purposes of rehabilitation under approved Slum Rehabilitation Scheme and also Conveyance of allotment of residential or non-residential units or houses in registered Co-operative Housing Societies or any apartments whose deemed conveyance is pending;
- (c) Any type of Development Agreement or Conveyance or Agreement to Sale or Instrument of transaction of Assignment of the rights to the developer regarding the redevelopment of any dilapidated old buildings or any building or immovable property whose redevelopment is necessary;
- (d) Any type of Instrument in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies;
- (e) Any type of Instrument executed by the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional boards, the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) and the Municipal Corporation, Municipal Council, Nagar Panchayat, by the various Development or Planning Authorities approved or constituted by the Government under the prescribed Regulations, the Maharashtra Industrial Development Corporation (MIDC), the Slum Rehabilitation Authority (SRA) etc. authorities;
- (f) The First allotment letter or Share Certificate issued or executed regarding residential or non-residential units by the registered Co-operative Housing Society on the Government land or by the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional boards or by the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) or by the Municipal Corporation, Municipal Council, Nagar Panchayat or by the Development or Planning Authorities approved or constituted by the Government under the prescribed Regulations.

**BOOK YOUR FREE CONSULTANCY NOW**

**on Stamp Duty Amnesty 2023.**

**Please Visit : [www.mahasewa.org](http://www.mahasewa.org) or  
Call on 022 42551414 / 25 / 24 / 32 or  
Email : [stampdutyamnesty2023@gmail.com](mailto:stampdutyamnesty2023@gmail.com)**

# STAMP DUTY ON CONVEYANCE



## 1. INTRODUCTION :

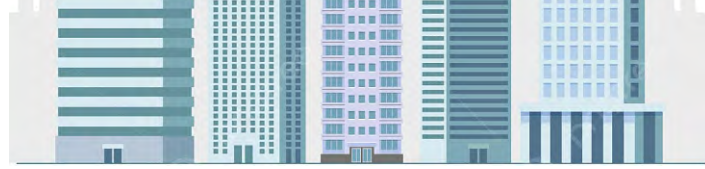
Article 25 of Schedule 1 of Bombay Stamp Act, 1958, deals with Stamp Duty payable on Conveyance of both movable and immovable property. Many amendments have been done to this article from time to time since 1985. The important thing to be noted is that the Stamp Duty is not payable as per the Agreement Value but on the Market Value of the property as determined by the Stamp Authorities on the date of Conveyance.

Since we are discussing the applicability of Stamp Duty on Conveyance of land and building in favour of the Society (immovable property), the other provisions are not discussed here.

## 2. IMMOVABLE PROPERTIES DIVIDED INTO DIFFERENT GROUPS FOR STAMP DUTY:

So far as immovable property is concerned, the Article divides immovable property into eight categories, namely,

- 1) Property in rural areas
- 2) Property in areas of "C" class municipalities and cantonments, other than Hill stations and some Cantonments,
- 3) Property in areas of "B" class municipalities (except Deolali) and cantonment of Kamptee
- 4) Property in areas of "A" class municipalities and cantonment of Ahmednagar,
- 5) Hill stations in Municipal Councils of Lonawala, Mahabaleshwar, Panchagani, Matheran, and Panhala,
- 6) Property in the areas of Municipal Corporations other than those mentioned in the next item and cantonment of Deolali, Dehu road and Aurangabad,
- 7) Property in the areas of Municipal Corporation of the bigger towns of Greater Mumbai, Pune, including Cantonment of



- Kirkee and Thane and the adjacent area of about twelve villages and Navi Mumbai,
- 8) Properties being residential premises belonging to co-operative housing societies or held on apartment ownership basis. Stamp Duty payable on Conveyance of properties in these different areas or categories is different and in the 7th category mentioned above the Stamp Duty is the highest, namely 10 per cent of the market value.

Since we are dealing with Conveyance in a Co-operative Housing Societies we will be discussing the stamp duty provisions on 8th category i.e. Properties being residential premises belonging to co-operative housing societies or held on apartment ownership basis.

## 3. CONVEYANCE OF FLATS OR APARTMENTS:

This category is again divided into four sub categories namely:

- A) Conveyance of residential premises namely building or units, i.e. flats by or in favour of Co-operative Housing Society registered under the Maharashtra Co-op. Housing Societies Act, 1960 or
- B) Conveyance of residential premises namely building or units to which the provisions of Maharashtra Ownership Flats Act, 1963 or Apartments Ownership Act, 1970.
- C) Conveyance by a Co-op Housing Society in favour of its members or a member who becomes a member by transfer of shares of the existing member.

D) Conveyance by a member of such society in favour of another member existing or incoming.

by sale, the Stamp Duty has been reduced substantially compared with the Stamp Duty on ordinary conveyance of immovable properties mentioned above which is as under.

In respect of all such conveyances or transfers

#### 4. STAMP DUTY - FLAT AGREEMENTS APPLICABLE FROM 1-5-2006

##### PROPERTY VALUE

Upto Rs.2,50,000/-  
Between Rs.2,50,001 to Rs.5,00,000/-  
Exceeding Rs.2,50,000/-  
Exceeds Rs.5,00,000/-

##### STAMP DUTY

Rs.100/-  
Rs.100 plus 3% of value  
  
Rs.7600 plus 5% of value  
above Rs.5,00,000/-

However, Government of Maharashtra has taken a decision to publish the market value of the property area wise, as on 1<sup>st</sup> of January every year. Accordingly, with effect from 1-1-2002, the property value has been increased by 20%. Area-wise property value is available in the "STAMP DUTY READY RECKONER" referred by the sub-registrar or the valuation officer or the collector of stamps or at the adjudication office and town planning authorities.

#### 5. TRANSFER OF LAND FOR CONSTRUCTION OF BUILDING ON OWNERSHIP BASIS:

conveyance for the purpose of Section 32A so that the Stamp Duty will be payable on the market value of the property.

This item applies to a conveyance of only land for the purpose of construction of residential premises such as flats and apartments under the two Acts of 1963 and 1970 mentioned above. The duty on such conveyance is the same as on a transfer of flats or apartments mentioned above and which is substantially concessional.

The scope of explanation is now widened and made more comprehensive in as much as the same will now apply to an Agreement for Sale

- i. of land only
- ii. of building only
- iii. of land and building
- iv. of a flat in a building
- v. of undivided interest in any immovable property
- vi. in a given case of any land with or without building or a flat therein which may not be in existence at the date of the agreement.
- vii. and it applies to such agreement between any two or more parties.

#### 6. AGREEMENT FOR SALE- A DEEMED PART CONVEYANCE

This Article adds one more category of conveyance, namely an Agreement for Sale of an immovable property **the possession of which is transferred or agreed to be transferred** to the purchaser before the execution of the conveyance or at the time of the execution thereof or thereafter. Such Agreement shall be deemed to be a conveyance for the purpose of Stamp Duty, though it is not a conveyance as it does not involve any transfer of property. And it will be a

The above explanation 1 to Article 25 is effective from 10<sup>th</sup> Dec 1985. Accordingly, all the Agreements for Sale now attract full Stamp Duty of Conveyance.

The Government is adjusting the Stamp Duty paid on flat agreement against the Stamp Duty payable on the Deed of Conveyance executed in favour of the co-operative housing society.

Thus, the Stamp Duty as per market value on agreement for sale after 10<sup>th</sup> Dec 1985 is compulsory and the flat purchaser need not pay the Stamp Duty again at the time of Conveyance. However, the flat purchasers who have not paid the Stamp Duty on Agreement for Sale before 10<sup>th</sup> Dec, 1985 or after 10<sup>th</sup> Dec, 1985 have to pay Stamp Duty at the time of Conveyance.

Under this explanation, even an Agreement of Sale in respect of any immovable property when possession is given before the execution of the Conveyance, it will be necessary to pay the Stamp Duty on Conveyance. In this connection, please refer to the definition given under Section 2 of the Amending Act whereby 'Conveyance' is defined as follows.

#### **“2(g) 'Conveyance' includes**

- (i) a Conveyance on sale,
- (ii) every instrument, and
- (iii) every decree or final order of any Civil Court.

by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in, any other person, inter vivo, and which is not otherwise specifically provided for by Schedule 1.”

In the light of this definition, it is to be considered whether the deemed provisions made by Explanation to Article 25 is valid or not. So far as the definition is given which is an inclusive definition, it does not mention that any Agreement of Sale shall be treated as a Deemed Conveyance as provided in the Explanation. The question is that when 'Conveyance' is defined and when the Agreement for Sale is not included in the definition of Conveyance, such provision by way of an explanation to an article can be considered as a valid provision in law.

#### **7. PENALTY FOR UNDER VALUATION OR DEFICIT IN PAYMENT OF STAMP DUTY AS PER MARKET VALUE:**

The concept of market value was introduced by amending Section 32A of the Bombay Stamp Act by the Amendment Act 27 of 1985 with retrospective effect from 4<sup>th</sup> July, 1980. The Collector will determine the true market value after giving hearing to the party concerned, determine the deficit Stamp Duty payable, and require the party to pay the same. He has also right to impose penalty. The penalty will be 2% for each month or part thereof on differential amount, in respect of instrument executed after 1<sup>st</sup> Sept, 1996 and in respect of instrument executed and presented for registration prior to that day, the penalty will be Rs.250/-. No penalty, as well as Stamp Duty, on the differential amount is payable if the different is not more than 10% of the market value as determined by the Collector. With effect from 1.5.2001, as per the Amendment Act, 2001, the penalty shall not exceed double the deficient portion of the Stamp Duty.

#### **8. DETERMINATION OF MARKET VALUE**

The Maharashtra Government had framed rules under the Stamp Act for determination of the market value in 1981, when the concept of 'Market Value' for Stamp Duty was introduced under Section 31(3) or 32A(1). The Collector of Stamps was required to determine the market value after giving notice to the party concerned and after perusing the evidence and giving hearing to the parties. These rules have been repealed and new rules have been substituted in 1995 known as Determination of True Market Value Rules, 1995. Under the new rules, 1995, the whole basis of the rules of 1981 is changed. Under the new rules, the Joint Director of Town Planning has to prepare annual statement of rates showing average rates of land and building (Stamp Duty Ready Reckoner) situated in every tehsil, Municipal Corporation or local body area. The data of average rates of land and buildings is to be wardwise / zonewise / city survey numberwise / Hissa numberwise in urban areas and talukawise in local area and the properties



are to be divided in to groups, sub-groups or classes, while working out the average rates of lands and buildings. The Officer has to take into account "the established principles "of valuation and other details. Then the Chief Controlling Revenue Authority will publish the Annual Statement of Rates and copies thereof will be forwarded to the Registering Officers. On the basis of such statements, the Registering Officer or other officer has to find out whether the market value mentioned in the document is correct or less and act accordingly as directed in Section 32 A.

When the document is referred to the Collector under Section 32 A or he acts on his own under Section 32 A (5), he shall hold an enquiry by serving notice to the party concerned. Before fixing the final market value, the Collector would read the written representation of the party, record his statement and call for any information or record from Government officers. Thus the procedure under Rule, 1995, is more artificial than under the rules of 1981. It is obvious that in view of the annual statement of rates issued by the Chief Controlling Revenue Authority, the Collector will be more guided by the rates so far determined. Thus the hearing will be more or less a formality.

## 9. APPEAL AGAINST THE MARKET VALUE:

Section 32 B lays down the remedy against the decision of the Collector as to the market value under Section 32 A as well as Section 31(b). The present Section 32 B was substituted for the previous one by the Amendment Act No. 18 of 1989 (with effect from 1.12.1989). Under the previous Section, the appeal was with the Civil Court whereas under the amended Section, the appeal lies with Deputy Inspector of Registration and Deputy Controller of Stamps. However, any matters pending before the Collector for referring the matter to court are to be treated as appeals before the Dy. I.G. of Registration or Dy. Controller of Stamps and transferred to that

Authority and all the appeals pending on that day before Civil Courts are to be disposed of by the Courts.

The party has to make his request / appeal within sixty days from the date of receipt of the order by paying the fees as may be prescribed by notification but not exceeding Rs. 300/-. The decision of Dy. Inspector of Registration or Dy. controller of Stamps is final subject to the provisions of Section 32 C and no appeal or revision will lie against such order. However, the aggrieved party still can approach the High Court by a Writ under Article 226 of the Constitution.

As per the notification dated 1<sup>st</sup> December, 1989 no. STP 1088/CR-9-5/M-1, the following fees for appeal under Section 32 B of the Bombay Stamp Act, 1958 are prescribed.

- (1) If the difference in the market value of the property set forth in the instrument and that determination by the Collector does not exceed Rs.50,000/- , a fee of Rs. 100/-
- (2) If it exceeds Rs.50,000/- but does not exceed Rs.1,00,000/- a fee of Rs. 200/- and
- (3) If it exceeds Rs.1,00,000/- a fee of Rs. 300/-.

**Book Your Free Consultation Now**  
**022 - 4255 1414 / 25 / 32**

# STAMP DUTY : OVERVIEW, IMPORTANCE AND VALUATION FACTORS



## 1. Stamp duty.

Stamp Duty is a tax, similar to GST and income tax collected by the government. Stamp Duty is payable under Section 3 of The Maharashtra Stamp Act, 1958. Different amount of Stamp Duty is payable for different types of document as per Schedule-I of The Maharashtra Stamp Act, 1958. Stamp Duty must be paid in full and on time. If there is a delay in payment of stamp duty, it attracts penalty. A stamp duty paid document is considered a proper and legal document and as such gets evidentiary value and is admitted as evidence in court. Document not properly stamped, is not admitted as evidence by the court.

## 2. Different types of stamps.

There are different types of stamps under stamp act having different uses.

1. "Share Transfer" Stamps
2. "Insurance" Stamps
3. "Notarial" Stamps
4. "Revenue" Stamps
5. "Court Fee" Stamps
6. "Special Adhesive" Stamps.
- 6A. "Foreign Bill" Stamps
- 6B. "Advocate" Stamps, "Vakil" Stamps, "Attorney" Stamps
- 6C. "Agreement" Stamps, "Brokers Note" Stamps

*Note :- Types of stamps mentioned in numbers 6A to 6C exist in rule book with limited use and are noted here for information only].*

7. "Court Fees" Stamp Paper

## 3. For payment of stamp duty the following methods is/was available.

1. "Non Judicial" Stamp Paper (*Not accepted for registration*)
2. Franking of Stamp Duty (*Practically Discontinued/ Not accepted for registration*)
3. e-Stamping (*Discontinued*)
4. Adjudication Certificate.
5. e-SBTR – Electronic Secure Bank and Treasury Receipt
6. GRAS – Government Receipt Accounting System.

For all practical purposes GRAS/e-SBTR are used for all types of documents, however different stamps like Share Transfer Stamp is used on share transfer forms, Insurance stamp is used by insurance companies on insurance policies, Notarial Stamp is used by Public Notary for Notarizing the documents, revenue stamp is used on receipts above Rs.5,000.

4. Court fees stamp is not a tax but fees for judicial services granted and is used in all court, semi-judicial and government office while making applications and Court fees stamp papers are used for court purposes, i.e. it is the method by which court fees is paid in the court, by way of submitting required amount of stamp paper to the court.

Instead of using Non Judicial Stamp paper for payment of stamp duty one can use GRAS or e-SBTR and which has the same effect.

Further Stamp duty can also be paid directly to the collector of stamps who affixes his seal and stamp for the amount received after a procedure called adjudication and hence the same is called adjudication certificate.

## 5. Stamp duty, when payable.

Stamp duty is payable either before execution of the document or on the day of execution of document or on the next working day of executing such a document. Execution of a document means putting signatures on the document by the persons who are party to the document. However it is advisable to pay stamp duty before executing the document, for all practical purposes.

#### **6. Penalty for the delayed payment of stamp duty**

If stamp duty is not paid on time, it attracts penalty at the rate of 2% per month on the deficit amount of the stamp duty. However maximum penalty can be only 400% of the deficit amount of the stamp duty. Minimum penalty is Rs.100.

Documents lodged with the sub-registrar/Collector of stamps prior to any amnesty scheme will attract a reduced penalty, as applicable under that amnesty scheme, as the case may be.

#### **7. Stamp duty, by whom payable.**

In the absence of any agreement to the contrary, the purchaser/transferee has to pay stamp duty or in case of exchange of properties, both parties have to bear stamp duty equally.

#### **8. Documents on which stamp duty is to be paid**

Under The Maharashtra Stamp Act, 1959, stamp duty is to be paid on all the documents by which any right or liability is or purports to be created, transferred, limited, extended, extinguished or recorded but does not include a cheque, promissory note, bill of exchange, bill of lading, letter of credit, policy of insurance, transfer of shares, debentures proxy and receipt, which is charged under Indian Stamp Act, 1899.

#### **9. Stamp duty payment, document v/s. transaction**

Stamp duty is payable on document and not on transactions. Stamp duty should be charged on the basis of the contents of the document

only. If any information essential for working out stamp duty is missing in the document, stamp duty valuation officer can ask for the same. Information such as the Carpet or Built-up area of the flat, number of floors in the building, year of construction, name of Division/Village and C.S./C.T.S. number of plot of land on which property is situated must be mentioned in the agreement.

#### **10. Stamp duty on documents relating to transfer of immovable property**

Except transfer by will and by nomination in a co-operative housing society all transfer documents including agreements to sell, conveyance deed, gift deed, mortgage deed, exchange deed, deed of partition, power of attorneys, leave and license agreement, agreement of tenancy, lease deeds, power of attorney to sell for consideration etc have to be properly stamped before registration.

In our opinion when a nominee transfers the flat subsequently in the name of legal heirs, that transfer Document is to be stamped as a Transfer as per Article 59 of Schedule – I of The Maharashtra Stamp Act, 1958, as nominee is a trustee and legal heirs are beneficiary.

#### **11. Relevance of the dates 04-07-1980 and 10-12-1985.**

From 04.07.1980, market value concept was introduced to pay stamp duty on conveyance, the purchaser is required to pay stamp duty on market value of the immovable property transferred as per article 25(b), at the time of execution of the conveyance. Whereas, prior to 04.07.1980 there was no market value concept and agreement value was accepted for stamp duty payment. Hence date **04.07.1980 relates to arrival of market value concept.**

From 10.12.1985, even on agreement for sale, the purchaser is required to pay stamp duty on market value of the immovable property transferred as a deemed conveyance due to Explanation appended to Article 25(d), at the time of signing the agreement for sale itself. Whereas, prior to 10.12.1985, such

agreement for sale required a stamp of Rs.5 only, at the time of signing the agreement under article 5(h) provided stamp duty as applicable to conveyance will be payable at the time of conveyance of the immovable property in future. Hence date **10.12.1985 relates to arrival of deemed conveyance concept.**

### **12. Purchase of stamp paper.**

From 01/05/1994 stamp papers are to be purchased in the name of one of the parties to the document. If the stamp paper is not in the name of the parties and if it is used for preparing the agreement, then such agreement will be treated as if no stamp paper was used. However, it will not make the agreement invalid and can be enforced in law if proper stamp duty is paid subsequently. Prior to 01/05/1994 stamp paper could be purchased in any name.

### **13. Validity period of a stamp paper.**

Stamp paper purchased up to 30/11/1989 was valid for any period of time. However, from 01/12/1989 all stamp paper (whether purchased before, on or after 01/12/1989) is valid for a period of six months only from the date of purchase thereafter it is treated as ordinary paper as if it has no stamp.

However, Court fee stamps and Court fee paper is valid for any period of time as there is no time limit specified in The Maharashtra Court Fees Act, 1959, for its use.

### **14. Rate of stamp duty.**

Stamp duty is chargeable on various documents as per different rates as per Schedule-I of the Maharashtra Stamp Act, 1959. Stamp duty on document relating to sale/purchase of residential flat / Shops / Commercial Industrial Units is as per Article 25 of Schedule I of Maharashtra Stamp Act, 1958, depending upon its market value. At present the rate of stamp Duty is 5%.

Stamp duty on document relating to Leave & Licence under Article 36A of Schedule I of

Maharashtra Stamp Act, 1958. At present the rate of stamp duty is 0.25% of amount arrived as per rent and deposit.

### **15. Ascertaining the amount of stamp duty & adjudication.**

One can find out the market value of a property and the proper stamp duty with the help of Stamp Duty Ready Reckoner released every year on 1<sup>st</sup> April.

One should know the District Name, Taluka Name, Village name and Gat No./ Survey No./ CTS No. as applicable to the property. This information is available from property card or 7/12 extracts of the land on which the property is situated and a copy of property card or 7/12 extracts is generally available from the society office or from Original Builders agreement or original purchase / conveyance deed. From the Ready Reckoner, locate valuation zone and sub-zone with the help of the village name and Gat No./ Survey No./ CTS No. of the property.

From the Ready Reckoner, find the market rate per square metre, then multiply the rate with the built-up area of property in square metres. You will get a value. Reduce or increase this value for lift and depreciation as per valuation factors given in the Ready Reckoner and you will get the market value. Find out the stamp duty amount with the help of stamp duty rates table. The Stamp Duty Ready Reckoner is a public document which can be inspected in the sub-registrar's office and also available online on IGR website.

**16.** The Department also does this procedure, which is known as adjudication.

- (i) For adjudication, one can apply to the Collector of Stamps along with a copy of the agreement containing details of the property.
- (ii) Adjudication fees payable is Rs. 100/-.
- (iii) In case of a signed document, adjudication must be done within one month otherwise two per cent interest per month will be levied as penalty from the date of signature.

- (iv) An adjudicated unsigned document is valid up to six months from the date of adjudication order or up to December 31 of that year, whichever is earlier.
- (iii) document executed but afterwards found to be unfit due to some reason and
- (iv) in some cases of documents executed and registered. as follows.

### **17. Payment of Stamp duty after adjudication.**

If the agreement is signed before adjudication, one has to pay stamp duty with interest and penalty as applicable. However, in the case of an unsigned agreement, one may ignore the adjudication order and close the matter if so desired.

### **18. Stamp duty payable on family transfer.**

If any immovable property is gifted to a family member being husband, wife, brother or sister of the donor or to any lineal ascendant or decedent of the donor, then the amount of stamp duty will be calculated at 3% of market value of the property, however if the residential and agricultural property is gifted to husband, wife, son, daughter, grandson, grand-daughter or wife of deceased son, the amount of stamp duty chargeable shall be Rs.200 only. In other cases, stamp duty shall be same as applicable to conveyance deed under Article 25. i.e. 5% of the Market value of the property.

### **19. Stamp duty payment centers.**

Stamp duty can be paid legally without adjudication, on the basis of the Stamp Duty Ready Reckoner, online thru GRAS/e-SBTR. Apart from GRAS/e-SBTR there are also various authorized stamp vendors from whom stamp paper of the required amount can be purchased and agreement made on them, which is another way of paying stamp duty. Stamp vendors sell stamp papers of face value up to Rs.10,000. However documents stamped thru this method cannot be registered and for that payment thru GRAS/e-SBTR is mandatory.

### **20. Refund of stamp duty**

Refund is granted on :

- (i) spoiled paper,
- (ii) blank document,

- (a) In case of spoiled paper or blank document whether franked/e-SBTR/GRAS or on stamp paper, refund should be claimed within six months from the date of purchase of stamp paper or franked document/e-SBTR/GRAS.
- (b) In case of document executed but afterwards found to be unfit due to some reason, refund should be claimed within six months from the date of purchase of stamp paper or franked document/ e-SBTR/GRAS.
- (c) In case of agreement for sale of immovable property which is executed and registered but where such agreement is cancelled by a registered cancellation deed before taking possession of the property within a period of five years from the date of execution of agreement, for any reason, then the application may be made within 6 months from the date of registration of cancellation deed.

An application for refund on a standard format should be submitted to the concerned Collector of Stamps office, along with the original document and an acknowledgement should be obtained. Standard format of refund application along with checklist/formats of other papers/affidavits/power of attorney required with application is available at concerned collector of stamps office.

Refund is granted strictly as per the provisions of section 47 to 52A of The Maharashtra Stamp Act, 1958 and relevant rules and notification. Collector of Stamps are very strict with regards to refund and a mistake in any of the refund application paper will lead to rejection of refund hence one has to be very clear about the provisions of law. Certain percent / amount is deducted from the full amount at the time of refund.

### **21. Some consultants claim to get the**

**market value reduced to save a substantial amount of stamp duty. Is this correct?**

Many people are under the impression that some consultants can help them in reducing the stamp duty. This is to warn them that this can be done only by furnishing misleading information like wrong Gat No. / Survey No. / CTS No., less area of premises/flat, longer age of building and a building with a lift as not having a lift. This would prove to be very detrimental and harmful when, in future, they receive a notice from the department for under-valuation due to concealment of facts. Even a registered document can be reopened anytime within ten years from the date of registration and adjudicated documents within six years from the date of adjudication. Please note that writing misleading information in the agreement is an offence under the Stamp Act, which is punishable with fine and imprisonment.

**22. Stamp duty payment. Agreement value V/s. Market value.**

Stamp duty is payable on the market value of property. Market value of any property is determined by the stamp duty Authorities on the basis of the Stamp Duty Ready Reckoner issued by the government every year on April 1st. If the consideration amount is higher than the market value, the consideration amount will be treated as market value. However, where property is sold or allotted by a government or semi- government body or a government undertaking or a local authority such as LIC, CIDCO, Income Tax Department on the basis of predetermined price, then that value is accepted as market value for the purpose of stamp duty.

**23. Market value.**

Market value in relation to any property which is the subject matter of the document means the price which such property would have fetched if sold in the open market on the date of execution of such document or the consideration stated in the document, whichever is higher. However, for payment of stamp duty, market value is the value as

worked out as per the Stamp Duty Ready Reckoner or the consideration stated in the document, whichever is higher.

As per Sections 43CA, 50C & 56 in the Income Tax Act, the market value for the purpose of tax is same as the market value for stamp duty payment, which is worked out as per the Stamp Duty Ready Reckoner. Hence it is advisable that the assessee should record the actual selling price worked out with the help of Ready Reckoner and avoid under-valuation.

Thus it has become very important for a professional to know all the intricacies of working of "stamp duty value" as, after recent amendments, now all sale of immovable properties will result into litigation with Income Tax authorities as it will result into higher tax (Sections 43CA, 50C & 56) for all parties involved.

**24. Depreciation.**

Depreciation is allowed on structure which is more than 2 years old. It is allowed on the value of the property arrived at by reducing the value of land component in Mumbai and on full value if the property is situated outside the Mumbai. Depreciation varies from 5% to 70% of the above value.

**15. Other additions or deductions to the market value**

If the building has lift its value will increase by 5% to 20% depending upon the floor on which the property is situated. If the building is only of ground + four floor or less without lift then 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floor qualifies for 5% to 20% deduction.

**16. Stamp duty on exchange of flats.**

Stamp duty is payable as per Conveyance Deed on the market value of the property of the greatest value. Generally one copy of Exchange Agreement is made and Registered and then various practical difficulties arise at a later date, like as to who will keep the original, what in case if one of them wants to take the loan against his flat, what if both of them want to take loan from different banks for their respective flats, what if the person having

original sells and goes away and new owner does not co-operate with original owner.

**Following precautions should be taken to avoid any complications in future.**

- a) Assuming there is one "Flat-A" owned by "Person AA" and he wants to exchange it with "Flat-B" owned by "Person BB". In the Exchange Agreement there should be a clause where it states that original agreement will be considered original agreement for "Flat-A" and will remain with its new owner "Person BB" and second copy will be considered original agreement for " Flat-B" and will remain with its new owner "Person AA".
- b) Agreements should be made in duplicate. Original Agreement will be charged with full Stamp Duty and second copy of Agreement will be charged only with Rs.100.
- c) Both of the agreements must be registered. Original agreement will be charged with full registration fees and second copy will be charged very nominal amount of registration fees i.e Rs.1000.
- d) Both the persons must keep their respective copies and will be free from each other in all respects without any botherations.

**27. Mode of measurement.**

Stamp Duty charged on the basis of Built-up area of the premises. Built-up area is taken to be 20% more than the carpet area. However in case the document contains reference of RERA Carpet then 10% is added to RERA carpet area to arrive at the Built-up area. Hence all the documents must record either carpet area, RERA Carpet or Built-up area in Sq.Mtrs only. There is no recognition to Super built-up area or Saleable area hence the same should be avoided in the agreement to avoid excess payment of stamp duty.

Rates mentioned in the stamp duty ready reckoner for Land is per Sq.Mtr. considering F.S.I to be 1 and rates mentioned for buildings whether Residential, Office, Shop (Commercial) or Industrial are for per Sq.Mtr. Built-up area (Rate is inclusive of the value of

land). Stamp duty should be paid on Built-up area only and not on carpet area or super built up area.

Previously when it was difficult to determine built-up area and if carpet area was mentioned in the agreement then the same was increased by 20 percent to arrive at built-up area. Also if Super Built-up area was mentioned in the agreement then 20 percent was reduced from Super Built-up area i.e. 80 percent of Super built-up area was Built-up area. But Stamp Duty and Registration department has now withdrawn above method partially and adopt uniform method as mentioned above. This mode of calculation was primarily a shortcut to an acceptable solution when built-up area was not mentioned in the document. It should never be adopted to calculate carpet area from the super built-up area or vice versa, because arithmetically it will never give correct figure.

**Relation Between Square Feet & Square Meter**

1 Sq. Mtr. = 10.764 Sq. ft.  
1 Sq. Ft. = 0.0929 Sq. Mtr.

**Stamp Duty Amnesty Scheme - 2023  
APPLICABLE TO :**

All type of Agreement / MOU- sale - Purchase - Lease - Gift - Tenancy - Deposit of Title - Pawn - Pledge - Hypoth. (Resi-Comm-Office - Ind. Gala)

All type of Allotment documents in relation to Redevelopment - Development Agreement - Conveyance - Assignment

All type of Documents in relation to amalgamation - Merger - Demerger - Arrangement - Reconstruction

All types of Documents executed by MHADA - CIDCO - SRA - MCGM - Council - naga panchayat

Agreement lodge with department and not cleared - pending docs - previous Amnesty - Appeal cases

# STAMP DUTY AMNESTY SCHEME: Maharashtra notifies discounts, penalties for documents. Find complete details

One crucial omission in the notification is the absence of guidelines on identifying pending registered documents, says Maharashtra Societies Welfare Association

The Maharashtra government on December 7 issued a notification detailing the percentage of waivers applicable to stamp duty fees and penalties under the newly-introduced stamp duty amnesty scheme called 'Mudrank Shulakh Abhay Yojana'.

This scheme introduced last month aims to prompt individuals to settle outstanding stamp duty dues, offering discounts on penalty fees related to delayed stamp duty payments.

According to the notification, instruments executed between January 1, 1980, and December 31, 2000, fall under Phase 1 of the scheme, running from December 1, 2023, to January 31, 2024.

During this period, a full waiver (100%) on both stamp duty and penalties will be granted for amounts ranging from Rs 1 to Rs 1 lakh. For amounts exceeding Rs 1 lakh, a 50 per cent rebate on stamp duty fees and a complete waiver on penalties will be provided.

Likewise, the second phase, spanning from February 1 to March 31, 2024, offers reduced benefits. For amounts up to Rs 1 lakh, an 80 per cent reduction in stamp duty fees and penalties will be granted. Amounts surpassing Rs 1 lakh will receive a 40 per cent reduction in stamp duty fees and a 70 per cent reduction in penalties.

The state government, during its recent Cabinet meeting on November 23, introduced the Maharashtra Mudrank Shulakh Abhay Yojana 2023.



Source : The Indian Express - JOURNALISM  
OF COURAGE | Dated : December 1, 2023

“In respect of deeds executed between January 1, 1980, and December 31, 2020, but not filed or registered, the entire stamp duty and penalty payable to the revenue department will be exempted under the Abhay Yojana Scheme,” a statement issued by the government said earlier.

For instruments executed between January 1, 2000, and December 31, 2020, Phase 1 (December 1, 2023, to January 2024) offers a 25 per cent reduction in stamp duty fees for amounts up to Rs 25 crore. A 20 per cent reduction applies if the stamp duty fees exceed Rs 25 crore. Additionally, for penalties below Rs 25 lakh, a 90 per cent rebate is provided, and for penalties surpassing Rs 25 lakh, only Rs 25 lakh is required to be paid, with the remaining balance being waived.

Phase 2 (February 1 to March 31, 2024) mirrors the same reductions in stamp duty fees, with a 20% reduction for amounts up to Rs 25 crore and a 25% reduction for amounts exceeding Rs 25 crore. As for penalty payments, an 80% reduction applies for amounts less than Rs 50 lakh, and for amounts surpassing Rs 50 lakh, only Rs 50 lakh is payable, with any excess amount being waived, given that the stamp duty fees are up to Rs 25 crore.



In cases where the stamp duty exceeds Rs 25 crore, any penalty amount surpassing Rs 2 crore will be waived.

Ramesh Prabhu, chairman of the Maharashtra Societies Welfare Association, highlighted significant concerns regarding the recent notification. He noted a prevalent ambiguity among various offices regarding the administration of the stamp duty amnesty scheme. The confusion mainly revolves around the responsibility division between the sub-registrar and the collector of stamps, particularly concerning registered and unregistered documents.

One crucial omission in the notification is the absence of guidelines on identifying pending registered documents. There is a doubt whether notifications will be adequately disseminated, given past instances of individuals not receiving them. Prabhu proposed a proactive approach, suggesting that the government make pending stamp duty payment details for registered documents

available on their website. This way, people can independently check and benefit without solely relying on door-to-door notifications. Addressing another pressing issue of untraceable documents, estimated at around 20,000 cases, Prabhu emphasized the need for clarity. Individuals possessing only photocopies or receipts of registered documents might face challenges. He raised the question of whether such receipts or copies would be accepted under the amnesty scheme and how this large group of individuals would benefit if not. Regarding the stamping of new unregistered documents, often handled at collector's offices occupied with election duties, Prabhu proposed a solution. Given the timeline constraints of the amnesty scheme, he suggested accepting online applications.

Moreover, he recommended that these offices utilise their bandwidth to call in individuals for payments instead of requiring physical filing. This approach aims to prevent document misplacement while ensuring timely processing.

## FREQUENTLY ASKED QUESTIONS AND ANSWERS ON STAMP DUTY & REGISTRATION



### WHAT IS STAMP DUTY?

As per the provisions of the Bombay Stamp Act 1958 and its subsequent clarifications and guidelines, it is mandatory for a purchaser / seller to register the document of any real estate transaction i.e. Agreement of sale, Conveyance, Power of Attorney etc. by paying adequate Stamp Duty to the Government.

### WHAT IS THE BASIS FOR CHARGING STAMP DUTY & REGISTRATION CHARGES?

The working of Stamp Duty and Registration

Charges are based on the following factors:

- 1) The Stamp Duty is charged and payable on Market Value as per the Rates prescribed in the Ready Reckoner published by the Govt. From time to time or as per Agreement value whichever is higher.
- 2) The amount of Stamp Duty is exclusive of Registration Fees.
- 3) For Commercial & Industrial premises i.e. Shop / Industrial unit / Basement, the rates of Stamp Duty is 5% (Five percent) of

- the Market Value or Agreement Value, whichever is higher.
- 4) The Registration Fees is 1% (One percent) of the Market Value or Agreement Value, whichever is higher, subject to Maximum of Rs.30,000/- w.e.f. 01.04.2003

### **HOW ARE THE FAIR MARKET VALUE RATES DETERMINED FOR THE PURPOSE OF STAMP DUTY?**

The rates of fair Market Value for Greater Mumbai are published by the office of the Dy. Inspector General of Registration and Dy. Controller of Stamps, Mumbai, at the end of each year, applicable for the next year following month of January there from and are valid for a period of One Year. The list of zone wise market value rates together with zonal plans are available / displayed in the office of Sub-registrar of Assurances, for the information of Public.

### **WHICH DOCUMENTS/INSTRUMENTS ATTRACT STAMP DUTY?**

Any Document by which any right or liability of either of the party is exchanged, transferred, expanded / extended limited attracts the Stamp Duty; which includes:

- a) Agreement to Sell
- b) Deed of Conveyance & Deed of Assignment.
- c) Lease Deed.
- d) Deed of Exchange.
- e) Mortgage Deed.
- f) Deed of Partition
- g) Power of Attorney (with or without consideration)
- h) Gift Deed.
- i) Transfer of property by Court Order / Decree.
- j) Agreement of Leave & License.
- k) Agreement of Tenancy for Residential & Commercial Premises.
- l) Transfer of Property by Court Order / Decree.

- m) Agreement of Leave & License.
- n) Agreement of Tenancy for Residential & Commercial Premises.
- o) Development Agreement.
- p) All Transfer Documents.

### **WHERE STAMP DUTY IS NOT APPLICABLE?**

The following Documents are exempted from the payment of Stamp Duty:

- a) Any Document by which the rights are transferred by Will.
- b) Transfer of rights by Nomination in registered Co-op. Housing Societies.
- c) Bill of exchange, Letter of Credit, Cheque, Promissory Note, Insurance Policy, Transfer Shares & Debentures.

### **WHAT IS READY RECKONER?**

Ready Reckoner of Stamp Duty is compiled at the end of each year, for applicability from the month of April of next year, for payment of Stamp Duty under Article 25 (d) of Schedule I of the Bombay Stamp Act 1958 relating to residential premises in Mumbai, in a Co-operative Housing Society registered under the Maharashtra Co-operative Society Act, 1960 or to which provisions of the Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer Act, 1963, or the provisions of the Maharashtra Apartment Ownership Act 1970, whichever is applicable. The Stamp Duty for residential premises is comparatively lesser than the non-residential premises; which is determined on the slab wise value of the premises.

### **WHAT IS THE PERCENTAGE OF STAMP DUTY FOR DIFFERENT USERS?**

The Stamp Duty is generally 10% (Ten percent) of the fair market value of the property determined by the Stamp Duty Office, based on the rates decided and published by the State Government from time to time.



**CA. Ramesh Prabhu,**  
Explaining Her Excellency Smt. Pratibha Tai Patil, Ex. President of India, About the Various Activities Undertaken by MahaSeWA Since last 15 Years and new Initiative of MahaSeWA on Housing Policy and Deemed Conveyance At Rashtrapati Bhavan



Presenting a  
**DEEMED CONVEYANCE BOOK**  
to the then Chief Secretary,  
Housing Secretary,  
Co-op Secretary of Govt. of Maharashtra  
Authored by  
**CA. Ramesh Prabhu,**  
Chairman, MahaSeWA



A Meeting held at Sahyadri Guest House with Co-operative Minister , to Discuss issues of Deemed Conveyance on behalf of Co-operative Housing Societies



**Hon'ble SHRI. PRITHVIRAJ CHAVAN**, The Then CM, Govt. of Maharashtra,  
Releasing a Book on **CONVEYANCE & DEEMED CONVEYANCE**,  
Authored by **CA. RAMESH S. PRABHU**, Chairman, MahaSeWA

**-: MahaSeWA Branch Office :-**

Location	Address	Tel. No.
<b>VASAI</b>	Swagat Bhavan Bldg, Near Indian oil, opp. M.S.E.B. Colony, Vasai (E), Thane - 400 208	<b>+91 93076 55120</b> <b>+91 93076 60953</b>
<b>NAVI MUMBAI</b>	Shop No.13, Mahavir Heritage, Sector 35 G, Near Empeyrean School, Kharghar, - 410 210	<b>+91 77988 33777</b> <b>022 - 35612059</b>
<b>MULUND</b>	201, Nimesh Industrial Premises CHS Ltd., Vidyalay Marg, Mulund - East, Mumbai - 81	<b>+91 99204 87117</b> <b>022 - 2563 9195</b>
<b>BORIVALI</b>	Room No. 13, Ram Niwas CHSL, Pai Nagar, S. V. Road, Borivali (West), Mumbai - 400 092	<b>022 - 2891 3519</b> <b>022 - 2892 1194</b>

**For More Details and Free Consultation Please Call:**  
**022 4255 1414 / 24 / 32**

From,  
**MAHARASHTRA SOCIETIES  
WELFARE ASSOCIATION**  
A-2/302, Laram Centre, Near Bus Depot,  
Opp. Andheri Railway Station, Andheri (W), Mumbai - 58.  
Tel.: 022 - 42551414 / 32

To,