

Stamp Duty Amnesty Scheme, Misunderstood

Letter to Editor



Cases have come to our notice that some property owners were made to pay exorbitant amounts under the recent stamp duty amnesty scheme. As they told to us they were following the advise of their lawyers. This has made us to take a relook on the whole issue for the good of all concerned.

Recently, Government of Maharashtra has been considerate enough to introduce Stamp Duty Amnesty Scheme. This gave an unique opportunity to property owners to update their documents such as agreement for sale/sale deed etc validated by paying the duty applicable and hardly any penalty thereof except a merge amount of Rs. 500/- thoughtfully, the authorities gave a generous time frame to complete the exercise.

To amplify, one could get the appropriate documents adjudicated by paying 2% interest on the deficit stamp duty up to a maximum of 200% from the

date of agreement. Following this course of action many people have derived the benefits. In other words, by processing and filing their records under the recent amnesty scheme. The programme covered those who had not paid the duty at all, besides those who had paid in part. Stamp duty referred to be effective from 10th Dec. 1985 till date and also covered documents pertaining to the period prior to 4th July 1980. People who held property ownership documents before 4th July 1980 were in a comfortable position as the cost consideration was nominal. Naturally they could enjoy the benefit of low amount of duty as the stamp duty rate applicable was {@10%, 12 and 15%} for the shown price up to Rs. 50,000/-, plus 12% up to Rs. 1 Lac and plus 15% over and above Rs. 1 Lac. The real sufferers were the owners whose rights fell in the period from 4th July 1980 to 9th Dec. 1985 in

which case the p had gone through the roof. Many people frantically tried to clarify the position running from pillar to post. A few cases are now brought to our notice in which these clients have some Advocates who handled their job, made them sign irrelevant declarations without assessing the real facts. Unfortunately these declarations were open-ended saying that they were ready to pay whatever may be the stamp duty that would be required to revalidate their documents. The actual required stamp duty on each such property transactions were only Rs. 5/- per document. Alas! As a result of this unprofessional approach by lawyers involved the stamp duty authorities have levied the stamp duty by calculating the present market value of the property held without considering the age of the building, the number of the floors the building etc.

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