

## NOTE

### RE: ISSUES RELATED TO STAMP DUTY AND REGISTRATION:

For the purpose of easily accessing the market value, the R. & F.D. through IGR have provided Ready Reckoner value of each property. In view of Ready Reckoner the Registering Officer can easily work out Stamp Duty and there should be no dispute about the Ready Reckoner value. The question of adjudication therefore should not arise in each case. It should not be treated as routine in every matter.

#### **I) Documents and applications to be accepted without Adjudication and Adjudication should be at the applicants/duty payer's option.**

By way of Ready Reckoner, the IGR has recognized the minimum value of every property in all parts of Maharashtra. It is said that Ready Reckoner values are only guidelines and do not represent the true market value. In case there is a doubt about the true value of property, provisions is made for adjudication of instruments. If at all the Registering Officer has any doubt of the true market value for Stamp duty the instrument can be impounded and provisions for taking legal action is available to Registering Officer. In such a situation, the party's instrument is at stakes. In view of the above it would be appropriate that the party executing the document voluntarily takes action for adjudication in cases where there is some doubt. The MCHI is therefore right in claiming that the instrument presented by party be accepted by Registering Officer without asking the party to go for lengthy process of adjudication.

It is therefore necessary that the IGR as Chief Revenue Controlling officer should impress upon all Registering Officer that Adjudication under Section 31 should be the applicants / duty payer's option.

The Ready Reckoner are declared periodically by Government. The departmental officers are not expected to raise any doubts or suggestions with respect to the Government Notification or resolutions. It may amount to challenge the codes which are adopted by the Government to collect the revenue in terms of Stamp Duty.

#### **II) Registrar should not refuse acceptance of any document on any ground what so ever.**

The Registration Act 1908 has made provisions to indicate in what circumstance he can refuse to accept the document for registration. Beyond that he has no other power to refuse

the acceptance of any document. It is therefore necessary that the provision of the Act of 1908 may be brought to the notice of Registering Officer and instructions be given to all Registering officer that they should not go beyond the powers available to them for non-accepting the document and beyond those factors he should not raise any other ground what so ever. This is mainly because the duty of the Registering officer is to recover proper stamp duty on the instrument and not to see the wording etc. of the instrument.

Registering officers should not delay the process or harass the applicants/duty payers while paying Stamp Duty to the government through concerned offices. Besides delaying the application for the applicant document, govt. is also being denied the quick recovery of Revenue amount.

**III) Registrar should not have any power to reject registration of any document for any reason whatsoever.**

The Registrar is acting and functioning within the four corners of parameters available to him under "The Registration Act 1908" and "Bombay Stamp Act 1958". Beyond this he has no other powers to reject/refuse registering of any document. In view of these provisions it is necessary that IGR may issue circular to all Registering officers that if any document is presented before him, he should not go beyond any provisions of these two Acts for refusing to accept any instrument presented to him for registration.

The officers and staff should not go beyond the laid down provisions and the process by such refusals. It may amount contempt of their own Senior authorities.