

Karnataka Stamp (Amendment) Act, 2006

7 of 2006

[31 March 2006]

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An Act further to amend the Karnataka Stamp Act, 1957. Whereas it is expedient further to amend the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957), for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the Fifty-seventh year of the Republic of India, as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Karnataka Stamp (Amendment) Act, 2006.

(2) It shall come into force on the First day of April, 2006.

2. Amendment Of Section 45A :-

In section 45A of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) (hereinafter referred to as the principal Act),-

(i) in sub-section (1),-

(a) in clause (h), after words, brackets and letter " of sub-clause (c)" the words, brackets and letters " and of sub-clause (d)" shall be inserted.

(b) in clause (j), for brackets, word, figures and letter "(Article 45-A(ii))" the brackets, word, figures and letter " (Article 45-(a) (i))" shall be substituted.

(ii) in sub-section (2),-

(a) after the words "liable to pay the duty" the words "with interest at twelve percent per annum if he does not pay within ninety days from the date of order of the Deputy Commissioner" shall be inserted; and

(b) the following proviso shall be inserted at the end, namely:-

" Provided that the payment of interest is not applicable to instruments executed prior to 31st day of March, 2006."

(iii) in sub-section (3),-

(a) after the words "liable to pay the duty" the words "with interest at twelve percent per annum if he does not pay within ninety days from the date of order of the Deputy Commissioner" shall be inserted.

(b) after the proviso, the following proviso shall be inserted, namely:- " Provided further that the payment of interest is not applicable to instruments executed prior to 31st day of March 2006."

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

(2) for Article 14, and entries relating thereto, the following shall be substituted, namely:-

"14 Cancellation of instruments.-

(a) Cancellation of any instrument previously executed on which stamp duty has been paid as per any article of the Schedule. Same duty as on the original instrument.

(b) Cancellation of any instrument executed by or on behalf of the Central Government or a Local Authority or other Authority constituted by or under any law for the time being in force or a body corporate wholly owned or controlled by the Central Government or the State Government. one hundred rupees

(c) in any other case

See also Release (No.45) Revocation of Settlement (No.48-B), Surrender of Lease (No.51) Revocation of Trust (No.54-B)

Explanation.- If the original instrument has been subjected to determination of the market value under section 45-A of the Act, stamp duty on the cancellation of such instrument shall be the

same as determined under section 45-A of the Act.

(3) in Article 20,- one hundred rupees"

(a) for clause (1), and entries relating thereto, but excluding the provisos the following shall be substituted, namely:-

"20 (1) For Conveyance.- as defined by clause (d) of section 2, not being a transfer charged or exempted under No.52, on the market value of the property which is the subject matter of conveyance Seven and a half percent of the value"

(b) in clause (2), in column 3, for the words "eight percent of the value" the words "seven and a half percent of the value" shall be substituted.

(4) in Article 30, in clause (1),-

(1) in sub-clause (c), in item (ii), in column 3,-

(i) for the words "as set forth in the lease" the words "as set forth in the lease, in addition to duty which would have been payable on such lease," shall be substituted.

(ii) the explanation shall be omitted.

(2) after sub-clause (c), the following shall be inserted, namely:-

"(d) Where the lease is granted for a rent or fine or premium or money advanced, in addition to the refundable deposit, by whatever name called,-

(i) Where the lease purports to be for a term not exceeding 30 years One percent on the amount of deposit as set forth in the lease deed in addition to the duty, which would have been payable on such lease as per article 30(a), 30(b) or 30(c) as the case may be.

(ii) Where the lease purports to be for a term exceeding 30 years Three percent on the amount of deposit as set forth in the lease deed in addition to the duty payable as per article 30(a), 30(b) or 30(c) as case may be or for an amount equal to the market value of the property whichever is higher."

(5) in Article 41, in clause (eb), in column 3, for the words "eight rupees" the words "seven rupees and fifty paise" shall be substituted.

(6) for Article 53 and entries relating thereto, the following shall be substituted, namely:-

"53 Transfer of lease.- by way of assignment and not by way of under lease.

(a) Where the remaining period of lease The same duty as conveyance [No.20(1)] for a market value equal to the amount of does not exceed 30 years

(b) Where the remaining period of lease exceeds 30 years.

consideration.

The same duty as conveyance [No.20(1)] on the market value of the property which is the subject matter of transfer."

3. Amendment Of The Schedule :-