

LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE COURT-FEES (GOA AMENDMENT) BILL, 2014.

(BILL NO. 23 OF 2014)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT

ASSEMBLY HALL, PORVORIM

AUGUST, 2014

The Court-Fees (Goa Amendment) Bill, 2014

(Bill No. 23 of 2014)

A

BILL

further to amend the Court-Fees Act, 1870 (7 of 1870), as in force in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Court-Fees (Goa Amendment) Act, 2014.

(2) It shall come into force at once.

2. Amendment of Schedule IIA.- In Schedule IIA of the Court-Fees Act, 1870 (7 of 1870), as in force in the State of Goa, after item 17, the following item shall be inserted, namely:-

“18. Appeal to High Court under section 260A of the Income-Tax Act, 1961

(Central Act 43 of 1961)

... Ten thousand rupees.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Court Fees Act, 1870 (7 of 1870), in its application to the State of Goa, by inserting new item 18 in Schedule II A appended to the said Act, so as to levy the fees for filing an appeal under section 260A of the Income Tax Act, 1961 (Central Act 43 of 1961).

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill, however, it would generate additional revenue.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill

Porvorim, Goa
___ August, 2014

MANOHAR PARRIKAR
Chief Minister/Minister for Law

Assembly Hall,
Porvorim, Goa

N.B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa

___ August, 2014

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Om Prakash Kohli, Governor of Goa, hereby recommend the introduction and consideration of the Court Fees (Goa Amendment) Bill, 2014 by the Legislative Assembly of Goa.

ANNEXURE

Schedule appended to the Court-Fees (Goa Amendment) Bill, 2014

SCHEDULE II A

FIXED FEES

Number		Proper fee
1.	2.	3.
1. Application or petition.	(a) when presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;	Two rupees
	or when presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;	Two rupees
	or when presented to any Municipal Council under any Act for the time being in force for the conservancy or improvement of any	Two rupees

	<p>place, if the application or petition relates solely to such conservancy or improvement;</p> <p>or when presented to any Civil Court other than a principal Civil Court or original jurisdiction or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject- matter is less than fifty rupees;</p> <p>or when presented to any Civil, Criminal or Revenue Court or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or Officer or of any other document on record in such Court or office.</p> <p>(b) when containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code arrest without warrant and presented to any Criminal Court;</p> <p>or when presented to a Civil, Criminal or Revenue Court or to a Collector, or any revenue officer having jurisdiction equal or</p>	<p>Two rupees.</p> <p>Two rupees</p> <p>Two rupees</p> <p>Two rupees</p>
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	<p>subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act;</p> <p>or to deposit in Court revenue or rent;</p> <p>or for determination by a Court of the amount of compensation to be paid by landlord to his tenant.</p> <p>(c) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided by this Act.</p> <p>(d) when presented to any competent authority for the purpose of obtaining a certificate of domicile.</p> <p>(e) when presented to the High Court.-</p> <p>(i) for direction, orders or writs under Article 226 for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for the exercise of its jurisdiction under</p>	<p>Two rupees</p> <p>Two rupees</p> <p>Five rupees</p> <p>Two rupees</p> <p>One hundred and fifty rupees</p> <p>Twenty rupees</p>
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	Article 227 thereof. (ii) in any other case not otherwise provided for by this Act.	
2. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Five rupees. in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of Article 1 of this Schedule.
3. Application for leave to sue as a pauper.	- do -	One rupee
4. Application for leave to appeal as a pauper.	(a) when presented to a District Court. (b) when presented to a Commissioner or a High Court.	Five rupees Five rupees
5. Revision application when presented to the High Court under section 115 of the Code of Civil Procedure, 1908 (5 of 1908).		Ten rupees
6. Complaint or memorandum of appeal in a suit to obtain possession under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (Act 9 of 1966).		Two rupees
7. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		Two rupees.
8. Bail bond or other instrument of obligation given in		Three rupees

<p>pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973(2 of 1974) or the Code of Civil Procedure, 1908 (5 of 1908), and not otherwise provided for by this Act.</p>		
<p>9. Undertaking under section 49 of the Indian Divorce Act, 1869 (4 of 1869) or under any corresponding other law for time being in force.</p>		<p>Five rupees</p>
<p>10. Mukhtarnama or Wakalatnama.</p>	<p>when presented for the conduct of any one case –</p> <p>(a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (b) and (c) of this number.</p> <p>(b) to a Commissioner or Revenue, Circuit or Customs, or to any Officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority.</p> <p>(c) to a high Court, Chief Commissioner, Board of Revenue or other Chief Controlling</p>	<p>Three rupees</p> <p>Four rupees</p> <p>Five rupees.</p>

	Revenue or Executive Authority.	
11. Memorandum of appeal when the appeal is not from a decree or an order having a force of decree, and is presented -	(a) to any Civil Court other than a High Court, or to any Revenue Court, or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority. (b) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority.	Five rupees Ten rupees
12. Caveat	(1) when the amount or value of the property involved does not exceed two thousand rupees. (2) When the amount or value of property involved exceeds two thousand rupees.	Ten rupees Twenty five rupees
13. Application for permission to cut timber in Government forest or otherwise relating to such forest.		Two rupees
14. Memorandum of appeal presented to -	(1) State Government where no fees has been prescribed under any relevant law. (2) any forest officer where such appeal is provided for, by or under the Indian Forest Act, 1927(16 of 1927) or any corresponding law in force, where no specific fee is specified.	Five rupees Two rupees

<p>15. Plaint or memorandum of appeal in each of the following suits:-</p> <p> (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court;</p> <p> (ii) to alter or cancel any entry in a register of the names of proprietors of revenue- paying estates;</p> <p> (iii) to obtain a declaratory decree where no consequential relief is prayed;</p> <p> (iv) to set aside an award;</p> <p> (v) to set aside an adoption;</p> <p> (vi) Every other suit where it is not possible to estimate at a money- value the subject-matter in dispute, and which is not otherwise provided for by this Act.</p>		<p>Twenty five rupees</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>Twenty five rupees.</p>
<p>16. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).</p>		<p>Twenty five rupees</p>
<p>17. Every petition</p>		<p>Fifty rupees</p>

under the Indian Divorce Act, 1869 (4 of 1869), except petitions under section 144 of the same Act, and every memorandum of appeal under section 55 of the same Act.		
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Assembly Hall
Porvorim-Goa
15th August 2014

N.B. Subhedar
Secretary to the Legislative
Assembly of Goa