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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

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

GUJARAT BILL NO. 5 OF 2014.

A BILL

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Court-fees (Amendment) Act, 2014.

Guj. 4 of
2004.

2. In the Gujarat Court-fees Act, 2004, in Schedule I, in Article 15, in column 3, under the heading "Fees", for the words "One-half of the *ad-valorem* fee on the difference,", the words "Ten per cent. of the *ad-valorem* fee on the difference," shall be substituted.

Amendment of
Schedule I to
Guj. 4 of 2004.

STATEMENT OF OBJECTS AND REASONS

In the States of Gujarat and Maharashtra, at present while making a reference under section 18 of the Land Acquisition Act, 1894 to the court seeking higher amount of award against the award declared by the Collector, one-half of the *ad-valorem* court fee is chargeable on the difference, if any, between the amount awarded by the Collector and the amount claimed by the applicant according to the scale prescribed under Article 1 of Schedule I subject to a minimum fee of thirty rupees under the Gujarat Court-fees Act, 2004. In all other States except Maharashtra and Gujarat, *ad-valorem* court fee is payable only when an appeal is filed against the award of the Reference Court, for seeking higher compensation and not in regard to an application for reference under section 18 of the Land Acquisition Act, 1894.

Most of the land-losers who are agriculturalists and who have this land as the only source of their livelihood and when their lands are acquired by the Government under the provisions of the Land Acquisition Act, 1894, it is observed that the compensation awarded by the Collector, in most cases, is far less than the actual market value of the land which compel such land-losers to seek references to the Civil Court. The awarded amount by the Collector comparatively being less, the requirement to pay *ad-valorem* Court fee on the reference application causes great hardship, forcing the land-losers to pay a very high amount towards the *ad-valorem* court fees.

It is, therefore, considered necessary to give appropriate relief to the land-losers by providing for ten per cent. of the *ad-valorem* fee on the difference on the application for reference instead of existing one-half of the *ad-valorem* fee.

This Bill seeks to amend the existing provision relating to *ad-valorem* fee as prescribed in Schedule I of the Gujarat Court-fees Act, 2004 to achieve the aforesaid object.

Dated the 23rd June, 2014.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,
Gandhinagar,

ARVIND AGARWAL,
Principal Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.