



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३ अंक ७८]

शुक्रवार, नोव्हेंबर ३, २०१७/कार्तिक १२, शके १९३९

[ पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक १५४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Stamp (Amendment and Validation) Ordinance, 2017 (Mah. Ord. No. XXVI of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation)  
to Government,  
Law and Judiciary Department.

[ Translation in English of the Maharashtra Stamp (Amendment and Validation) Ordinance, 2017 (Mah. Ord. No. XXVI of 2017), published under the authority of the Governor].

### REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 3rd November 2017.

### MAHARASHTRA ORDINANCE No. XXVI OF 2017.

#### AN ORDINANCE

*further to amend the Maharashtra Stamp Act.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Stamp Act, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title and commencement. **1.** (1) This Ordinance may be called the Maharashtra Stamp (Amendment and Validation) Ordinance, 2017.
- (2) It shall be deemed to have come into force with effect from the 15th December 2016.
- Amendment of section 2 of LX of 1958. **2.** In section 2 of the Maharashtra Stamp Act (hereinafter referred to as “the principal Act”), in clause (g), for sub-clause (iv), the following sub-clause shall be substituted, namely :—
- “ (iv) every order made by the High Court under section 394 of the Companies Act, 1956 or every order made by the National Company Law Tribunal under sections 230 to 234 of the Companies Act, 2013 or every confirmation issued by the Central Government under sub-section (3) of section 233 of the Companies Act, 2013, in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies (including subsidiaries of parent company); and every order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949, in respect of amalgamation or reconstruction of Banking Companies ;”.
- Amendment of Schedule I of LX of 1958. **3.** In Schedule I appended to the principal Act, in article 25, in clause (da), in column (1), for the portion beginning with the brackets, letters and words “ (da) if relating to the order of High Court ” and ending with the words and figures "Banking Regulation Act, 1949", the following portion shall be substituted, namely :—
- “ (da) if relating to the order of the High Court under section 394 of the Companies Act, 1956 or the order of the National Company Law Tribunal under sections 230 to 234 of the Companies Act, 2013 or confirmation issued by the Central Government under sub-section (3) of section 233 of the Companies Act, 2013 in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies (including subsidiaries of parent company) or order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or reconstruction of Banking Companies.”.
- Validation. **4.** (1) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary or in the principal Act, stamp duty assessed, levied and collected, including any action taken in pursuance of such assessment, levy and collection by the authorities under the said Act, acting or purporting to act under the provisions of article 25 in the Schedule I to the principal Act shall be deemed to have been validly levied and collected in accordance with law as if the provisions of the said article 25, as amended by the Maharashtra Stamp (Amendment and Validation) Ordinance, 2017 (hereinafter in this section referred to as “the Amendment Ordinance”) had been continuously in force at all material time and accordingly,—
- (a) all actions, proceedings or things done or taken by the authorities under the principal Act in connection with the levy and collection of the stamp duty shall for all purposes, be deemed to have been done or taken in accordance with the provisions of the said Act ;
- (b) no suit or other proceedings shall be maintainable or continued in any court, against the said authorities for the refund of the stamp duty so levied and collected ;

LX of 1958.

1 of 1956.  
18 of 2013.  
18 of 2013.  
10 of 1949.1 of 1956.  
18 of 2013.  
18 of 2013.  
10 of 1949.Mah. Ord.  
XXVI of  
2017.

(c) no court or any other authority shall enforce any decree or order directing the refund of the stamp duty so levied or collected.

(2) For the removal of doubt, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act as amended by the Amendment Ordinance, any assessment, re-assessment, levy or collection of stamp duty referred to in sub-section (1), or

(b) from claiming refund of any stamp duty paid by him under the principal Act, in excess of the amount due from him by way of stamp duty under the principal Act, as amended by the Amendment Ordinance.

## STATEMENT

As per the provisions of clause (da) of article 25 in Schedule-I appended to the Maharashtra Stamp Act (LX of 1958), stamp duty is chargeable on the Conveyance (not being a transfer charged or exempted under Article 59), on the true market value of the property, which is the subject matter of Conveyance, if relating to the order of High Court in respect of the amalgamation or reconstruction of companies under section 394 of the Companies Act, 1956 (1 of 1956) or under the order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 (10 of 1949), at the rate specified against it in column (2) thereof. As per the Notification of Ministry of Corporate Affairs, Government of India, dated 7th December 2016, section 230 (except sub-sections (11) and (12)) and sections 231 to 234 of the Companies Act, 2013 (18 of 2013) (hereinafter referred to as “the said Companies Act”), came into force with effect from the 15th December 2016, and as such, the orders in respect of the amalgamation, merger, demerger, arrangement or reconstruction of companies (including subsidiaries of parent company) are now passed by the National Company Law Tribunal under sections 230 to 234 and orders of confirmation are issued by the Central Government under sub-section (3) of section 233 of the said Companies Act. Therefore, it is expedient to bring these orders and confirmations made under the said Companies Act immediately within the purview of the Maharashtra Stamp Act, so as to levy the stamp duty thereon, for increasing the revenue of the State. Accordingly, suitable amendments to section 2 (g) and Article 25 (da) of Schedule-I of the Maharashtra Stamp Act are proposed.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Stamp Act (LX of 1958), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 2nd November 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANU KUMAR SRIVASTAVA,  
Principal Secretary to Government.