

GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT

No. Stamp- 09/2014-

5569

/R&DM, dated. 20.2.15

From

Dr. Taradatt,
Additional Chief Secretary.

To

The Inspector General of Registration, Odisha, Cuttack

Sub: Amendment of the Indian Stamp (Odisha Amendment) Act, 2014

Sir,

I am to say that the Indian Stamp (Odisha Amendment) Act, 2014 has been made to check the loss of Revenue in the form of stamp duty on power of attorney as some unscrupulous elements are taking advantage of second proviso of the explanation of Article-23 of Schedule-1A. Now, the amended provision will enable to charge stamp duty on the Power of Attorney (PoA) of immovable property at par with conveyance by relaxing the family members like father, mother, wife, husband, son, daughter, brother or sister in relation to the executant in the State of Odisha.

In the case of "agreement to sell", the stamp duty will be adjusted towards the total amount of duty chargeable on the conveyance at the time of execution of the sale deed by the same person in pursuance of such agreement.

Further to say that the rate of Stamp Duty on execution of deed of Power of Attorney for various items as mentioned in the Article 48 of Schedule 1-A of the Indian Stamp Act, 1899 has also been amended in view of the changing scenario of the market rate of properties, as it was last amended in the year 2003.

The amended Act, 2014 in Schedule 1-A reads as under:-

- (a) in article 23, for the explanation including the provisos thereto appearing in column(1), the following Explanation shall be substituted, namely:-

"Explanation,- for the purpose of this article, an agreement to sell involving delivery of possession of any immovable property or a power of attorney, authorizing the person other than those mentioned in clause (g) of article 48, to sell such immovable property, shall be deemed to be a conveyance and accordingly, the stamp duty shall be payable on the instrument on the basis of the market value of the property which is the subject matter of such instrument:

Provided that the stamp duty already paid on such agreement to sell shall at the time of execution of the sale deed by the same person in pursuance of such agreement, be adjusted towards the total amount of duty chargeable on the conveyance."

(b) in article 48,-

(i) for the words "Fifty rupees", "Five rupees", "Twenty rupees", "One hundred rupees" and "Two hundred rupees", appearing in column (2) against clauses (a),(b), (c), (d) and (e), the words "One hundred rupees", "Ten rupees", "Fifty rupees", "Five hundred rupees" and "One thousand rupees" shall, respectively, be substituted; and

(ii) for clause (g), the following clauses shall be substituted, namely:-

"(g) When given to father, mother, wife, One thousand husband, son, daughter, brother or sister rupees in relation to the executant authorizing such person to sell immovable property situated in the State of Odisha;

(h) in any other case

Twenty rupees for each person so authorized."

Therefore, you are requested to follow the instructions scrupulously by circulating to all concerned. The Indian Stamp (Odisha Amendment) Act, 2014 is enclosed for reference.

Yours faithfully,


20.2.15
Additional Chief Secretary

Speed Post

Memo No 5570 R&DM Dated 20.2.15

Copy forwarded to the all ADM-cum- District Registrars / All District Sub- Registrars/All Sub-Registrars for information and necessary action.

Handwritten signature
20.2.15

Additional Chief Secretary

Memo No. 5571 /R&DM., Dated. 20.2.15

Copy forwarded Deputy Secretary, IMU Cell for information and necessary action.

Handwritten signature
20.2.15

Additional Chief Secretary

10 copies to Registration Branch for Guard file.

THE INDIAN STAMP (ODISHA AMENDMENT) ACT, 2014

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The Odisha Gazette



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LAW DEPARTMENT

NOTIFICATION

The 22nd January, 2015

No. 697-I-Legis-29/2014/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 19th January, 2015 is hereby published for general information.

ODISHA ACT 1 OF 2015

THE INDIAN STAMP (ODISHA AMENDMENT) ACT, 2014

AN ACT FURTHER TO AMEND THE INDIAN STAMP
ACT, 1899 IN ITS APPLICATION TO THE STATE OF
ODISHA.

BE it enacted by the Legislature of the State of
Odisha in the Sixty-fifth Year of the Republic of India
as follows:—

Short title.

1. This Act may be called the Indian Stamp
(Odisha Amendment) Act, 2014.

Amendment
of Schedule
1-A.

2. In the Indian Stamp Act, 1899, in Schedule
1-A,—

2 of 1899.

(a) in Article 23, for the *Explanation* including
the provisos thereto appearing in column
(1), the following *explanation* shall be
substituted, namely:—

“*Explanation*.—for the purposes of this Article, an
agreement to sell involving delivery of possession of
any immovable property or a power of attorney,
authorizing the person other than those mentioned in
clause (g) of Article 48, to sell such immovable

property, shall be deemed to be a conveyance and accordingly, the stamp duty shall be payable on the instrument on the basis of the market value of the property which is the subject matter of such instrument:

Provided that the stamp duty already paid on such agreement to sell shall, at the time of execution of the sale deed by the same person in pursuance of such agreement, be adjusted towards the total amount of duty chargeable on the conveyance."

(b) in Article 48,—

(i) for the words "Fifty rupees", "Five rupees", "Twenty rupees", "One hundred rupees" and "Two hundred rupees", appearing in column (2) under the heading "proper stamp duty against clauses (a), (b), (c), (d) and (e), the words "One hundred rupees", "Ten rupees", "Fifty rupees", "Five hundred rupees" and "One thousand rupees" shall, respectively, be substituted; and

(ii) for clause (g), including the entires, the following clauses shall be substituted, under the appropriate column, namely:—

"(g) When power given to father, mother, wife, husband, son, daughter, brother or sister in relation to the executant authorizing such person to sell immovable property situated in the State of Odisha.

One
thousand
rupees.

(h) in any other case.

Twenty
rupees
for each
person, so
authorized."

By Order of the Governor

MIHIR RANJAN PARIDA

Principal Secretary to Government (I/c)