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may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented
to by the Governor on the 29th March, 2003 is hereby published for
general information.

V. M. KOTHARE,

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

GUJARAT ACT NO. 15 OF 2003.

(First published, after having received the assent of the Governor in
the "Gujarat Government Gazette" on the 31st March, 2003).

AN ACT

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as
follows:-

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment)
Act, 2003.

(2) It shall come into force on the 1st April, 2003.

Short title
and
commence-
ment.

Substitution
of section 2A
of Bom. LX
of 1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act), for section 3A, the following section shall be substituted, namely :-

Bom. L
of 1958.

Instruments
chargeable
with
additional
duty.

"3A. (1) Every instrument chargeable with duty and described in the following articles of Schedule I when executed in respect of immovable property situated in the State shall, in addition to such duty, be chargeable with a duty at the rate of forty per cent. (including rate of stamp duty to be increased as provided for in sections 207 and 209 of the Gujarat Panchayats Act, 1993) of such duty, namely :-

Guj. 18 of
1993.

- (1) No. 17 (Certificate of sale),
- (2) No. 25(a), 20(b) and 20(c) (Conveyance),
- (3) No. 26 (Exchange of property),
- (4) No. 27 (Further charge),
- (5) No. 28 (Gift),
- (6) No. 30 (Lease),
- (7) No. 36 (Mortgage-deed),
- (8) No. 45(f) (Power of Attorney when given for consideration and authorising the attorney to sell any immovable property),
- (9) No. 52 (Settlement),
- (10) No. 57 (Transfer of lease).

(2) Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3."

Deletion of
section 3B of
Bom. LX of
1958.

3. In the principal Act, section 3B shall be deleted.

Amendment of
Schedule I to
Bom. LX of
1958.

4. In the principal Act, in Schedule I, -

(1) in article 27, after clause (b), the following clause shall be inserted, namely :-

"(c) when original mortgage is one of the description referred to in clause (b) (i) of article 36. The same duty as is leviable under article 6 (1) (a).";

(2) in article 36, -

(a) for clause (b), the following clause shall be substituted, namely :-

"(b) When possession of the property or any part of the property

comprised in such deed is not given or not agreed to be given, -

- | | | |
|------|--|--|
| (i) | in the case of such deed executed in respect of borrowing loans for residential purpose; | The same duty as is leviable under article 6(1)(a). |
| (ii) | in any other case | Subject to maximum of rupees two lakhs, two rupees for every hundred rupees or part thereof for the amount secured by such deed.”; |

(b) after *Explanation I*, the following *Explanation II* shall be inserted, namely :-

“Explanation II.- For the purpose of this article, the expression “residential purpose” means and includes acquiring of land, constructing, purchasing or repairing a dwelling house for own use.”.

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