

**The Indian Stamp (Goa Amendment) Bill, 2015.**

**(Bill No 5 of 2015)**

**A**

**BILL**

further to amend the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa.

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

**1. Short title and commencement.-** (1) This Act may be called the Indian Stamp (Goa Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 18<sup>th</sup> day of December, 2014.

**2. Amendment of section 3A.-** In section 3A of the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa (hereinafter referred to as the “principal Act”),-

(i) in the heading, for the expression “grant or renewal”, the expression “grant, renewal or transfer” shall be substituted;

(ii) in sub-section (1), -

(a) for the expression “instrument of grant or renewal of a mining lease”, the expression “instrument of grant, renewal or transfer of a mining lease” shall be substituted;

(b) in the first proviso, for the words “ten times”, the words “fifteen times” shall be substituted;

(c) in the second proviso, for the figures and word “0.1 times”, the words “one and half times” shall be substituted;

(d) in the third proviso, for the words “hundred times”, the words “one hundred and fifty times” shall be substituted;

(iii) in sub-section (4), for the expression “grant or renewal”, the expression “grant, renewal or transfer” shall be substituted.

**3. Repeal and Saving.-** (1) The Indian Stamp (Goa Amendment) Ordinance, 2014 (Ordinance No. 3 of 2014) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

## **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to amend section 3A of the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa, so as to provide that instruments of transfer of mining lease shall also be chargeable with stamp duty at the rate as specified in said section. Further, the stamp duty specified in said section for instrument of grant or renewal of mining lease is proposed to be enhanced so as to earn additional revenue to the Government.

This Bill also seeks to replace the Indian stamp (Goa Amendment) Ordinance, 2014 (Ordinance No. 3 of 2014), promulgated by the Governor of Goa on the 18<sup>th</sup> day of December, 2014.

This Bill seeks to achieve the above objects.

### **FINANCIAL MEMORANDUM**

There are financial implications involved in the Bill to the extent that additional Revenue will be collected by the department due to present Amendment as contained in the Bill.

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

No delegated legislation is envisaged in this Bill

**Porvorim-Goa.**  
\_\_\_ **March, 2015**

**(Adv. Francis D'Souza)**  
**Minister for Revenue**

**Assembly Hall,**  
**Porvorim-Goa.**  
\_\_\_ **March, 2015**

**(Nilkant Subhedar)**  
**Secretary to the**  
**Legislative Assembly of Goa**

**MRIDULA SINHA**  
**Governor of Goa**

**RAJ BHAVAN**  
**Goa 403004**

**No. 35/13/2014-RD**  
**\_\_\_\_\_ March, 2015.**

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Indian Stamp (Goa Amendment) Bill, 2015, by the Legislative Assembly of Goa.

**MRIDULA SINHA**  
**GOVERNOR**

**EXTRACTS OF THE INDIAN STAMPT ACT, 1899, AS IN FORCE IN THE STATE OF GOA WRT SECTION 3A**

@ "3A". *Instrument of grant or renewal of a mining lease chargeable with duty.*— (1) Notwithstanding anything contained in any other provisions of this Act and rules made there under, on every instrument of grant or renewal of a mining lease, the stamp duty chargeable shall be equivalent to the fifteen percent of the amount of royalty that would accrue out of the annual extraction of minerals permitted under the Environmental Clearance issued for such mining lease under the relevant law in force, multiplied by the period of the lease.

*Explanation:* — For the purposes of sub--section (1), the average royalty of the highest grade of minerals from the year of commencement of the Indian Stamp (Goa Amendment) Act, 2012 shall be taken into consideration:

Provided that the duty payable under sub--section (1) shall not exceed the amount in Rupees arrived at by applying a rate of ten times annual extraction of mineral permitted under the Environmental Clearance issued for such mining lease under the relevant law in force, multiplied by the period of the lease:

*\*"Provided further that in case of a mining lease for bauxite, the duty payable under sub-section (1) shall not exceed the amount in rupees arrived at by applying a rate of 0.1 times annual extraction of mineral permitted under the Environmental clearance issued for such mining lease under the relevant law in force, multiplied by the period of the lease:*

*Provided further that in case of a mining lease for manganese, the duty payable under sub-section (1) shall not exceed the amount in rupees arrived at by applying a rate of hundred times annual extraction of mineral permitted under the Environmental clearance issued for such mining lease under the relevant law in force, multiplied by the period of the lease:*

*Provided further that in case of a mining lease for more than one mineral and having Environmental clearance thereof the duty payable shall be computed by taking into account total stamp duty payable on each of such minerals:".*

Provided further that in case any mining lease is required to surrender the Lease or permanently abstain from undertaking any mineral excavation by or for reasons of any operation of Law, court orders passed or any notification issued generally under any Law for the time being in force and reasons or cause of such prohibition or restriction is not in any manner attributable to such lessee or mining operation undertaken and carried out by the lessee or his agents, servants, employees or persons claiming through or under such lessee, to the extent of such balance period of lease outstanding and unexpired the lessee shall be granted refund of duty paid under sub-section (1) hereinabove.

(2) The duty chargeable under this section shall be paid in any Government treasury or Government Sub-treasury in such manner as may be prescribed.

(3) Where an application for renewal of a mining lease has been already made to the State Government prior to the expiry of the lease but renewal of the lease has not been granted by the State Government or the mining lease whose period is deemed to have been extended as per provisions contained in the relevant law in force by a further period till the State Government passes an order thereon, the stamp duty payable under sub-section (1) shall be paid by the applicant within a period of sixty days from the date of commencement of the Indian Stamp (Goa Amendment) Act, 2012 or within sixty days of issue of notice for executing the lease whichever is later, in the manner stated in sub-section (2) above.

(4) If the application for grant or renewal of mining lease is rejected by the State Government then the applicant shall be entitled for refund of full stamp duty paid by him without interest. In case of a mining lease whose period is deemed to have been extended by a further period till the State Government passes an order thereon and the State Government at a later date passes an order rejecting the renewal of the lease, the applicant shall be entitled for refund of such amount of stamp duty as arrived at by deducting from the total amount of stamp duty paid, the stamp duty chargeable in respect of such mining lease till the date of such rejection order:

Provided that no such refund shall be made if the order rejecting the application is challenged or the time limit for presenting an application for revision of the order of rejection is not expired”.