



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Indian Stamp (Goa Amendment) Bill 2012

(Bill No. 26 of 2012)

(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2012**

The Indian Stamp (Goa Amendment) Bill 2012

(Bill No. 26 of 2012)

A

Bill

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

5 BE it enacted by the Legislative Assembly of
Goa in the Sixty-third Year of the Republic of India,
as follows:—

1. *Short title and commencement.*— (1) This
Act may be called the Indian Stamp (Goa
10 Amendment) Act, 2012.

(2) It shall come into force from the date of its
publication in the Official Gazette

2. *Insertion of new section 3A.*— After section
3 of the Indian Stamp Act, 1899 (2 of 1899), as
15 in force in the State of Goa, the following section
shall be inserted, namely:—

"3A". *Instrument of grant or renewal of a
mining lease chargeable with duty.*— (1)
Notwithstanding anything contained in any other
20 provisions of this Act and rules made thereunder,
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.

(2) The duty chargeable under this section shall be paid in cash in any Government treasury or Government Sub-treasury and the receipt or challan therefore in duplicate shall be given by the officer in charge thereof. One copy of receipt or challan shall be submitted alongwith an application for grant or renewal of a mining lease made as per the provisions of relevant law in force. Another copy shall be presented to the Chief Controlling Revenue Authority, at the time of execution of lease deed, who shall, after due verification that the duty has been paid in cash, make an endorsement to that effect on the instrument to the following effect, after cancelling such receipt or challan so that it cannot be used again, namely:—

" Stamp duty of Rs..... paid in cash vide Receipt/ Challan No..... dated the"

.....
Signature and Seal
of the Chief Controlling
Revenue Authority

(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 , 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".

STATEMENT OF OBJECTS AND REASONS

There are around 337 mining leases which have been granted by the Government of Goa to various parties. These leases expired on 21/11/2007. Prior to the said date of expiry, the lessees submitted their applications for renewal or extension of the mining leases for further term of 20 years. However, due to various reasons the Government of Goa was not in a position to execute lease deeds for the purpose of renewal or extension of the said lease but leases got extended till the State Government passes an order on such applications by virtue of provisions contained in sub-rule (6) of rule 24A of the Mineral Concession Rules, 1960, and, as a consequence, the Government of Goa was deprived of a very large amount of revenue by way of stamp duty which otherwise would have been payable by the lessees on the renewal of mining leases. In order to enable the Government of Goa to recover the said amount of stamp duty which would otherwise be lost, it is proposed to make a provision to the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa, in order to provide for payment of stamp duty within a period of 60 days from the date of commencement of the Indian Stamp (Goa Amendment) Act, 2012, and thus recover the same on all such pending applications. It is also proposed to levy, on every instrument of grant or renewal of a mining lease, the stamp duty equivalent to the 15% of the amount of royalty that would accrue out of the annual extraction of minerals permitted under the environmental clearance issued for a mining lease under the relevant law in force, multiplied by the period of lease.

The Bill, accordingly, seeks to insert a new section 3A in the Indian Stamp Act, 1899 (2 of 1899), as in force in the State of Goa.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill. However, it would generate additional revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

Porvorim-Goa
1st August, 2012

ADV. FRANCIS D'SOUZA
Minister for Revenue

Assembly Hall
Porvorim-Goa
1st August, 2012

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa

**Governor's Recommendation under Article
207 of the Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, Bharat Vir Wanchoo, the Governor of Goa, hereby recommend the introduction and consideration of the Indian Stamp (Goa Amendment), Bill, 2012, by the Legislative Assembly of Goa.

BHARAT VIR WANCHOO

Governor of Goa

Date:- 1st August, 2012.