

AMNESTY SCHEME: THE MAHARASHTRA STAMP DUTY ABHAY YOJANA 2023

1. The Maharashtra Government on 29th November 2023 decided to put the Maharashtra Stamp Duty Abhay Yojana (amnesty scheme) 2023 (hereinafter referred to as “**Said Scheme**”) into effect from 1st December 2023 in a move to increase revenue through Stamp duty. The said Scheme offers an exemption on stamp duty and penalties for registrations carried out between 1st January 1980 and 31st December 2020. The Government, through this scheme will waive stamp duty on documents executed between 1980 and 2020, but not sufficiently stamped or registered. To streamline the execution of the said Scheme, the Maharashtra Government has planned a two-phase approach. The first phase will run from 1st December 2023 to 31st January 2024 providing an initial window for citizens to take advantage of the said Scheme. The second phase will follow, lasting from 1st February 2024 to 31st March 2024, offering an extended period for eligible individuals to avail themselves of the benefits.
2. We are setting out the salient features of the scheme below:

The exemption under the said Scheme is applicable exclusively to stamp papers purchased from Government-recognized stamp dealers or authorized mechanisms operating under the Chief Controller of Revenue. The following types of instruments executed on stamp paper of any amount sold shall apply:-

- i. instruments of transfer and sale deed or lease executed for the purpose of residential or non-residential or industrial use, sale certificate, Award, pledge or mortgage agreement;
- ii. Deed of transfer of lease of immovable property for residential use as well as, allotted by MHADA and CIDCO or approved by the Slum Rehabilitation Authority. Deed of transfer of residential or non-residential plots and flats allotted to the slum holder under the scheme for rehabilitation of residential or non-residential plots in registered co-operative housing societies pending for transfer;
- iii. development agreement executed in pursuance of the redevelopment of buildings or immovable property which is dilapidated or otherwise required to be redeveloped, or to authorize its sale or transfer to the concerned developer;
- iv. documents in the case of amalgamation or reorganization of companies;
- v. Any other instruments executed by the MHADA, CIDCO, Municipal corporations/ councils, Nagar Panchayats, various development planning authorities like MIDC, Slum Rehabilitation Authority etc;

3. Exemption shall be granted in the following manner: -

A. For documents/ deeds executed between 1st January 1980 to 31st December 2000 under the first phase:

| Amount of stamp duty payable | Exemption in stamp duty payable and recoverable | Exemption from penalty applicable on stamp duty payable and recoverable |
|------------------------------|-------------------------------------------------|-------------------------------------------------------------------------|
| Rs. 1/- to Rs. 1,00,000/- | 100% | 100% exemption |
| On or above Rs. 1,00,000/- | 50% | 100% exemption |

B. For documents/ deeds executed between 1st January 1980 to 31st December 2000 under the second phase:

| Amount of stamp duty payable | Exemption in stamp duty payable and recoverable | Exemption from penalty applicable on stamp duty payable and recoverable |
|------------------------------|-------------------------------------------------|-------------------------------------------------------------------------|
| Rs. 1/- to Rs. 1,00,000/- | 80% | 80% exemption |
| On or above Rs. 1,00,000/- | 40% | 70% exemption |

C. For documents/ deeds executed between 1st January 2001 to 31st December 2020 under the first phase:

| Amount of stamp duty payable | Exemption in stamp duty payable and recoverable | Exemption from penalty applicable on stamp duty payable and recoverable |
|-------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rs. 1/- to Rs. 25,00,00,000/- | 25% | <p>i. If the amount of penalty payable is less than Rs. 25,00,000/-, an exemption of 90% shall be given on the penalty applicable on the entire stamp duty payable and recoverable.</p> <p>ii. If the amount of penalty is more than Rs. 25,00,000/-, an amount of Rs. 25,00,000/- shall be</p> |

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| | | considered as penalty and anything over and above shall be waived off. |
| Above Rs. 25,00,00,000/- | 20% | An amount of Rs. 1,00,00,000/- shall be considered as penalty and anything over and above shall be waived off. |

D. For documents/ deeds executed between 1st January 2001 to 31st December 2020 under the second phase:

| Amount of stamp duty payable | Exemption in stamp duty payable and recoverable | Exemption from penalty applicable on stamp duty payable and recoverable |
|-------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rs. 1/- to Rs. 25,00,00,000/- | 20% | <p>i. If the amount of penalty payable is less than Rs. 50,00,000/-, an exemption of 80% shall be given on the penalty applicable on the entire stamp duty payable and recoverable.</p> <p>ii. If the amount of penalty is more than Rs. 50,00,000/-, an amount of Rs. 50,00,000/- shall be considered as penalty and anything over and above shall be waived off.</p> |
| Above Rs. 25,00,00,000/- | 10% | An amount of Rs. 2,00,00,000/- shall be considered as penalty and anything over and above shall be waived off. |

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