

PLR PLRonline
2016 PLRonline 0009
PUNJAB AND HARYANA HIGH COURT

Before: Justice Rakesh Kumar Jain

Sharmila Rani v. State Of Punjab

CWP No.5690 of 2014

29.02.2016

Stamp Act, 1899 (2 of 1899), Section 47A(3) - Proceedings under Section 47A(3) of the Act can be initiated within a period of three years from the date of registration of sale deed and since the said period was over when the notice was issued the initiation of proceeding by the respondents was barred by limitation

Mr.Nandan Jindal, Advocate, for the petitioners. Mr.V. Ramswaroop, Addl. A.G. Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

Rakesh Kumar Jain, J. (Oral):— This petition is filed to assail the validity of orders dated 5.2.2014 passed by respondent No. 2 and dated 27.2.2013 passed by respondent No. 3, whereby the petitioners have been directed to deposit a sum of Rs. 83,600/- i.e Rs. 77,840/- as deficiency of the stamp duty and Rs. 5,760/- as registration fee.

2. In short, the petitioners purchased a land vide Vasika No. 20579 dated 29.6.2009 measuring 16.92 marlas from Surjit Singh son of Jaggar Singh, resident of Bhikhi. He received a notice dated 21.9.2012 served by the Collector (ADC), Mansa for not paying the requisite stamp duty on the aforesaid sale deed. The petitioner contested the notice but ultimately, respondent No. 3 passed the impugned order, which was upheld in appeal by the Divisional Commissioner/respondent No. 2.

3. Learned counsel for the petitioner has submitted that the sale deed was executed on 29.6.2009, whereas notice was issued by the Collector (ADC), Mansa on 21.9.2012, after the expiry of 3 years and 3 months. It is submitted that if the action has been taken by the respondents under Section 47A(3) of the Indian Stamp Act, 1899 [for short 'the Act'], as applicable to the State of Punjab, the limitation to initiate proceedings is three years from the date of registration of the sale deed.

4. In support of his submission, he has relied upon a Division Bench judgment of this Court rendered in CWP No. 204 of 2007 titled as "Smt. Chand Kaur v. State of Haryana" (2008-4)152 PLR 355, in which a categoric finding has been recorded by this Court that "the period of three years is to commence from the date of registration of the document". He has further relied upon other decisions of this Court rendered in CWP No. 19797 of 2010 titled as "Nirmal Singh v. Commissioner, Jalandhar Division" decided on 29.5.2012, CWP No. 17840 of 2009 titled as "Rampal v. State of Punjab" decided on 16.8.2010 and "Iqbal Singh v. State of Haryana" 2011 (3) RCR (Civil) 365.

5. The main contention of the petitioners is that since the period of three years has expired, therefore, the respondents have lost their right to initiate proceedings for recovery of any deficiency in the Stamp Duty and registration charges.

6. On the other hand, learned counsel for the State has submitted that the petitioners have played a fraud as they have not affixed the correct Stamp Duty and Registration Charges as the plot in question is a three corner plot and its price was not less than Rs. 3000/- per sq. yard.

7. I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the proceedings under Section 47A(3) of the Act can be initiated within a period of three years from the date of registration of sale deed and since the said period was over when the notice was issued on 21.9.2012, as the period of 3 years and 3 months had expired, therefore, the initiation of proceeding by the respondents was barred

by limitation.

8. Thus, in view of the aforesaid discussion, the present petition is allowed and the impugned orders are hereby set aside.