

OFFICE OF THE DIVISIONAL COMMISSIONER : DELHI
REGISTRATION CELL: ROOM NO. 144
TIS HAZARI : DELHI

NO.F.1(12)/Regn./Div. Commr./2001/377

Dated: 8/11/2001

O R D E R

Govt. of India vide notification No. 56 dated 24th September, 2001 have notified various amendments in the Registration Act, Transfer of Property Act, Indian Stamp Act and other Related laws and inserted a new article 23-A in Indian Stamp Act, 1899 as follows:-

Description of Instrument	Proper stamp duty
"23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE - Contracts for the transfer of immovable property in the nature of part performance in any Union Territory under section 53A of the Transfer of Property Act, 1882"	Ninety per cent of the duty as a Conveyance (No.23).

With the above said notification and the insertion of new article 23-A a doubt has been arisen as to whether the transfer duty in the form of surcharge on stamp duty u/s 147 of DMC Act, 1957 is to be levied on the said instrument viz. conveyance in the nature of part performance.

The transfer duty levied under section 147 of Delhi Municipal Corporation Act, 1957 in the form of surcharge on the duty imposed by the Indian Stamp Act, 1889 is charged by the COS/Registering Officer vide notification dated 23rd February, 1961 on the following instruments:

Description of Instrument		Amount on which duty should be levied
1.	Sale of immovable property	The amount or value of the consideration for the sale, as set forth in the instrument
2.	Exchange of immovable property	The value of the property of the greater value, as set forth in the instrument.
3.	Gift of immovable property	The value of the property, as set forth in the instrument.
4.	Mortgage with possession of immovable property	The amount secured by the mortgage, as set forth in the instrument.
5.	Lease in perpetuity of immovable property	The amount equal to one-sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

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Since the said instrument namely "CONVEYANCE IN THE NATURE OF PART PERFORMANCE" is not included in the list of Instruments notified for the purpose of levying of transfer duty, it is clarified that the instruments in the nature of "Conveyance in the nature of part performance" can be registered after charging 90% of the stamp duty as "Conveyance" which is 8% of the consideration amount set forth in the instrument.

It is further clarified that this applies to any instrument falling in the nature of "Conveyance in the nature of part Performance" executed on or after 24th September, 2001.

G. S. Patnaik
(G. S. PATNAIK)
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