

UTTAR PRADESH SHASAN

KAR EVAM NIBANDHAN ANUBHAG-5

The Governor is pleased to order the publication of the following Government notification no K.N.5-2716/11-2003-500(87)/2003 dated May 22, 2003 for general information.

No.K.N.5-2716/11-2003-500(87)/2001

Dated Lucknow, May 22, 2003

NOTIFICATION

In exercise of the powers under clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (Act no. 2 of 1899) the Governor is pleased to remit the stamp duty on the following instruments executed by or in favour of the following class of persons:-

- (1) The registered private builders/developers shall be liable to pay full stamp duty chargeable at the circle rate fixed by the District Collector or by the Government or by the Government sponsored body like Noida, Greater Noida, all Development Authorities, Uttar Pradesh Awas Evam Vikas Parishad etc., as the case may be, on the instrument of transfer of land by mutual agreement or allotment by the Government Body in favour of the registered private builder/developer. The registered private builder/developer shall develop such land and construct as per lay out approved according to rules so that the value of the finished product transferred to the allottee becomes at least five times of the value of land transferred to the registered private builder/developer. On the execution of the instrument in favour of the allottee by the registered private builder/ developer, an exemption in stamp duty of twenty percent of the value of the stamp duty actually payable on the instrument shall be granted. This exemption shall be granted to the first transaction of transfer of property between the registered private builder/developer and the allottee and the upper limit of this exemption shall not exceed the initial stamp duty paid by the registered private builder/developer on the first instrument of transfer of land in his favour. The registered private builder/developer shall complete the development/ construction on the land so that the value addition of five times is done within a period of five years from the date of presentation of the instrument before the registering authority.
- (2) In the case of participation of registered private builders with Government and/or Government sponsored statutory authorities, whether the land is transferred by Government or semi-Government Bodies to registered private builder/developer under partnership scheme, joint venture or license or on any other model, full stamp duty on the rate fixed by the Collector or the respective authority, as the case may be, shall be paid on the instrument of

transfer of land. In case of allotment in installments in proportion to the installment paid by the registered private builder/ developer to the concerned Development Authority: the proportionate registration charges and stamp duty shall be levied and the possession of the land will be given in proportion to the payment made for construction whereas the infrastructure can be developed in the entire area with no right of possession. The exemption in stamp duty shall be granted to the registered private builder/developer according to paragraph (1).

(3) In the case of an instrument of builders agreement executed between a registered private builder/developer and any private land owner for sharing of proportionate constructed area, the stamp duty shall be exempted up to twenty percent on the market value of the land.

(4) For the purpose of accounting, the concerned District Registrar/Sub-Registrar shall issue a passbook in triplicate in the following format. The first copy of the passbook shall be retained in his office. The second copy of the passbook shall be delivered to the builder/developer who has got the land transferred in his name. The third copy of the passbook shall be given to the Designated Authority.

Detail of instrument of transfer by which land is purchased					Details of instrument of further transfer of developed land and building to allottees		
1	2	3	4	5	6	7	8
	Name and address of seller/lease holder/joint venture/ Authority Document number/ year	Name and address of transferee	Details of property and value of the property according to Development Authority rate, if the land belongs to Development Authority or else value according to Collectors Circle rate	Stamp duty paid, whether one time or according to installments with date and details of payment @ per square meter	Details of the allottees and market value shown in deed of transfer Document number/ year	Amount of stamp duty payable, paid and adjusted on the instrument. (The maximum limit shall be the amount of stamp duty paid on the original instrument as shown in column-5	(1) Date of issue of first certificate by Designated Authority (2) Date of issue of certificate by Designated Officer after five years (3) Date of issue of certificate by Designated Officer after six years and action taken.
1	2	3	4	5	6	7	8

(5) The Industrial Development Department and the Housing Department of the Government of Uttar Pradesh shall designate an officer for registration of reputed private builder/developers in accordance with law. It shall be the

responsibility of the Designated Officer to issue a certificate after the transfer of land to the builder/ developer stating the rate of land transferred and date of transfer. The Designated Officer shall also certify after five years from the date of presentation of the first instrument for registration of the said property whether five times value addition has taken place in five years or not. If the Designated Officer certifies under paragraph (5) that five times value addition has not taken place in five years, he will communicate to the concerned District Registrar/Sub-Registrar who shall proceed to recover the exemption granted in stamp duty in accordance with law.

- (6) If the value addition of five times does not take place within a period of five years, then the Designated Officer may, in exceptional circumstances, grant an extension of one year. During this period of one year, the rate of exemption of stamp duty on instruments of transfer in favour of allottees shall be reduced from twenty percent to ten percent.
- (7) No exemption shall be provided in stamp duty after the expiry of the period of six years from the date of transfer under paragraph (1), (2), and (3), as the case may be.
- (8) If on the basis of any certificate from the Office of Designated Officer, it is found that the necessary five times-value addition has not been done by the builder/developer on the land transferred to him, the remittance being granted by this notification shall stand withdrawn and the balance of duty due under the Act shall be recovered in accordance with law.
- (9) This policy shall also be applicable to the land already allotted prior to this notification for construction/development of residential buildings and flats for joint venture/ license, sale, auction etc. between Noida, Greater Noida, and all Development Authorities, Uttar Pradesh Awas Evam Vikas Parishad etc. and private builders/ ~~developers~~ provided that the registered private builder/developer fulfils the conditions mentioned in paragraph (1), (2) or (3) as the case may be.
- (10) In relation to Noida and Greater Noida and other such bodies, this remittance shall apply to land allotted to private builders/developers for the construction/development of residential houses/flats only.
- (11) If any difficulty arises in the implementation of this scheme, the State Government may issue a clarification from time to time.

By order,

Sd/-

Deepak Singhal
Secretary