

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DIVISIONAL COMMISSIONERS : DELHI
5 SHAM NATH MARG : DELHI-110 054**

No. F.1(92)/Stamps/COS (HQ.)/06 / 221-29

Dated : 27-04-06

ORDER

A case of Sh. SD Garg alias Sivanchal Garg was referred to undersigned by Collector of Stamps (COS) (Model Town) u/s 56 of Indian Stamp Act, 1899. The case pertained to an industrial shed (No.89 DSIDC Wazirpur Complex Delhi-32) allotted to Sh. SD Garg by Delhi State Industrial Development Corporation (DSIDC). DSIDC had issued the conveyance deed for which 100% cash down payment of Rs.15,59,597.30/- was accepted by it and the cost of the shed in the conveyance deed was given in four parts namely :-

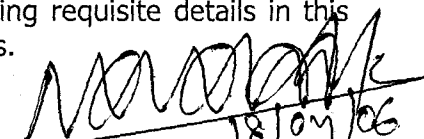
1.	Cost of land & construction of the shed	: Rs. 85,078.00
2.	Capitalization expenses & other cost	: Rs. 25,041.00
3.	Interest on cost of shed upto 01.04.1989	: Rs. 2,59,350.00
4.	Interest on delayed payment	: <u>Rs. 11,89,759.30</u>
		Rs. 15,59,597.30

Sh. SD Garg alias Sivanchal Garg had contended that stamp duty was applicable only on the first two part of the payment (i.e. Rs.85,078.00 and Rs. 25,410.00). Rest of parts i.e. the interest parts (i.e. Rs. 2,59,350.00 and Rs. 11,89,759.00) do not attract stamp duty. Personal hearing was granted to Sh. Sivanchal Garg on 24.03.2006. Two advocates of the party had argued the case before me in presence of Sh. SD Garg. I have heard and gone through the arguments carefully. It appears to me that there is no merit in his contention.

Stamp duty, as is understood, is applicable on the total & fullest consideration, which has been paid by Sh. SD Garg to DSIDC for acquiring the title in conveyance deed of the said industrial shed. The consideration could have been expressed in parts and the parts may be known by any name such as penalty or interest or delayed interest, by the vendor. It does not alter the fact that vendee had made the payment of total consideration, for acquiring the title in conveyance deed. And therefore conveyance deed attracts the stamp duty on entire amount of consideration (i.e. Rs.15,59,597.30) which is payable by Sh. SD Garg @ Sivanchal Garg.

In view of the ruling/decision given in above case, all COS are advised to review u/s 47 A of Indian Stamp Act, 1899 all the similar cases in which stamp duty has been paid only on fragmented part in the conveyance deed especially those issued from Department of Industries or DSIDC.

It is also required on the part of Registering Officers/Sub-Registrars to coordinate with Collector of Stamps concerned by providing requisite details in this regard from the records available in their respective offices.


(NARENDRA KUMAR)

CCRA/ DIVISIONAL COMMISSIONER, DELHI