By e-mail

Government of Odisha
Board of Revenue, Odisha, Cuttack
(Rajaswa Bhawan, Chandini Chowk, Cuttack-2, Email Id- igr@odisha.gov.in)
(Registration Wing)

No. IX - 70/2022 2051 / Regn. Date 31.05.2022

From,

Dr. Smita Mohanty, OAS (1)
Under Secretary (Regn.)

To,

The Tahasildar, Agalpur

Sub- Clarification for payment of stamp duty during the agreement for lease of sand quarry

Ref- Your Letter No. 1003 , dated 27.05.2022.

Sir,

In inviting reference on the subject cited above, I am directed to clarify that the Document is classified as Lease/ Agreement to Lease under the Article -35 of Indian Stamp Act. Since this is a lease with Advance and Rent component the Stamp Duty is chargeable as per article 35 (c) which the aggregate of Stamp Duty Payable under the article 35 (a) & 35 (b)

1. Stamp Duty Payable under the Article – 35 (b) the Advance Component @ 5% of the amount -

   In this case the party had either deposited/ is due to deposit the amount before the execution of the lease deed.

   In this case as stated in the letter the party had already deposited ₹ 14,800 + ₹ 7,35,400/- = ₹7,50,200/- before the execution of the lease deed.

   So Stamp Duty payable under 35 (b) = 5% of ₹7,50,200/- = **₹37,510/-**

2. Stamp Duty Payable under the article – 35 (a) The Rent Component @ 2% of the Annual Average Rent as per 35 (a) (ii)

   The Average Annual Rent in this case is the amount that lessee needs to pay annually regardless of any amount paid in advance. These are as follows in this case –

i. Royalty for one year - ₹ 2,73,000/- (total amount/5)

ii. Additional Charge - ₹ 23,86,800/-

iii. Surface Rent - ₹ 1,800/-

iv. EMF for one year - ₹ 1,32,990/-

v. DMF for one year - ₹ 2,65,980/-

vi. TDS for one year - ₹ 53,196/-

Total Amount

(to be paid annually) AAR - **₹31,13,766/-** (total of above)

Stamp Duty Payable on AAR

For a Lease of 05 years : 2% of ₹ 31,13,766/- = **₹62,276**

3. Total Stamp Duty to be paid = **₹37,510/- + ₹62,276**

= **₹ 99,786/-**

4. Registration Fees to be paid @ 2% (₹7,50,200/- + ₹31,13,766)

= **₹ 77,280/-** (rounded to next rupee)

This is for your kind information and necessary action.

Yours faithfully,

Under Secretary (Regn.)

31.5.2022

Memo No. 2052 /Regn., Date 31.05.2022

Copy forwarded to the Addl. District Magistrate, Balangir / Sub-Collector, Balangir for information and necessary action.

Under Secretary (Regn.)

31.5.2022

Memo No. 2053 /Regn., Date 31.05.2022

Copy forwarded to Sub-Registrar, Loisinga for information and necessary action.

Under Secretary (Regn.)

31.5.2022