



To

All the Sub-Registrars,
in the Punjab.

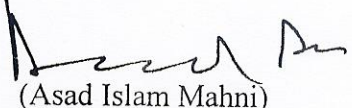
Subject: **RECOVERY OF DEFICIENT AMOUNTS POINTED OUT BY THE
AUDIT**

Ref:- Memorandum No. 3147-95/1768-ST(IV) dated 5th July, 1995 (copy enclosed).

It has been observed that due to lack of interest by the Sub-Registrars, huge amounts as pointed by audit are outstanding. Even in cases where recovery has been made, the same has been effected without following the mandatory provisions of law which calls for impounding of all such instruments that had been found deficiently stamped.

2. Your attention is drawn towards provisions of Section 17 of the Stamp Act, 1899. It has been specifically laid down in the afore-said provision of law that all instruments chargeable with duty shall be stamped before or at the time of execution / registration. The only way available for the Sub-Registrar in cases where the instrument has already been registered, is to impound the deficiently stamped instrument under Section 33 of the Stamp Act, 1899 and forward the same to the District Collector who is the competent authority to impose penalty on deficiency of stamp duty after adjudication. Section 33 of the Stamp Act 1899 clearly prescribes that *every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.* The instruments so impounded are required to be processed under Section 40 of the Stamp Act, 1899 which authorizes the District Collector to impose penalty upto ten times the deficient amount.

3. In view of the afore-said legal provisions, you are requested to strictly comply with the afore-said provisions of law and to effect recovery in respect of deficiently stamped deeds pointed by the audit accordingly.


(Asad Islam Mahni)
Member (Taxes),
Board of Revenue, Punjab.

CC:

A copy is forwarded for information and necessary action to:-

- i. All the Divisional Commissioners in the Punjab.
- ii. Secretary (S&C), Board of Revenue, Punjab.
- iii. All the Deputy Commissioners in the Punjab.
- iv. All the Additional Deputy Commissioners (Revenue) in the Punjab.
- v. Chief Inspector of Stamps, Board of Revenue, Punjab.
- vi. Senior Inspector of Stamps, Board of Revenue, Punjab.
- vii. All Inspectors of Stamps, Board of Revenue, Punjab.
- viii. All Auditors (Taxes Wing), Board of Revenue, Punjab.