

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No. 1941 of 2003

Date of Decision: 23.11.2009

Satish Chand and others

.....Appellant

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Shri C.B. Goel, Advocate, for the petitioner.

Shri Lokesh Sinhal, Additional AG, Haryana.

HEMANT GUPTA, J. (Oral).

Challenge in the present revision petition is to the order passed by the learned Collector on 28.2.2002 and the order in appeal dated 7.11.2002 passed by the Commissioner, in the proceedings under Section 47-A of the Indian Stamp Act, 1899 [ for short 'the Act' ].

The present petitioner, on the basis of an instrument of sale dated 27.9.2001, purchased land measuring 61 kanals 11 marlas at the stated value of Rs.1,70,000/- per acre, total amounting to Rs.13,08,000/-. The petitioner was served with a show cause notice on the ground that the instrument of sale is undervalued for the purpose of stamp duty as the market price of the land is Rs.5 lacs per acre upto the

depth of one killa beyond the road, as per the Collector's rate fixed. On the basis of the said fact, the Collector found that the value of the property sold by the instrument of sale Rs.24,19,375/- and that the petitioner is to make up the deficiency on the stamp duty amounting to Rs.1,38,925/-. The said order was affirmed in appeal by the Commissioner. It is the said orders, which are under challenge in the present petition.

Learned counsel for the petitioner has argued that the Collector has found the instrument of sale undervalued relying upon the Collector's rate. Still further, it was found that the sale deed has been executed on the basis of an agreement to sell allegedly of the year 1998. Therefore, the price agreed in the aforesaid agreement cannot be made basis of the sale consideration of the sale deed executed in the year 2001.

The Hon'ble Supreme Court in State of Punjab and others v. Mohabir Singh and others, (1996)1 Supreme Court Cases 609 and this Court in Gauri Singla v. State of Haryana and others, 2008(4) PLR 524, have held that the Collector's rate cannot be made basis for determining the sale consideration recited in an instrument of sale. It was held that such Collector's rate has no statutory recognition and, therefore, determination of the market value on the basis of Collector's rate is not sustainable.

In view of the aforesaid judgments, the orders passed by the Authorities under the Act, holding that the instrument of sale is

undervalued for the purposes of stamp duty, are clearly not sustainable. There is no other evidence of the market value of the land conveyed in the year 2001.

Hence, the present revision petition is allowed. The impugned orders are set aside. The matter is remitted back to the Collector for re-determination of the deficient stamp duty, if any, on the basis of the market value of the land subject matter of instrument of sale.

Parties, through their counsel, are directed to appear before the learned Collector on 21.12.2009, for further proceedings, in accordance with law.

[ HEMANT GUPTA ]  
JUDGE

23-11-2009  
ds