

In the Court of Commissioner for Persons with Disabilities
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-23216002-4 Telefax: 23216005
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[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/711/2014-Wel./CD/1761-63

Dated: 20.11.14

In the matter of :

Dr.Nitesh Kumar Tripathi
H.No. C-184, Begum Vihar Extn.
Begumpur, Delhi-110086.

..... **Petitioner**

Versus

Sh.Dharampal
Principal Secretary-cum-Divisional Commissioner
Department of Revenue
Government of NCT of Delhi
5, Sham Nath Marg
New Delhi-110054.

✓ **Sh.M.M.Kutty**
Principal Secretary
Department of Finance
Government of NCT of Delhi
Delhi Secretariat
I.P.Estate, New Delhi-110001

..... **Respondents**

ORDER

1. Dr.N.K.Tripathi a disabled person informed that the Government of Uttar Pradesh is allowing relaxation of Rs.10 Lakhs in Stamp Duty for disabled persons. A copy of the circular issued by the Government of Uttar Pradesh was also filed by the petitioner with a request that similar relaxations should be allowed to the persons with disabilities by Government of NCT of Delhi. A copy of the representation was sent to the Divisional Commissioner with a request to file their comments and since no comments were filed a hearing was fixed.
2. During the course of the hearing the representative of the Divisional Commissioner filed the reply which states as follows **Quote** "It is stated that stamp duty is chargeable under the provisions of Indian Stamp Act i.e Sub Section 1 of Section 3 of Indian Stamp Act lays- Instruments chargeable with duty – Subject to the provisions

of this Act and the exemptions contained in Schedule 1 the following instruments shall be chargeable with duty of the amount indicated in that Schedule as per the proper duty thereof. Provided that no duty shall be chargeable in respect of : Any instrument executed by or on behalf of or in favour of the government in cases where but for this exemption the government would be liable to pay the duty chargeable in respect of such instrument. As such the only exemption given under the Indian Stamp Act is to the government and there is no provision for persons with disabilities. So far as relaxation in payment of stamp duty to the persons with disabilities it is submitted that no such right has been conferred under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. The concession in stamp duty to women in Delhi is a legislative policy and such policies are not within the jurisdiction of the executive authority of Government of NCT of Delhi. To confer such /similar powers the corresponding Act needs to be amended at the first instance, which is legislative function as per allocation of works of Departments under Government of NCT of Delhi the head of Stamp Duty falls under Finance Departments and the matters/decisions in respect thereof comes under the jurisdiction of Finance Department and revenue Department cannot interfere in the same. The Revenue Department is referring the matter to the Finance Department to take a view accordingly.” **Unquote.**

3. In view of the reply of the Department of Revenue Government of NCT of Delhi the Finance Department is required to look into the request of the petitioner which would provide relief to persons with disabilities in consonance with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. An Action Taken Report may be filed as soon as possible. A copy of the order no.622(1)/9-9-2011-182J/04 dated 9.4.2012 of the Government of Uttar Pradesh is enclosed.
4. Ordered accordingly.

Given under my hand and the seal of the Court this 20th day of November 2014.




(K.S. Mehra)

Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02