



**CM-464-LPA-2021 in/and
LPA-184-2021**

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(208)

**CM-464-LPA-2021 in/and
LPA-184-2021**

Date of Decision : November 18, 2025

Gurdas Garg

Versus

.. Appellant

State of Punjab and another

.. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Ashish Grover, Advocate, for the appellant.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-464-LPA-2021

Present application has been filed seeking condonation of delay of 201 days in filing the appeal.

Reply to the application seeking condonation of delay has already been filed.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 201 days in filing the appeal is condoned.

LPA-184-2021

1. In the present Letters Patent Appeal, the challenge is to the order dated 26.08.2019 passed by the learned Single Judge by which, the prayer of the appellant that the recovery of Rs.1,03,950/- which has been ordered from him towards deficient stamp duty in respect of Sale Deed No.5794 dated 27.09.2010 is beyond the jurisdiction, has been rejected.

**CM-464-LPA-2021 in/and
LPA-184-2021****2**

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. The appellant purchased land measuring 1 kanal 13-1/3 marla vide registered sale deed No.5794 dated 27.09.2010. The sale consideration was Rs.3,45,000/- Before the expiry of three years, keeping in view the information received, the Commissioner concerned called for a report of the Collector as to whether, the stamp duty paid is as per Indian Stamp Act, 1899. Keeping in view the said observation made, a report was sent to the Commissioner on 16.08.2013 describing that the stamp duty paid by the appellant was deficient after which, the appellant was served notices on 20.12.2013. Keeping in view the proceedings undertaken before Additional District Collector, ultimately, an ex-parte order was passed imposing the recovery of Rs.1,03,950/- towards the deficient stamp duty. The said ex-parte order was challenged in appeal which was dismissed vide order dated 03.05.2017 (Annexure P-3). The said order was again challenged by the appellant before the learned Single Judge, by which the writ petition came to be dismissed on 26.08.2019 resulting into the present appeal.

4. Learned counsel for the appellant argues that the learned Single Judge has failed to take into consideration that the notice which was served upon the appellant on 20.12.2013 was beyond the prescribed period of three years as provided under Section 47-A of the Indian Stamp Act, 1899 (hereinafter referred to as '1899 Act') hence, no proceedings could have been undertaken as the time limit fixed for initiating the proceedings by serving notice upon the person concerned is three years.



**CM-464-LPA-2021 in/and
LPA-184-2021**

3

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The only argument raised is that on the date when the notice was served upon the appellant asking him to revert to the proposed action of recovery of deficient stamp duty is to be taken into account for computing three years or the same relates to imitation of the process by the competent authority under Section 47-A of the 1899 Act.

7. In order to appreciate the said fact, Section 47-A of the 1899 Act is being reproduced hereunder for the ready reference:

“ Section 47-A

(3) The Collector may, suo moto, or on the receipt of a reference from the Inspector General of Registration or the Registrar of a District, in whose jurisdiction the property or any portion thereof which is the subject-matter of the instrument is situated, appointed under the Registration Act, 1908 shall, within three years from the date of registration of any instrument, not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of its market value or consideration, as the case may be, and the duty payable thereon and if, after such examination, he has reason to believe that the market value or consideration has not been truly set forth in the instrument, he may determine the market value or consideration and the duty, as aforesaid, in accordance with procedure provided for in sub-section (2), and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty.”

8. A bare perusal of the above would show that the jurisdiction is to be given to the Collector to examine the instruments which have been

**CM-464-LPA-2021 in/and
LPA-184-2021****4**

executed within his jurisdiction within a period of three years from the date of registration of any such document so as to examine said instrument for purpose of satisfying himself as to the correctness of stamp value and consideration and duty payable thereon and in case, after such examination, the consideration paid has not been truly set-forth, appropriate order can be passed against the person to pay required duty envisaged under law.

9. It may be noticed that the period of three years is only prescribed for the Collector to call for the record and examine the same to recover deficient stamp duty. The same is not upto the date of issuing a notice upon satisfaction that the stamp duty paid is *prima facie* less than the one prescribed under the 1899 Act. The interpretation being extended by the learned counsel for the appellant that the notices so issued proposing payment of deficient stamp duty has to be issued within a period of three years of the registration of the document is not borne out by simple reading of Section 47-A of the 1899 Act. The complete reading of the Section clarifies that the period of three years is only to examine and call for the record. The notices can be issued even after a period of three years once the said record has been called for and examined to satisfy the genuineness of the stamp duty paid on such document.

10. The order dated 26.08.2019 passed by the learned Single Judge is in-consonance with the wording of Section 47-A of the 1899 Act.

11. Learned counsel for the appellant places reliance upon the judgment of the learned Single Judge in ***RSA No.2115 of 2011 titled as Sub Registrar, Nuh and another vs. Mahipal and others, decided on***

16.05.2011 to contend that the notices to be issued under Section 47-A of



**CM-464-LPA-2021 in/and
LPA-184-2021**

5

the 1899 Act cannot be done after a period of three years, is being sought to be reverted by the learned counsel for the respondent-State by a judgment of another Single Judge in *CWP No.27881 of 2017 titled as Seema and others vs. State of Haryana and others, decided on 10.12.2019* which holds that three years limit prescribed is only for calling for the record and for satisfaction and not for issuing notices under Section 47-A of the 1899 Act.

12. Keeping in view the above, the view taken by the learned Single Judge that the three period is only for calling the record so as to examine the document and not for issuance of notice, is the correct interpretation given by the learned Single Judge.

13. No other argument has been raised.

14. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

15. Accordingly, the appeal is dismissed.

16. Civil miscellaneous application pending if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

November 18, 2025
harsha

**(YASHVIR SINGH RATHOR)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No