

To

1. All the Divisional Commissioners of the State.
2. All the Deputy Commissioners of the State.

Memo No. 182-STR-1-2024/10632
Chandigarh, dated the 31/12/2024

Sub- Charging of Stamp Duty in case of Conveyance deed executed by Group Housing Societies, HUDA (Now HSVP), HSIIDC, Housing Board and Licensed Colonizers etc.

Ref: In supersession and withdrawal of Instruction No. 2404-STR-1-2012/7827, dated 13th July 2012.

Vide memo No. 2404-STR-1-2012/7827 dated 13th July 2012 of this office, the entire issue regarding charging of stamp duty in matter of flats/apartments from Group Housing Societies. HUDA (now HSVP), HSIIDC, Housing Board and Colonizers etc. was clarified as under:-

- (i) As per the provisions of Stamp Act and the decision taken by the government while in case of the first transaction between a Group Housing Society or its member, or between a colonizer/HUDA and its original allottee, the stamp duty is to be levied on the basis of original sale price charged by the seller. In case of Cooperative Group Housing Society, the stamp duty will be on the allotment of the price of the land with respect to share of the member but shall not include the cost of construction. In case of colonizer/HUDA where built up flats/apartments are transferred the stamp duty will be on the total sale price charged by colonizers/HUDA.
- (ii) In case of subsequent transactions, whether it is a Group Housing Society or a colonizer/HUDA, the stamp duty would be as per the Collector rates. In cases before conveyance deed is executed the allottee transfers the apartment in favour of any other person then the sale by the transferee shall be charged as per the Collector rate.

2. The issue of benefit of first transaction/original member and charging of the stamp duty thereon came up before the Hon'ble High Court in CWP No. 21694 of 2012 in case titled as "Sudhir Bhatia & another Vs. State of Haryana & Others" and Hon'ble High Court vide order dated 17.07.2019 has decided the matter, the relevant portion of the order is reproduced as below:-

"....Therefore, the premise that the member was changed by the society, before the construction could be completed and flats could

be handed over, would not mean that the benefit of first transaction is to be denied to the subsequent allotted member on the ground that he is not an original allottee as long as it is established on record that it is a first transaction between the Government/Registering Authority of Conveyance Deeds and members of the society..."

3. In view of above, this issue has been re-examined and it is clarified as under:-
- (i) When the site of the Group Housing Societies is allotted by HSVP and membership is changed from time to time till occupation certificate is given, in that eventuality, whether the last member who got the occupation certificate shall be treated as first member and further should the conveyance deed be registered in respect of amount of share of land falling in his account or should it be treated otherwise?

The Hon'ble High Court in judgment dated 17th July 2019, as mentioned above, has taken the view and quashed the contents of the letter dated 13th July 2012 on the first transaction. So, now it has been decided that the benefit of first transaction shall be as per said judgment of Hon'ble High Court.

- A. In this regard, it is clarified that when the site land to the Group Housing Society is allotted by HSVP or is purchased by the Society/Group, it is mandatory to get the conveyance deed executed in favour of the Society just after the allotment or the purchase, as the case may be, at the price of allotment or purchase since the title is conveyed/transferred only on the registration of deed under the Registration Act, 1908. Till the completion of construction or grant of the occupation certificate, whichever is earlier, firstly the conveyance deed shall be executed and got registered by the Group Housing Society to the allottee concerned and thereafter in case of transfer by way of sale from member to in favour of the new member (who purchases the land in share in society for construction of flat/apartment) on the amount/price of share of land falling in his account and the stamp duty and registration fee will be chargeable under Article 23(a) of Schedule 1-A of the Indian Stamp Act, 1899 and Appendix-1 of Table of Registration Fee under section 78-79 of the Registration Act, 1908. As such, the amount for purpose of conveyance/registration deed shall not include the cost of construction in such case(s). The transfer involves the conveying of

share in immovable property hence the registration is mandatory for conveying the title in immovable property as per provisions under the Registration Act, 1908. In case of sale after completion of construction or certificate of occupation, whichever is earlier, the stamp duty and registration fee will be chargeable on collector rate or market rate of flat/apartment, whichever is higher, since at that time the member/owner is selling an individual constructed unit (flat/apartment).

Note:- The genesis for charging the stamp duty will be if plot with membership (share in immovable property) is transferred and title is conveyed, the price (market rate or Collector rate or allotment price, whichever is higher) of plot/ share price in property land in Society will be taken for charging the stamp duty and registration fee; if title in immovable property (flat(s)/apartment(s)) is conveyed then the price/amount (market rate or Collector rate or allotment price, whichever is high) of immovable property (flat(s)/apartment(s)) is conveyed then the price/amount (market rate or Collector rate or allotment price), whichever is higher, of immovable property (flat(s)/apartment(s)) will be taken for charging the stamp duty and registration fee.


- B (i) In case of Housing Board, where built up flat/apartment/affordable house/floor is transferred and conveyance deed is executed and got registered in favour of the allotted person (in whose favour occupancy certificate is issued), the stamp duty and registration fee shall be chargeable on the total charged amount of consideration / sale price charged by Housing Board. In case of subsequent sale(s), the stamp duty and registration fee will be chargeable on the Collector rate or market rate, whichever is higher.
- (ii) Further, in case the industrial plot allotted by HSIIDC is transferred to any person/ Company / Society/Firm and conveyance deed is executed and got registered by HSIIDC in favour of the allotted person/Company/ Society/ Firm etc., the stamp duty and registration fee shall be chargeable on the total charged amount of consideration / sale price charged by HSIIDC. In case of subsequent sale, stamp duty and registration fee shall be chargeable on collector rate or market rate, whichever is higher.

Note: The charged amount/sale price shall not be lesser than the collector rate prescribed.

- C. In case of Colonizer, where built up flat/apartment/affordable house/plot/floor is transferred and conveyance deed is executed and got registered by the Licensed Colonizer in favour of the allotted person, the stamp duty and registration fee shall be chargeable on the total charged amount of consideration / sale price charged by Colonizer. In case of subsequent sale, collector rate or market rate, whichever is higher, shall apply.

Note: The charged amount/sale price shall not be lesser than the collector rate prescribed.

You are requested to bring the above clarification to the notice of all the Collectors/Sub Registrars/Joint Sub-Registrars and Stamp Auditors in the district for strict compliance and the Collectors may be directed to decide such pending cases under Section 47-A of the Indian Stamp Act. 1889 in the light of the above clarification.


Superintendent Stamp & Registration
for Financial Commissioner & Additional Chief Secretary to Govt.,
Haryana, Revenue & Disaster Management Department

Endst No. 182-STR-1-2024/10633 Chandigarh, dated the 31/12/2024

A copy is sent to the following for information and necessary action:-

1. Chief Administrator, HSVP, Panchkula.
2. Director, Town & Country Planning Department, Haryana, Sector 18 Chandigarh.
3. Director, Urban Local Bodies, Haryana, Sector-4, Panchkula.
4. Registrar, Cooperative Societies Haryana, Panchkula.
5. Managing Director, Housing Board Haryana, Panchkula.
6. Managing Director, HSIIDC Haryana, Panchkula.
7. State Chief Stamp Officer O/O FCR & ACS, Haryana, Chandigarh.
8. CSA-I & II of this office.
9. All the Stamp Auditors in offices of D.Cs in the State.


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