

Sl.No.46

O/o Inspector General of Registration,
Chennai -28.

CIRCULAR

56849/C2/2018 Dated 26.12.2018

Sub: Levying of Stamp duty and Registration fee for the documents presented for registration with respect to properties in Special Economic Zone (SEZ)- certain clarifications-reg

Ref: 1.G.O.Ms.No.96, CT Department dated 20.05.2004
2. The Special Economic Zones Act, 2005 (Central Act No.28 of 2005)
3. Government letter No.12860/J1/2008-3 dated 24.10.2008
4. IGR circular No.28/C2/2009 dated 20.11.2009
5. IGR circular No.47/C2/2010 dated 30.11.2010
6. The Special Economic-Zones (Amendment) Rules, 2014 published in Government of India Gazette No.05, dated 02.01.2015.

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1. Attention is invited to the references cited.

2. As per Government order 1st cited stamp duty and registration fee remission have been granted to land transactions in favour of all the industrial units and their expansions located in the Special Economic Zones in Tamil Nadu to be notified by the Government of India. The concession is not applicable if the transaction comprises both land and building.

3. With the enactment of the Special Economic Zones Act, 2005 (Central Act 28/2005), any instrument comprising land or building or both and which is executed, by, or, on behalf of, or, in favour of the Developer, or Unit or in connection with the carrying out of purposes of the SEZ have become eligible for stamp duty remission. Besides the said Act 28/2005, the Government order 1st cited continues to be in force and registration

fee remission under the said G.O is available to instruments relating to land transactions alone. In other words, registration fee remission as per the said G.O would not be available to instruments comprising any other property other than land such as building, machinery etc.,

4. The above clarifications have been issued to the field officers vide circulars 4th and 5th cited.

5. It is informed that the word "Developer" includes "Co-Developer" also as per Section 2(g) of Special Economic Zone Act 2005.

6. In the above backdrop, amendment made by Government of India vide reference 6th cited is brought to notice of Registering officers for adherence. By way of this amendment, Rule 11A has been inserted in the Special Economic Zone Rules 2006. In view of Rule 11A, the following clarifications are issued to the registering officers:

i) The document should invariably contain the details whether the property is in processing area or in non-processing area. If the details are not provided in the document, stamp duty/registration fee concession shall not be allowed.

ii) If the property is in processing area, the concessions provided vide G.O first cited and the Act second cited shall be provided subject to fulfillment of the conditions mentioned in para 3 above.

iii) If the property is in non-processing area, then the above concession shall be allowed only if a certificate from the concerned Development Commissioner, SEZ is produced confirming that the non-processing area is for **social or commercial infrastructure and other facilities are to be used only by Special Economic Zone entities** and also mentioning the village name, survey number and survey number wise extent comprised in the non-processing area. The certificate shall be enclosed as part of the document.

iv) If the property is in non-processing area and if the above certificate is not produced then the concession shall not be allowed by the registering officers.

Inspector General of Registration

To

All the Registering Officers,
All DIGs/District Registrars.

Copy to

1. Senior PA to Hon'ble Minister for Commercial Taxes and Registration Department.
2. Principal Secretary to Government, Commercial Taxes and Registration Department.

