

eStamp Facility of MCA

Source : Internet

eStamp

Registrars of Companies have to ensure that proper stamp duty is paid on the instruments registered with their office. As of now, physical submission of documents is mandatory where stamp duty is levied in order to ascertain that applicable stamp duty has been paid. In the present scenario, even though the eForm is submitted instantly, the RoC office has to wait for receipt of physical stamp papers to initiate necessary processing. It results in service delivery time getting longer. Hence, in furtherance of e-governance initiatives, provisions regarding stamp duty applicable on filing of e-forms have been amended and stakeholders shall have facility to pay stamp duty in electronic manner also. As of now, this process shall cover Form 1 (including MoA, AoA), Form 5 and Form 44 only, accordingly revised eforms are being introduced w.e.f. 12.09.2009. These provisions shall be applicable to the eforms filed subsequent to this amendment. In case eforms filed earlier are 'Resubmitted' after implementation of this change, e-stamp shall not be applicable. Keeping in view the requirement of stakeholders awareness, process of e-stamp has not been made mandatory, meaning thereby, stakeholders have option to pay stamp duty in electronic manner through MCA21 system or in physical form as per the existing procedure. Further this process shall be applicable only to such States/Union Territories which have agreed to the request of Ministry of Corporate Affairs for collection of e-stamp duty on their behalf.

List of eForms to which eStamping will be applicable

Form 1, (including MoA, AoA) , Form 5 , Form 44 , Form 67

List of States/ UTs

List of States/ Union Territories for which eStamp duty payment on Form 1, MoA, AoA, Form 5 and Form 44 is available on line through MCA portal

List of States/ Union Territories in which eStamp duty payment is available on line through MCA portal

1. Andaman & Nicobar Islands

2. Andhra Pradesh	8. Jharkhand	14. Manipur	20. Uttar Pradesh
3. Arunachal Pradesh	9. Gujarat	15. Meghalaya	21. Uttarakhand
4. Assam	10. Haryana	16. Orissa	22. West Bengal
5. Bihar*	11. Karnataka	17. Punjab*	
6. Chhattisgarh	12. Madhya Pradesh	18. Rajasthan	
7. Delhi	13. Maharashtra	19. Tamil Nadu	

List of States/ Union Territories in which eStamp duty payment is not available on line through MCA portal

1. Chandigarh	4. Goa	7. Kerala	10. Nagaland
2. Dadra and Nagar Haveli	5. Himachal Pradesh	8. Lakshadweep	11. Puducherry
3. Daman and Diu	6. Jammu and Kashmir	9. Mizoram	12. Tripura

* eStamp payment services for these states will be available w.e.f. 20-09-2009

State where provisions of Companies Act, 1956 are not extended

1. Sikkim

Stamp duty applicable to other states/UTs is to be paid in physical form, as per current process.

FAQs on eStamp

1. Please specify the services for which Stamp Duty can be paid through MCA21 system?
2. Am I required to fill the details of stamp duty in eform manually?
3. Can I pay Stamp Duty in electronic manner with respect to all States / UTs?
4. Whether payment of stamp duty through MCA21 system is Mandatory?
5. What are the modes of payment of stamp duty through MCA21 system?
6. Whether Challan of MCA21 service fee shall include details of stamp duty also in case of off line mode??
7. What shall be the validity of challan for payment of stamp duty?
8. In whose favour should I draw the check / DD to pay the stamp duty in case an offline challan has been generated?
9. What is the procedure to pay for the challan generated for stamp duty?
10. Is it necessary to pay both the challans (i.e. challans for stamp duty and for MCA21 service fees) simultaneously?

1. Please specify the services for which Stamp Duty can be paid through MCA21 system?

Stamp Duty payable on Filing of e-form 1 (including MOA & AOA), 5 and 44 can be paid through MCA21 system.

2. Am I required to fill the details of stamp duty in eform manually?

No, when user selects option to pay stamp duty through MCA21 system, the system itself prefills relevant details in the eform. In case user opts to pay stamp duty in physical manner, details of the same shall have to be provided in the eForm by the user.

3. Can I pay Stamp Duty in electronic manner with respect to all States / UTs?

List of States/ Union Territories in which eStamp duty payment on Form 1, MoA, AoA, Form 5 and Form 44 is available on line through MCA portal:

1.Andaman & Nicobar Islands	7.Delhi	13.Maharashtra	19.Tamil Nadu
2.Andhra Pradesh	8.Jharkhand	14.Manipur	20.Uttar Pradesh
3.Arunachal Pradesh	9.Gujarat	15.Meghalaya	21.Uttarakhand
4.Assam	10.Haryana	16.Orissa	22.West Bengal
5.Bihar*	11.Karnataka	17.Punjab*	
6.Chhattisgarh	12.Madhya Pradesh	18.Rajasthan	

* eStamp payment services for these states will be available w.e.f. 20-09-2009

List of States/ Union Territories in which eStamp duty payment is not available on line through MCA portal

1. Chandigarh	4. Goa	7. Kerala	10. Nagaland
2. Dadra and Nagar Haveli	5. Himachal Pradesh	8. Lakshadweep	11. Puducherry
3. Daman and Diu	6. Jammu and Kashmir	9. Mizoram	12. Tripura

State where provisions of Companies Act, 1956 are not extended

1. Sikkim

Stamp duty applicable to other states/UTs is to be paid in physical form, as per current process.

4. Whether payment of stamp duty through MCA21 system is Mandatory?

Payment of stamp duty through MCA21 system is OPTIONAL till 31.12.2009. User may pay stamp duty either through MCA21 system or in the same manner as was prevailing till now. But w.e.f. 1st January, 2010, stamp duty shall have to be paid only through electronic mode for the states which have agreed for e-stamping. Please refer notification SO S.O. 2276 (E) issued by Ministry of Corporate Affairs in this regard.

5. What are the modes of payment of stamp duty through MCA21 system?

There are two modes, stamp duty can be paid through MCA21 system either off-line or on –line.

6. Whether Challan of MCA21 service fee shall include details of stamp duty also in case of off line mode?

There shall be separate SRN / challan for stamp duty, in addition to SRN / challan for MCA21 services.

7. What shall be the validity of challan for payment of stamp duty?

Validity of challan for payment of stamp duty shall be the same as that of the challan for MCA21 service fees.

8. In whose favour should I draw the check / DD to pay the stamp duty in case an offline challan has been generated?

An Information note has been provided on the challan of stamp duty regarding payment of stamp duty. Please refer to the same.

9. What is the procedure to pay for the challan generated for stamp duty?

Challan generated for stamp duty is to be paid in the same manner as challan for MCA21 services fees is deposited in an authorized bank.

10. Is it necessary to pay both the challans (i.e. challans for stamp duty and for MCA21 service fees) simultaneously?

It is not necessary to pay these two challans simultaneously but these should be paid within the validity period mentioned on the challan. It is suggested to make payment of both of these challans simultaneously as processing of the eForm shall not start unless both of these i.e. the MCA21 Service fees and stamp duty is paid and payment is confirmed." ■

Announcement

Auditors Training Programme on Financial

CBS@Chennai From December 18th to 22, 2009

20 CPE Hours ; Delegate Fee : Rs. 25k.

DtIs:http://icai.org/resource_file/16882afpc.pdf/011-30210621/619.CIT.ICAI