

Compensation for delayed response about excess levy of stamp duty

Protesting against excess levy of stamp duty for a registration done in Kundrathur sub registrar office in May 2015, the petitioner had sent representations to the district registrar, following it up with a petition in August 2016 under Right to Information Act seeking information on action taken on his grievance petition. A second appeal was filed by him stating that no reply was received for the petition under Right to Information Act or the first appeal submitted to the department. During the enquiry, the public information officer claimed that a reply was sent within a month but the petitioner disputed this. Although a copy of the dispatch register was produced by the public information officer in support of the claim that the reply was sent, the commission observed that the entry about dispatch of the reply to the petitioner did not appear to be contemporaneous or genuine. After receipt of intimation about enquiry by the commission, an attempt was made to deliver the reply in person but since he refused to receive it when enquiry was due shortly, another copy was sent to him by registered post and it reached him three days before the enquiry. It was seen from the records produced that the district registrar had concluded that that levy of stamp duty was in excess to the tune of Rs 13,300 but the petitioner was informed that the amount could not be refunded since he had consented to make the payment under section 41 of the Indian Stamp Act. The public information officer reiterated during the enquiry that there was no provision to return the excess amount in these circumstances and only departmental action could be taken against the concerned official. The petitioner represented that he was constrained to make the payment since he was told the document would be returned without registration. He further represented that he is 70 years old, illiterate and a heart patient and the delay in getting the reply had caused him stress. Taking these into account and the fact that he had to attend the enquiry with the assistance of his son-in-law, the commission directed the registration department to pay compensation of Rs 15,000 for the detriment caused to him by the delay in response to the Right to Information Act petition. [1152/2017](#)