



SECTION 16(1) & ITEM 32(a) FIRST SCHEDULE  
STAMP ACT 1949

MESRA RETAIL & CAFÉ SDN BHD  
V.

PEMUNGUT DUTI SETEM, MALAYSIA  
WA-24-84-11/2023

 HIGH COURT OF MALAYA KUALA LUMPUR  
 YA DATO' AMARJEET SINGH A/L SERJIT  
SINGH  
 25<sup>th</sup> SEPTEMBER 2025

Petronas Dagangan Berhad (“PDB”) ws the owner of the petrol station building, structures, equipment and other ancillary facilities. In the year 2013, 2014 and 2017, PDB

had entered into four (4) Operating Agreements with Golden Scoop Sdn Bhd (“Operator”). On 01.01.2022, PDB had entered into a Master Novation Agreement (“Novation Agreement”) with the Plaintiff and the Operator to novate and transfer all of its rights, interest, obligations and liabilities under the said Operating Agreements to the Plaintiff.

The Novation Agreement was presented to the Collector of Stamp Duty (“the Collector”) for adjudication and an Ad Valorem Stamp Duty was imposed for RM7,478.00 on the Novation Agreement. The Plaintiff filed an appeal against the imposition of stamp duty on the contention that the Novation Agreement was subject to nominal duty of RM10.00 as the Novation Agreement was a written contract to substitute PDB’s rights and liabilities to the Plaintiff and there was no change in the terms and conditions of the Operating Agreements.

Meanwhile, the Collector asserted that PDB novated and transferred all its rights, interest, obligations and liabilities under the Operating Agreements to the Plaintiff without consideration and hence, the application of Section 16(1) of Stamp Act 1949. It was further asserted that the Ad Valorem Stamp Duty should be imposed on the Novation Agreement under Item 32(a) First Schedule SA 1949 as the Novation Agreement was the vehicle used to give effect to the transfer of rights or interest vested in the Operating Agreements to the Plaintiff.

On 25.09.2025, the High Court allowed the Plaintiff’s application with costs.

***Editorial Note:***

- *The Collector has the right to file an appeal to the Court of Appeal within 30 days from the decision of the High Court.*