

Frequently asked Questions & their answers:-

Q.1 when immovable property is purchased what is to be done to get it registered?

Ans. The following are required in registration process:

- i. All details about the property, Vendor and Purchaser, consideration amount, stamp duty calculated on value of property as per circle rate or the consideration amount whichever is higher; charges to be paid in the shape of stamp duty, transfer duty and registration fee and format of the instruments can be obtained from the website of the Revenue Department, GNCT of Delhi.
- ii. E- Stamp papers can be purchased for all denominations.
- iii. After purchase of stamp paper(s) the document has to be written by himself/herself or by the document writer and executed in the presence of two witnesses. Necessary enclosures like copy of title deed, copy of Jamabandi, map, plan, digital photograph etc have to be enclosed with the document. The document has to be presented before the concerned Sub-Registrar in whose jurisdiction the property is situated. The Sub Registrar is to scrutinize the document and amount of Stamp duty, transfer duty and registration fee.
- iv. The Executant has to appear before the Sub Registrar for admission of the document. Two witnesses are required to be present before the Sub Registrar to authenticate the identity of the executant. At the final stage of registration the copy of the document is to be pasted in the concerned

Book and the original document is returned to the claimant.

Q.2 What are the actions to taken by the Sub-Registrar once documents are presented before him/her?

Ans. The Sub-Registrar has following options in such cases:-

- A. To register the document and return the original document duly registered to the executant.
- B. He may refuse the registration of document by a speaking order stating clearly the reason(s) of rejection.
- C. He may impound the document to the collector of stamp for realization of deficient duty and/or penalty if any.

Q.3 Who are called Collectors and Appellate Authority U/S 47A of the Indian Stamp Act, 1899?

Ans. The Sub-Divisional Magistrates is declared as Collector under Section 47-A of the Indian Stamp Act, 1899. The Divisional Commissioner is declared as Appellate Authority under this Act.

Q.4 In the case of sale deed, conveyance deed, exchange deed, lease/rent deed, partition deeds, who is liable to pay stamp duty?

Ans. Purchaser has to pay stamp duty on sale/conveyance deeds. In the case of exchange deeds, both the parties have to pay stamp duty in equal shares. In lease/rent deed, it is payable by the lessee. In partition deeds it is payable by the parties in proportion to their respective shares. In all other cases, the stamp duty is generally payable by the executant of the documents.

Q.5 Name the major documents which are compulsorily registrable documents and under which section of the Act.

Ans. Mainly all documents relating to sale, conveyance, exchange, gift, settlement partition, mortgage, lease, decrees and release of immovable property of the value of one hundred rupees or more are compulsorily registrable documents under Section 17 of the Registration Act, 1908. The remaining categories of documents as mentioned in Section 18 of the Registration Act, 1908 are optionally registrable documents.

Q.6 Is it necessary to incorporate full description of the property in the documents?

Ans. Yes, it is necessary to incorporate full description along with map/plan/details of adjoining houses or streets etc. to the boundaries of the property to which a document relates. It should be with reference to the survey number/Town survey number /House number and the village/street/locality, etc (Section 21 and 22 of the Registration Act, 1908).

Q.7 Is there any time limit prescribed to get the documents registered?

Ans. All documents except 'Will' shall be presented for registration within four months from the date of execution (Section 23 of the Registration Act, 1908). Section 25 of the said Act provides for consideration of delay up to four months on payment of a fine not exceeding ten times of the registration fee by the Registrar of the district. 'Will' can be presented at any time before any Registrar or Sub Registrar by the testator or after his death by any person claiming as

executor or otherwise.

Q.8 Can documents relating to the immovable property situated at Delhi be registered at Gurgaon or NOIDA or Ghaziabad?

Ans. No. As per Registration Act, 1908 documents are required to be presented for registration in the office of Sub Registrar/Joint Sub Registrar within whose jurisdiction the property or a portion of the property is situated.

Q.9 Is Power of Attorney compulsorily registrable document?

Ans. Power of Attorney is not a compulsorily registrable document.

Q.10 whether Power of Attorney can be regarded as a title deed?

Ans. Power of attorney cannot be regarded as a title deed because it does not affect any transfer of property.

Q.12 When a document is liable to be stamped?

Ans. All documents chargeable with duty and executed in India shall be stamped before or at the time of execution (Section 17 of the Indian Stamp Act, 1899).

Q.13 In which regularized unauthorized colonies Registry for sale / purchase of property has been opened / allowed, recently?

Ans. Registration of Sale / Purchase of property in r/o unauthorized regularized colonies has been allowed by the Department. The same has also been clarified vide order F.1(179)/Regn.Br./Div.Com/Part File/47 dated 08.02.2011. The list of 567 regularized colonies may be obtained from the website of MCD.

Q.13 Can a WILL be registered in case of immovable property located anywhere in Delhi in any Sub-Registrar offices of Delhi?

Ans. As per section 29 of the Indian Registration Act, 1908, Will may be presented for registration either in the office of the concerned Sub-Registrar or in the office of any other Sub-Registrar under the state government at which all the persons executing and claiming under the document desire the same to be registered.

Q.14 Can a Sub-registrar in Delhi, register any document including WILL in respect of properties in unauthorized colonies of Delhi which has not yet been regularised?

Ans. Order no. PS/Pr. Secy.(Rev.)/2010/127 dated 04.05.2011 issued by Principal Secretary (Revenue) makes it implicit that No instruments including **Will** are registered by the SRs Delhi/New Delhi in respect of properties in unauthorized colonies yet to be regularized.

Q.15 Whether the Revised circle rate for valuation of land and immovable property (Notification) dated 04.02.2011 issued by Revenue Department are applicable to 1639 unauthorized colonies or not which are pending for regularization?

Ans. The revised circle rates for valuation of land and immovable properties are applicable for whole of Delhi. However it may be noted that at present the registration of property transactions in unauthorized yet to regularized colonies has not been opened.

Q.16 Whether, owners of immovable properties in these 1639 unauthorized

colonies are eligible to get their property registered?

Ans. No.

Q.17 Circle Rate in Delhi, of all categories, for sale/purchase of property in Delhi?

Ans. Copy of Notification No. F.1(281)/Regn.Br./HQ/Div. Com./09/45 Dated 04.02.2011 is available on Revenue Deptt. Website.

Q. 18 List of Sub-Registrars, Registrars and SDM appointed in Delhi along with name, office addresses, and contact?

Ans. It is available on deptt. website. www.revenue.delhi.gov.in