

## **New guidelines to smoothen immovable property transactions in Delhi**

**by** Yatin Chadha on December 13, 2014



Through a recent circular, the office of Inspector General of Revenue, Department of Revenue of Delhi issued telling guidelines to all the Sub-Registrar offices with an intendment to provide effective and efficient services to the public and to ensure smooth functioning of the registration process.

These guidelines are passed with the purpose to remove old rigmaroles in the registration process and to bring clarity to immovable property laws, which would make the whole procedure citizen friendly. Some important guidelines issued in the circular are explained herein below.

**Jurisdiction of Sub-Registrar:**

**(i) The documents of which registration is compulsory in terms of Section-17 of the Registration Act, 1908, shall be presented in the office of the Sub-Registrar, in whose jurisdiction whole or part of the property is situated.**

**(ii) All documents, other than will and documents mentioned in (i) above, shall be presented in the office of the Sub-Registrar where the Principal/Executant of the instrument resides**

**(iii) 'Will' may be registered in the office of any Sub-Registrar.**

**Mode of Identification of Parties:**

**AADHAR Number/Enrolment Slip may be demanded to ensure identification of parties. In case a person has no AADHAR Card but he is having enrolment slip, he/she should be permitted to avail the services. In case a person does not possess enrolment slip or a AADHAR Card /Number, he should be asked to apply for the enrolment of AADHAR card immediately at the centre and be provided enrolment slip and after that he can avail the service.**

**Deficiency Memo :**

**If there is any discrepancy in the document presented, the Sub-Registrar shall issue deficiency memo immediately on the same day and at the spot to the parties concerned by a speaking order explaining clearly the deficiency. After removing the discrepancies in the document presented, it shall be registered.**

**Extent of Enquiry as regard title:**

**No power is vested with the Sub-Registrar to examine and enquire into the title of the property. The Sub-Registrar is not entitled to probe-in to the title as mentioned in the instrument in as much as it is for the parties to examine, ensure and verify the true character and title of the subject matter of the instrument.**

**The Sub-Registrar is to ensure only that the executants or duly authorized person, admit the execution of the instrument and if the subject matter of the instrument is immovable property, such property has been properly identified in the instrument and if necessary the site plan is appended or annexed separately to identify the immovable property.**

**The Sub-Registrar shall not keep any document pending on the ground of complaint made by any party, unless there is a stay order granted by court of law to maintain status quo or restraining the transfer of the property.**

**Clarification regarding Power of Attorney:**

**A power of attorney may be executed in the office of Sub-Registrar in whose jurisdiction the Executants/ Principal resides irrespective of existence or place of immovable property.**

**The Sub-Registrar should look into the contents of the document presented for registration in order to ascertain the nature of document and stamp duty chargeable on the same. If the document presented for registration is titled as “General Power of Attorney” but its contents are in the nature of Conveyance, the Sub-Registrar should refer it to the concerned Collector of Stamps for adjudication of adequate stamp duty payable on it.**

**Delivery of document:**

**(i) The documents shall be delivered strictly between 15:00 to 17:00 hours.**

**(ii) It is directed that after registration the document shall be made available for delivery at Delivery Counter, on the same day of presentation of document.’**

**(iii) In case, the person taking the delivery of the document is duly authorized representative of the executants, the delivery clerk shall in addition to the receipt signed by the executants demand authority letter duly executed in his favour authorizing him to take the delivery of document.**

**Properties booked by MCD as Unauthorised:**

**In view of specific direction of Delhi High Court, immovable properties booked by the MCD under unauthorized construction are specifically prohibited from further registration of transaction, particulars of which are available on the website of MCD. Therefore, the Sub-Registrar shall not register documents of properties which are booked by MCD under unauthorized construction.**

**Transfer of Lease hold property:**

**Lease hold properties can be transferred through assignment of lease which is also compulsorily registrable document and the same shall be chargeable to duty as per the schedule-1A of the Stamp Act.**

**Agreement to Sell:**

**An agreement to sell in respect of immovable property is a valid document to be registered if so desired by the parties and as such registration of it cannot be refused by Sub-Registrar.**

**Builder-Buyer agreement or Collaboration:**

**In case of developer or collaboration agreement, the owner transfers his property for development / collaboration to the builder against consideration and hence, such documents are compulsorily registrable. The same principle applies in case of builder buyer agreement also, in which possession is handed over against consideration and as such the Sub-Registrars are bound to register such document on presentation.**

**Time limit for Presentation of documents:**

**All documents, other than Will, shall be presented for registration within four months of its execution. If the document presented is beyond the prescribed time limit, the Sub-Registrar shall refer the same to the Registrar who may allow it, if the delay in presentation does not exceed four months, on payment of fine which may exceed to ten times of the registration fee.**

**This circular would hopefully be an end to the confusions and uneasiness erupted in the process of registration of the documents and would further, encourages people to become safer by following process of law while transacting with immovable property.**

**(The writer is an advocate. He can be contacted at [yatin.co@gmail.com](mailto:yatin.co@gmail.com))**