

Stamp
And
Registration
Assistance
Through
Helpline
Information

SARATHI
सारथी



**Department of
Registration and Stamps**

Government of Maharashtra



The emblem of the Registration and Stamps Department has Marathi alphabets 'नो' and 'मु' embedded in a Swastik design. The emblem symbolises speedy and citizen friendly service. The emblem suggests that the department is bound to provide the following –

1. Efficient and speedy public service
2. Completion of work in specified time
3. Transparent work systems
4. Equal and courteous treatment to all
5. Citizen friendly seating arrangement
6. Encouraging work environment.

Vision

The Registration and Stamps Department provides document registration services to the people as per the Registration Act and collects revenue through stamp duty as per the Stamp Act. The vision of the department is to be the best department in providing services of document registration and revenue collection.

Mission

The mission of the department is to effectively use modern technology to provide services of document registration and collection of stamp duty to the people using well defined procedures, with right means, in specific time frame and in transparent manner.



सत्यमेव जयते

Chief Minister

Foreword



The Department of Registration and Stamps is pioneer in the country for transforming the entire process of registration of documents and collection of stamp duty. It is the first department to completely computerize the registration process and implement centralized registration. I am proud to say that it is also the first department to start 'e-Registration' for first sale of flat by large housing projects as well as for the leave and license agreement. The e-Registration does away with the need to visit Sub Registrar office and thus facilitates hassle-free and speedy registration.

The Government of Maharashtra has resolved to ensure 100% of revenue collection through e-Payment via GRAS (Government Revenue Accounting System). It is heartening to note that the Department of Registration and Stamps which earns Rs. 19,000 Crores of revenue for the State Government is collecting more than 94% of its revenue through e-Payment using GRAS.

Our Government has taken a conscious decision to improve the levels of service delivery, increase transparency and ensure accountability in the entire Govt. system. With these objectives in mind, the Govt. has started the process of enacting 'Right to Service' for the citizens. I am glad to know that the Department of Registration and Stamps has taken right steps in this direction and has prepared a comprehensive and user-friendly book SARATHI which would be helpful for the citizens visiting this department.

SARATHI provides complete information about the department and its processes in a lucid language, on a single platform and through multiple modes of access. I am sure it would prove to be a big catalyst in increasing the satisfaction level amongst the citizens who avail the services of this department.

I congratulate the Secretary, the IGR and the entire machinery of the Department for this innovative citizen-centric project!

15th March 2015
(Devendra Fadnis)



Looking back...

Registration and Stamps Department is related to some of the most important events in person's life. It incorporates buying and selling of immovable property, payment of stamp duty, marriage registration and such activities. It is estimated that about two crore citizens avail the services of the department annually.

The Registration Act came into force in India in 1908. However, its foundation is seen in the document registration system used by the then East India Company in the 18th century in areas under its rule. During the British period the authority to register documents vested with the Magistrates. Later on, a separate system was evolved for this purpose and thus a separate registration department came into being.

Collection of tax through stamp duty began in 1815, in Mumbai. Thereafter in 1827, a separate system and offices were established for sale of stamps and collection of stamp duty in the Bombay region. Thus, the system of stamp duty collection has a history of about two centuries.

After Independence, the Registration Department functioned under the Revenue and Forest Department under the control of Settlement Commissioner. Considering the nature of work, expanse and importance of Registration Department and Stamps Department, a new department was formed in 1988 by merging the two departments. This new unified Department of Registration and Stamps started functioning under the control of Inspector General of Registration and Controller of Stamps.

Since then, the graph of this department has been consistently on the rise. The new activities included streamlining of stamp duty rates from time to time, conceptualization of market value and implementation of annual statement of rates. These measures led to increase in the revenue of the department and in turn have significantly contributed in the development of the State. Today, the Registration and Stamps department ranks second after Sales Tax department in terms of revenue collection.

In the last few years, the department has made significant changes in the system of document registration. 'SARITA', the computerised system for registration of document was introduced in 2002. In 2012, 'i-SARITA', a centralized web based online registration system was introduced for efficient registration. The department has also introduced online facilities like e-Payment, e-Search, e-ASR etc. The department has recently introduced 'e-Registration', an online registration system to facilitate registration of first sale of flats in large housing projects and also of leave and license agreements, without having to visit the Sub Registrar's office. The department is continuing its revolutionary steps for delivering speedy, efficient and citizen friendly service.





Minister, Revenue

Foreword



The Department of Registration and Stamps is serving the citizens through 507 Sub Registrar offices spread across the State and is visited by about 2 crore citizens every year. It is the second highest revenue earning department for the State.

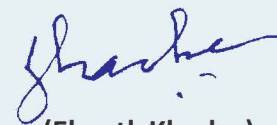
The department believes in expanding the use of e-Governance in it's functioning. Apart from the computerized registration process, the department has launched various e-Governance initiatives like e-Search, e-Step in, PDE, e-Payment, e-Filing, e-Registration etc. These e-services have increased the speed, efficiency and transparency in provision of services by the department.

In spite of the provision of proactive disclosure of information under Right to Information Act, it is often seen that complete and standardized information is not easily available to the citizens and the citizens remain largely ignorant about the Govt. departments, its processes and projects.

Realizing this challenge, the Department of Registration & Stamps has undertaken a novel initiative of providing information about its activities and processes in FAQ format in this book, 'SARATHI'. The information has also been made available to the citizens through various modes like Helpline, Book, Website, Mobile application.

I congratulate the department for releasing English version of SARATHI. I am sure, the citizens will greatly benefit from this initiative.

15th March 2015


(Eknath Khadse)



About the Department

- The Department of Registration and Stamps is under the aegis of the Revenue Department and is under the control of the Revenue Minister.
 - At the Mantralaya level, the Secretary (Relief and Rehabilitation) is the Secretary of the Department.
 - The Inspector General of Registration and Controller of Stamps is the head of the Department with office at Pune.
- A) The organizational structure of the Department at the field level is as follows-
- There are 507 offices of Sub-Registrars (SR), normally one at each taluka level, for document registration.
 - There are 34 offices of the Joint District Registrars (JDR) to supervise the offices of the Sub-Registrar.
 - For the subject of Stamp Duty, the Joint District Registrar also works as the Collector of Stamps (CoS) in all districts, except in Mumbai City and Mumbai Suburban districts.
 - In Mumbai City and Mumbai Suburban districts, there are 6 separate offices of Collector of Stamps for the subject of Stamp Duty.
 - There are 8 Divisional Offices i.e. Mumbai, Pune, Thane, Nashik, Aurangabad, Nagpur, Amravati and Latur. These offices are under the control of the Deputy Inspector General of Registration (DIG) and Deputy Controller of Stamps.
 - The Collector of Stamps in Mumbai City and Mumbai Suburban districts are under the control of the Additional Controller of Stamps (ACS), Mumbai.
- B) In Maharashtra, the Sub-Registrar at the district headquarter also conducts the registration of special marriages. But there are independent offices of Special Marriage Officer in the districts of Mumbai City, Mumbai Suburban and Pune.
- C) There are 7 offices of the Assistant Director, Town Planning (Valuation) at the regional level for the purpose of preparing the Annual Statement of Rates. These offices work under the control of the Joint Director, Town Planning (Valuation), Pune.
- D) The Government Photo Registry Office, Pune looks after the work of preservation of records of the photographed copies of old documents.
- E) The website of the Registration and Stamps Department is www.igrmaharashtra.gov.in.



Minister of State, Revenue

Foreword



The Department of Registration and Stamps does registration of 9000 documents every day through more than 500 offices of Sub Registrars spread across the State. The department also does daily collection of revenue of more than Rs. 60 Crores through Stamp Duty. The department has completely transformed the process of registration and collection of stamp duty effectively using the tool of e-Governance.

Routine functioning of department is technical in nature and it's unfair to expect ordinary citizens to possess detailed knowledge about it. Considering the number of citizens coming to the department for their personal work, it was essential to provide all information about the department in simple language and at one place and this has been accomplished successfully by the Dept. through this book, SARATHI.

SARATHI which aims at providing complete and standardized information about the department was rolled out on 15th Aug. 2014. I am proud to present the English version of the book 'SARATHI' and I am confident that this would further improve the confidence of the citizens in the department and its processes.

15th March 2015

(Sanjay Rathod)



In service of citizens...

The activities of Department of Registration and Stamps are carried out as per the following Acts -

1. The Registration Act, 1908
2. Maharashtra Stamp Act (earlier known as Bombay Stamp Act, 1958)
3. Special Marriage Act, 1954

The main activities carried out under these Acts are as follows-

1. Regarding Registration

- Registration of Documents
- Preparation of copies of documents, preserving the records and providing certified copies
- Preparing Index of documents and providing certified copies of the same
- Providing search of copies and index of documents
- Providing information about registered documents pertaining to transfer of immovable properties to concerned agencies for mutation entries in the property card.

2. Regarding Stamps

- Implementation of Stamp Act
- Recovery of Stamp Duty as per Stamp Act
- Adjudication for deciding Stamp Duty applicable for a document
- Refund of Stamp Duty
- Supervision and control of various modes of payment of Stamp Duty
- Preparation of Annual Statement of Rates of immovable properties for the purpose of Stamp Duty collection

3. Regarding Marriage

- Solemnization of marriage as per the Special Marriage Act, 1954 and to provide marriage certificate
- Marriages that have already been solemnized can be registered as per Special Marriage Act, 1954

Through effective use of e-governance, the Department has provided following important services to the public for speedy and transparent delivery of services -

- | | |
|----------------------|---------------------------------------|
| 1. I-SARITA | 2. e-Payment |
| 3. Public Data Entry | 4. e-Step in |
| 5. e-filing | 6. e-Search |
| 7. e-ASR | 8. Public Data Entry (PDE) for filing |
| 9. e-Registration | 10. Marriage Registration |



सत्यमेव जयते

Chief Secretary

Foreword



I am happy to know that, the Dept of Registration and Stamps which is one of the most computerized departments of the State Govt. is taking steps to make the entire process of document registration and collection of stamp duty more citizen friendly.

The Govt. of Maharashtra has taken steps to simplify the Govt. processes in order to provide better and quick service to the citizens. While, extensive Business Process Reengineering (BPR) is being done at the Govt. end, the efforts to increase the awareness levels amongst the citizens are also important. In this direction, while the Department of Registration and Stamps has started an unique project of 'e-Registration' and has ensured foolproof system of collection of stamp duty through e-Payment using GRAS (Government Receipt Accounting System) on one hand, it has taken right steps to empower the citizens through this book SARATHI.

SARATHI aims at providing complete information about the department and its activities using a user friendly format i.e. FAQs. The information is not only comprehensive but is also standardized and is available through 6 different modes – Book, Website, PDF Book, E-Book, Mobile application and Helpline.

The Department of Registration and Stamps rolled out SARATHI in Marathi on 15th Aug 2014 and it is worth mentioning that more than 2.5 lakh citizens have already benefitted from it. I am very happy to present the English version of SARATHI and I am sure this would prove to be a great boon for the citizens.

(Swadheen Kshatriya)

15th March 2015



Boosting development...

Year	Sub-Registrar Offices	Documents registered	Revenue collected (Rs. Crores)
1991-92	310	8,41,661	364
1993-94	310	8,86,357	613
1995-96	310	9,23,290	1,240
1997-98	310	9,91,031	1,659
1999-00	310	11,76,555	1,928
2001-02	353	13,22,660	2,446
2003-04	353	14,01,953	3,401
2005-06	384	16,03,718	5,308
2007-08	439	18,47,529	8,538
2009-10	469	19,87,280	10,902
2011-12	485	23,14,218	14,800
2013-14	507	23,30,373	18,666

- Average number of documents registered per day - 9,000
- Average number of citizens visiting department per day – 74,000



Secretary,
Relief & Rehabilitation

Foreword



The Dept. of Registration and Stamps provides the service of document registration as well as collects the revenue in the form of stamps duty. Since 2002, the Dept. has taken important steps to computerize the entire processes of document registration and collection of stamp duty so as to make the entire process more easy, transparent and efficient for the citizens.

The e-Governance initiatives of the include 'e-Search' for searching documents registered earlier, 'e-Step in' for booking time slot for registration of document, 'PDE' for enabling the citizen to enter data for his document, 'e-Payment' to pay stamp duty and registration fee online, 'e-SBTR' to pay stamp duty and registration fee in a secured and modern mode, 'e-Registration' to enable the citizens to register the sale deed of their flat in large housing complex as well as for leave & license agreements without having to visit the sub registrar offices. The department intends to provide speedy and transparent services to the citizens with the help of various e-initiatives.

While the department has done commendable job in providing e-Services, consolidated information on these e-Services and functions of the department was not available at one place, forcing citizens to often depend on other person resulting into wastage of their time and money. Considering this issue, the department has published all relevant information in a lucid format in 'SARATHI.'

'Information is Wealth' and I am happy to present this wealth to the citizens in the form of 'SARATHI'. I am sure that this information will be useful to the citizens and would increase confidence amongst the citizens about the department.

15th March 2015

(Dr. K. H. Govinda Raj)



The team....

Concept & Editor

Dr. Shrikar Pardeshi (I.A.S.)

Inspector General of Registration and
Controller of Stamps, Maharashtra State, Pune

Editorial Assistance

Sanjay Kolte

Rajendra Kshirsagar

Sudhakar Nangnure

Prakash Ahirrao

Santosh Hingane

Subhash Satpute

Gopinath Kolekar

Bharat Garud

Vijay Bhalerao

Srikant Waghmare

Printing Assistance

Shrihari Khurd

Ashish Kamble

Hemant Patil

English Translation

MCHI-CREDAI, Mumbai

Proof Reading

Nayana Gunde

Chandrakant Pulkundwar

Amol Yadav



Cover Page- Design:

Nayan Barhate, Nanded (9422170623)

Prashant Killekar, Dombivli (9820548717)

Printer:

Pravin More,

Hira Print Solutions Pvt. Ltd., Navi Mumbai

& Shubham Enterprises, Thane

(9022196369)

Publisher:

Shri Chintaman Bhurkunde

Dy. Inspector General of Registration (HQ),

Office of Inspector General of Registration,

Pune

(Disclaimer: The purpose of this book is to educate the citizens about the department, its processes and the legal provisions, in simple language. Whenever a question arises about the legal interpretation of an issue, the reader is requested to refer to the original Act, Rules and Circulars on the same.)



Inspector General of Registration
and Controller of Stamps

Foreword



Considering the nature of services delivered by Dept. of Registration and Stamps, i.e. registration of documents of properties, collection of stamp duty and preparation of annual statement of rates, it was important to provide complete information about these technical subjects in a comprehensible manner. With this background, the department has started 'SARATHI', a system to provide detailed information to citizens regarding functioning of department in simple language.

Many senior officers of department have worked very hard to write chapters of this book. Sanjay Kolte, Rajendera Kshirsagar, Nayana Gunde, Prakash Ahirrao, Chintaman Bhurkunde, Sudhakar Nangnure and Shrihari Khurd along with Santosh Hingane, Subhash Satpute, Vijay Bhalerao, Gopinath Kolekar, Bharat Garud, Shrikant Waghmare, Ashish Kamble and Pandurang Kondhavale are some of them. I would like to specially mention Santosh Hingane had who has given significant contribution for SARATHI. I would like to mention here that Rajesh Narvekar, Deputy Secretary and Jyotsna Madekar, Desk Officer have also contributed in the planning and preparation of this book.

To ensure that the information provided in this book is correct, complete and standardised, external experts have also contributed and its worth mentioning some names here viz Adv. Madhavrao Patwardhan, Adv. Narayan Naik, Adv. Chandan Phartale, G. Y. Limaye, Ashwin Trimal, Anupam Saraf, Shrikant Joshi, Adv. Dhanesh Deshpande, Adv. Mukund Kulkarni, Devdatta Kulkarni and Nihar Adkar. In addition some officials of department have also put in a lot of efforts in the preparation of this book and I would like to acknowledge the contribution of Sudhir Nakod, Dipak Sonawane, Anil Parkhe, Udayraj Chavan, G. R. Raut, R. L. Patil, Narayan Rajput, Ramesh Kale, Manisha Miskar, Suryakant Manyal, Vivek Vichare, Sunil Samdadiya, D.D. Mali, A.R. Mohite and S.R. Deskar.

SARATHI was rolled out in Marathi on 15th Aug. 2014. I am happy to present the English version of this book. I acknowledge the valuable efforts of MCHI-CREDAI, Mumbai in translating the book into English. I thank the CEO Mr. Shahjad Hussain, Ex IAS and all the office bearers of MCHI-CREDAI for this kind gesture. I also appreciate the key role played by Chandrakant Pulkundwar and Amol Yadav in this process of translation.

I am confident that as all the information about the department has been provided in simple terms in this book; the citizens will find it easy to use it effectively and confidently.

(Shrikar Pardeshi)

15th March 2015



Please note...

Detailed information regarding Registration of Documents and Stamp Duty is available in question answer form and simple language through

SARATHI & Citizen's Charter
on
www.igrmahhelpline.gov.in

(The information is available in the form of
FAQs, PDF Book, Mobile App & e-Book)

In case of any difficulty in obtaining the services of the
Department of Registration and Stamps, please call

SARATHI Helpline
Ph. No. 8888007777

(From 7.00 am to 9.00 pm, On all days including holidays)

For information about all the services rendered
by the Department, please log on to

www.igrmaharashtra.gov.in

Easy Availability of Information - Transparent & Efficient Administration



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PART

1

Introduction of the Department

Shri Prakash Ahirrao
Deputy Inspector General of
Registration (Computerization),
Office of the Inspector General of
Registration, Pune

Shri Vijay Bhalerao
Desk Officer
No.9 (Establishment),
Office of the Inspector General
of Registration, Pune

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Part 1 – Introduction of the Department

General Information about
the Department

- 1.1. Working and Administrative Set up of the Department
- 1.2. Offices of the Sub-Registrars
- 1.3. Offices of the Joint District Registrars
- 1.4. Offices of the Collector of Stamps
- 1.5. Offices of the Deputy Inspector General of Registration
- 1.6. General Stamps Office, Mumbai
- 1.7. Office of the Government Photo Registry, Pune
- 1.8. Office of the Inspector-General of Registration and Controller of Stamps, Maharashtra State, Pune
- 1.9. Public Information Officers
- 1.10. Supervision and Control System

1.1. Working and Administrative Set up of the Department

Que. 1 What is the nature of duties performed by the Department of Registration and Stamps?

Ans. The statutory responsibilities of the Department of Registration and Stamps are as follows:

1. To register document as per provisions of the Registration Act, 1908
 2. To implement Maharashtra Stamps Act (Earlier Mumbai Stamps Act, 1958)
 3. To solemnise marriage according to Special Marriages Act, 1954
- In accordance with the provisions of these Acts, the Department performs the following duties:
- A. Registration-**
- Registration of Documents
 - Preservation of records of documents and issue of certified copies
 - Preparation of index of documents and issue of certified copies
 - To Make available copies and indexes of documents for inspection as per demand
 - To send Intimation or information of documents of transfer of immovable property for changes in record of rights of the properties to concerned officers of the revenue department.
 - To frame rules for implementation of the Registration Act.
 - To make necessary amendments in the Registration Act.
- B. Stamps-**
- To implement the provisions of Maharashtra Stamps Act.
 - To recovers Stamp Duty as per the provisions of the Maharashtra Stamps Act

- To determine the stamp duty (Adjudication)
- Refund of stamp duty
- Management and control of different methods of payment of stamp duty
- To prepare Annual Statement of Rates [Ready Recknor] of immovable properties for the purposes of determination of the market value and stamp duty
- To make necessary amendments in the Registration Act.

C. Marriage

- Solemnise marriages and issue certificates as per the provisions of Special Marriages Act, 1954.
- Register the marriages already taken place, as per the provisions of Special Marriages Act

Que. 2 What is the administrative Set up the Department of Registration and Stamps ?

Ans.

- Department of Registration and Stamps functions under the jurisdiction of Revenue Department of the state government and is under the control of the Minister (Revenue).
- At Mantralaya level, Secretary (Relief and Rehabilitation) is the Secretary of the Department.
- Inspector General of Registration and Controller of Stamps is the head of this department and his office is situated at Pune.
- The structure of the Department at field level is as follows: -
 1. For purposes of document registration, there are 507 offices of Sub-Registrar in the entire state, generally in the scale of one for each taluka.
 2. There are 34 offices of the Joint District Registrars for administrative supervision and control over the offices of the Sub-Registrar.
 3. Except Mumbai City and Mumbai Suburban districts, for other districts the Joint District Registrar acts as the Collector of Stamps for the district.
 4. In Mumbai and Mumbai Suburban districts, there are 6 independent offices of Collectors of Stamps for performing the duties prescribed under the Maharashtra Stamp Act.
 5. In the state there are 8 regional divisions of this department i.e. Mumbai, Pune, Thane, Nashik, Aurangabad, Nagpur, Amravati and Latur. These regional divisions are headed by concerned Deputy Inspector General of Registration and Deputy Controller of Stamps.
 6. Collectors of Stamps of Mumbai City and Mumbai Suburban Districts are under the control of Additional Controller of Stamps, Mumbai.
 7. The demand supply and distribution of stamp papers in the state is controlled by the Additional Controller of Stamps, Mumbai.
 8. The Sub-Registrars of district headquarters in the state also perform the work of registration of special marriages. However, there are independent offices of Marriage Officers for the three districts i.e. Mumbai City, Mumbai Suburban district & Pune.
 9. There are 7 offices of Assistant Directors, Town Planning (Valuation) at the regional level for preparing Annual Statement of Rates [Ready Recknor] and they work under the control of the Joint Director Town Planning (Valuation) whose office is situated at the state level in Pune.
 10. In order to preserve the records of documents photographed earlier, there is a Government Photo Registry Office functioning at Pune.

Que. 3 What is the existing mechanism with regard to document registration in the Department of Registration and Stamps ?

- Ans.**
- According to the provisions of the Registration Act, the rights to register documents vests in the Sub-Registrars and there are 507 offices of the Sub-Registrars working in the state. In general, one Sub-Registrar working for each taluka.
 - According to the provisions of the Registration Act, the Sub-registrars in respect of registration of documents is under the control and supervision of Joint District Registrar. There are in all 34 offices of Joint District Registrars in the State.
 - The Deputy Inspector Generals of Registration exercise an administrative control over the working of the Joint District Registrar and Sub-registrars of the respective regional division.
 - The entire registration machinery of the State is under the control of Inspector-General of Registration and Controller of Stamps.

Que. 4 What is the machinery for implementation of Stamp Act?

- Ans.**
- All the Joint District Registrars in the State (except Mumbai City and Mumbai Suburban district) have also been designated as Collectors of Stamps as per the Maharashtra Stamps Act.
 - For Mumbai City District there is an independent office of Collector of Stamps and there are three independent offices of Collector of Stamps for the 3 talukas of Mumbai Suburban District Viz. Andheri, Borivali and Kurla.
 - To adjudicate in respect of stamp duty, to determine the market value of property for purposes of calculation of stamp duty to recover arrears of stamp duty and to refund stamp duty etc. are the duties performed by Collectors of Stamps.
 - Any person aggrieved by any order of the Collector & Stamp determining the market value, may file an appeal to the Deputy Inspector General of Registration and Deputy Controller of Stamps and to Additional Controller of Stamps in Mumbai city & Mumbai Sub urban districts.
 - Any person aggrieved by any order of the Collector & Stamp regarding classification of a document, may file an appeal to the Inspector General of Registration and Chief Controlling Revenue Authority, Maharashtra State, Pune.

Que. 5 What is the machinery for preparing Annual Statement of Rates (Ready Recknor)?

- Ans.** The procedure of preparing Annual Statement of Rates (Ready Recknor) has been laid down in the Maharashtra Stamp (determination of the market value of property) Rules, 1995. as follows.
- The work of preparing Annual Statement of Rates (Ready Recknor) is carried out by the Deputy Directors/Assistant Directors, Town Planning, (Valuation) of regional divisions of Mumbai, Pune, Thane, Nashik, Nagpur and Amravati. For the two regional divisions of Aurangabad and Latur this work is carried out by the Assistant Director, Town Planning (Valuation), Aurangabad.
 - The Joint Director, Town Planning,(Valuation), Maharashtra State, Pune prepares the proposal of Annual Statement of Rates (Ready Recknor) for the state with the assistance of the Deputy Director/Assistant Director, Town Panning (Valuation) and submits them for sanction to the Inspector General of Registration and Chief Controlling Revenue Authority, ,
 - The Annual Statement of Rates (Ready Recknor) are finalized after sanction by the Inspector General of Registration and Chief Controlling Revenue Authority and are implemented from 1st January of each year.

Que. 6 What is the administrative set up existing in the Department in respect of registration of marriages?

Ans. According to the Special Marriages Act, 1954, following duties are performed by the Marriage Officers:

1. To solemnise the marriage of willing bride-bridegrooms and issue Certificate of Registration of Marriage.
2. To register already solemnised marriages under the Special Marriage Act.
 - The Sub-Registrars in the district headquarters of the state perform the duty of registration of special marriages in that district.
 - There are independent offices of Special Marriage Officers for the three districts i.e. Mumbai City, Mumbai Suburban and Pune district.
 - The work of registering marriages solemnised as per vedic tradition was being performed earlier by the Sub-Registrars in accordance with the provisions of Maharashtra Marriages Board Regulation and Marriage Registration Act, 1998. However, now this work has been entrusted with the Marriage Registrars appointed at the concerned Local Self Government Body.

1.2. Offices of the Sub Registrar

Que. 7 What is the nature of work carried out at the Office of the Sub- Registrar of the Department of Registration and Stamps?

Ans. The following work is carried out at the office of the Sub-Registrar as per the Registration Act, 1908.

- To register documents.
- To prepare copies of registered documents, to preserve them and to issue certified copies as per the demand.
- To prepare Indexes of registered documents and issue certified copies as per the demand.
- To make available the copies and indexes of registered documents as per demand for inspection and search of transactions.
- To send to concerned machinery the information about registered documents of transfer of immovable property for making necessary mutation entries in the record of rights(7/12 and property card). All the said work is carried out using Centralised Computerised Document Registration System.

Que. 8 How is the computerized system for registration of documents being implemented at the Offices of Sub-Registrars?

- Ans.**
- The computerised system for registration of documents in the Offices of Sub-Registrars of the Department of Registration and Stamps being implemented since 2002. This system was named as SARITA (Stamp and Registration Information Technology Application)
 - Since 2012, I-SARITA system is being implemented for registration of documents in the state wherein all Offices of Sub-Registrars have been connected with a central server through MPLS-VPN connectivity and after document registration all information about the document along with scanned image is being stored in the central server.
 - The computerised system of Registration is implemented in the Offices of the Sub-Registrars on the principle of public private partnership.
 - In the Office of Sub-Registrar, the implementation of computerised document registration

system, meant for registration of documents, is based on the principle of partnership with private operators.

- The responsibility of supplying MPLS-VPN connectivity, providing skilled manpower, supplying requisite stationary and maintenance of hardware etc. to the Office of Sub-Registrar has been entrusted to concerned private party

Que. 9 How does the division of work generally take place between the Sub-Registrars and their staff on the one hand and private computer operators on the other hand in the Offices of Sub-Registrars?

Ans. The computerised registration system (i-SARITA) for registration of documents is implemented in the Offices of Sub-Registrar on the principle of partnership with private operators on build, operate and transfer (B.O.T.) basis.

- All statutory and administrative duties in respect of registration of documents are performed by the Sub-Registrar and his office staff.
- No statutory or administrative work in the document registration procedure is assigned to private computer operators.
- The computer operators of private operator are expected to carry out, in the context of the computerised system for document registration, only the supplementary work like making data entry as per requirement, taking photographs and thumb impressions of the parties, scanning of documents, drawing of thumbnail prints and other reports etc. as per the instructions and under the control of the Sub-Registrar.

Que. 10 Where can citizen get the information about the area of jurisdiction, telephone number, e-mail ID and address of the Offices of the Sub-Registrars in the state?

Ans. The information about the area of jurisdiction, telephone number, e-mail ID, and list of addresses of Offices of the Sub-Registrar in the state is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Organization' and sub heading Offices'.

Que. 11 What are the working time for the Offices of Sub-Registrars in the state?

Ans.

- The offices of the Sub-Registrars in the state are at work from 10 am to 5.45 pm and the documents can be submitted for registration during this period.
- However, for the convenience of citizens, few offices in Mumbai city, Mumbai suburban district, Thane, Kalyan, Panvel and Pune cities are working from 7 a.m. to 2 p.m. and few offices from 2 p.m. to 9 p.m.
- Besides this, for the convenience of citizens few offices in Pune and Panvel are working on Sundays and second and fourth Saturdays. But these offices are closed on Thursdays and on second and fourth Wednesdays. The detailed list is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in at List of Holidays.

1.3. Offices of the Joint District Registrar

Que. 12 What is the nature of work carried out at the Offices of the Joint District Registrar?

Ans. The Offices of the Joint District Registrar mainly perform duty of general supervision and control over the Offices of the Sub-Registrars in their area. From this point of view, following activities are carried out in the Office of Joint District Registrar:-

1. To guide the Sub-Registrars from administrative point of view.
2. To inspect the working of the Office of Sub-Registrar.
3. To regulate the establishment matters.
4. To sanction correction of errors in the records of the registered documents.
5. To condone the delay in presentation of documents or admission of document after 4 months after execution.
6. To decide on appeals against decision of the Sub Registrar to refuse registration of a document.
7. To redress the complaints and resolve the difficulties related to the Offices of the Sub-Registrar.

Que. 13 Where can the citizen get the information about area of jurisdiction, telephone numbers, e-mail ID and addresses of the Offices of the Joint District Registrars in the state?

- Ans.**
- The Office of the Joint District Registrar is functioning at district level for each revenue district in the state.
 - For administrative convenience, offices of separate Joint District registrars are functioning in the districts of Pune, Thane and Nagpur for urban area and rural area.
 - Separate offices of Joint District Registrars do not exist for the newly created districts of Washim, Gondia, Hingoli, Nandurbar and Palghar; the Joint District Registrars of Akola, Bhandara, Parbhani, Dhule and Thane (Rural) districts, respectively, look after the work of those new districts. Information about the area of jurisdiction, telephone numbers, e-mail IDs and list of addresses etc. is available on the website of the Department of Registration www.igrmaharashtra.gov.in under the heading 'Organization' and sub heading 'Offices'.

1.4 Offices of the Collector of Stamps

Que. 14 What is the nature of work carried out at the Offices of the Collectors of Stamps?

- Ans.** The following duties are performed at the Office of the Collector of Stamps as per the Maharashtra Stamp Act.
1. To adjudicate the amount of stamp duty to be paid for a document.
 2. To recover the balance amount of stamp duty with fine/penalty.
 3. If required, to determine market value of property for this purpose.
 4. To refund stamp duty.
 5. To search evasion of duty and to recover it.
 6. To control & regulate the licensed stamp vendors.

Que. 15 Where can citizen get the information about the area of jurisdiction, telephone numbers, e-mail ID and addresses of Offices of the Collectors of Stamps in the state?

- Ans.**
- The Joint District Registrars in the state themselves have been designated as Collector of Stamps for their respective work area (except Mumbai City and Mumbai Suburban district).
 - However, there is an independent Office of the Collector of Stamps for Mumbai City district and three Collector of Stamps for the three talukas, of Mumbai Suburban District viz Kurla, Andheri and Borivali.
 - Information about of jurisdiction, telephone numbers, e-mail ID, and list of addresses of all these offices is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Organization' and sub heading 'Offices'.

1.5 Offices of the Deputy Inspector General of Registration

Que. 16 How many regional divisions of the Department of Registration and Stamps exist in the state and which are the districts included in them?

Ans. There are eight regional divisions of the Department of Registration and Stamps in the state as follows:-

Sr. No.	Division	Districts included
1.	Mumbai	Mumbai City and Mumbai Suburban District
2.	Pune	Pune, Satara, Sangli, Solapur and Kolhapur
3.	Thane	Thane (with Palghar), Raigad, Ratnagiri, Sindhudurg
4.	Nashik	Nashik, Ahmednagar, Jalgaon, and Dhule (with Nandurbar)
5.	Aurangabad	Aurangabad, Beed and Jalna
6.	Nagpur	Nagpur, Chandrapur, Gadchiroli, Bhandara (with Gondia)
7.	Amravati	Amravati, Yavatmal, Buldhana, and Akola (with Washim)
8.	Latur	Latur, Nanded, Usmanabad and Parbhani (with Hingoli)

Que. 17 Where can the citizens get the information about names, addresses, telephones, e-mail IDs of Offices of the Deputy Inspector General of Registration of different regions ?

Ans. The names, addresses, telephones and e-mail ID's of Offices of the Deputy Inspector General of Registration for different regions are available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Organization' and sub heading 'Offices'

Que. 18 What is the nature of work carried out at the Offices of the Deputy Inspector General of Registration?

Ans. The Deputy Inspector General of Registration functions as the departmental head for his regional division.

- The Deputy Inspector General exercises administrative control over the working of the Offices of Joint District Registrars and the Sub-Registrars. The inspection of the working of Offices of the Joint District Registrar and the Sub-Registrar is performed by the Deputy Inspector General of Registration.
- Except Mumbai, remaining all the Deputy Inspector Generals of Registration of all regional divisions also function as Deputy Controller of Stamps for the respective regions and perform following duties.
 1. To sanction the cases of refund of stamp duty wherein the amount involved is above rupees one lakh and upto 10 lakhs.
 2. To decide appeals filed by aggrieved persons against the decision of Collector and Stamps to determine the Market Value
- In Mumbai division, the duties of Deputy Controller of Stamps are performed by the Additional Controller of Stamps.

1.6 General Stamp Office

Que. 19 What is the address of the General stamp Office?

Ans. The address of the General Stamps Office is 'Town Hall, Asiatic Library building, Fort, Mumbai-400001'.

Que. 20 What type of work is done by the General Stamps Office?

Ans. Additional Controller of Stamps is the head of the General Stamp Office. Following duties are mainly performed by this office :-

1. To exercise administrative control over the working of the Collector of Stamps in Mumbai Region (Mumbai City, Andheri, Kurla, Borivali, Enforcement1 & Enforcement 2)
2. To sanction refund of stamp duty in excess of rupees 1 lakh up to rupees 10 lakh.
3. To decide the appeals filed by aggrieved persons against decision of the Collector of Stamps regarding determination of market value of Property.
4. To register demand for traditional stamps (Stamp papers and Adhesive stamps) for the state at Security Press, Nashik/Hyderabad and after receiving the stock of stamps, supply it to all the District Treasuries in the state as per demand.

Que. 21 What is the arrangement for demand, supply, distribution and sale of stamp papers in the state?

Ans. Arrangement for demand, supply, distribution and sale of traditional system stamps (Stamp papers and Adhesive stamps) in the state is as follows: -

1. Treasury Offices of all the districts of the state send their demand of stamps to the General Stamp Office.
2. Accordingly the demand of stamps required for the state is registered at the Security Press, Nashik/Hyderabad.
3. As per the demand registered by the General Stamp Office, the stamps are supplied to the General Stamp Office, Mumbai by the Security Press, Nashik / Hyderabad.
4. Subsequently, these stamps are distributed by the General Stamp Office to the concerned treasuries as per their demand.
5. The concerned Treasury Offices sell the stamps received by them to the stamp vendors and directly to the citizens.
6. The Licenced Stamp Vendors sell these stamps to the public as per their demand but within the prescribed limit.
7. In Mumbai Division, the work of supplying Stamps to stamp vendors is carried out only by the General Stamps Office.

Que. 22 What are the Centres at which Stamp papers and Adhesive stamps are available to the citizens in Mumbai Division?

Ans. In Mumbai, Stamp papers and Adhesive stamps are made available to the citizens at the following centres:

Sr. No.	Category of stamp	Stamp cell centers
1.	Non-judicial	Through Licenced Stamp Vendors (List is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in)
2.	Judicial stamp paper and judicial Adhesive stamps	i) At window number 13 of the General Stamps Office, Mumbai ii) At the Sale Centre of the General Stamps Office located in premises of Mumbai High Court iii) At Licensed Stamp Vendors(up to Rs.3000/-)
3.	Insurance Stamps (up to Rs. 100), notarial stamps and Indian revenue stamp	At window number 13 in the General Stamps Office
4.	Special Adhesive Stamps required for gas agency agreement	Window Number 12 of the General Stamps Office.
5.	i) Bill of Exchange ii) Debentures iii) Promissory Notes iv) Letters of credit v) Insurance documents.	Given by franking at General Stamps Office after online payment of amount through GRAS system (Within limit of Rs. 5000/-)
6.	Share transfer	By franking through B.O.I. Shareholding limited (BOISHCL) up to limit of Rs.5000/-.

1.7 Office of Government Photo Registry- GPR

Que. 23 What is the nature of functioning of Office of the Government Photo Registry, Pune ?

Ans. As per the provisions of the Registration Act, copy of registered documents has to be preserved in the concerned registration book of Sub-Registrar office Initially, the system of writing by hand for preparing copy was prevailing. Later on, system of photography began from year 1930 In this system, after a document was registered, the original document was sent to the Photo Registry Office, Pune for photographing the same. After completing the photography of that document in that office, the original document and its photo print was sent to the office of concerned Sub-Registrar. After that such original document was returned by the Office of Sub-Registrar to the concerned parties.

The negative prints of such photographed documents are permanently preserved in the office of Government Photo Registry, Pune.

However, in respect of documents generally of the years 1985 onwards, instead of taking photographs of the documents scanning of these documents had been completed during 2003 to 2007.

Que. 24 Are old documents or their copies available directly to citizens from the Office of Government Photo Registry?

Ans. The original documents/copies are not given directly to parties from the Office of Government Photo Registry, Pune. The original documents/copies are given to citizens only at the Offices of the Sub-Registrar where they have been presented for registration. Therefore it is necessary for the citizens to submit their application only at the concerned office of Sub-Registrar.

1.8 Office of the Inspector General of Registration, Maharashtra State, Pune

Que. 25 What is the address, contact telephone number and e-mail ID of the Office of the Inspector General of Registration?

Ans. Office address of the Inspector General of Registration and Controller of Stamps-
 New Administrative Building, Ground Floor, Opposite Vidhan Bhavan, Pune-411001,
 Contact telephone number- 022-26124012
 E-mail ID for complaints: complaint@igrmaharashtra.gov.in
 For sending feedback : feedback@igrmaharashtra.gov.in

Que. 26 What type of work is carried out at the Office of the Inspector General of Registration?

Ans. The Inspector General of Registration is the head of the machinery for registration of documents in the state. Similarly, as per Maharashtra Stamp Act, he is also the Chief Controlling Revenue Authority. The following duties are performed by this office:

1. To exercise administrative control over the Sub-Registrars, Joint District Registrars, Collectors of Stamps, Deputy Inspector General of Registration and Town Planning (Valuation) offices and the Additional Controller of Stamps.
2. To control and supervise over the collection of revenue in the form of stamp duty and registration fee.
3. To prepare the Annual Statements of Rates of immovable properties for the purposes of calculation of stamp duty.
4. To decide appeals and revision cases against the decisions taken by the Collectors of Stamps in respect of stamp duty on documents.
5. To sanction cases of refund of stamp duty for amounts exceeding Rs. 10 lakhs.
6. To frame rules for implementation of the Registration Act.
7. To suggest amendments in the Registration Act and Stamps Act as per the changing needs.
8. To act as Registrar General of Marriages for the state as per Regulation of Maharashtra Marriage Boards and Registration of Marriages Act, 1998.

1.9 Public Information Officers

Que. 27 Where can the Citizens get Citizens Charter prepared by the Department in respect of the services rendered to the public by the Offices of the Department of Registration and Stamps?

Ans. The Citizens Charter, prepared by the Department in respect of services, rendered to public by Offices of the Department of Registration and Stamps is available for inspection in all offices of the Department. Similarly, the Charter is also available at the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Citizens Area' under Sub Heading 'RTI'.

Que. 28 Who are the Public Information Officers and their Appellate Authorities of offices of Registration and Stamps Department?

Ans. The orders regarding the Public Information Officers and their Appellate Authorities of offices of the Department of Registration and Stamps are available at the website of Department of Registration and Stamps www.igrmaharashtra.gov.in

Under the heading 'Citizens Area', under Sub heading 'RTI'. The summary of this information is as follows.

Sr.No.	Office	Public Information Officer	Appellate Authority
1.	Sub-Registrar	Concerned Sub-Registrar	Joint District Registrar of the concerned district
2.	Marriage Officer	Concerned Marriage Officer	Joint District Registrar Of the concerned district
3.	Joint District Registrar	Administrative Officer and Joint District Registrar Class 2 of the concerned office	Joint District Registrar of the concerned district
4.	Deputy Inspector General of Registration	Administrative officer and Joint District Registrar Class 2.	Concerned Deputy Inspector General of Registration
5.	Inspector General Registration	Assistant Inspector General of Registration and Desk Officer No.9	Deputy Inspector General of Registration, (Head Quarter)
6.	General Stamp Office	Superintendent of Stamps	Additional Controller of Stamps
7.	Government Photo Registry Office, Pune	Administrative Officer Class 2	Manager, Government Photo Registry Office, Pune
8.	Collector of Stamps, Mumbai Division	Sub-Registrar, Grade 1 in the concerned office	Concerned Collector of Stamps
9.	Deputy Director/ Assistant Director, Town Planning, (Valuation)	Concerned Deputy Director /Assistant Director, Town Planning, (Valuation)	Joint Director Town Planning (Valuation) Maharashtra State, Pune
10.	Joint Director Town Planning, (Valuation), Maharashtra State, Pune	Town Planner	Joint Director Town Planning (Valuation) Maharashtra State, Pune

A list of jurisdiction of work, telephone numbers, e-mail IDs and addresses of all these offices is available on website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Organization' and Sub heading 'Offices'.

1.10 Supervisory and Controlling System

Que. 29 What are the arrangements for supervision and control over the various offices of the Department of Registration and Stamps?

Ans. Following are the supervisory and controlling officers of various offices of the Department of Registration and Stamps :-

Sr. No	Office	Controlling and Supervisory Officer in that Office	Next Senior Controlling / Supervisory Officer
1.	Sub-Registrar	Concerned Sub-Registrar	Concerned Joint District Registrar
2.	Marriage Officer	Concerned Marriage Officer	Joint District Registrar of the Concerned district
3.	Joint District Registrar	Concerned Joint District Registrar	Concerned Deputy Inspector General of Registration
4.	Deputy Inspector General of Registration	Concerned Deputy Inspector General of Registration	Inspector General of Registration & Controller of Stamps
5.	Collector of Stamps	Collector of Stamps	Additional Controller of Stamps
6.	General Stamp Office	Additional Controller of Stamps	Inspector General of Registration & Controller of Stamps
7.	Government Photo Registry Office, Pune	Manager Government Photo Registry Office, Pune	Inspector General of Registration
8.	Deputy Director/ Assistant Director Town Planning (Valuation)	Deputy Director/Assistant Director Town Planning, (Valuation)	Joint Director Town Planning (Valuation), Pune
9.	Joint Director Town Planning (Valuation), Pune	Joint Director Town Planning (Valuation), Pune	Inspector General of Registration & Controller of Stamps
10.	Inspector General, of Registration	Inspector General of Registration	Secretary, Relief and Rehabilitation, Mantralaya, Mumbai

Citizens who have any complaint/query about any work in an office of the Department of Registration and Stamps, they should first contact the respective Controlling / Supervisory Officer of that office as mentioned in the above Table. If the complaint/query is not resolved by that officer, they should contact the next Controlling / Supervisory Officer of that office. If the grievance is still not redressed, the citizen can register his complaint by e-mail to complaint@igrmaharashtra.gov.in or by telephone call to help line no. 8888007777

Que. 30 What arrangements have been made If citizens have to make a suggestion or lodge a complaint about their work or specific service / system of the Department of Registration and Stamps?

Ans. If citizens desire to make a suggestion or lodge a complaint about their work or specific service / system of the Department of Registration and Stamps then:

- The citizens can make their suggestions or complaints by a personal meeting / written letter / telephone/e-mail to the office mentioned in the table above.

- The list of names of offices, addresses, telephone numbers and e-mail IDs is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Organization' and Sub heading 'Offices'.
- Besides this, the citizens may also send their complaints to the e-mail Id complaint@igrmaharashtra.gov.in.
- If there are any suggestions, citizen may send them to the e-mail Id feedback@igrmaharashtra.gov.in.

Que. 31 Where is the information about various services rendered through the Offices of the Department of Registration and Stamps available?

Ans. Information about various services rendered through the Offices of the Department of Registration and Stamps will be available in the concerned offices. Moreover, the following information is available on the website of the Department of Registration and Stamp www.igrmaharashtra.gov.in :-

- The processes of work
- Related Acts & Rules
- Related Government Resolutions, Notifications & Circulars
- Tables of Annual Statements of Rates (Ready Recknor)
- Proforma of Applications, Declarations, Notices
- List of essential papers/documents
- Details of necessary fees/duties
- List of names of offices, addresses, telephone numbers and e-mail ID's
- Information about e-services

Que. 32 Explain the general way of nomenclature/abbreviations used in the context of Offices of the Department of Registration and Stamps?

Ans. The general method of nomenclature & abbreviations in the context of the Offices of the Department of Registration and Stamps are as follows:

Sr. No.	Name of office	General method of nomenclature	Abbreviations
1.	Office of the Sub-Registrar	Sub-Registrar Joint Sub-Registrar	S.R. Jt.SR
2.	Office of the Joint District Registrar	Joint District Registrar	J.D.R.
3.	Office of the Deputy Inspector General of Registration	Deputy Inspector General of Registration	D.I.G.
4.	Office of the Collector of Stamps	Collector of Stamps	C.O.S.
5.	General Stamps Office	General Stamps Office	G.S.O.
6.	Government Photo Registry	Government Photo Registry	G.P.R.
7.	Office of the Deputy Director/ Assistant Director, Town Planning (Valuation)	Deputy/Assistant Director of Town Planning (Valuation)	D.D.T.P. / A.D.T.P. (Valuation)
8.	Office of the Joint Director, Town Planning, (Valuation)	Joint Director of Town Planning (Valuation), Maharashtra State	J.D.T.P. (Valuation)
9.	Office of the Inspector General, of Registration	Inspector General of Registration & Controller of Stamps Chief Controlling Revenue Authority	I.G.R. C.C.R.A.





PART

2

Registration of Documents

Shri Santosh Hingane
Desk Officer No. 4 (Registration),
Office of the Inspector General of Registration, Pune

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1

Part 2 – Registration of Document

Preparation for Registration

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- 1.3 Preparing Documents for Registration
- 1.4 Necessary Fees for Registration of Documents and Payments of Fees
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- 1.9 Draft of Document
- 1.10 Necessary Papers for Registration of Document
- 1.11 Provisions of Income Tax Act
- 1.12 About Witnesses

1.1 General Information

Que. 1 What is meant by Document Registration?

Ans. The meaning of Document Registration can be explained as follows-

- Presentation of written and signed document relating to transaction by the party before Sub Registrar, and
- To make voluntary admission of having signed oneself on the said document, and
- Sub Registrar to ensure that the admitting person is truly the same and has himself signed the document, and
- Sub Registrar to make an entry on the document about aforesaid compliance and to certify that the document has been registered, and
- Copying the document thus complied with, in the book of registration; similarly to prepare an index containing summary/synopsis of that document.

In short, to register a document can generally be said to mean that the Sub Registrar should satisfy himself that the concerned persons have themselves signed the document, and after certifying it accordingly, to include the document in Government records; similarly to make available to the public at large the information of transaction mentioned in the document and thereby to protect the interests of those carrying out transactions.

The registration of document is carried out in accordance with the Registration Act, 1908. In the context of provisions of this Act, the detailed procedure of document registration has been laid down under Maharashtra Registration Rules, 1961.

Que. 2 Before carrying out the desired transaction, on what matters the citizens are expected to verify / satisfy the mselves?

Ans. The answer to this Que. depends upon the nature of transaction, location and category of concerned property etc. Generally, before carrying out desired transaction the citizens are expected to satisfy themselves at least, about the following matters.

1. They should verify the Title of the property in respect of which the transaction is to be made.
2. If the transaction is to be made with the Power of Attorney holder instead of the original owner, the authenticity/legality of the Power of Attorney held by him should be examined and insured that the Power of Attorney holder has been clearly bestowed the rights to engage in the intended transaction.
3. It is necessary to satisfy oneself that the proposed transaction is not prohibited by any prevailing law of the State or Centre, because if the proposed transaction is prohibited under any prevailing law, then the document pertaining to that transaction cannot be registered.

Que. 3 What preparation is necessary to be made by the parties for registration of document?

Ans. It is necessary for the parties to make preparations in advance for registration of document generally in the following way:

1. To write the document in respect of the transaction,
2. To compile/collect necessary papers and permissions according to category of document for registration of document,
3. If the Stamp Duty of the document is dependent on the market value of the property (e.g. conveyance) then to determine the valuation of the property,
4. To pay Stamp Duty payable on document as per Stamp Act,
5. To make advance preparation to remit payable Registration Fee,
6. To execute (to sign) the document in the presence of witnesses,
7. After complying with requirements as given above, to save the time for registration of document the parties can use the following facilities made available by the Department.
 - A. Through the Public Data Entry facility, to make online data entry of all the information necessary for registration of document.
 - B. Through the e-Step in facility, to book time slot from the concerned office of the Sub Registrar for registration of document.
8. The document can be presented for its registration to the office of Sub Registrar within four months from signing.

Que. 4 What is meant by execution of document?

Ans. In the context of Registration, the general meaning of execution can be said to be to put in signature with date by the concerned party after reading and understanding the nature of document and terms and conditions mentioned in it.

Que. 5 What different papers are necessary to be taken along with in the office of Sub-Registrar for registration of document?

Ans. While going to the office of Sub Registrar for registration of document, it is necessary to carry along the following papers-

1. The original document with proper Stamp Duty and bearing signatures of all parties.
2. If Stamp Duty and Registration Fee has been paid through e-Payment system, the proof thereof.
3. Identity cards with photos of all parties who will be present to admit the execution.
4. Persons who will identify the parties and Identity cards with photos of such persons.
5. Necessary papers according to category of document.
6. Amount to be paid in cash as Document Handling Charge at the rate of Rs. 20/- per page depending on the number of pages in the document to be registered.
7. If the Power of Attorney holder has executed the document on the basis of Power of Attorney or if the document executed by the Principal Person is being presented for registration and/or admission is being given on behalf of the original executor on the basis of Power of Attorney, then the original Power of Attorney showing such right, its true copy and declaration to be given in prescribed form regarding existence of the said Power of Attorney.
8. If the Public Data Entry option has been used, then the 11 digit number obtained through it and print-out of pre-registration summary. If Public Data Entry has not been made, then the Input Form mentioning information of document and the amount to be remitted in cash in the office of Sub Registrar as Data Entry Charge at the rate of Rs.20/-.
9. If time slot is booked through e-Step in system, the receipt thereof.

1.2 Verification of Title of Property

Que. 6 What is meant by verification of Title of Property?

Ans. Enquiring about matters like:-

- A. Does a person desiring to sell a property or to give it on lease, or to make a deal to dispose of that property in any other manner, really have the authority to carry out that transaction?
 - B. Does any other person have any kind of right /interest in that property?
 - C. Is any dispute regarding the ownership rights of that property or regarding any other matter is sub judice? etc.
- means verification of the Title of Property.

Que. 7 While registering a document relating to transfer of immovable property, is verification of Title of property by Sub Registrar is expected?

Ans. No, there is no provision in the Registration Act 1908 or in any other Act requiring or empowering the Sub Registrar to verify whether the person transferring the property possesses the ownership rights of the property or not. Therefore the verification of Title of the property while registering the document is not done by the Sub Registrar. This is the responsibility of transacting parties.

Que. 8 Why should the verification of the ownership rights of property should be done by the parties?

Ans. If the verification of the ownership right of property is done by the parties, the cheating / deception can be avoided by not:

- A. having transaction with a person not entitled to dispose of the property or

- B. investing in property involving rights/interest/liability of third persons or
C. investing in disputed property.

Que. 9 What are the different ways of verification of ownership rights of property? What records should be examined for this?

Ans. Generally, the main ways of verifying ownership rights of property are as follows:-

1. To examine the 7/12 extracts, change/alteration extracts, Property Card/City Survey Card of last few years and updated ones,
2. To inspect the documents and index of documents registered pertaining to concerned property in the office of the Sub Registrar,
3. To call for objections if any, to the intended transaction by issuing public notices in newspapers,
4. To look into records of the Court under whose jurisdiction the property relating to the intended transaction is situated in order to find out whether some disputes are *sub judice* in that regard,
5. To make local enquiries regarding the ownership rights and possession of the property ,
6. If the property is relating to a Cooperative Housing Society, then to enquire about it with the society.

Que. 10 What is meant by inspection / search of documents and of index of documents in the office of Sub Registrar?

Ans. To find out what transaction has been previously carried out pertaining to a property by searching the documents/index in the office of Sub Registrar is called as inspection/search. This search is carried out in the following ways:-

- A. If the serial number/year of registered document pertaining to the property is known, then to inspect the specific document/ index 2 of that document (Document Wise Search), or
- B. If the serial number/year of registered document relating to the property is not known-
1. Inspect all registered documents/index 2 of the documents pertaining to that property (Property Wise Search) or
 2. Inspect all documents/index 1 of all documents in which the specific person is a party (Party Wise Search).

In this context, for more information see, Topic 'Inspection/Search of Index' in Part 1: 'Document Registration' of this book.

1.3 Preparation of Document for Registration

Que. 11 If there is an erasure in the writing, interlineations, blank spaces or alterations in the document, then what the executing party should do before presenting such document for registration?

Ans. As per Section 20 of Registration Act, 1908, if there is an erasure in the writing, interlineations, blank spaces or alterations, in the document then it is necessary for all executing parties to put their signatures or initials at all such places.

Que. 12 For registering a document of transfer relating to immovable property, what particulars are needed to be mentioned in the description of that property?

Ans. According to Section 21 of Registration Act. 1908, for registration of document of transfer of immovable property it is necessary to mention the description of property in such a way that the said property can be distinctly identified. For this purpose, generally, the following particulars are needed to be mentioned in the document:-

1. If the property in the document is a house in town,
 - A. The name of the road on which the said house is located, the direction of the road, number of road (if given), area of the house and its usage.
 - B. Name of the present occupant, or if possible, the earlier occupant of the said house.
 - C. If the city survey of that property is carried out, then the Cadastral Survey No. /CTS of that property.
2. If the property in the document is a house outside town, similarly land anywhere outside -
 - A. Name of the geographical area where the above property is located, e.g. Revenue village, name of Taluka,
 - B. If the city survey of that property is done, then the Cadastral Survey No./CTS,
 - C. The name and serial number of details of road or other property by the side of which above property is located, e.g. four boundaries (i.e. properties existing along four directions)

Que. 13 Are there any rules regarding size of document, paper, ink, font size etc.?

Ans. There are no specific rules as such in this regard. It is generally customary to write / type / print document in black ink on legal size paper. However, the handwritten matter should be neat/ readable.

Que. 14 Is writing/typing/printing of document on both sides paper allowed?

Ans. Yes, it is necessary to write/type/print the document on both the sides of paper. If the document is written/typed/printed on both sides of paper, then-

- Less paper is used for the document, avoiding damage to the environment,
- Time to do paging on blank side is saved,
- Time for scanning is saved,
- Data size remains small,
- Document Handling Charge of Rs.20/- per page for each blank page is saved.

Que. 15 Is it necessary to take the help of an Advocate or Bond Writer for preparing and registering a document?

Ans. No. There is no such provision/stipulation in the Registration Act.

1.4 Necessary Fees for Registration of Documents and Payments of fees

Que. 16 What different duties / fees are required to be paid for registration of document?

Ans. The following duties / fees are to be paid for document registration:-

- Stamp Duty
- Registration Fee

- Document Handling Charges
- Data Entry Charges (If Public Data Entry is not used)

Que. 17 Give information about Stamp Duty rates and the mode of payment?

Ans. Each document being presented for registration should have been stamped with proper Stamp Duty and with proper mode according to the Maharashtra Stamp Act. For more information regarding Stamp Duty rate and its mode of payment, see Part 3: 'Stamp Duty' of this book.

1.5 Registration Fee

Que. 18 Give information about rates of Registration Fee for registration of documents?

Ans. After a document is presented for registration, Registration Fee is levied as per Table of Registration Fees. The said Table is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Fee Structure'. The Registration Fees of some prime documents are as follows:-

Sr. No	Document Type	Registration Fee
1	Sale Deed, Gift Deed, Agreement to Sale of Flat or land, Development Agreement	At the rate of Rs. 10/- for each Rs. 1000/- of Market value or Consideration whichever is higher, with minimum Rs.100/- and maximum Rs.30,000/-
2	Mortgage Deed	At the rate of Rs. 10/- for each Rs. 1000/- on loan amount stated in document, with minimum Rs. 100/- and maximum Rs. 30,000/-
3	Leave and License Agreement (e.g. Agreement for use of Tenement for 11 months)	A. At fixed rate of Rs. 1000/- for property within corporation limits, B. At fixed rate of Rs.500/- for property in remaining areas

Que. 19 In what manner Registration Fee can be paid?

Ans. The Registration Fee can be paid by e-payment mode, through the GRAS (Government Receipt and Accounting System), generally in the name of that office of Sub Registrar where registration of document is planned. A Registration Fee of less than Rs. 300/- can be paid in cash also. For more information relating to e-payment, see Part 5: 'e-payment,' of this book.

Que. 20 Can the registration be denied if the payable Registration Fee is not paid in full?

Ans. Yes. As per the Registration Act, it is necessary to pay required Registration Fee while presenting the document for registration. If such Registration Fee is not paid, the Sub Registrar refuses registration as per Rule 44 of The Maharashtra Registration Rules, 1961.

Que. 21 In whose name is the receipt of Registration Fee issued?

Ans. The receipt of Registration Fee is issued in the name of the party who has presented the document for registration.

Que. 22 Who is responsible for payment of Registration Fee?

Ans. The responsibility to pay Registration Fee is of the party who presents the document for

registration.

1.6 Document Handling Charges

Que. 23 What is meant by Document Handling Charges?

Ans. Prior to 2002 the registration of documents was being done at the office of Sub Registrar in the traditional method. The parties those days were required to submit two photo copies along with the document. The parties were required to pay Rs. 5/- per page as copying charges. Since all the work pertaining to registration of documents was being done manually, more time was required for registration of document and it used to take a minimum of 15 days to get back the original document. Besides, the parties were given back only the original document.

The use of Computerized Document Registration System has been started in the office of Sub Registrar from 2002. In this system, original documents are returned to the parties within about 30 minutes of the acceptance for registration. Besides, certified copy of index 2 is given free of cost. In addition to this, from the year 2012 the Thumbnail print and C.D. of the document is also being given to the parties free of cost.

In order to defray the expenditure on the computerized system, the fee that is levied on the parties means Document Handling Charges. The said Document Handling Charges has been made applicable as per Government Resolution dated 20/08/2001. The said Government Resolution is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Grs'.

Que. 24 What is the rate of Document Handling Charges?

Ans. Document Handling Charges at the rate of Rs. 20/- per side of page is levied on documents being registered.

Que. 25 Where and how are the Document Handling Charges paid?

Ans. The Document Handling Charges are to be paid in cash at the office of Sub Registrar at the time of registration of document.

1.7 Data Entry Charges

Que. 26 What is meant by Data Entry Charges?

Ans. Data Entry Charges means the charges that are levied for making data entry of information for document registration into the computer at the office of Sub Registrar. However, no Data Entry Charges are levied if the party has done the data entry through the Public Data Entry system. For more information on Public Data Entry, see Part 6: 'e-Services', of this book.

Que. 27 How much are the charges for data entry in the Sub Registrar Office?

Ans. If the parties have not done data entry through the Public Data Entry system, then for data entry in the Sub Registrar Office, the data entry charges are Rs.20/- per document.

Que. 28 Where and how are the Data Entry Charges to be paid if the parties have not done data entry through the Public Data Entry system?

Ans. Data Entry Charges are to be paid to the Sub Registrar in cash at the time of document

registration, if the parties have not done data entry through the public data entry system.

Que. 29 What is meant by Public Data Entry?

Ans. Document registration is done in the office of the Sub Registrar through computerized system. For that purpose, the details relating to the document are to be entered into the computer. If this data entry is to be done after arrival for document registration in the office, the parties have to spend some time. Besides, accuracy of information is sometimes not achieved. Therefore the Registration and Stamps Department has made available the facility to citizens of making data entry of their own document sitting at home through online system on website www.igrmaharashtra.gov.in, under the heading 'Online Services' and sub heading 'PDE for Registration'. This is called as Public Data Entry. For more information about Public Data Entry, see Part 6: 'e-Services', of this book.

1.8 Time Booking for Document Registration

Que. 30 Where can one find the names, addresses and working hours of offices of Sub Registrar?

Ans. The names, addresses and working hours of all offices of Sub Registrar in the state are available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Organization' and sub heading 'Offices'. For detailed information, see Part 1: 'Introduction to Department', in this book.

Que. 31 What is the method of time booking for document registration?

Ans. Time booking for document registration can be done sitting at home by using the e-Step in system which is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Online Services'. Likewise, time booking can also be done by personally visiting the office where document is to be registered.

Besides, the documents of parties coming at the eleventh hour can be accepted for registration on 'First In First Out' basis, if time is available, after registration of the document of parties who have come by booking time, or in the time slot of parties who have booked time but are absent for registration.

Que. 32 Give details of the e-Step in system?

Ans. For more information about e-Step in system, please see Part 6: 'e-Services', of this book.

1.9 Drafts/Templates of Documents

Que. 33 What are the different documents for registration for which drafts/templates are available with the Registration and Stamps Department? And where are they available?

Ans. The list of drafts/templates of documents for registration available with the Registration and Stamps Department and the drafts/templates are available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Downloads' and sub heading 'Draft Documents'.

Que. 34 Is it binding to prepare document as per the drafts made available by the Registration and Stamp Department?

Ans. No. Using the drafts of documents made available by the Registration and Stamps Department is entirely optional. The said drafts have been made available by the Department as ready reference, if the citizens desire to prepare the documents of their own transactions; the citizens can prepare their own documents by using them as base and by making suitable alterations in them.

1.10 Required Supplementary Papers for Document Registration

Que. 35 What are the document category wise papers which are required for document registration?

Ans. The list of document category wise papers required in general for document registration is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Activities' and sub heading 'Document Registration'.

Que. 36 In the context of document registration what is the meant by Rule 44 (i)?

Ans. Rule 44 of the Maharashtra Registration Rules, 1961 prescribes the items which should be verified by Sub Registrar before registration. The item (i) therein is as follows: -

'If the intended transaction as per the document is prohibited by some legislation of the Central Government or State Government, then whether the true copy of permission or no objection certificate of a competent authority appointed according to the respective law is attached with that document and that the document has not been written in contravention of the vital terms and conditions mentioned in the permission or no objection certificate.'

In simplified terms this means, if some category of transactions are banned or prohibited by any law, then a document pertaining to that kind of transaction cannot be registered unless permission/no objection certificate of a Competent Authority appointed under the respective law is attached with the document.

Que. 37 Since when is the said item (i) brought into existence in the Rule 44 of Maharashtra Registration Rules, 1961?

Ans. The said item (i) in Rule 44 of Maharashtra Registration Rules, 1961 is brought into effect from 01/07/2006.

Que. 38 What are the prevalent laws having prohibiting provisions on transactions of immovable property?

Ans. The list of some major prevalent laws containing prohibiting provisions on transactions of immovable property is available along with circular dated 23/08/2006 issued by Office of Inspector General of Registration. The said circular is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que. 39 According to the Act relating to prohibition on fragmentation, what is the prohibition on the transfer of property and also which kind of property?

Ans. 1. According to Section 8 of Maharashtra Prevention of Fragmentation of Lands and their Consolidation Act, 1947, the transfer or division of any land in a Local Area declared under Section 3 of the said Act, cannot be done in such a way as to create a piece/fragment.

2. Piece/fragment means a piece of land the area of which is less than the standard area as fixed for the respective local area.
3. The details of the different local areas and the standard areas fixed for them are available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Notifications'.

Que. 40 What kind of permission is required for a non-farmer person intending to buy agricultural land?

Ans. Depending on the region where Section 63 of Maharashtra Tenancy and Agricultural Land Act, 1948 or Section 47 of Hyderabad Tenancy and Agricultural Land Act, 1950 or Section 47 of the Mumbai Tenancy and Agricultural Land (Vidarbha Region) Act, 1958 is applicable, generally when a non-farmer person intends to get agricultural land transferred in his favor, it is necessary for him to obtain prior permission of the Collector or Authority appointed by the State Government in this behalf.

Que. 41 What is the restriction on the transfer of occupancy rights of property belonging to a Tribal Person?

Ans. According to Section 36 and 36A of the Maharashtra Land Revenue Code 1966 the transfer of occupancy rights of property of a Tribal Person to the benefit of a non-tribal person by way of Sale, Gift, Exchange, Mortgage, Lease or by way of any other manner, without the prior approval of State Government and sanction order of District Collector, is prohibited.

Since there are restrictions on transfer, the registration of documents like Sale Deed, Gift Deed, Exchange Deed, Mortgage Deed, Lease Deed, Development Agreement and Power of Attorney etc of property of a Tribal person in favor of non-tribal person, cannot be done without the approval order of State Government and Sanction order of District Collector.

In this context the circulars of the Office of Inspector General of Registration dated 23/08/2006 and 25/03/2013 are available on the Registration and Stamps Department's website www.igmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que. 42 For registering a document relating to resale of a tenement, is it necessary to have a no objection certificate of Co-operative Housing Society or builder?

Ans. No.

1. 11 Provisions in Income Tax Act

Que. 43 For registration of which document it is necessary to mention PAN in the document?

Ans. As per Section 139 of Income Tax Act, 1961 and Rule 114 of Income Tax Rules, 1962, in respect of a document of transfer of property of value of Rs.5 lac and above, it is necessary to mention the Income Tax Department's Permanent Account Number (PAN) of transacting parties. Besides, it is necessary to attach a readable copy of PAN card with the document.

Que. 44 What should concerned parties in the document do if they do not have a PAN while registering such document?

Ans. As stated in Rule 114 of Income Tax Act, 1962, if the concerned parties in the document do not have a Permanent Account Number (PAN), then it is necessary for them to attach a declaration with the document as follows:

1. As per Form 60 by parties who have done the transaction in cash and
2. As per Form 61 by parties for whom agriculture is the only source of income and have no other taxable source of income.

The said forms are available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Downloads' and sub headings 'Forms'.

1.12 About Witnesses

Que. 45 What is meant by Witness?

Ans. The persons who are present while the parties are executing/signing the document, and sign the document as witnesses to confirm that the parties have signed before them are called Witnesses. Witnesses are not parties to the document and they are not identifiers at the time of registering the document.

Que. 46 Why the witnesses are necessary at the time of signing a document?

Ans. According to the provisions of the Transfer of Property Act, 1882 and of Indian Contract Act and of similar other Acts, in order to make execution of a document valid and legal, it is necessary to have witness at the time of signing the document.

Que. 47 How many Witnesses are required for which kind of document?

Ans. For execution (while parties are signing the document) of documents like Sale Deed, Agreement to sale, Lease Deed, Mortgage Deed, Exchange Deed, Gift Deed, Partition Deed etc. minimum of two witnesses are required.(Every execution means execution of one or many parties simultaneously)

Que. 48 Is the presence of these witnesses necessary at the time of registration of document in the office of Sub Registrar?

Ans. No.

2

Part 2 – Registration of Document

Process of Document Registration

- 2.1 Important Steps in Document Registration Process
- 2.2 Presentation
- 2.3 Admission
- 2.4 Identification
- 2.5 Home Visit for Document Registration
- 2.6 Scanning of Document
- 2.7 Refusal to Register Document and Appeal against It.

2.1 Important steps in Document Registration Process

Que. 1 What major steps are to be followed in the document registration process after reaching Registration Office?

Ans. A document is accepted for registration if there are no legal provisions restricting transaction in it. A document has to go through the following steps in registration process-

1. An entry is made in Token Register and token is issued,
2. The document is verified by the Sub Registrar,
3. If data entry has been already done by using Public Data Entry, the data is fetched into the computer of Office of Sub Registrar by using the 11 digit number, or else data entry is made in the office of Sub Registrar on the basis of Input Form,
4. The properly stamped and eligible for registration document is accepted for registration,
5. A receipt is given after payment of necessary Registration Fee and Document Handling Charge,
6. Admission of execution is given by the parties executing the document or by their Power of Attorney holder,
7. If the consideration is being given before the Sub Registrar, an entry in that respect is made on the document,
8. Identification is made by identifier who recognises the party giving admission of execution,
9. The Sub Registrar gives a certificate of Registration on the document,
10. After scanning of the document, the Sub Registrar returns to the party original document along with thumbnail print, Index 2, and a C.D. containing scanned image of document.

Que. 2 Within how much time the process of document registration is completed?

Ans. Generally after accepting the document for registration, within 30 minutes the document registration is completed, scanning is done and original document is returned to parties. However, if the document is having more than fifty pages, generally an additional time of 10

minutes for paging of every additional 50 pages is required.

2.2 Presentation

Que. 3 Who can present a document to Sub Registrar for registration?

Ans. As per Section 32 of Registration Act, 1908, any one party from the executing (signatories) or claimant (beneficiary) parties can present the document to Sub Registrar for registration.

Similarly a Special Power of Attorney holder of such party can present document for registration. For more information in this regard see Topic 'Power of Attorney being used for Document Registration' in Part 1: 'Document Registration,' of this book.

Que. 4 What is the time limit for presenting a document for registration?

Answer According to Section 23 of Registration Act, 1908, all documents, excluding Will, can be presented for registration within four months from executing/signing the document. If many parties have signed the document at different dates, then said time limit becomes applicable from the date of first signature.

Que. 5 Under what circumstances and to what extent the time limit of four months to present the document for registration can be extended?

Ans. Due to urgency of situation or due to unavoidable circumstances (e.g. serious illness, riots/natural calamity) if it has not been possible to present the document for registration within four months from executing/signing the document, according to Section 25 such a document can be presented for registration in the next four months by paying prescribed fine. However, in respect of documents being submitted for registration with such delay, the case wise orders of delay condonation are passed by District Registrar and District Collector.

Que. 6 How much fine is levied if document is to be presented for registration after the expiry of time limit prescribed as per Section 23?

Ans. In this regard, detailed provisions are made in the Rule 27 of Maharashtra Registration Rules 1961. Accordingly, if document is presented for registration after four months prescribed in Section 23-

- Fine for period of first one month of delay- 2.5 times the Registration Fee.
- Fine for the period of second month of delay- 5 times the Registration Fee.
- Fine for the period of third month of delay- 7.5 times the Registration Fee.
- Fine for the period of fourth month of delay- 10 times the Registration Fee.

While levying the fine as stated above, the original Registration Fee is deducted from that amount of fine.

Que. 7 Who has the authority to exempt the delay caused in presenting the document for registration?

Ans. According to Section 25 of Registration Act, 1908, if the prescribed fine has been paid, the authority to exempt the delay vests with District Registrar and District Collector of concerned district.

2.3 Admission in the Case of Document Registration

Que. 8 What is specifically meant by Admission in respect of document registration?

Ans. According to Section 34 of Registration Act, 1908, the process under which the parties themselves or their representatives (Power of Attorney holder etc.) by being present before Sub Registrar admit the execution of the document to be registered, and the Sub Registrar after verification makes an entry accordingly, is called Admission. In respect of such admission, the signature of the concerned party/representative is taken on the summary part 2 of the document.

Que. 9 What is the time limit for giving admission?

Ans. According to Section 34 of Registration Act, 1908, it is within 4 months from the date of executing of document.

- Under unavoidable circumstances, admission can be given along with fine in a period of next four months.

Que. 10 Is it compulsory for all parties to be present at the same time for the purposes of admission?

Ans. No. According to Sub Section 2 of Section 34 of Registration Act, 1908, different executors can present themselves at different times within the above mentioned period and give their admission. But registration of document is not completed till the last admission is given.

Que. 11 Under what conditions the delay of 4 months for admission is considered admissible?

Ans. As per Section 34 of the Registration Act 1908, delay is admissible in case of immediate urgency or unavoidable circumstances (e.g. serious illness, riots, natural calamity etc.)

Que. 12 How much fine is levied for delay in admission?

Ans. In this regard, detailed provisions are made in Rule 27 of Maharashtra Registration Rules, 1961. Accordingly, if admission is to be made after the stipulated time period of 4 months, it is

- Fine for the period of first month of delay- 2.5 times the Registration Fee.
- Fine for the period of second month of delay- 5 times the Registration Fee.
- Fine for the period of third month of delay- 7.5 times the Registration Fee.
- Fine for the period of fourth month of delay- 10 times the Registration Fee.

While levying fine as above, the Registration Fee is deducted from the amount of fine.

Que. 13 Who has the authority to exempt/condone the delay for giving admission?

Ans. As Per Section 34 of Registration Act, 1908, if the prescribed fine is paid, the District Registrar and District Collector has the authority to exempt/condone the delay for giving admission.

Que. 14 What is the procedure to condone the delay that is caused in presenting a document for registration or for giving admission?

Ans. The procedure for condoning the delay caused in presenting a document for registration or for giving admission is generally as follows:

- The party which has caused the delay should prepare an application for condoning the delay in the name of District Registrar and hand it over to concern Sub Registrar.

- The reasons for delay should be mentioned in the application and papers should be attached as proof.
- A Judicial Stamp (Court Fee Label) of value of Rs.5/- should be affixed on the application.
- It is necessary for the applicant to show willingness to pay fine for delay.
- After receiving such an application the Sub Registrar prima facie checks the mentioned reasons, accepts the fine for delay and accepts the document for registration or takes the admission subject to sanction order of District Registrar. However, the registration of document is kept pending.
- After this, the Sub Registrar submits the said application for further orders to District Registrar through the Joint District Registrar.
- The District Registrar, after examining the reasons stated in the application /ensuring authenticity issues suitable sanction orders.
- If sanction orders are received from the District Registrar, the Sub Registrar completes the registration of the document.
- If the District Registrar does not find the reasons given in application as coherent, he can deny condonation of the delay under his authority. In such cases, Sub Registrar refuses to register the document in respect of the party applicant.

Que. 15 Who is exempted from being present in person in the office of Sub Registrar for admitting their executions?

- Ans.**
- 1 According to Section 88 of the Registration Act 1908, it is not necessary for the following authorities/public servants to be present in person for admitting their executions in the office of Sub Registrar-
 - Any officer of Government who has executed the document on behalf of Government,
 - Administrator General, Official Trustee or Official Assignee,
 - Court Receiver of High Court, or Registrar and Sheriff.
 2. Besides, said exemption is also applicable to all those Persons holding posts as Public Officer in public undertakings under jurisdiction of State Government, local self-Government Bodies, semi-Government offices, boards and corporations, if the State Government has given exemption for this vide notification, under Section 88.
 3. The notifications in this regard are available at the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Notifications'.

2.4 Identification in cases of Document Registration

Que. 16 What is meant by identification in the process of document registration?

- Ans.** It is necessary for the Sub Registrar to satisfy himself that the parties giving admission before him are the same persons they declare to be. For this purpose, a person personally knowing to the said party, give statement to the Sub Registrar that he identifies the party. It is called Identification.

Que. 17 What are the provisions in the Rules regarding Identity Verification of parties who are giving admission in Registration process?

- Ans.** The following persons can do identification of parties giving admission in Registration process:-

1. A separate identifier is not required if the Sub Registrar personally knows the party giving admission of execution:-
2. If the Sub Registrar does not personally know the party giving admission of execution,
 - A. One identifier is sufficient if the Sub Registrar knows the identifier who identifies such party,
 - B. If the Sub Registrar does not know the identifier who identifies such party, then two identifiers are required.

However it is necessary for the identifier to have an identity card with photo. Besides, he should not be someone doing the identification work as profession.

In this context, the circulars dated 6/6/2007, 9/6/2007 and 05/09/2013 of the office of Inspector General of Registration and Stamps are available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que. 18 Where are the provisions regarding identity verification mentioned?

Ans. The provisions regarding identity verifications can be found in Section 35 of the Registration Act, 1908 and Rule 48 of Maharashtra Registration Rules, 1961.

Similarly, Circulars dated 6/6/2007, 9/6/2007 and 5/9/2013 of Office of Inspector General of Registration regarding administrative instructions on identity verification are available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que. 19 Is an Advocate required as identifier for doing identification?

Ans. No.

Que. 20 What proof of identity is required by the parties giving admission and the identifier who identifies him?

Ans. The party giving admission or the identifier who identifies him has to possess one of the following identity proof having photograph on it-

1. Aadhar Card,
2. PAN card of Income Tax Department,
3. Vehicle Driving License,
4. Voter Identity Card issued by Election Commission,
5. Passport,
6. Pass book of bank/kisan pass book/ postal pass book on which there is a photograph,
7. Identity card given to their employees by Central Government /central Government /Public Sector Undertakings/Local Self Government or Public Limited Companies,
8. Identity card issued under the National Rural Employment Guarantee Scheme,
9. Identity card given to senior citizens,
10. Identity card given under National Health Insurance Scheme,
11. Certificate of Disability issued by District Surgeon,
12. Identity card given to Freedom Fighter,
13. Photo pass/Identity card given to hutment owner in slum,
14. Identity card issued by Bar Council to Advocates.

Que. 21 What is the responsibility of identifier?

Ans. It is the legal responsibility of the identifier to give statement of identification before Sub Registrar only if he personally knows the party giving admission of execution. Identifying a fake party as a true party is an offence liable for imprisonment and person doing identification in such cases can be punished with imprisonment up to 7 years.

2.5 Visit Outside Office for Document Registration

Que. 22 What are the provisions for visit outside office for document registration? And what is the process for that?

Ans. According to Section 31 of the Registration Act, 1908, if there is a special reason (e.g. if a seriously ill party's document is required to be urgently registered), after the party executing the document applies for visit outside office and the Sub Registrar is satisfied about the reasons for visit outside office, he can pay a home visit and accept the document for registration or take the admission. A video shooting of the process of home visit is done. Complete arrangement of the said video shooting has to be done by the applicant at his own cost and after the video shooting is over, the applicant has to immediately hand over a C.D. to the office of Sub Registrar.

Que. 23 Who can apply for visit outside office? What papers should be attached along with?

Ans. It is necessary that the party, who for specific reasons (e.g. Serious illness) cannot go to the registration office to present document for registration or for giving admission, can apply for visit outside office in the name of office of Sub Registrar. It is also necessary to attach with it suitable proof in support of the reason (for example, medical certificate for serious illness).

Que. 24 How much fee is charged for visit outside office?

Ans. The fee for visit outside office is charged as follows depending on the area of location of home visit-

Sr. No.	Area/ Place	Home Visit Fee (Rs.)
1.	Corporation Area	300/-
2.	Remaining Area	200/-

Que. 25 Where can the Sub Registrar pay home visit?

Ans. The Sub Registrar can pay home visit at any place in the area of his jurisdiction. Sub Registrar cannot pay visit at a place outside his jurisdiction.

Que. 26 What are the reasons for video shooting of the process of home visit / visit outside office?

Ans. Since the home visit takes place outside the office of Sub Registrar, sometimes objections can be raised that the visit did not take place at all or the Sub Registrar himself was not present at the time of home visit. In such cases, unnecessarily a suspicious situation arises even though regular home visit has been taken place. To avoid such suspicious situations, video shooting of the entire process of home visit is being done. In this way the interests of the concerned parties are also safeguarded. In this regard, the circular dated 12/06/2013 of the Office of Inspector General of Registration is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

2.6 Post Registration Activities

Que. 27 What exactly is a certificate/proof indicating completion of registration of document?

Ans. As per Section 60 of Registration Act, 1908, the proof of completion of registration of document means a certificate carrying on it the words 'Document Registered' signed by Sub Registrar with date and imprint of round seal of the office, meaning thereby that the document is registered since all requirements of Registration Act have been fulfilled. This is the certificate/proof indicating completion of registration of document.

Que. 28 What is exactly meant by scanning of document?

Ans. Scanning is the electronic process prescribed for preparing a copy of the registered document as per Section 16A of the Registration Act, 1908.

A copy of registered documents has to be kept and preserved in the concerned book of the Office of Sub Registrar. In former days, the methods adopted for copying were handwriting, photographing, photo copying etc. from the commencement of the computerized registration system in 2002, the documents are being scanned after registration. These scanned images are kept as copy in the records.

Que. 29 Generally how much time is required for scanning of a document?

Ans. The time required for scanning depends upon the number of pages in the document. Since all offices of Sub Registrars are provided with high speed scanners scanning is completed immediately.

Que. 30 What different papers are received by the person presenting document for registration from office of Sub Registrar after completion of registration?

Ans. After registration of document is complete, the person presenting the document for registration receives the following papers from the office of Sub Registrar:

1. Original document,
2. Thumbnail print,
3. C.D. containing scanned image of the document,
4. Copy of Index 2. (All these papers are given without any cost.)

Que. 31 What is Thumbnail print? Why is it given?

Ans. Before returning the original document to the party it is necessary to ensure that the scanning of original document has been done properly, that some pages from it has not been left out of scanning or that some pages are not partly scanned. For these purposes after scanning, prints of the scanned image are taken at the rate of four pages of document on a page. These prints are called Thumbnail print. It is necessary that both (the employees in the office of Sub Registrar and the concerned parties) should compare the Thumbnail print with the original document and satisfy themselves that the scanning has been done properly.

Que. 32 What software is necessary on the computer to open the C.D. received from the office of Sub Registrar after registration?

Ans. It is necessary to have PDF Reader/Adobe Acrobat software on the computer to open the C.D.

received from the office of Sub Registrar after registration of document.

2.7 Refusal of Registration of Document by Sub Registrar

Que. 33 What action is to be taken by Sub Registrar before refusing registration of a document?

Ans. If the Sub Registrar has to refuse the registration of a document, as per Section 71 of the Registration Act, 1908, he has to do the following:-

1. To issue a written order having mentioned the reasons for refusal of registration of the document,
2. To mention the said reasons in Registration Book No.2,
3. To return the document to the concerned party after making an endorsement on the document as 'Document is refused for Registration'.
4. To furnish a copy of entry mentioned in Book No.2 without any fee and without any delay, if the executor of the document or claimant party applies .

Que. 34 If the Sub Registrar refuses to register a document, to whom and within how many days one can lodge an appeal against the order?

Ans. The concerned party can lodge an appeal against the order of Sub Registrar refusing to register document, with the District Registrar and District Collector. Such an appeal can be lodged within 30 days from the date of such order of the Sub Registrar.

Que. 35 How much fee is charged for appeal against the order of refusal to register a document?

Ans. No fee is charged for appeal against the order of refusal to register a document. However, it is necessary to affix a judicial Stamp (Court fee label) of Rs. 5/- on such appeal.

Que. 36 If the District Registrar and District Collector after hearing the appeal refuse to issue order to register the document, then to which authority one can make a representation against it?

Ans. If District Registrar and District Collector hearing the appeal, refuse to issue order to register the document, vide Section 77 of the Registration Act, the parties can file a suit in District Civil Court within 30 days of the date of order of the District Registrar.

Please Note

- All documents (except a will) can be presented for registration within four months from executing/signing the document.
- Any one party of the executing (signing) or claimant (beneficiary) parties of document can present the document to Sub Registrar for registration.
- It is necessary for the party giving admission or the identifier identifying him to have an identity proof with photograph.
- It is the legal responsibility of the identifier, to give a statement of identification to the registering officer only if he personally knows the party.
- To give identification in respect of a fake party as true party is an offence liable for imprisonment, and in such cases the person giving identification can get punishment to the extent of 7 years of imprisonment.

3

Part 2 – Registration of Document

Important Legal Provisions

- 3.1 Benefits of Document Registration
- 3.2 Documents requiring compulsory registration
- 3.3 Documents with optional registration
- 3.4 Regarding jurisdiction about document registration
- 3.5 Action following impersonation in document registration procedure

3.1 Benefits of Document Registration

Que. 1 Why should a document be registered? What are its benefits?

Ans. Following are the benefits of document registration:

1. According to Section 49 of the Registration Act 1908, the registered document is accepted as legal evidence of the transaction mentioned in it.
2. As per the Transfer of Property Act 1882, the property is transferred accordingly only when documents like Sale Deed, Mortgage Deed, Lease Deed, Exchange Deed and Gift Deed are registered.
3. The right which is transferred is established on the basis of a document, if it is registered.
4. If registered, the parties to the document are bound by the terms and conditions /transaction mentioned in the document.
5. If registered, claim can be filed in a competent court for fulfilment of the transaction mentioned in document, if required

3.2 Documents Requiring Compulsory Registration

Que. 2 What are the documents which need to be compulsorily registered as per the Registration Act?

Ans. Documents requiring compulsory registration are included in Section 17 of the Registration Act, 1908. Some Important documents in it are as follows: -

1. Documents by which the rights, title and interest, are going to be created, declared, transferred or terminated and the value of immovable property in the document is Rs.100/- or more,
2. Gift Deed of immovable property,
3. Power of Attorney giving rights to transfer immovable property.
[Besides, according to Section 55 of Rent Control Act, 1999 registration of Agreement of Leave and License is compulsory]

Que. 3 What loss can occur if a document for which registration is compulsory is not registered?

Ans. The list of documents for which registration is compulsory is mentioned in Section 17 of Registration Act, 1908. If such type of documents are not registered, then-

- The title being transferred on the basis of such document is not established (not proven).
- As per Section 49 of Registration Act, 1908, such documents are not admitted as legal proof of the transaction mentioned therein.
- As per the Transfer of Property Act, 1882, if documents such as Sale Deed, Mortgage Deed, Lease Deed and Gift Deed are not registered then transfer of property does not take place.
- Parties to such document are likely to avoid fulfilment of terms and conditions/transactions mentioned in the document.
- Difficulties may arise in filing a Petition in competent court for fulfilment of transactions mentioned in such document.
- Such a document does not become part of Government records and therefore if a dispute arises in future between the heirs of original parties or if need arises for some other reason, no Government proof is available to establish genuineness of the document.
- Besides, there is no way available for the general public to know about the transaction related to that document, and therefore taking undue advantage the possibility of resale/retransfer of that property remains in balance and this way the original purchaser and the subsequent purchaser both are likely to be defrauded.

3.3 Documents Optional for Registration

Que. 4 Registration of which document is optional according to Registration Act?

Ans. Documents for which registration is optional are included in Section 18 of Registration Act, 1908. In general they are as follows: -

1. Documents which are not included in Section 17 of the Registration Act, 1908, which means documents for which registration is not compulsory,
2. Will,
3. Notice of Lis Pendens,
4. Lease Deed of immovable property for a time period of less than one year.

Que. 5 Is it compulsory to register a Partition Deed of property of Hindu Undivided family?

Ans. The partition of property of Hindu Undivided family within the co-owners does not amount to 'Transfer', therefore the registration of such Partition Deed is not compulsory.

3.4 Regarding jurisdiction of Sub Registrar

Que. 6 What is meant by Registration Sub District?

Ans. Registration Sub District means the jurisdiction of Sub Registrar. According to Section 5 of Registration Act, 1908, jurisdictions are framed generally by combining some adjacent revenue villages.

Que. 7 Who has the authority of framing the limits of Registration Sub District or making changes in it?

Ans. According to Section 5 of Registration Act, 1908 the authority of framing the limits of Registration Sub District or making changes in their limits vest with the State Government. The

State Government, issues notification in Gazette for these purposes.

Que. 8 Where can the notifications regarding existing Registration Sub District and their jurisdiction be available?

Ans. The notifications regarding existing Registration Sub District and their jurisdiction are available at-

1. In the office of the concerned Sub Registrar, and
2. Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Notifications'.

Que. 9 In which office the documents affecting immovable property are to be registered?

Ans. According to Section 28 of Registration Act, 1908, it is necessary to register the said document in that office of Sub Registrar in whose jurisdiction some or entire part of the property mentioned in the document to be registered is situated. In the case of concurrent jurisdiction, such documents can be registered in any office of Sub Registrar in that jurisdiction.

Que. 10 In which office of Sub Registrar, the documents which do not affect immovable property can be registered?

Ans. Documents which do not affect immovable property can be registered in that office of Sub Registrar in whose jurisdiction the parties may be residing, or in the area of jurisdiction of that office of Sub Registrar where the document might have been executed, or that office of Sub Registrar which might be found convenient by the parties.

Que. 11 What is meant by Concurrent Jurisdiction?

Ans. The Registration Sub District (jurisdiction) in which there are more than one offices of Sub Registrar is called Concurrent Jurisdiction.

Que. 12 Where can one see the list of Concurrent Jurisdiction and offices of Sub Registrar therein?

Ans. The list of Concurrent Jurisdiction and offices of Sub Registrar therein is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Organizations' and sub heading 'Offices'.

Que. 13 What is the difference between a Sub Registrar and Joint Sub Registrar? What difference is there in their rights and duties regarding registration of documents?

Ans. In the context of Concurrent Jurisdiction, another Sub Registrar/s appointed, apart from original Sub Registrar, is/are called Joint Sub Registrar. There is no difference in the rights and duties of Sub Registrar and Joint Sub Registrar in regard to registration of documents.

Que. 14 If a document has immovable properties falling under more than one jurisdiction, in which office of Sub Registrar the document can be presented for registration?

Ans. The document can be presented for registration in any of the office of Sub Registrar, in whose jurisdiction any one property out of the properties in that document is situated.

Que. 15 What action is necessary for the Sub Registrar to take when the document registered contains properties within multiple Registration Sub Districts within the same Registration

District?

Ans. After registration of a document containing properties within multiple Registration Sub Districts within the same Registration District, that Sub Registrar, in the context of other properties included in that document, sends a memo (summary of document like Index) to such Sub Registrars in whose jurisdiction those other properties are situated. Those Sub Registrars take note of that memo in their record.

For example, if a document containing properties in two Registration Sub Districts of 'Bhor' and 'Velha' of Pune (Rural) District is registered with Sub Registrar, Velha, then the Sub Registrar Velha sends a memo in respect of property in the jurisdiction of Bhor to the Sub Registrar Bhor and the Sub Registrar Bhor makes a note of that memo in his record.

Que. 16 If a document which includes properties within multiple Registration Districts is registered, what action needs to be taken by Sub Registrar?

Ans. After a document containing properties within multiple Registration Districts is registered, that Sub Registrar, in the context of other properties included in the document, sends a copy of document and memo (summary like Index) to such District Registrars in whose jurisdiction those properties are situated. The said District Registrar take note of that copy in their records and send the copy of the memo received, to such Sub Registrars in their districts in whose jurisdiction those properties are situated. Such Sub Registrars take note of the said memo in their records.

For example, if a document comprising of properties in the jurisdiction of Saswad in Pune District and properties in the jurisdiction of Javhar in Thane District is registered with Sub Registrar Saswad, then the Sub Registrar, Saswad sends to District Registrar, Thane the copy and memo of the document. The District Registrar of Thane takes a note of such received document in his record and sends a copy of memo to Sub Registrar of Javhar. The Sub Registrar of Javhar takes a note of the said memo in his record.

Que. 17 How much is the additional fee for registering a document comprising of properties in multiple jurisdictions?

Ans. Besides Registration Fee, a memo fee of Rs.5/- per each other jurisdiction is levied while registering a document having properties within multiple jurisdictions.

3.5 Impersonation in Document Registration Process

Que. 18 What activities in the document registration process are considered as punishable offence?

Ans. According to Section 82 of Registration Act, 1908, the following activities are considered as punishable offence-

- To make any false statement in document registration process,
- To use false/forged papers for document registration,
- Giving of admission before the Sub Registrar by impersonating another,
- Similarly to identify a cheat/imposter as real person amounting to false identification,
- To indulge in abetment/encouragement of above actions.

In this context, the circular dated 30/11/2013 of the office of Inspector General of Registration is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que.19 If some person is prima facie found to commit a wrong activity as per Section 82 of the Registration Act, 1908, who is the competent authority to initiate criminal proceedings against such person?

Ans. If some person is prima facie found to have committed a wrong activity as per Section 82 of the Registration Act, 1908, the concerned Sub Registrar on his own or with the approval of District Registrar/Inspector General of registration can initiate criminal proceedings against him.

Que.20 If a punishable offence is committed as per Section 82 of the Registration Act, 1908, what sentence can be awarded?

Ans. If a wrong activity is committed under Section 82 of the Registration Act, 1908, after the guilt is proven, sentence of imprisonment extendable up to seven years or penalty or both can be awarded.

Please Note

Punishable Offences under Section 82 of Registration Act, 1908-

- To make any false statement in the document registration process,
- To use false/forged papers for document registration,
- Giving of admission before the Sub Registrar by impersonating another,
- Similarly to identify a cheat/imposter as real person amounting to false identification,
- To indulge in abetment/encouragement of above actions.

4

Part 2 – Registration of Document

**Certified Copies of Documents
and of Index**

- 4.1 Index and their Types.
- 4.2 Procedure for obtaining certified copy of index.
- 4.3 Procedure for obtaining certified copy of document
- 4.4 Application for certified copy of document/index.
- 4.5 Legal importance of certified copy.

4.1 Index and their Types**Que. 1 What is index?**

Ans. Index of documents means summary showing important details in respect of the documents registered in the office of Sub Registrar (e.g. kind of document, document number, consideration, market value, details of property, names and addresses of parties, Date of execution, Date of registration, Stamp Duty and Registration Fee paid etc.) The index are prepared as per Section 55 of the Registration Act, 1908.

Que. 2 What are the different kinds of index of registered documents?

Ans. Index such as Index 1, Index 2, Index 3 and Index 4 are prepared according to categories of documents registered:-

- Index 1 and 2 are prepared for documents related to immovable property (e.g. Sale Deed, Lease Deed, Agreement of leave and licence etc.)
- Index 1 is prepared according to initials of first name of the party in the document.
- Index 2 is prepared according to name of village where the property in the document is located.
- Index 3 is prepared for Wills.
- Index 4 is prepared for documents of miscellaneous kinds (e.g. documents of movable property etc.)

4.2 Procedure for obtaining certified copy of index**Que. 3 Who can obtain a certified copy of index of a registered document?**

Ans.

1. Any person can obtain a certified copy of Index 1 and Index 2 by applying and paying the fee.
2. Certified copy of index 3 of Wills:
 - A. Can be obtained only by the Testator of Will or his representative by applying and paying fee.
 - B. After the death of Testator of Will, any person can obtain a copy by applying and paying fee.
3. Certified copy of Index 4 of document can be obtained only by the executants of the document or the beneficiary/claimant of the document by applying and paying fee.

Que. 4 What is the fee for certified copy of index of registered document?

Ans. Fee for certified copy of index of registered document is Rs.5/- per copy. Besides this fee, it is necessary for the applicant to supply a Judicial Stamp (court fee label) of Rs.20/- for each copy.

4.3 Procedure for obtaining Certified Copy of Document

Que. 5 Who can obtain a certified copy of a registered document?

Ans.

1. Documents relating to immovable property e.g. Sale Deed, Lease Deed, Agreement of leave and license etc. are registered in Book No.1. A certified copy of such document registered in Book No.1 can be obtained by any person by applying and paying fee.
2. Documents like Adoption Deed and Power of Attorney without right to sell immovable property etc. are registered in Book No.4 kept for miscellaneous documents. Certified copy of document registered in such Book No.4 can be obtained only by the executants to the document or the claimant/beneficiary of the document by applying and paying fee.

Que. 6 What is fee for certified copy of a registered document?

Ans. Fee for certified copy of registered document is as follows:

- A. Per page Rs.5/- if the certified copy is prepared by photo copy method or from computerized records
- B. Per page Rs.20/- if the certified copy is prepared by other method (e.g. prepared from photo film negative or prepared by handwritten method).

Besides this fee, it is necessary for the applicant to supply Judicial Stamp (Court Fee Label) of Rs. 20/- for each certified copy.

Que. 7 Who can obtain a certified copy of a registered Will?

Ans. Will is registered in Registration Book No.3. Certified copy of Will registered in such book can be obtained by:

- A. Testator of the Will by applying himself and paying copy fee or by a person who has been authorized by testator to obtain a certified copy.
- B. After the death of the Testator of the Will any person can obtain copy, if he submits to Sub Registrar a certificate of death of the Testator of Will and applies and pays fee.

4.4 Application for certified copy of document / index

Que. 8 Where the form of application for certified copy of registered document/index is available?

Ans. The form of application for certified copy of document/index is available at the office of Sub Registrar as well as Registration and stamps Department's website www.igrmaharashtra.gov.in under the heading 'Downloads' and sub heading 'forms'.

Que. 9 How much of Judicial Stamp (court fee label) needs to be affixed to the application for certified copy of document / index?

Ans. It is necessary to affix a Judicial Stamp (court fee label) of Rs. 5/- to the application for certified copy of document/index.

Que. 10 Is a copy of document / index 2 available online?

Ans. Copies of document / index of document registered through Computerized Registration System

after year 2002 are available on Registration and Stamp Department's website www.igrmaharashtra.gov.in under the heading 'On line Services' and sub heading 'e-Search'.

4.5 Legal Importance of Certified Copy

Que.11 What is the legal importance of certified copy of document received from office of Sub Registrar?

Ans. According to Section 57 of The Registration Act, 1908 the certified copy of document received from the office of Sub Registrar is acceptable as evidence for proving the contents mentioned in that original document.

5

Part 2 – Registration of Document

Inspection / Search of Documents and of Indexes

- 5.1 Inspection/Search
- 5.2 Method of Search
- 5.3 Search Fee

5.1 Inspection / Search

Que. 1 What is meant by inspection/search of documents and of index in the office of Sub Registrar?

Ans. To inspect the records in the office of Sub Registrar, to obtain information as to what registrations have been completed in the past in the context of some property, is called inspection/search. This search can be made in the following ways:-

- A. If the Document number and year of the registered document pertaining to the property is known to inspect that specific document/index 2 of that document (Document Wise Search) or
- B. If Document number of registered document is not known-
 - 1. To inspect Index 2 of all registered documents relating to that specific property (Property Wise Search) or
 - 2. To inspect Index 1 of all registered documents in which the specific person is a party (Party Wise Search).

Que. 2 Who can inspect/search of registered documents or it's Index?

- Ans.**
- A. Any person remitting the prescribed fee for inspection / search of documents can inspect / search documents registered in office of Sub Registrar in Book No. 1 (e.g. Sale Deed, Gift Deed, Lease Deed etc.) and the Index 1 and 2 of those documents.
 - B. In Book No. 2, reasons for refusal to register document are mentioned, those books cannot be inspected.
 - C. The inspection of Wills registered in Book No. 3 and inspection of documents (e.g. Sale Deed of movable property) registered in Book No. 4 can be done only by Sub Registrar.

5.2 Process of Search

Que. 3 What is the procedure for undertaking inspection/search of registered documents or of index thereof?

Ans. Inspection/search of registered documents or index thereof can be done property wise or party wise in the office of Sub Registrar. For that inspection:

- 1. Application has to be made to the concerned Sub Registrar. In that application:

- A. If search is to be made property wise, the name of village of property and property number has to be mentioned or if search is to be made party wise, the name of that person has to be mentioned. Similarly,
 - B. The years of which search is to be taken has to be mentioned.
2. Prescribed search fee has to be paid.
 3. After this, the Sub Registrar will make available the index of registered documents of related properties or parties of concerned year. Besides, in order to take Property Wise Search there is another option available to use e-Search system on the Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Online Services' and sub heading 'e-Search'. For more information in this context, Please see Part 6: 'e-Services,' of this book.

Que. 4 In which form an application has to be made for inspection / search of documents in the office of Sub Registrar?

Ans. The specimen of application form for inspection/search of documents in the office of Sub Registrar is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Downloads' and sub heading 'Forms'.

Que. 5 What special precaution has to be taken to search property wise documents?

Ans. One has to make sure that, the existing number of the property (the property relating to which registered documents have to be searched) has not changed in the entire period of search. If before a certain period the number was different, then for earlier period search should be made by old number and for subsequent period search should be made by new number.

Illustration :-Suppose, you are expected to take search of documents relating to property of Survey No. 15 in village 'b' for the period 2002 to 2014. If village 'b' was a part of village 'a' up to year 2006 and that time Survey No. of that property was 530, in that case:

1. Take search of documents (inspect index) relating to Survey No. 530 from village 'a' during the period 2002 to 2006.
2. Take search of documents (inspect index) relating to Survey No. 15 from village 'b' during the period 2007 to 2014.

Que. 6 Tell us information about e-Search?

Ans. In order to inspect the index of documents pertaining to any property, registered in the office of Sub Registrar, one can do it online sitting at home without going to the office of Sub Registrar. This is known as e-Search facility.

This facility is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Online Services' and sub heading 'e- Search'. For more information see Part 6: 'e-Services', of this book.

5.3 Search Fee

Que. 7 What is the fee for inspection / search of document/ Index in the office of Sub Registrar?

Ans. According to Article 10 of Table of Registration Fee the rates of Search / Inspection Fee are as follows:

Sr. No.	Particulars	Rates of Search Fee
1	Particulars of property are known, but Document number is not known or Definite year is not known (Property Wise Search)	To search documents of one property for first 12 years minimum Rs. 300 and after that for every year at the rate of Rs. 25
2	Particulars of property are not known, document number is not known, or definite year of registration is not known, but name of party is known (Party Wise Search).	For search of documents of one party for first 12 years minimum Rs.300 and after that for Every year at the rate of Rs.25
3	If definite document number and Year is known (Document Wise Search)	Rs. 25 per document

Que. 8 How to pay search fee?

Ans. The fee for inspection / search of records in the office of Sub Registrar can be paid through the Government's GRAS system. But if the said fee is less than Rs. 300/- it can be paid in cash. Similarly, if Search fee is paid in any one office of Sub Registrar of concurrent jurisdiction, the search of documents in all offices of Sub Registrars of that concurrent jurisdiction of same property and of same period can be made without paying any separate fee.

6

Part 2 – Registration of Document

Filing of Notice of Intimation in the Context of Equitable Mortgage

- 6.1 Equitable Mortgage
- 6.2 Notice of Intimation
- 6.3 Process of Filing of Notice of Intimation
- 6.4 Requisite Duty / Fee

6.1 Equitable Mortgage

Que. 1 What does Equitable Mortgage exactly mean?

Ans. Provisions have been made regarding mortgage transactions in Section 58 of Transfer of Property Act, 1882. Clause (f) in it contains provisions for loan / debt transactions by way of Deposit of Title Deed.

Accordingly, person taking loan can secure the loan amount by way depositing title deeds of concerned property with the person giving loan. This activity can be done only in cities Notified by State Government vide a notification. This mode is called as Equitable Mortgage.

6.2 Notice of Intimation

Que. 2 What is meant by Filing of Notice of Intimation in the context of Equitable Mortgage? What is the legal provision in that regard?

Ans. Provisions exist in Clause (f) of Section 58 of Transfer of Property Act, 1882 regarding loan transactions by following Deposit of Title Deed system. According to it, to take loan it is sufficient for the borrower to deposit his title deeds in the custody of bank and the bank or borrower to prepare a note in that respect. It is not obligatory on both parties to jointly prepare an agreement and to sign it. Still in some cases both parties execute a Loan Agreement or Agreement of similar nomenclature. However, there was no need of registering that Agreement.

The Registration Act, 1908 has been amended as follows, with effect from 01/04/2013 with the objective that information about loan transactions through Deposit of Title Deed system should also be entered into the records of the office of Sub Registrar, so as to, the interests of the concerned party should be protected, and similarly, information of all loan transactions involving that property should become known to other people, before carrying out transaction of that property.

1. In respect of loan transaction based on Deposit of Title Deed system, if any Loan Agreement or similar agreement with any name is executed between bank/financial institution and party taking loan, then it has been made compulsory to register that

agreement in the office of Sub Registrar. For that purpose an amendment has been made in Section 17.

2. However, if no agreement has been executed between the said parties, then the person taking loan should file a notice in the office of Sub Registrar mentioning information about the said transaction. Such a provision has been made in Section 89B of the Registration Act, 1908.

Que. 3 When and where is the Notice of Intimation to be submitted for filing?

Ans. The Notice of Intimation has to be submitted for filing within 30 days from the Date of mortgage (i.e. from the date of deposit of title deed) to such office of Sub Registrar in whose jurisdiction the immovable property involved in the notice is situated.

Que. 4 By what Rule the procedure of filing of Notice of Intimation has been prescribed?

Ans. The procedure pertaining to filing of Notice of Intimation has been prescribed as per Maharashtra Filing of True Copies of Documents and of Notices Rule, 2013. The said Rule is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Publications' and sub heading 'Rules'

6.3 Process of Filing of Notice of Intimation

Que. 5 What is the general process of filing of Notice of Intimation?

Ans. The general process of filing of Notice of Intimation is as follows:

1. Prepare a notice in prescribed form by using PDE for filing facility available on Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Online Services' and sub heading 'PDE for filing',
2. Pay requisite Stamp Duty on the said notice,
3. Mortgagor should affix his own photo, sign it and mark thumb imprint,
4. Get attested the photo of party in the said notice from concerned bank,
5. Deposit with Government a Filing Fee of Rs. 1000/- through e-payment,
6. Mortgagor should personally present himself in the office of Sub Registrar and submit the notice. The following papers are required with it-
 - A. Identity card with photo of Mortgagor
 - B. If stamp Duty is paid on other document, true copy of that document
 - C. Proof of having paid Filing Fee and Stamp Duty.
7. If the Sub Registrar, after scrutiny of notice and papers accepts the notice for filing, deposit Rs. 300/- in cash as Document Handling Charges and take receipt of that amount and acknowledgment of notice from Sub Registrar.

Que. 6 What items are necessary to be mentioned in Notice of Intimation with reference to Filing of Notice of Intimation?

Ans. In the notice regarding Equitable Mortgage, it is necessary to mention the following items:

- Name and address of Mortgagor,
- Name and address of Mortgagee (bank/financial institution),
- Date of Mortgage,
- Amount of loan,

- Rate of interest,
- List of documents Deposited with the Mortgagor,
- Particulars of immovable property in those documents.

The specimen/form of notice is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Downloads' and sub heading 'Forms'.

Que. 7 In which office of Sub Registrar the Notice of Intimation has to be filed?

Ans. The said notice is to be filed in that office of Sub Registrar in whose jurisdiction the property in the Title Deed deposited with bank is situated.

Que. 8 If properties existing in the jurisdictions of more than one Sub Registrar are included in some loan transaction, then in which office of Sub Registrar it would be necessary to submit the notice?

- Ans.**
- If properties existing in the area of jurisdiction of more than one Sub Registrar are included in a loan transaction, then it is necessary to submit independent notices to every such office of Sub Registrar.
 - If appropriate Stamp Duty is paid on one notice, for every other notice a Stamp Duty of Rs. 100/- is payable.
 - It is necessary to pay Rs. 1000/- as Filing Fee for every such notice and Rs. 300/- as Document Handling Charges in the respective offices of Sub Registrar for every such notice.

6.4 Requisite Duties/Fees

Que. 9 What different duties/fees have to be paid for Filing of Notice of Intimation?

Ans. The following duties/fees are to be paid for Filing of Notice of Intimation.

- Stamp Duty,
- Filing Fee,
- Document Handling Charges.

Que. 10 How much Stamp Duty is payable for filing the Notice of Intimation in respect of a loan transaction made by depositing of title deed (Equitable Mortgage)?

Ans. According to Article 6(1) of Schedule I of Maharashtra Stamp Act, in such cases the Stamp Duty is payable as follows-

Sr. No.	Amount of Loan	Stamp Duty Payable
1.	If the amount to be secured by mortgage is not more than Rs. 5 lakh	Rs. 1/- for each Rs. 1000/-, but minimum of Rs. 100/-
2.	If the amount to be secured by mortgage is more than Rs. 5 lakh	Rs. 2/- for each Rs. 1000/- but maximum Rs. 10/- lakh

However, if Stamp Duty is according to this is paid on Note / Memorandum executed in connection with this loan transaction, a Stamp Duty of Rs. 100/- is payable on the Notice of Intimation.

Que. 11 What is the Filing Fee for Filing of Notice of Intimation? How should it be paid?

Ans. Rs. 1000/- is the Filing Fee for Filing of Notice of Intimation. It has to be paid on line through

GRAS system. For more information see, Part 6: 'e-Services', in this book.

Que. 12 What is the Document Handling Charges for Filing of Notice of Intimation?

Ans. Document Handling Charges for Filing of Notice of Intimation is Rs. 300/- per notice. It has to be paid in cash in the office of Sub Registrar.

Que. 13 What is the time limit for submission of Notice of Intimation for filing in the office of Sub Registrar?

Ans. It is compulsory to submit Notice of Intimation for filing in the office of Sub Registrar within 30 days from the Date of mortgage (from the Date of Deposit of Title Deed).

Que. 14 If there is a delay in submitting Notice of Intimation for filing in the office of Sub Registrar, who has the authority to extend the time limit?

Ans. If there is a delay in submitting Notice of Intimation for filing, there is no provision for extension of time limit in the Registration Act, 1908.

Que. 15 Who can get a certified copy of Index 2 of the filed Notice of Intimation?

Ans. Any person who applies and pays fee for copy can get a certified copy of Index 2 of filed Notice of Intimation.

Que. 16 Who can inspect / search Index 2 of filed Notice of Intimation?

Ans. Any person who submits application and pays fees can inspect Index 2 of filed Notice of Intimation. For more information in this regard, see the Topic 'Inspection/search of documents and index' under the Part 'Registration of Documents,' of this book.

Que. 17 Can the parties do the filing on line, without going to the office of Sub Registrar for Filing of Notice of Intimation?

Ans. Yes. Without going to the office of Sub Registrar for filing of Notice of Intimation, the parties can do the filing through the concerned bank by using online system. This is known as 'e-Filing'. For more information in this regard see, Part 6: 'e-Services,' of this book.

Please Note

It is binding to submit for filing the Notice of Intimation in the office of Sub Registrar within 30 days from the Date of Mortgage (from the Date of deposit of title deed)

7

Part 2 – Registration of Document

Registration of Will

- 7.1 Will
- 7.2 Registration of Will
- 7.3 Certified copy of Will
- 7.4 Registration of Will after death of maker of Will/testator
- 7.5 Depositing the envelope of Will.

7.1 WILL

Que. 1 What is Will?

Ans. In general, it can be said that Will means a document executed by a person stating as to after his death, who should get/whom should be given his self earned immovable and movable property or his undivided share in the ancestral property of undivided family or in what manner should his property be disposed off.

Que. 2 Is it compulsory to register a Will?

Ans. No. Registration of Will is optional.

Que. 3 Even when registration of document of Will is optional, why citizens choose to register it?

Ans. This is because registration of Will reduces the chances of disputes regarding property among the legal heirs of Testator after his death. Similarly, it helps easy management of property.

7.2 Registration of Will

Que. 4 When the Testator of Will can submit his Will for registration during his own life time?

Ans. After signing the Will the Testator of Will can submit that Will for registration at any time. The time limit of 4 months from signing, does not apply to it.

Que. 5 In which office of Sub Registrar the Will can be submitted for registration?

Ans. The Testator of Will can submit the Will for registration at such office of Sub Registrar in whose jurisdiction he may be residing, or jurisdiction under which he might have signed the Will or such office of Sub Registrar which may be convenient to him.

Que. 6 What Registration Fee is payable for registration of Will?

Ans. Registration Fee payable for registration of Will is Rs. 100/-.

Que. 7 Is Stamp Duty payable on document of Will?

Ans. No Stamp Duty is to be paid on document of Will.

Que. 8 In general what is the process of registration of Will submitted by the Testator of Will?

Ans. The process of registration of Will submitted by the Testator of Will himself is similar to that of other documents in general.

7.3 Certified Copy of Will

Que. 9 Who can get copy of registered Will?

Ans. As long as Testator of will is alive, copy of registered Will can be obtained only by Testator of will (Executor) or by the person authorized by him to receive copy.

Que. 10 After the death of Testator of Will, who can and how can get copy of Will and Index 3?

Ans. After the death of Testator of Will, any party can obtain a copy of such Will or Index 3 prepared in that context. However, it is necessary to submit to the office of Sub Registrar certificate of death of the Testator of Will.

7.4 Registration of Will after Death of Testator

Que. 11 If a Will has not been registered, can the Will be registered after the death of the Testator?

Ans. Yes. Such Will can be registered as per Section 40 of the Registration Act.

Que. 12 Who can submit a Will for registration after the death of Testator?

Ans. After the death of Testator, the person appointed by the Testator as Executor for implementation of Will or persons claiming on the basis of Will can submit the Will for registration.

Que. 13 What is the procedure for registration of Will after the death of Testator of Will?

Ans. If such Will is submitted for registration, the Sub Registrar satisfies himself about the following items –

1. The Testator of Will himself had executed/signed the Will.
2. The Testator of the Will has dead.
3. Persons submitting the Will for registration have the authority in that respect.

In order to satisfy himself about the above items the Sub Registrar under his own authority can demand the following papers:

- Death Certificate of Testator of Will.
- Affidavit that, persons submitting the Will for registration have authority in that respect.
- A probate of concerned competent court or certificate from concerned competent court of having appointed an administrator, or
- The declaration of the persons who have signed on the Will as witness of execution by the Testator, stating that Testator of Will himself had executed /signed the will.

7.5 Depositing Sealed Cover of Will

Que. 14 What is meant by Depositing sealed cover of Will?

Ans. If a person desires that instead of registering the Will, he would like to keep it in confidential form with Government office, then he can keep the said Will in a sealed cover and deposit that cover in the office of District Registrar and take back that cover when desired in course of time.

If the Testator does not take back the envelope during his lifetime, that envelope is opened after his death if application is received accordingly and the Will is copied in the concerned book. A detailed provision in these regard exists in Section 42 to 46 of the Registration Act, 1908.

Que. 15 Who can deposit the sealed cover of Will and to whom?

Ans. The Testator himself or his authorized representative can deposit the sealed cover containing Will with the District Registrar and District Collector.

Que. 16 How much is the fee for depositing the sealed cover containing Will?

Ans. Fee for depositing sealed cover of Will is Rs. 100/-.

Que. 17 What is the procedure and fee for taking back sealed cover containing Will?

Ans. According to Section 44 of the Registration Act, 1908: -

- If the Testator desires to take back the sealed cover containing Will, he can himself or through an authorised representative submits an application to the District Registrar.
- If the District Registrar is convinced that the person applying is the Testator or his authorised representative, then he returns such cover without opening it, to the applicant.
- A fee of Rs. 100/- is charged for this.

Que. 18 When the cover containing Will can be opened? What is procedure relating to opening and after opening the cover?

Ans. According to Section 45 of the Registration Act, 1908:

- After the death of Testator, any person can apply for opening the deposited cover. A fee of Rs. 100/- is charged for this.
- The District Registrar and District Collector convince himself about the death of the Testator.
- If convinced he open the cover in the presence of such applicant.
- After opening the cover, a copy of the Will is made in Book No.3.
- The Will is again kept in sealed cover and deposited in records.
- A certified copy of the entry in the Book No.3 is given to applicants.

Please Note

- After signing the Will the Testator can submit the Will for registration anytime. The time limit of 4 months from Date of signature does not apply for it.
- No Stamp Duty is to be paid on document of Will.
- Registering of Will is optional. However, by registering the Will the chances of disputes of property among legal heirs of the testator after his death become less.

8

Part 2 – Registration of Document

Power of Attorney

- 8.1 Power of Attorney
- 8.2 General Power of Attorney
- 8.3 Special Power of Attorney

8.1 Power of Attorney

Que. 1 What is the meaning of Power of Attorney?

Ans. Generally, a document by which, a person who is himself competent to do certain acts, gives the authority to another person to perform such acts in his name and on his behalf is called Power of Attorney.

- In local parlance/vernacular language this is also called as kulmukhtyarpatra, Mukhtyarpatra, Mukhtyarnama, Vatmukhtyar, Aammukhtyarpatra etc.
- Here, the person who gives authority/rights is called as 'Principal' and the person to whom authority is given is called 'Attorney Holder'.
- This does not include the letter to act as Advocate (Vakilpatra).

Que. 2 What kind of Power of Attorney are generally used in the context of registration of document?

Ans. Generally the following two kinds of Power of Attorney are used in the context of registration of document:

1. General Power of Attorney:-
 - A. conferring the authority to sell immovable property
 - B. conferring other rights but not the right to sell immovable property
2. Special Power of Attorney conferring the authority to present executed document for registration or to give admission on behalf of person executing the document.

Que. 3 If the document is executed on the basis of Power of Attorney, what papers are necessary at the time of registering that document?

Ans. If the document is executed on the basis of Power of Attorney, the following papers are necessary at the time of registering that document:-

1. Original Power of Attorney
2. True copy of the Power of Attorney
3. Declaration that the Power of Attorney has not been cancelled and that the person conferring Power of Attorney has not dead. A general specimen of declaration is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the

heading 'Downloads' and sub heading 'Forms'.

8.2 General Power of Attorney

Que. 4 What is the meaning of General Power of Attorney?

Ans. The Power of Attorney in which the executor of Power of Attorney (Principal) authorize the Power of Attorney holder to perform any nature of activity in the context of his immovable and movable property in his name and on his behalf, that Power of Attorney is called General Power of Attorney.

Que. 5 How much Stamp Duty is necessary for Power of Attorney authorizing to sell immovable property?

Ans.

- If such Power of Attorney is conferred without any consideration in the name of father, mother, brother, sister, wife, husband, son, daughter, grandson, granddaughter or any near relative, then Stamp Duty of Rs. 500/- is necessary.
- In case of a Power of Attorney not included in 'A' above, Stamp Duty is payable as per rate prescribed in Clause (f) for Article 48 on the market value of the property in the Power of Attorney and the consideration (If any) whichever is higher.

Que. 6 What is the Registration Fee for Power of Attorney authorizing to sell immovable property?

Ans. In order to register a Power of Attorney authorizing to sell immovable property-

- If the Power of Attorney is conferred without consideration and in the name of father, mother, brother, sister, wife, husband, son, daughter, grandson or granddaughter or a near relative as per definition in Income Tax Act, 1961, then a Registration Fee of Rs. 100/- is payable.
- In cases of Power of Attorney not falling under 'A' a Registration Fee is payable at the rate of Rs.10/- per Rs. 1000/- with a minimum of Rs. 100/- and maximum fee of Rs. 30,000/- on the market value of property in the Power of Attorney or the consideration (if any), whichever higher.

Que. 7 Since when the registration of Power of Attorney authorizing to sell immovable property has been made compulsory?

Ans. As per clause (h) newly introduced in Section 17 of The Registration Act 1908, with effect from 01/04/2013, for a Power of Attorney authorizing to sell immovable property executed on or after 01/04/2013 registration is compulsory.

Que. 8 If Power of Attorney authorizing to sell immovable property is not registered, then?

Ans. If a Power of Attorney authorizing to sell immovable property is executed before 01/04/2013 is not registered, it is considered acceptable for registration of document executed on its basis. However, it is necessary to have the payable Stamp Duty paid at the time of execution of the Power of Attorney. Similarly, it is also necessary to have it executed before and attested Competent Authority (like Notary).

- If a Power of Attorney executed in India on or after 01/04/2013 is not registered, then it is not considered acceptable for registration of document executed on its basis.

Que. 9 While registering a document on the basis of Power of Attorney, generally, what declaration is to be attached with the document?

Ans. Since it is binding on the Power of Attorney holder to use Power of Attorney after verifying all the facts like, that the principal of Power of Attorney (person conferring Power of Attorney) has not died or the said principal has not cancelled it or the Power of Attorney is not cancelled for any other reason, While registering a document on the basis of Power of Attorney the Power of Attorney holder has to sign a declaration that he has verified all these facts and such signed declaration has to be attached to the document.

8.3 Special Power of Attorney

Que. 10 What is meant by Special Power of Attorney?

Ans. When the original party signs/executes the document, and authorizes someone to perform following activities in his name and on his behalf:

- To remain present in the office of Sub Registrar on his behalf, and to present that document for registration or
- To remain present in office of Sub Registrar on his behalf and admit its execution before the Sub Registrar, such Power of Attorney conferring limited rights is called Special Power of Attorney.

Que. 11 What Stamp Duty is payable for Special Power of Attorney?

Ans. Stamp Duty payable for Special Power of Attorney is Rs. 100/-.

Que. 12 In what way the Special Power of Attorney is prepared?

Ans. The provisions exist in Section 33 of the Registration Act, 1908, in regard to Special Power of Attorney. According to it-

1. If one who is conferring Power of Attorney is staying in India, at the time of executing/signing such Power of Attorney, has to present himself along with the Power of Attorney before the Sub Registrar in whose jurisdiction he is residing and has to execute / sign the Power of Attorney before that Sub Registrar and the concerned Sub Registrar authenticates it saying that the said party has signed in his presence.
2. If the person conferring Power of Attorney is not staying India, at the time of executing / signing such Power of Attorney, he signs the Power of Attorney in the presence of the Competent Authority of the country where he is residing which includes Public Notary/ Judicial Court/Judge/ Magistrate/Indian Counsel or Vice Counsel or Representative of Central Government and such Competent Authority gives authentication that the said party has signed before him.

Que. 13 What is meant by authentication of Special Power of Attorney?

Ans. According to Section 33 of The Registration Act, 1908, the person conferring Special Power of Attorney has to remain present before Sub Registrar (or if residing outside India before the Competent Authority) and sign the Power of Attorney before him and the Sub Registrar (and if outside India, the Competent Authority) has to certify that the said signature was made before him. This is called Authentication.

Que. 14 What is meant by Attestation of Special Power of Attorney?

Ans. According to Section 33 of Registration Act, 1908, it is necessary for the person conferring Special Power of Attorney to present himself before Sub Registrar and to sign the Power of Attorney. However, if for exceptional reasons mentioned further, if a certain person cannot be present personally before the Sub Registrar for authentication and if the Power of Attorney signed before hand/earlier by him is submitted before the Sub Registrar, the Sub Registrar after verifying the reasons and satisfying himself that the person has really signed the Special Power of Attorney, can do the Attestation of the said special Power of Attorney.

Exceptional reasons:-

- If the person faces risk due to physical disability or suffers serious inconvenience,
- If such person is in prison due to proceedings in criminal or civil court,
- If such person is legally exempted from being present in the court.

Que. 15 What is the fee for Authentication/Attestation of Special Power of Attorney by Sub Registrar?

Ans. The fee for Authentication/Attestation of Special Power of Attorney by Sub Registrar is Rs. 25/-.

9

Part 2 – Registration of Document

Other Important Points

- 9.1 Correction of error in Index
- 9.2 Old pending documents
- 9.3 Receipt for Registration Fee
- 9.4 Refund of Registration Fee
- 9.5 Court stay
- 9.6 Marks on Document regarding Registration
- 9.7 To cancel Registration of Document
- 9.8 Document Writer
- 9.9 Notice of Lis Pendens
- 9.10 'A' Patrak

9.1 Correction in Index

Que. 1 After registration of document, if some items/facts (e.g. name of party, description of property etc.) in the document are found to be incorrect. What should be done under these circumstances?

Ans. In such cases, in order to correct the mistakes, all parties can prepare a Correction Deed or any other suitable Document and get the Correction Deed /Document registered in the office of Sub Registrar. However, all rules of Stamp Duty and Registration will remain applicable for the said Deed / Document.

Que. 2 After registration of document, if it is found that particulars in the document are correct but some facts are wrongly mentioned in the index received from the office of Sub Registrar, what should be done?

Ans. After registration of document, if it is found that particulars in the document are correct but some facts are wrongly mentioned in the Index received from the office of Sub Registrar, the party can make an application to the office of Sub Registrar for correction in the Index and obtain a copy of the corrected Index.

Que. 3 If the index is not prepared in accordance with the registered document or a mistake has occurred in the index, which has the authority to sanction correction of such mistake?

Ans. Such authority vests with District Registrar and District Collector.

Que. 4 What is the procedure for correction of mistakes in Index?

Ans. The procedure for correction of mistakes in Index is:-

- The concerned party can submit application to the Sub Registrar for correction of mistake.
- After receipt of such application or if it comes to his notice due to some other reason, the Sub Registrar, after inspecting his office records finds that it is necessary to correct the mistake, recommends to the District Registrar and District Collector through Joint District Registrar to sanction the correction of such mistake.
- The District Registrar and District Collector, after giving a consolidated thought to all these: copy of document in the office of Sub Registrar, recommendation of Sub Registrar, application of party (if available), can give sanction for such correction or may refuse.
- If sanction is obtained for correction of mistake the Sub Registrar will take note of the said order and do the corrections in Index as sanctioned.

Que. 5 If a document received back after registration is lost by the party, what should be done by him?

Ans. The party can apply to the concerned office of Sub Registrar and after paying Copying Fee can get a certified copy of that document.
According to Section 57 of the Registration Act, 1908, the certified copy obtained from the Office of Sub Registrar is considered acceptable as proof of items mentioned in that original document for all purposes.

9.2 Old / Pending Documents

Que. 6 Some documents submitted for registration prior to 2002 have still not been received back by the concerned persons. What is the real position in this regard?

Ans. From 2002 onwards Computerized Document Registration System has been introduced in the offices of Sub Registrar. Under this system, only those documents eligible for registration are accepted and they are returned to the parties within 30 minutes after completion of registration and scanning. However, such a system did not prevail prior to 2002. Some documents presented at that time for registration have been kept pending because proper Stamp Duty or Registration Fee was not paid, while some others are kept pending because necessary papers were not attached there with. Some documents have not been returned to concerned persons because of this pendency. If the fulfillment of required Stamp Duty/papers in that respect is being done, the documents are being returned to concerned persons after completion of registration.

Que. 7 If the registration of documents submitted prior to 2002 for registration is kept pending, how can the registration be completed now?

Ans. For this purpose, the Sub Registrar should be contacted personally and specific information about why the document is kept pending should be found out from him. If the document is pending for completion of some papers, then those papers should be furnished. If the document is pending for reason of short payment of Stamp Duty or Registration Fee then the difference in Stamp Duty, Penalty and difference in Registration Fee should be paid at the Collector of Stamp of District. After doing fulfillment in this manner, the Sub Registrar can complete the registration of the document.

Que. 8 In regard to registration of document being kept pending, if the reasons given by Sub Registrar are not found acceptable, what further action should be taken?

Ans. In this respect, a written order mentioning reasons for refusal to register should be demanded from Sub Registrar. After receipt of such order the parties can make an appeal against it to District Registrar and District Collector through Joint District Registrar. For more information in this regard, see Topic 'Legal provisions in the context of document registration' of part 1 'Document Registration' of this book.

Que. 9 Registration of a document submitted for registration prior to 2002 has been completed, but it is not being returned since its copying/scanning has not been done; when and from which office that document can be received back?

Ans. The copying (Photo copying, Photography, Scanning) of almost all documents has been completed which were presented for registration prior to year 2002 and whose registration is completed and original documents have been returned to parties.

In exceptional circumstances, if the copying of some document has not been done at that time or if the process of registration of that document is completed now, the computerization facility for scanning of those documents is made available in the offices of Sub Registrar. Those documents can be received back within about fifteen days of registration, from the concerned office of Sub Registrar.

Que. 10 Formerly some documents were sent for Photography / Scanning to the Government Photo Registry, Pune. Where can one get the original documents/their copies?

Ans. The original documents / copies are not given to parties by Government Photo Registry. The original documents / copies are issued by that office of Sub Registrar where the documents were presented for registration. Therefore it is necessary for the parties to contact only to the concerned office of Sub Registrar.

Que. 11 In the context of a registered document there can be different dates like Date of execution (signing) the document, Date of presentation for registration, and Date of registration. Out of these, from which specific date the effect of the transaction in the document begins?

Ans. According to Provisions made in Section 47 of the Registration Act, 1908, in regard to registered document, generally the transaction becomes effective from the Date of execution (signing).

Que. 12 If a certain document has not been presented for registration within time limit, can the document be presented by attaching it with Conformation Deed / Unilateral Declaration Deed?

Ans. No. In this context see circulars of the Office of Inspector General of Registrations dated 22/12/2011 and dated 28/05/2012 for clarification available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Publications' and sub heading 'Circulars'.

Que. 13 If it has not been possible to submit a certain document for registration within time limit, what options are available to the parties?

Ans. In such transaction it is open for all parties to execute any new document pertaining to that transaction and legally acceptable, by paying Proper Stamp Duty and getting it registered. For

example, if an Agreement to Sale is not presented for registration within time limit, then with the signature of all parties to the agreement, if a Sale Deed is executed at present date and proper Stamp Duty is paid, it can be registered.

9.3 Registration Fee Receipt

Que. 14 In whose name Registration Fee receipt is issued?

Ans. Registration Fee receipt is issued in the name of party presenting the document for registration.

Que. 15 If the Registration Fee Receipt is lost, where can be its duplicate copy available? What is the fee for it?

Ans. If Registration Fee Receipt is lost, a written application can be given to office of Sub Registrar for issue of duplicate receipt.

- A Judicial stamp (court fee label) of Rs.5/- should be affixed to it.
- A copy fee of Rs.5/- should be paid.
- A duplicate copy of Registration Fee Receipt mentioned in the application will be issued from the office copy. The applicant has to supply a Judicial Stamp (Court Fee Label) of Rs. 20/- for such duplicate copy.

9.4 Refund of Registration Fee

Que. 16 After completion of registration, if it is noticed that excess Registration Fee has been paid, then what are the provisions for refund and who has the authority?

Ans. If after registration of document, it is noticed that excess Registration Fee has been paid, the authority to refund such excess fee vests with Inspector General of Registration as per Section 80 of Registration Act, 1908. However, it is necessary that the concerned party should submit application accordingly in the name of District Registrar to the concerned office of Sub Registrar, where the document has been registered.

Que. 17 In a situation where Registration Fee is remitted through e-payment but the document has not been registered or registration is cancelled how can the refund of amount be obtained? In how many days an application will have to be made? Similarly, who has the authority to give refund?

Ans. Where Registration Fee is remitted through e-payment, but the document has not been registered or registration is cancelled, in order to get refund of such amount, an application should be made to Joint District Registrar of District of that Sub Registrar in the name of whose office, the amount has been paid. It is necessary to make such application within six months of payment of amount.

9.5 Court Stay

Que. 18 If there is a court stay on registration of a document, in what way it is essential to provide information to the office of Sub Registrar?

Ans. In the case of a petition before any Court, if the Hon'ble Court issues an order that document

pertaining to transfer of the disputed property mentioned in the petition, should not be registered until final decision is made, generally, the court officer sends copy of that stay order to concerned office of Sub Registrar. However, parties having vested interest in the said petition can also inform the Sub Registrar about such stay. The Sub Registrar does not accept for registration a document relating to transfer of property mentioned in the stay order.

9.6 Registration Marks of Documents

Que. 19 How can one recognize the office where the document has been registered?

Ans.

- On each page of the registered document, a Tri-Letter indicating concise name of the office of Sub Registrar where the document has been registered is mentioned. (e.g. HVL for Sub Registrar Haveli or BBE for Sub Registrar, Mumbai)
- An endorsement about the office in which document is presented for registration is made on the document.
- The designation is mentioned under each signature of Sub Registrar.
- Seal of the office of Sub Registrar is affixed on the registered document.

On the basis of all these remarks / endorsements, one can know the office where the document is registered.

Que. 20 How to identify the Sub Registrar's office with the help of Tri Letters?

Ans. A list of Tri Letters of all offices of Sub Registrar is available on Registration and Stamps Department's website www.igrmaharashtra.gov.in, under the heading 'Organizations' and sub heading 'Offices'.

9.7 Cancellation of Registration of Document

Que. 21 Has the authority to cancel a registered document is with Registration Department?

Ans. The Registration Department does not have the authority to cancel a registered document.

Que. 22 Who has the authority to cancel a registered document?

Ans. As per Section 31 of Specific Relief Act, 1963, Competent Court has the authority to cancel a registered document.

9.8 Document / Bond Writer

Que. 23 Who has the authority to issue License to Bond Writer?

Ans. The District Collector and District Registrar of concerned district have the authority to issue said License.

Que. 24 How much fee can be charged by Bond Writer to write a document?

Ans. The Bond Writers can charge fee at the rate of Rs. 5/- per page, up to a maximum fee of Rs. 100/- to write a document.

9.9 Notice of Lis Pendens

Que. 25 What is the meaning of Notice of Lis Pendens?

Ans. In Section 52 of Property Transfer Act, 1882, provision is made regarding Notice of Lis Pendens. According to that, if a dispute arises regarding rights to certain immovable property, and if a suit is filed in Competent Court, then to let general public know about that dispute/suit, a notice is registered in the office of Sub Registrar which is called Notice of Lis Pendens.

Que. 26 If a document of Notice of Lis Pendens is registered, what specific use / effect is achieved by it?

Ans. If a document of notice of Lis Pendens is registered, it came in the record of the office of Sub Registrar and information about the suit mentioned in it becomes available to the general public through the search facility. Therefore the risk of creation of third party interests about the disputed property is reduced. But, registration of such notice does not prohibit the registration of document related to transfer of that property.

Que. 27 What is the Registration Fee payable on document of Notice of Lis Pendens ?

Ans. For registration of document of Notice of Lis Pendens Registration Fee of Rs.100/- is payable.

9.10 'A' Patrak and CTS Patrak

Que. 28 What is the provision and procedure of sending 'A' Patrak and CTS Patrak?

Ans. Mutation (Changes) are expected to take place in the concerned Record of Rights (7/12, property card) of immovable property due to registration of document of transfer of immovable property. After registration of such document, the Sub Registrar sends its information in prescribed form to concerned Tahsildar as per the provisions of Maharashtra Land Revenue Act, 1966. It is called 'A' Patrak.

- The 'A' Patraks of following documents registered in the office of Sub Registrar are sent to Tahsildar:
 1. Sale as per private agreement or Sale through civil court
 2. Lease Deed
 3. Gift
 4. Exchange
 5. Mortgage Deed (with possession or without possession)
 6. Partition Deed
 7. Document surrendering rights
 8. Receipt showing repayment of amount in Mortgage Deed
 9. Discharge and Reconveyance
 10. Trust Deed
 11. Transfer of rights of mortgagee holding property through Mortgage Deed
 12. Adoption Deed transferring the rights of adopter in self-earned property to adoptee.
- The information about documents registered in the context of property in City Survey Area, is sent to City Survey Officer through CTS Patrak.
- The said 'A' Patraks/CTS Patraks are sent to concerned office up to 5th day of the next month of registration.

Benefits of Document Registration

1. According to Section 49 of Registration Act, 1908, the concerned document is accepted as legal evidence of transaction mentioned in it.
2. According to Transfer of Property Act, 1882, if the Sale Deed, Mortgage Deed, Lease Deed, and Gift Deed are registered, then only the transfer of property can accordingly take place.
3. If registration is done, the rights of transferee are established on the basis of that document.
4. If registration is done, the parties to the document remain bound to the terms and conditions / transaction mentioned in the document.
5. If registration is done, one can lodge petition in the Competent Court for fulfilment of transaction mentioned in the document.

PART

3

Stamp Duty

Shri Subhash Satpute

Joint Sub-Registrar
Class 2, Borivali No. 9

Shri Gopinath Kolekar

Desk Officer No. 12 (Refund),
Office of the Inspector General
of Registration, Pune.

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Part 3 – Stamp Duty

General Information

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1.1 Some Definitions in Maharashtra Stamps Act

Que. 1 What is the meant by 'Conveyance deed'?

Ans. Conveyance deed generally means a document by which one party transfers his right, title, interest or the vested in immovable or movable property or any estate in favour of any other party to the document, except for which some separate provision is available for in Schedule-1 of Maharashtra Stamps Act.

The following kinds of documents fall under this category:

1. Conveyance on sale
2. Every Instrument
3. Every decree or final order of civil court
4. Order issued by High Court under Section 394 of Company Law, 1956 regarding amalgamation and reconstruction of companies, or order issued by Reserve Bank vide Section 44A of Reserve Bank of India Act, 1934 regarding amalgamation and reconstruction of banks.

Que. 2 What is meant by 'Lease deed'?

Ans. Lease deed in generally means lease deed of immovable or movable property or of both.

The following writings come under this category;

1. Patta
2. A writing commonly known as ' *kabulayat* '; or A written agreement regarding payment of rent for immovable property but not lease in duplicate for cultivation.
3. Any document by which right to levy Toll tax is let.
4. Any material written with the objective to show that application for lease has been sanctioned or granted.
5. Decree or Final Order of any Civil Court in respect of lease.

Que. 3 What is meant by 'Mortgage deed'?

Ans. A mortgage deed is a document by which, the debtor to secure the amount/loan given or to be given by the creditor, creates or transfers a right in or upon his property in favour of the creditor

Que. 4 What is meant by 'Power of attorney'?

Ans. Power of attorney is a document by which, a person authorises another person to act on his behalf and in his name which include powers to sign and take decisions required on behalf the person giving the power of attorney. Similarly, powers given to represent on behalf of the principal in any court, tribunal or before any authority also fall under this category. However, this category does not include the Vakalatnama given to an advocate to carry on the proceedings.

Que. 5 What is meant by 'Gift deed'?

Ans. Gift deed generally means:

- A document by which, a person gifts his self acquired property to another person out of his wish and will, without asking for monetary consideration for it.
- A person gifting the property is generally called as the 'donor' and the person accepting is generally called as the 'donee'

Que. 6 What is a 'Bond'?

Ans. A bond generally means:

- A document by which, a person imposes on himself a binding to pay to another person, on condition that such binding shall be void if specified Act is performed or not performed as the case may be.
- A document by which, a person imposes on himself a binding in the presence of witnesses, to pay to another person, money, food grains, or agricultural income.

Que. 7 What is meant by 'Partition Deed'?

Ans. Partition deed a document by which the co-owners or coparceners of the property, fix their individual share or divide the property by metes and bounds to show their independent share. Following kinds of documents are included in this category:

1. Final order issued by Revenue Authority or Civil Court effecting the partition.
2. An award by Arbitration Tribunal directing division; and
3. A document of any nature regarding division of property, written and signed by the co-owners or the coparceners.

Que. 8 What is meant by 'Settlement'?

Ans. Settlement is a document other than Will by which, the settler makes arrangement/ management of his immovable and movable property during his life time for the following

1. In consideration of marriage
2. For the purpose of distribution of the property amongst family members or for whom he wishes to make provision for or for any person depending on him, or
3. Any written arrangement/ management made for any religious or charitable purposes.

Que. 9 What is meant by 'Immovable property'?

Ans. Immovable property generally means land, thing permanently attached to the land any profits arising out of land.

Que. 10 What is meant by movable property?

Ans. Movable property generally means:

1. Anything except immovable property, which includes standing timber, growing crops and

grass, fruits on trees or their juice and such property of any other kinds.

2. Anything except immovable property, any other property by which rights and liabilities are created/transferred/limited/extended/destroyed or extinguished .

1.2 Kinds of Stamps and their use.

Que. 11 How stamp duty is to be paid on the document?

Ans. Stamp duty is to be paid by affixing non-judicial stamps to the document.

Que. 12 What is meant by 'Non-judicial stamp'?

Ans. Generally Stamps are of two kinds, 1. Judicial Stamp and 2. Non-judicial stamp. The difference between these two stamps, is as follows:

Judicial stamp	Non-judicial stamp
In common language judicial stamps are recognised as 'Court fee stamp'	Stamps used for making deeds and documents are called non-judicial stamps
Judicial stamps are used to pay Court- fee	Non-judicial kind of Stamp are used to pay Stamp duty on documents such as sale, gift,. lease, agreements etc.

Note: The ordinary postal tickets are not included in the above two categories. However, the India Revenue tickets available at post offices, to be affixed to receipts fall in the non-judicial stamp category.

Que. 13 How can the difference between judicial stamp and non-judicial stamp be recognised?

Ans. On every stamp, generally it is printed that whether it belongs to judicial category or non-judicial category. From which it can easily be recognised the stamp is judicial or non-judicial. Similarly, on judicial stamp the words 'court fee' are also printed.

Que. 14 Are there any categories in non-judicial stamps?

Ans. Yes, there are two main types of non-judicial stamps.

They are:

- Impressed stamps- A stamp paper on which document can be typed or be written.
- Adhesive stamps – A stamp tickets which can be pasted/affixed on written or printed document.

Que. 15 Which kinds of impressed stamps available for use?

Ans. Following kinds of impressed stamps are available for payment of stamp duty:

- Stamp Paper (A non- judicial stamp paper supplied by the stamp vendor or treasury)
- E-SBTR (A receipt similar to stamp paper received on electronic payment from the banks)
- Simple Receipt (A receipt or challan generated on making electronic payment to the Government Virtual Treasury)
- Franking (Any stamp impression made by the machine on payment of duty in Government Offices or to Authorised franking vendors)

Que. 16 What are the different kinds of adhesive stamps?

Ans. Adhesive stamps are of following kinds:

- Foreign Bills
- Share Transfer
- Advocate or Attorney
- Notary
- Brokers' Note
- Insurance
- Revenue
- Special Adhesive Stamps

Que. 17 How to use Impressed Stamps, for payment of Stamp duty?

Ans. Impressed stamps should be used in the following manner;

- Impressed stamp purchased should be utilized within six months from purchase.
- Impressed stamp purchased, if cannot be utilized within six months of purchase for some reasons, then an application should be made for refund of stamp duty within six months from date of purchase.
- If the impressed stamp is not utilized nor refund application is not made in within six months from the date of purchase, the purchased stamp becomes null and void, which may result in waste of money.
- While using stamp paper, the writing of the document should start from the top side of the stamp where the impression appears. If multiple stamp papers are used, then at least some portion of document written should appear, on each stamp paper. If document is too long and the stamp paper is found insufficient for writing, you can attach extra blank sheets and complete the document. (Section 14 of Maharashtra Stamp Act, 1958.)
- If above rules are not followed, it is assumed that stamp duty has not been paid for the document.
- For the documents to be registered, it is expected that the writing should be done on both sides (back to back) of stamp paper.

Que. 18 How to use adhesive stamps?

Ans. Adhesive stamps should be used in followings manner;

- Adhesive stamps also should be used within six months of purchase.
- Adhesive stamps purchased, if cannot be utilized within six months of purchase for some reasons, then an application should be made for refund of stamp duty within six months from date of purchase.
- If adhesive stamps are the not utilized nor application for refund is not made in within six months from the date of purchase, the purchased stamp becomes null and void, which may result in waste of money.
- On affixing adhesive stamp to the document, whosoever affixing it, should cancel the stamp In such manner that it cannot be re-used. Here cancelling means, signing across the stamp, drawing two parallel lines across the stamp or putting a rubber stamp on it in such a manner, that if removed can be easily identified.
- If above rules are not followed, then it is assumed that stamp duty has not been paid on the document.

Que. 19 What is meant by the term 'Using stamp within six months of purchase'?

Ans. The term 'Using the stamp within six months of its purchase' means, it is essential that the

document for which the stamp is purchased, should be written on it and signed (executed) within six month of purchase.

1.3 Stamp Duty and its rates.

Que. 20 What is stamp duty?

Ans. Stamp duty is a type of tax to be paid on certain documents/instruments.

Que. 21 Why is it necessary to pay stamp duty?

Ans. Stamp duty is required to be paid, for the following reasons:-

1. If stamp duty is not paid at the prescribed rate, as per nature of the document or the true market value of the subject property, the document is treated as Not Duly Stamped.
2. A document which is Not Duly Stamped, is not treated as legal proof of the transaction mentioned in it.
3. If stamp duty is not paid in time or is less paid, then it invites penal action.

Que. 22 What is meant by 'instrument'?

Ans. As per Stamp Act, instrument is a written document(article) by which, any legal rights and/or obligations against any property or person:-

- Are created
- Are transferred
- Are restricted/limited
- Are extended
- Are annulled/destroyed
- Are recorded

Que. 23 How much, stamp duty is required to be paid for a document/instrument?

Ans. Stamp duty required to be paid for a document/instrument is,

- It is necessary to pay stamp duty, in the manner and at the rate prescribed for the concerned document/instrument in Stamp Act so that, it becomes duly stamped.
- Duly stamped means to affix adhesive stamp or attach impressed stamp in the manner prescribed and the amount of such stamp should not be less than the amount prescribed by law for the time being in force.

Que. 24 Generally which are the documents/instruments liable for assessment of stamp duty and what are the rates of assessment of stamp duty?

Ans. The documents listed in Schedule-1 of the Maharashtra Stamps Act are liable to pay stamp duty, at the rates mentioned therein. The aforesaid Schedule-1 is available on the Registration and Stamps Department's website www.igrmaharashtra.gov.in under the heading 'Publication' and place 'Stamp Duty Collection'. The information regarding the frequently used documents is given in the following charts.

A. Documents assessed with stamp duty, on the basis of market value* of immovable property:

Sr. No.	Nature of Document	Location wise, Stamp duty required to be paid on the market value of property mentioned in the document. (Rates of stamp duty as applicable on 1 June 2014)			Exception
		3 (A)	3(B)	3(C)	
1.	2	3 (A)	3(B)	3(C)	4
		Municipal Corporation area and adjoining cantonment area	Area under MMRDA, Municipal corporation and adjoining cantonment and influence zone*	For rural or other area [Area not covered under column 3(A) and 3(B)]	
1.	Agreement to sale	5%	4%	3%	-
2.	Sale deed /Conveyance deed	5%	4%	3%	-
Remark- For Sale deed/Conveyance deed, apart from the stamp duty payable as above, 1% additional surcharge in the form of stamp duty is levied for the concerned Local body where the subject property is located, except for Mumbai and Mumbai Sub-Urban District.					
3.	Agreement to lease/Lease deed	5%	4%	3%	-
Clarification: In lease deed, the market value is co-related to the period of lease, which is explained as follows:-					
Period of Lease		Amount considered for calculation of stamp duty			
Up to 5 years		10% of market value			
Above 5 years and up to 10 years		25% of market value			
More than 10 years and up to 29 years		50% of market value			
More than 29 years		90% of market value			
4.	Transfer of Leasehold rights	5%	4%	3%	-
5.	Development Agreement	5%	4%	3%	-
6.	Gift deed	5%	4%	3%	2% If Gift Deed is to the relative mentioned in the proviso to Article 34
Remark- For Gift deed, apart from the stamp duty payable as above, 1% additional surcharge in the form of stamp duty is levied for the concerned Local body, where the subject property is situated, except for Mumbai and Mumbai Sub-Urban District.					

7.	Release Deed A. if related to ancestral property. B. If related to other than ancestral property.	Rs. 200/- 5%	Rs. 200/- 4%	Rs. 200/- 3%	
8.	Power of Attorney given to sale immovable property.	5%	4%	3%	If such power of attorney is given to a close relative without consideration, Rs. 500/-
9.	Partition Deed:- Clarification- deducting large share of division, on total amount of all remaining shares	2%	2%	2%	For partition deed of agricultural land Rs. 200/-
10.	Exchange Deed:-	5%	4%	3%	
Clarification- In Exchange deed stamp duty is levied on one property which is of a higher value.(on property for which stamp duty is higher)					
11.	Settlement	5%	4%	3%	If made for religious or charitable purpose 2%
12.	Sale Certificate	5%	4%	3%	-
13.	Trust Deed	5%	4%	3%	2% for religious or charitable purposes
14.	Mortgage Deed with Possession	5%	4%	3%	Duty is on the amount of loan. Hence it is not necessary to consider market value.

Remark-For Mortgage Deed with Possession, apart from the stamp duty payable as above, 1% additional surcharge in the form of stamp duty is levied for the concerned Local body, where the subject property is situated, except for Mumbai and Mumbai Sub-Urban District..

15.	Further charge with possession	5%	4%	3%	

Remark-For, Further charge with possession, apart from the stamp duty payable as above, 1% additional surcharge in the form of stamp duty is levied for the concerned Local body, where the subject property is situated, except for Mumbai and Mumbai Sub-Urban District..

Clarification-

1. *Market value means the consideration paid for the property mentioned in the document or market price of that property if sold in open market, whichever is higher.
2. *Area of influence zone means, the area of influence shown in the Annual Statement of Rates prepared by the Department of Registration and Stamps, while signing of document.
3. List of Villages falling in influence zone, is available on website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading Activities and place Valuation of Property. However, at the moment the area under influence zone is converted in to urban area, from that very moment the urban area rates become applicable, which should be noted.
4. Besides the duties quoted in above table, 0.5% additional duty for Nagpur Improvement Trust in the form of stamps is levied on Sale, Gift and Usufructuary Mortgage deeds of properties falling under the jurisdiction of Nagpur Improvement Trust.

B. Documents where stamp duty is based on value mentioned in document and documents on which fixed stamp duty is payable

Sr. No.	Kind of Document	Stamp Duty Chargeable Rate
1.	Deposit of Title Deed	
	A. Secured up to amount of Rs.5/- lakh B. Secured for amount Rs 5/- lakh and above	0.1%, but minimum Rs. 100/- 0.2% with the maximum of Rs. 10/- lakhs
2.	Pawn, Pledge, or Hypothecation of movable property	
	A. For Secured amount up to Rs. 5 lakh rupees B. For Secured amount of more than Rs .5/- lakh rupees.	0.1%, with a minimum of Rs. 100/- 0.2% with the maximum of Rs. 10/- lakhs
3.	Mortgage Deed without possession- on the secured amount, by such mortgage deed.	0.5%, with a minimum Rs. 100/-and maximum of Rs. 10/- lakhs
4.	Further charge without possession- on the further secured amount, by such Further Charge.	0.5%, with a minimum Rs. 100/- and maximum of Rs. 10/- lakhs
5.	Leave and Licence Agreement	
	A. For the Period up to 5 years	
	i. On total amount of licence fee to be paid during the licence period. ii. Considering 10% annual return per year, on the amount of the refundable deposit, for the period of Leave and license.	0.25% 0.25%

	period of Leave and license.	
	lil. If the deposit is non-refundable on the whole amount, of deposit.	0.25%
	B. If period is more than 5 years	As per rate given in article 36 of lease
6.	Affidavit	Rs 100/- Clarification: According to the Circular dated 11/08/2004 affidavits made for Government purpose (State or Central Government) are exempt from stamp duty.

C. Apart from the documents mentioned above on which stamp duty is payable under Maharashtra Stamps Act, The Stamp Duty is also payable in this state on following documents mentioned in Schedule 1 of Indian Stamp Act, 1899

Sr. No.	Kind of Document	Clause Sr. No.
1.	Bill of Exchange	13
2.	Bill of Lading	14
3.	Debenture	27
4.	Letter of Credit	37
5.	Policy of Insurance	47
6.	Promissory Note	49
7.	Proxy	52
8.	Receipt	53
9.	Transfer (Shares, Debentures & Others)	62

1.4. When is the stamp duty required to be paid?

Que. 25 When does a document become liable for stamp duty charge?

Ans. 1. If the signing (execution of document) is done in the State of Maharashtra, stamp duty becomes applicable immediately on signing of document.
2. If there are multiple number of people signing the document (executing the document) and the signing is done on different dates, in such cases stamp duty becomes applicable immediately on the first person signing the document.

Que. 26 What is the meaning of 'executed and execution' in respect of a document?

Ans. In respect of a document 'Executed' means that the concerned document has been signed and 'Execution' means signing of the concerned document.

Que. 27 Is there any time limit to pay stamp duty, on signing for a document?

Ans. Yes! The stamp duty is required to be paid before signing, at the time of signing or by the next working day after signing of document, for the documents which are signed in the State of Maharashtra.

Que. 28 What is the rule if the document is signed out of the State of Maharashtra?

Ans. If the document is signed out of the State of Maharashtra then appropriate stamp duty is required to be paid within three months of first receiving such document in the State of Maharashtra.

Que. 29 Stamp duty payment, whose responsibility?

Ans. Generally, in case where the document requires signature of the single party, it is the responsibility of the person signing the document to pay the stamp duty. In case where multiple parties sign the document, the law has given option to decide amongst them, who should bear the stamp duty. If this option is not exercised then as per Section 30 of Maharashtra Stamp Act, the responsibility to pay the stamp duty is fixed as follows:-

Sr. No.	Kind of Document	Party responsible to pay stamp duty
1.	Agreement for sale of property, Sale Deed, Conveyance Deed, Certificate of Sale of Property etc.,,	The purchaser/Transferee
2.	i. All types of Bonds and Mortgage Deeds ii. Further charge Mortgage Deed iii. Release of Right Deed iv. Settlement Deed v. Transfer of Rights by Debentures or Mortgage vi Bond	One, with whose signature it is made.
3.	Lease Deed	Lessee/Tenant
4.	Second Copy of Lease Deed	Lessor/Owner
5.	Partition Deed	All parties in proportion to their Shares or as directed by the arbitrator Tribunal /Court.
6.	Any Other Type	Person Signing Document

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Part 3– Stamp Duty

Payment of Stamp Duty

Que. 1 How can the stamp duty be paid?

Ans. The main sources for payment of stamp duty are, as follows: -

1. e-payment
2. Traditional Stamp Papers and Adhesive Stamps.
3. Franking of stamp impression.

Que. 2 What are the modes of obtaining stamps, for payment of stamp duty?

Ans. Detailed information for obtaining stamps is as follows:

Sr. No.	Type of Stamp	Place/Location	Limit of Stamp Duty Payment
1.	e-payment-simple receipt /e-challan	<p>A. Simple receipt/e-challan can easily be obtained sitting at home, using internet banking facility, for which you need a net-banking account of the participating bank, operating GRAS system of Government of Maharashtra, or</p> <p>B. From the bank counter of the participating bank, operating GRAS system of Government of Maharashtra.</p>	<p>A. Unlimited Amount</p> <p>B. Rs. 300/- and amount higher than that.</p>
<p>The list of participating banks mentioned in 'A' and 'B' above is available on the website 'www.igrmaharashtra.gov.in' under heading 'Agencies' at place 'Banks' and also on the website 'https://gras.mahakosh.gov.in'</p>			
2.	e-payment e-SBTR	e-SBTR can be obtained through the participating banks authorised for issuing e-SBTR (List of such banks is available on Registration and Stamp Department's website www.igrmaharashtra.gov.in Under heading 'Agencies' at place 'Bank' and also on the website http://gras.mahakosh.gov.in	e-SBTR is issued only in cases where the stamp duty amount is Rs. 5000/- and above that.
3.	Impressed stamp papers.	<ol style="list-style-type: none"> 1. Chief Stamp Office, Mumbai 2. Offices of all District Treasuries and all Deputy Treasuries 3. Stamp Vendors holding Stamp Vending License. (List is available on Registration and Stamps 	<p>Unlimited amount.</p> <p>Unlimited amount.</p> <p>Up to Rs. 30,000/- in single document</p>

		Department website www.igrmaharashtra.gov.in Under heading 'Agencies' and place 'Others'	
4.	Franking	Franking Stamp Vendors holding License (List is available at Registration and Stamps Department website www.igrmaharashtra.gov.in under heading 'Agencies' and place 'Others')	Up to maximum of Rs. 5000/- for single document.

Que. 3 Is there any procedure for rounding up the stamp duty payable?

Ans. Yes. Rule regarding rounding up of stamp duty is as follows: -

Stamp duty needs to be paid by rounding up the figure to earlier or next one hundred rupees. That is to say;

- For stamp duty payable of up to next Rs. 49/-, preceding Rs. 100, and
- For stamp duty payable more than Rs. 50/- next Rs. 100/-

For example,

1. If stamp duty payable is Rs. 319/-, then actually you need to pay Rs. 300/- stamp duty.
2. If stamp duty payable is Rs. 750/- then actually you need to pay Rs. 800/- stamp duty.

Que. 4 In the case of documents like Sale deed, Gift deed and Usufructuary mortgage deeds, why additional stamp duty of 1% is charged?

Ans. In the case of documents like Sale deed, Gift deed and Usufructuary mortgage deeds, additional stamp duty of 1% is charged because, such provisions are made in the concerned local bodies Act. For example, Maharashtra Municipal Corporation Act, Zilla Parishad Act etc.

The 1% addition duty collected is not received by The Registration and Stamps Department but, passed on to the concerned local self Governments through the State Government.

Area wise this tax is addressed by following names:

Sr. No.	Area	Name of tax
1.	Zilla Parishad limits	Zilla Parishad Tax
2.	Municipality/Municipal Council/Nagar Panchayat limits.	Nagar Parishad Tax
3.	Municipal Corporation limits.	Local Body Tax
4.	Nagpur Improvement Trust limits.	Nagpur Improvement Trust Tax

Que. 5 What precautions are to be taken, while paying stamp duty?

Ans. 1. The stamp should be purchased only in the name of any party to the document.

2. Stamp should not be purchased in the name of a pleader or any third person; or else such a document is considered as 'not duly stamped' (Maharashtra Stamps Act, Section 34).

3. Stamp should be bought in the name of only that person who has spent for stamp duty; so that if the question of refund comes up, it will not be necessary to seek the signature/consent of others.

Que. 6 What are the provision of penalty, if there is a delay in payment of stamp duty?

Ans. If there is a delay in payment of stamp duty,

- A penalty at the rate of 2% per month is charged on the less paid amount of stamp duty. This penalty is charged from first signing of the document till the required duty being paid to the Government.
- The action regarding less payment of stamp duty and charging penalty is taken by the concerned Collector of Stamps. The maximum limit of penalty is, twice (200%) the amount of the less paid stamp duty.
- However, demand for stamp duty if overlooked and the stamp duty and penalty amount is not paid recovery is made as arrears of land revenue and stamp duty and penalty amount is recovered by confiscating the land and effecting its sale.

Please Note

- A document executed (signed) in Maharashtra State becomes liable for stamp duty charge from the date of execution (signing).
- It is necessary for the concerned party to pay stamp duty on a document being executed in Maharashtra State before making first signature, while putting signature on it or on the immediate next working day after signing it.

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Part 3– Stamp Duty

Some Important Provisions

- 3.1 Real Market Value
- 3.2 Method of charging stamp duty on special occasions
- 3.3 Adjudication
- 3.4 Debarring or Impounding of a document
- 3.5 Provisions of punishment and penalty

3.1 True/Real Market Value

Que. 1 What is meant by True Market Value?

Ans. True Market Value means, the price which would have been fetched if the property mentioned in the document (subject matter of document), would have been sold in the market or the consideration as shown in the document, whichever is higher.

Que. 2 Regarding which documents, the stamp duty is charged on the basis of market value of property?

Ans. According to Maharashtra Stamps Act, the true market value of property is taken into account in respect of the following types of documents while charging stamp fees:

1. Agreement to Sale
2. Purchase Deed/ Conveyance
3. Exchange
4. Certificate of Sale
5. Gift Deed
6. Partition Deed
7. Power of Attorney when given for consideration
8. Power of Attorney Given to Third Person Without Consideration
9. Settlement Deed
10. Lease Deed
11. Assignment of Leasehold Rights
12. Release of Rights of Property Other than Ancestral Property
13. Development Agreement
14. Partnership Deed whereby immovable property is brought in as capital or withdrawn from capital and given to any other person other than one who has brought in the property in business.

Que. 3 Why is it necessary to pay stamp duty according to True Market Value?

Ans. Payment of stamp duty according to True market value is necessary for the following reasons:

1. If payable stamp duty is not paid on the true market value of the property than the concerned document is considered as 'not duly stamped'.
2. A document which is not duly stamped is not accepted as a legal proof of the transaction evidencing it.
3. If stamp duty is not properly paid it invites penal action.

Que. 4 Which officer can take action if the stamp duty is not properly paid on the true market value ? What is the nature of such action?

Ans. If the stamp duty is not properly paid on the true market value of the property, the registration of the concerned document will not be completed.

1. The Registering Officer

- While registering the document under the Registration Act, 1908, if doubts that the stamp duty is not paid according to the true market value of property, shall stop the registration process; and
- Shall refer the document to the concerned Collector of Stamps for the assessment of stamp duty and the true market value of the property.

2. The Collector of Stamps

- Gives an opportunity to the person responsible for payment of stamp duty to present his side.
- Makes an inspection of property if required.
- Takes decision on market value considering circumstantial evidence.
- Recovers the less paid stamp duty, penalty and registration fee; and
- Can proceed with confiscation of property, if required stamp duty or penalty or registration fee is not paid.

3.2 Assessment of Stamp Duty in Specific Situations

Que. 5 In some cases of sale transactions two or more documents are executed to complete the transaction. How stamp duty is levied in such cases?

Ans. Two or more documents may be required to complete transactions of sale/purchase, mortgage, settlement or development. On such occasions it is not necessary to pay entire stamp duty for each document.

- In such cases out of the total documents implemented only the principal document is charged with the required full stamp duty and the remaining are treated as supplementary deeds and charged with the duty of Rs. 100/- under Section 4 of the Act.
- However, by supplementary deed if the principal deed stands materially altered, then fresh duty is charged according to its altered nature.

Que. 6 If several transactions are covered under a single document, how is the stamp duty charged?

Ans. If several transactions are covered under a single document, the aggregate of stamp duty required for each separate transaction is charged as if the documents are executed separately.

Example: - Person 'A' and person 'B' are independent owners of their respective properties. Now instead of person 'A' and 'B' giving separate powers to person 'C' to deal with their respective property make a common document of power of attorney. This document comprises of two separate documents chargeable separately. Hence as per the Section -5 of Maharashtra Stamp Act, such document is chargeable with the aggregate sum of stamp duty payable for two separate power of attorney.

Que. 7 If a document falls under two categories (articles) mentioned in Schedule I of the Act, how stamp duty is charged?

Ans. If a document falls under two categories (articles) mentioned in 'Schedule I of the Act' there is no need to pay the duty under both the categories. Only the duty chargeable under the highest category is required to be paid. (Maharashtra Stamps Act, Section-6).

Example: A document can fall under the category of Development Agreement and also in the category of Sale Deed. In such case you need not pay the required stamp duty under both the categories. Here, you should just pay the required duty for a sale deed which is enough.

Que. 8 If the amount concerned with the stamp duty of the document is shown in foreign currency, how stamp duty shall be calculated?

Ans. If the amount concerned with the stamp duty is shown in the document in foreign currency, then the value of foreign currency should be converted into Indian rupees on the basis of daily exchange rate as determined by Central Government at the time of execution of the document. (Maharashtra Stamp Act, Section 20)

Que. 9 If the amount concerned with the stamp duty of the document is shown in terms of shares or marketable securities, then how the stamp duty shall be charged?

Ans. If the amount concerned with the stamp duty of the document is shown in terms of shares or marketable securities, then the stamp duty on the document is charged by taking into account the market price or average value of those shares or marketable securities on the day of execution of that document.

Que. 10 In case of a sale transaction, the purchaser pays to the seller certain cash consideration and agrees to clear the sellers debt (loan amount) with remaining amount, In such case how stamp duty will be calculated?

Ans. In above case, the cash amount paid to the seller and the amount to be paid for clearance of debt together is treated as consideration paid for purchase of the property and the stamp duty is levied on such consideration by summing up the amount of cash payment and amount to be paid for clearance of debt. . (Maharashtra Stamp Act, Section 25)

3.3 Adjudication

Que. 11 If the required duty for a particular document is not known or if there is any confusion regarding the required duty, what can be done?

Ans. If such difficulty is experienced, then one needs to make an application to the Collector of Stamps for assessing the stamp duty, along with the document for which stamp duty is to be assessed.

Que. 12 What is the fee for adjudication of stamp duty?

Ans. The fees for adjudication of stamp duty is, Rs. 100/- per document.

Que. 13 Where is the office of Collector of stamps located?

Ans.

- Except for Mumbai and Mumbai Sub-Urban District, the Joint District Registrar is also designated as Collector of Stamps. Therefore, the Office of The Joint District Registrar is also office of The Collector of Stamps. Each Office of the Joint District Registrar and the Collector of Stamps is located at headquarter of each district. However, in newly formed Districts, the

functions of Joint District Registrar and Collector of Stamps are handled by Officers as shown in below given table:

Sr. No.	Name of newly created district	Officer
1.	Nandurbar	Joint District Registrar and Collector of Stamps, Dhule
2.	Gondia	Joint District Registrar and Collector of Stamps, Bhandara
3.	Washim	Joint District Registrar and Collector of Stamps, Akola
4.	Hingoli	Joint District Registrar and Collector of Stamps, Parbhani
5.	Palghar	Joint District Registrar and Collector of Stamps, Thane (Rural)

- In Mumbai and Mumbai Sub-Urban District there are independent offices of The Collector of Stamps. For Mumbai City there is a Office of The Collector of Stamps, Mumbai City. In Mumbai Suburban District there are Taluka wise Offices, Andheri, Borivali, and Kurla.

Que. 14 What are the papers to be enclosed with the application, for adjudication?

Ans. The following papers are to be enclosed with the application for adjudication:

1. The document which is required to be assessed/adjudicated, containing all factors affecting the chargeability of stamp duty.
2. Adjudication fee payment Challan or receipt.
3. Documentary evidences having direct or indirect effect on chargeability of stamp duty.
4. Apart from the above papers enclosed with the application the Collector of Stamps may demand some additional documents to decide the stamp duty e.g. old documents, affidavits, maps etc.

Que. 15 On submission of the required papers and document, what are the steps taken to complete adjudication work?

Ans. After submission of all papers, and satisfactory evidence,

- A. The Collector of Stamps within 45 days passes a self-explanatory decision regarding the adjudicated document.
- B. If an unsigned document or signed document before completing one month's time from signing of the document is submitted for adjudication and if there is a willingness to pay stamp duty assessed in adjudication, then on payment of stamp duty The Collector of Stamps certifies it as duly stamped.
- C. In case of the document submitted for adjudication after 1 month of its signing, if there is willingness to pay stamp duty assessed and penalty if any, on payment of stamp duty and penalty the Collector of Stamps certifies it as duly stamped.

Que. 16 What can be done, if the decision given by the Collector of Stamps in adjudication case, is not acceptable?

Ans. If the decision given by the Collector of Stamps in adjudication case, is not acceptable then,

- A. If the objection is concerned with the market value of the property decided in adjudication case, an appeal can be lodged with the following authority within sixty (60) days of the receipt of order:

Sr. No.	Area	Competent Authority
1.	Mumbai City And Mumbai Suburban District	Additional Controller of Stamps, Mumbai
2.	In all remaining Districts	The Deputy Inspector General of Registration and Deputy Controller of Stamps of concerned Division.

The appeal should be accompanied with, an appeal fee of Rs. 300/-.

A written decision on the appeal is given after giving an opportunity to be heard and doing spot inspection if occasion arises.

- B. If the objection is about deciding the nature of document,
- An appeal can be lodged with Chief Controller Revenue Authority or Inspector General of Registration, Pune can be lodged within sixty (60) days of the receipt of order.
 - The appeal should be accompanied with, An appeal fee of Rs. 300/-.
 - Chief Controller, Revenue Authority gives a written decision after giving an opportunity to be heard and scrutinising the case suitably.

3.4 Impounding of Document

Que. 17 What is meant by, impounding of a document?

Ans. If a particular documents is brought before a Registration Officer, Public Officer or Court as the case may be and he notices that, the required stamp duty on the document is not paid. The Officer concerned stops the proceedings initiated before him and sends the document to the Collector of Stamps, for recovery of stamp duty. This action is called impounding of document.

Que. 18. What is meant by Public Officer?

Ans. Public Officer is an officer as defined in Clause (17) of Section 2, of the Civil Procedure Code, 1908.

Que. 19. How, cases of impounded documents handled by The Collector of Stamps?

Ans. On receipt of an impounded document The Collector of Stamps,

- Gives the concerned parties connected with the document, an opportunity of being heard.
- Examines the document, incidental papers, if required inspects the property and decides the stamp duty payable on the document.
- If it is decided that less stamp duty has been paid, then the Collector of Stamps makes a demand to pay the required stamp duty along with penalty.
- If stamp duty is not paid on demand, it is treated as an arrear of land revenue and stamp duty and penalty is recovered by confiscation and sale of property.

Que. 20 What happens if it is concluded that suitable stamp duty has been paid in an impounding case?

Ans. If it is concluded that suitable stamp duty has been paid in an impounding case, the Collector of Stamps certifies on the document as duly stamped and returns the document to the Officer from whom it was received.

Que.21 What kind of action is taken if it is concluded that less stamp duty has been paid in the impounding case?

Ans. If it is concluded that less stamp duty has been paid in the impounding case: -

- A demand is made to those concerned to pay the difference in stamp duty along with the due penalty.
- Once the difference in the stamp duty and penalty is paid, the Collector of Stamps gives a certificate to that effect on the document and returns the document to the officers from whom it was originally received.
- In cases where the stamp duty and penalty is not paid, even after a demand is made, action is taken by treating it as an arrear of land revenue and thus, stamp duty and penalty is recovered by confiscating the land and selling it.

Que.22 What can be done if the decision of Collector of Stamps regarding impounding is not acceptable?

Ans. If the decision made by the Collector of Stamps regarding impounding is not acceptable, the concerned party can file an appeal against the decision of the Collector of Stamps as per Section 53 of the Maharashtra Stamp Act, to the Chief Controller Revenue Authority within 60 days of the date of decision on the impounding case, by paying an appeal fee of Rs. 300/- only.

Que.23 What happens if stamp duty and penalty is not paid even after the entire procedure in the case of impounding is complete?

Ans. In the matter of impounding, if stamp duty and penalty is not paid even after the entire procedure is complete, or if it is found that the party is avoiding to pay the due, then under Section 46 of the Maharashtra Stamp Act, the Stamp Collector can take action by confiscation and sale of property by treating it as an arrear of revenue.

3.5 Provisions of Punishment and Penalty

Que.24 What are the consequences, if any person is found to have intentionally signed and submitted the document without affixing suitable stamps in order to evade the stamp duty?

Ans. In such a case where any person is found to have intentionally signed and submitted the document without affixing suitable stamps in order to evade the stamp duty, and if the offence is proved then there is a provision of imprisonment of the concerned person for a period of not less than one month and is extendable up to six months or a fine of Rs. 5000/-:

Sr. No.	Offence	Punishment	Penalty
1.	Signing a document without affixing suitable stamps with the intention of evading stamp duty (Maharashtra Stamps Act, Section 59)	Sentence of imprisonment for a period of not less than one month and extendable up to six months.	Up to Rs. 5000/-
2.	Knowingly avoiding the mention of all reality and position while preparing any document or as per Section 28, of the Maharashtra Stamp Act.		
3.	Making false statements or displaying fake actions with a view to deprive government from receiving any duty/fee.		

Que. 25 Are there any other offences as per Stamp Act?

Ans. Yes. Other offences as per Stamp Act are as follows:

- A. Not depositing with the government, the amount taken in the name of stamp duty - If any person is found recovering an amount from anyone in the name of stamp duty but is not depositing it with the government, in such a case there is a provision of punishment in the form of imprisonment for a period of not less than one month and extendable up to six months or with a fine of up to Rs. 5000/-
- B. Non- cancellation of adhesive stamp-
If a person using an adhesive stamp knowingly does not cancel the adhesive stamp, he can be punished with a fine of Rs. 100/-.
- C. If there is a violation of Stamp Sale Rules-
If a stamp vendor violates Stamp Sale Rules that is, sells stamps without a valid permit, there is a provision of punishment by way of imprisonment for a period of not less than one month and which is extendable up to six months or with a fine of up to Rs. 5000/-.

4

Part 3– Stamp Duty

Refund of Stamp Duty

Que. 1 In what circumstances a refund of stamp duty can be obtained?

Ans. Refund of stamp duty can be obtained in the following circumstances:

- A. Before signing of document by any person, if the stamp paper has been rendered unfit for its use, because being inadvertently spoiled due to errors in writing.
- B. Unsigned stamp paper written fully or partly but which is not to be used.
- C. Signed document/stamp paper but, in case where :-
 1. The party has subsequently found it to be entirely illegal since the beginning (Void/ ab/ initio) as per Section 31 of Specific Relief Act.
 2. The court has subsequently found it to be entirely illegal since the beginning (Void /ab/ initio) as per Section 31 of Specific Relief Act.
 3. Is found to be unfit for use due to any deficiency or mistake.
 4. The person whose signature is essential has died without signing the document or has refused to sign the document, for which the transaction cannot be completed.
 5. Any party to the document has not signed the document or is unable/ incapable of signing the document or has declined to sign it, for which it may not be possible to complete the intended transaction.
 6. Any party to the document has refused to act as per terms of the document or pay the agreed sum or has refused to give acceptance/approval to it.
 7. If the intended transaction might have been completed with the help of another document between the same parties having no less stamp duty, than the earlier document.
 8. If the Stamp purchased for the document being of insufficient value, the same transaction has been completed by another document with the Stamp of the proper value between the same parties.
 9. That stamp paper might have been spoiled inadvertently, unintentionally for which the same parties might have executed another document for the same purpose.

Que. 2 Who should file an application for the refund of stamp duty?

Ans. An application for the refund of stamp duty should be filed by the person/institution/company in whose name the stamp duty amount has been paid, or the persons legally empowered by them.

Que. 3 Where should one submit the application for refund of stamp duty?

Ans. The application for refund of stamp duty should be submitted to The Collector of Stamps in following steps,

- Firstly, online Application is to be made by using the website www.igrmaharashtra.gov.in under heading 'Activities' and place 'Stamp Duty Refund'.

- Thereafter, along with the token number received online, physical application duly signed in the prescribed form, should be submitted personally within prescribed time limit, to the Collector of Stamps in whose jurisdiction the stamps have been purchased along with all necessary papers.

Que. 4 What papers are to be submitted, along with application for refund of stamp duty?

Ans. A. Following papers are needed to be submitted along with the application for refund:

- Token receipt of online submission of information.
 - A document containing the original stamps to be refunded.
 - If the stamp papers are purchased by someone else on behalf of the applicant, the affidavit of such person showing that, he has no objection if the refund amount is paid to the applicant.
 - If legally authorised person has applied for refund, then a proper authority document or certified copy of power of attorney empowering him to do so.
 - If refund application is concerned with the registered agreement, then original registration agreement and also the registered cancellation deed of the same.
- B.** Besides the papers mentioned above, the following proofs of payment of stamp duty are needed to be submitted -
1. If payment has been made by way of e-SBTR/simple receipt/e-payment/e-challan, then proof of such payment, as the case may be.
 2. If the stamps are purchased by franking, then –
 - i. Challan showing consolidated payment of stamp duty to the Government, out of which the refund stamps are franked, by the Franking Stamp Vendor.
 - ii. Certificate of sale of stamps or extract of stamp sale register.
 - iii. Hyperlink terminal report from the Franking Stamp Vendor.
 - iv. Certified photo copy of the concerned negative print of the ribbon cartridge, given by the concerned Franking Stamp Vendor.

If there is difficulty in producing in any of the papers above, then a Certificate of genuineness of Stamp given next to the original stamp impression from the Pitney Bowls Company (Company producing franking machines) can be taken and submitted.
 3. In case, the stamps have been purchased from Government Treasury or the Stamp Vendor,-
 - i. If stamp had been purchased from the Government Treasury or Sub-Treasury, the Certificate of Purchase from such Government Treasury or Sub-Treasury.
 - ii. If stamp had been purchased from the Stamp Vendor, a Certificate of Purchase from the Stamp Vendor along with the extract of stamp sale register.
 4. Sale of e-Stamps has been stopped since July 2013, regarding prior sold e-stamps,-
 - i. A Challan showing deposit of consolidated stamp duty payment to government by Stock Holding Corporation of India Ltd. (SHCIL).
 - ii. A Certificate of sale of stamps and copy of sales register.
- C.** For refund of stamp duty in cases of adjudication-
- No other papers required except those mentioned in 'A'.

Que. 5 Is there any time limit, for submitting refund of stamp duty application, in The Office of Collector of Stamps?

Ans. Yes! Are case wise different time limits for submitting refund of stamp duty application in the office of Collector of Stamps for to the office of Collector of Stamps which are as follows:-

Sr. No.	Type of Stamp Refund Case	Time Limit for Application
1.	Under Section 48(1), cases regarding executed documents.	Within six months from execution
2.	Under Proviso to Section 48(1), refund against Cancellation of an Agreement for Sale.	Within two years of date of registered cancellation of document.
3.	In cases of replacement of a document by other document.	Within six months of date of replacement of a document.
4.	In other cases.	Within six months of purchase of stamp.

Que. 6 Is there any provision for refund of stamp duty whereby through oversight or mistake stamps of other description than the prescribed for a specific document are used or where higher duty is paid than the required duty to be paid or where due to exemption no duty is required but, the duty has been paid.?

Ans. Yes! As per Section 50, refund is admissible in such cases for following reasons:

1. If a stamp of description other than the one prescribed in the Act, is used inadvertently. (e.g. judicial stamp used against non-judicial stamp)
2. If stamps of higher amount are used rather than the required, inadvertently.
3. If inadvertently stamp duty is paid to a document not requiring stamp duty.

Que. 7 How scrutiny is made by the Collector of Stamps, while deciding the case of refund of stamp duty?

Ans. While deciding the case of refund of stamp duty the Collector of Stamps, verifies following things:

1. Is the token number of online submission of information, is attached with the application?
2. Are the original stamps which are subject of refund, enclosed with the refund application for cancellation?
3. What is the purpose of the applicant for the purchase of such stamps?
4. Had the entire amount for stamp duty being paid by applicant himself?
5. Are such stamps submitted for refund, within the prescribed time limit?
6. Whether the stamped document which is the subject of refund, has been used elsewhere prior to making of refund application?
7. Whether he is satisfied with the reasons given for refund?

Que. 8 Which Officers exercise the powers of sanctioning refund of stamp duty?

Ans. Though It is mandatory to submit an application for refund of stamp duty to the concerned Collector of Stamps within the prescribed time limit, the sanctioning limits are categorised as follows:-

Sr. No.	Amount of Refund	Name of the Authority having powers.
1.	Up to Rs. 1 lakh	<ul style="list-style-type: none"> Joint District Registrar and Collector of Stamps in all Districts elsewhere except Mumbai and Mumbai Suburban District. In Mumbai city and Mumbai Suburban districts the Collector of Stamps Mumbai/Andheri/Kurla/Borivali
2.	More than Rs. 1 lakh up to 10 lakhs.	<ul style="list-style-type: none"> In Mumbai Division Additional Controller of Stamps, Mumbai. In remaining Divisions, Deputy Inspector General of Registration and Deputy Controller of Stamps of the concerned Division.
3.	More than Rs. 10 lakhs	Inspector General of Registration and Chief Controlling Revenue Authority

Que. 9 What is the time limit prescribed for use of stamp, on purchase?

Ans. It is necessary to use a stamp 'within 6 months' from the date of its purchase. This means the document for which the stamps had been purchased, should be written and duly signed with date, within six months from the date of purchase of such stamps.

Que. 10 Can a claim for refund of stamp duty, be rejected? If yes, on what grounds?

Ans. Yes. The refund of stamp duty can be rejected on following grounds:

1. If the reasons given for claiming refund are not satisfactory or proved to be satisfactory as per Section 47 (A), (B) or (C) or are not being complied with when asked for.
2. If found that the application for refund has been done by any third party rather than the actual claiming party or its legal representative.
3. If the application has not been submitted to the Collector of Stamps within prescribed time limit.
4. If the original stamps are not being submitted, along with the application for refund.
5. If papers required as proof, are not submitted with refund case or the papers submitted are insufficient for convincing the facts.
6. In case of refund of stamp duty paid on a Registered Agreement for Sale of immovable property, If the claim is made without the Registered Cancellation deed.
7. Except for Agreement for Sale of immovable property, If any other document gets registered, the transaction is deemed to have been completed and refund of stamp duty is not admissible.

Que. 11 Are there any deductions made, while refunding the stamp duty? If yes! How much is the deduction?

Ans. Yes. Some amount is deducted while making refund of Stamp duty, which is as follows:-

- For stamps falling in the category of e-payment (simple receipt/e-challan and e-SBTR), 1 percent amount is deducted with the minimum of Rs. 200/- and a maximum of Rs. 1000/- is deducted.
- For category stamps other than mentioned above a deduction of 10% is made.

Please Note

1. While purchasing stamp it should be purchased in the name of any one party amongst parties making the document.
2. Stamp should be purchased in the name of that person who has spent money for stamp duty. This is because if the Que. of refund arises in future, difficulties do not come up in demanding refund.
3. If use is not to be made of purchased stamp paper, an application for refund should be made within six months of purchase of stamp. The stamp becomes invalid after six months.
4. While making any payment through online system, GRN (Government Reference Number) and CIN (Challan Identification Number) should be noted down since both these numbers constitute important proof of our having made payment.
5. If payment is made directly online without going to the bank, the simple receipt obtained thereat should be signed by self and attested.
6. If payment is made online through bank (from bank counter) check whether the receipt is signed or not as witness by bank officer.
7. It is necessary that the matter in the payment receipt matches with the matter in concerned document. Therefore this information should be filled out carefully and without mistakes.

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Part 3– Stamp Duty

Other Important Information

Que. 1 Are Government documents exempted from payment of stamp duty? Can anything be said on this?

Ans. According to Section 3 of Maharashtra Stamps Act, Government documents need not require to pay stamp duty where the liability to pay the stamp duty is with the Government, following circumstances:-

- Here, Government means Central Government or State government.
- The term Government does not include Semi-Government institutions, Local or Self-Government bodies, Government undertakings and/or Government Companies etc.
- This provision is available only in cases where the liability to pay the full stamp duty is on the Government otherwise not.
- It is convenient to apply this provision if the document clearly mentions that, the liability to pay entire stamp duty, lies on the Government.

Que. 2 Is there some provision in the Stamps Act for wholly or partially exempting the payment of stamp duty? If so, what can be said about it?

Ans. As per provisions of Section 9 (a) of The Maharashtra Stamps Act, the State Government has powers to grant exemption in payment of stamp duty, wholly or partially, for any document or any category of a document or groups of a document.

Some exemptions given under these powers can be named as follows:-

- small farmers, marginal farmers, landless labours,
- educated unemployed persons
- educational loans
- women's self help groups,
- industry,
- tourism etc.

However, to avail such benefits certain terms and conditions laid by the Government will be required to be fulfilled.

For detailed information regarding present position you need to contact the Collector of Stamps nearby.

Que. 3 Is there a restriction or time limit prescribed to use the stamps, required to be used under the provisions of The Indian Stamps Act, 1899 or The Maharashtra Court Fees Act?

Ans. There is no time limit prescribed for use of stamps, required to be used under the provisions of The Indian Stamps Act, 1899 or The Maharashtra Court Fees Act. The restriction to use stamps within the period of six month is only applicable for documents for which the stamp duty is chargeable under The Maharashtra Stamps Act.

Que. 4 Who has the authority to refund stamp duty or fee for unused spoiled stamps purchased to pay duty/fee under the provisions of The Indian Stamps Act, 1899 or The Maharashtra Court Fees Act?

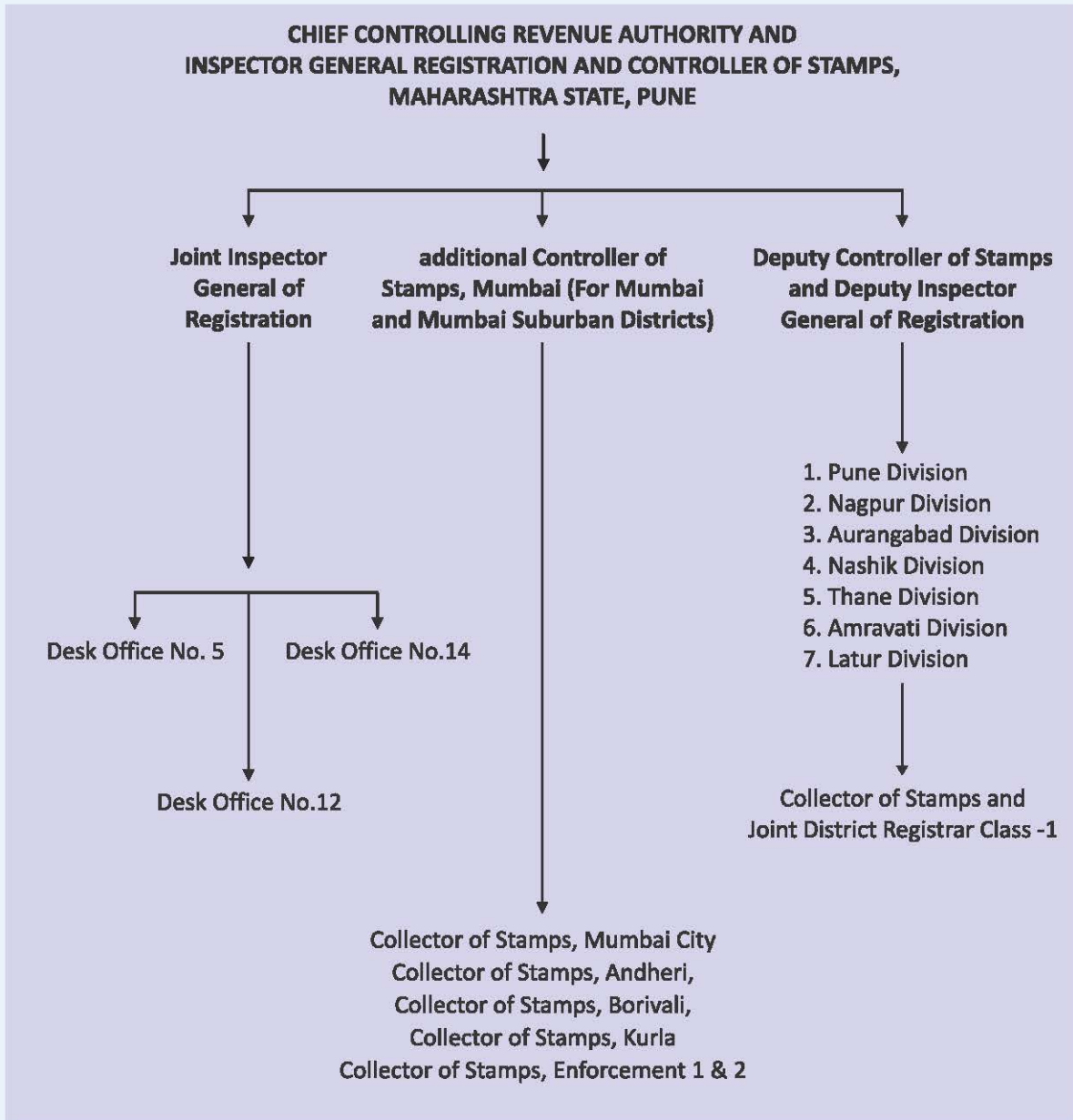
Ans. The Collector of Stamps has the authority to refund stamp duty or fee for unused spoiled stamps purchased to pay duty/fee under the provisions of The Indian Stamps Act, 1899 or The Maharashtra Court Fees Act, irrespective of any monetary limit.

Que. 5 What are the duties of stamp vendors?

Ans. The duties of stamp vendors are as follows:

1. The stamp vendor should sell stamps only at the place specified in the License.
2. For a single document he should not sell stamps worth more than Rs. 30,000.
3. He should not demand from purchaser an amount higher than the face value of stamps sold.
4. He must give receipt for stamps sold.
5. If the purchaser demands stamps worth more than Rs. 30,000/- for a single document, he should suggest getting it by simple receipt e-SBTR, through online payment.
6. On demand, the stamps available in stock should be immediately made available.
7. If multiple stamps are required to be issued to make up the amount of stamp duty, he should take precaution to issue minimum number of stamps to make up the required amount of duty.
8. The stamp vendor should make the sale endorsement on the stamp and fill the sale other registers in his own handwriting and sign the same.
9. A signature of person purchasing stamp should be obtained on stamp paper and also in the sale register. In case of an illiterate person the Stamp Vendor should affix thumb impression of such person on stamp paper and also in the stamp sale register. It is expected that the stamp vendor should be well versed in taking thumb impression.
10. The stamp vendor should at his stamp vending place display a board in Marathi and English language with caption "Licensed Stamp Vender"
11. Marathi and English copies of Maharashtra Stamps Act, Indian Stamp Act, 1899, and Rules framed there under, and Government Notifications etc., should be readily kept at the stamp vending place and should be made available to anyone, who demands them.
12. The stamp vendor should get the inspection done of his stamp sale register and stock register, from office of Sub-Registrar every month.

ADMINISTRATIVE STRUCTURE FOR IMPLEMENTATION OF STAMPS ACT





PART

4

Valuation

Shri Sudhakar Nangnure
Joint Director of Town Planning (Valuation),
Office of the Inspector General of Registration,
Maharashtra State, Pune.

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Part 4 – Valuation

Annual Statement of Rates - Basic Information & Process

Que. 1 What is meant by Annual Statement of Rates ? Under which Rules and why are they prepared?

- Ans.**
- The statements showing rates of land and building prepared under Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995, are called Annual Statement of Rates .
 - The said statements are prepared every year for determining the true market value of the property for assessing the stamp duty for registration of documents pertaining to purchase-sale of land and buildings, agreement deeds etc.

Que. 2 When was the system of preparing Annual Statement of Rates started?

- Ans.** The system of preparing Annual Statement of Rates was started in year 1989.

Que. 3 What is the legal procedure for preparation of Annual Statement of Rates ? When do they come into force? What is their time period?

- Ans.**
- According to the provision in Rule 4 of Maharashtra Stamp (Determination of True Market Value of Property) Rules 1995, the Joint Director, Town Planning, Valuation, Maharashtra State, Pune prepares Annual Statement of Rates with the help of Deputy Director/Assistant Director, Town Planning, Valuation, working at divisional level under his jurisdiction and submits them for approval to the Chief Controller Revenue Authority (Inspector General of Registration, Maharashtra State, Pune) every year before 31st October.
 - After the said statements get approval, they are made applicable for forthcoming year from 1st January to 31st December.

Que. 4 What criterion are adopted while preparing Annual Statement of Rates ?

- Ans.**
- While preparing Annual Statement of Rates , the procedure and criterion laid down in Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 is adopted. e.g. type of land and construction, location, merits in property according to location, like abutting on main road and demerits like place for disposal of garbage, land falling in Green / No-Development Zone, principles of valuation etc.
 - For land use, the proposed land-use in Regional Plan/Development Plan sanctioned by Town Planning Department is taken into account.
 - For determining value, information regarding purchase-sale transactions registered in previous year, rates obtained by local enquiry, rates offered in property exhibitions, rates fixed in land acquisition awards etc. are taken into account.

Que. 5 Where are the Annual Statement of Rates and Guidelines available?

- Ans.**
- The Annual Statement of Rates for entire Maharashtra is available on Registration Department's website www.igrmaharashtra.gov.in under heading 'Online Services' and at place 'e-ASR' and Guidelines under heading 'Publications' and at place 'ASR Guidelines'.
 - The district-wise statement of rates is available at the office of concerned Joint District Registrar.
 - The Annual Statement of Rates for area within the jurisdiction of sub-registrar is available in his office.

Que. 6 What is the general nature of the Annual Statement of Rates?

- Ans.**
- The rates for different types of land e.g. agricultural land, non-agricultural potential land, developing land, non-agricultural land etc. and for new construction, building use-wise e.g. flats, shops, offices, industrial etc. are mentioned in the Annual Statement of Rates .
 - Guidelines are also prescribed along with for detailed valuation taking into account the type of land and its merits and demerits.

Que. 7 Are there any types of areas in the Annual Statement of Rates and what are those?

- Ans.**
- The Annual Statement of Rates is divided into three types: Urban area, Influence Area and Rural Area.
 - Value zone-wise rates are given for properties in Urban Area and Influence Area, and for properties in Rural area, taluka/ groupwise villages rates are given.

Que. 8 What is meant by Urban Area?

- Ans.** The area within the limits of Municipal Corporation/Municipal Council/ Nagar Panchayats / Cantonment Boards is called Urban Area.

Que. 9 What is meant by Influence Area ?

- Ans.**
- Area surrounding Municipal Corporation/Municipal Council/Nagar Panchayat/ Cantonment Board, growth centres in Regional Plans, villages having large scale development trends and villages having special importance are called Influence Areas.
 - List of villages included in Influence Area are available on the website www.igrmaharashtra.gov.in under heading 'Activities' and at place 'Valuation of Property'.

Que. 10 What is meant by Rural Area?

- Ans.** Except Urban Area and Influence Area, all the remaining area is called Rural Area.

Que. 11 Are different rates given for each land in the Annual Statement of Rates?

- Ans.** Instead of giving different rates for each land according to its City Survey Number/Survey Number/Gat Number, lands having same values are included as per their values in one group/value zone in the Annual Statement of Rates.

Que. 12 How is the area of land taken into consideration for determination of rates in Annual Statement of Rates?

Ans. In general, the rates for non-agricultural lands/ lands having non-agricultural potential and developing lands are given per square meter of area and those for agricultural and no development area are given per hectare of area.

Que. 13 Are built-up property rates fixed according to built-up area or according to carpet area in the Annual Statement of Rates?

Ans. In the Annual Statement of Rates, the- Rates for built-up property are given according to built up area. For purposes of valuation, the area obtained by multiplying carpet area by 1.2 is considered as built-up area.

Que. 14 On what basis, the bare construction rates are fixed in the Annual Statement of Rates ?

Ans. In Annual Statement of Rates, the bare construction rates are prescribed on the basis of information received from the Public Works Department of State Government every year.

Que. 15 Are rates differentiated according to extent of area of land?

Ans.

- Yes. According to Guideline No. 17 for Mumbai City and Suburbs and Guideline No 16 for the rest of Maharashtra, the rates of bulk lands according to area are considered.
- The land should be contiguous.
- Valuation is done by addition of values as per stages in Guidelines.

Que. 16 In the Annual Statement of Rate, are the built up property rates given taking into account the depreciation as per age of building?

Ans.

- The built up property rates in the Annual Statement of Rates are for new construction.
- According to Guideline No. 4 for Mumbai City and Suburbs and the Guideline No. 3 for the rest of Maharashtra, the value of old buildings is determined after allowing the depreciation as per age of building.

Que. 17 What should be done, if the information regarding value zone is not available according to Survey Number in Urban / Influence Area?

Ans. If the information regarding value zone is not available according to Survey Number in the Urban/Influence Area, then it should be searched as per City Survey Number or Final Plot Number of land (For Town Planning Scheme in Urban Areas) or according to value zone.

Que. 18 What should be done, if the rate for certain property is not found even with the help of survey number or the description of value zone in Urban/Influence Area ?

Ans. If the rate for certain property cannot be found with the help of City Survey Number/Survey Number/Gat Number or according to description of value zone in the Urban/Influence Area, then for ascertaining the value zone & rate, it should be approached to the concerned Deputy Director/Assistant Director, Town Planning, Valuation through registration officer or directly

along with 7/12 extract, zone certificate, villages map, measurement plan etc.

Que. 19 What should be done when the land rate of a certain property/land in the urban/influence area is available; however the user rate of specific use of building (e.g. residential, commercial, industrial etc.) on that land is mentioned as zero?

Ans. If the land rate of a certain property/land in the urban/influence area is available, but the rate for specific use of building (e.g. residential, commercial, industrial) on that land is mentioned as zero, then the rate should be determined in accordance with the Guideline Number 7 for Mumbai and suburbs and Guideline Number 6 for the rest of Maharashtra. If the rate cannot be ascertained even on that basis, it should be approached to the concerned Deputy Director/Assistant Director, Town Planning, Valuation.

Que. 20 Are the rates different according to type of property/purpose of usage in urban/influence area?

Ans.

- Yes. The rates are different according to type of property / purpose of usage in urban / influence zone.
- In the Annual Statement of rates, even when the actual use of land in urban area may be agricultural, still as per development potential in sanctioned development plan, the rates are proposed taking into account the permissible land use e.g. residential, no-development etc. and for built up property according to permissible use of that building.

Que. 21 In the urban/influence area, if some property in the value zone is facing the road but its internal extension is large, is the same rate applicable for the entire area?

Ans.

- No. If a certain property is facing the road and is included in the value zone of the road, and its internal expanse is large, a deduction of 30 % is given for the area beyond 50 meters distance as per Guideline No. 17.
- The guideline about the said discount is not applicable to Mumbai City and Suburbs.
- The said discount is applicable for properties situated only in separate value zone of main road in respective urban/influence area.
- The said guideline is not applicable for areas / internal expanse in other value zone.
- The said guideline is not applicable to rural area.

Que. 22 In urban/influence area, is there separate rate for reserved land in development plan?

Ans.

- Separate rates are not given for reserved land in the Development Plan of an urban /influence area.
- A 20% deduction is admissible for land affected by reservation as per Guideline No. 22 for

Mumbai City and Suburbs and Guideline No. 30 for the rest of Maharashtra.

Que. 23 In urban/influence areas, are the rates of built-up properties lower or higher depending on lift/elevator facility?

Ans. Yes, according to Guideline No. 19, the rates for built up property are considered lower or higher depending on availability of lift/elevator facility.

Que. 24 In urban/influence area, if a City Survey Number/Survey Number/Gat Number falls under more than one value zones, which rate is taken into account?

Ans.

- In urban/influence area, if a City Survey Number/Survey Number/Gat Number is included under different value zones as per location/characteristics of the land e.g. facing main road, large housing project, No Development Zone etc., a suitable rate is taken for consideration after taking into account all concerned evidences in that regard.
- In case of any doubt, it is necessary to confirm the specific value zone from the concerned Deputy Director/Assistant Director, Town Planning, Valuation

Que. 25 Are separate value rates given for lands which are facing on main road in the Urban / Influence Area?

Ans. Yes, lands facing on main road in the respective urban/influence area are given different rates.

Que. 26 In urban / influence area if for certain lands, two rates viz. per square meter and per hectare are given, which rate is taken into consideration?

Ans. The total value is determined by adding values according to guideline No. 16 (A) for rest of Maharashtra at per square meter rate up to 2000 square meters and for remaining area at per hectare rate.

Que. 27 What should be done if non-agricultural rate is given in the Annual Statement of Rates even when a land in the influence area has not been made non-agricultural and is actually being used for agriculture.?

Ans.

- Under such situation, it is necessary to submit an application for determining value zone & rate along with 7/12 extract, zone certificate of regional plan and other necessary papers to the concerned office of the Assistant Director, Town Planning, Valuation.
- Apart from this, an alternative to get the value determined by applying to concerned Joint District Registrar and Collector of Stamps vide adjudication proceedings under Section 31 of

Maharashtra Stamps Act is also available.

Que. 28 In rural area, which rate should be taken into consideration when some area of certain land is irrigated (bagayat) while some area is dry Crop land (Jirayat).

Ans. According to Guideline No. 20, if some area of a certain land is irrigated (bagayat) while some area is dry Crop land (jirayat), valuation is done by examining 7/12 extracts of previous three years and the entries of crops thereon and thereby deciding the type of land and taking into consideration the clause (B) and (C) of said Guideline.

Que. 29 In rural area, if some land is hilly fallow (Dongarpad) and has been given the rate for dry Crop land (Jirayat), then which rate is taken into consideration?

Ans.

- Valuation of hilly fallow (Dongarpad) land in rural area is done at rate of 75% of the rate of dry land.
- Valuation of hilly fallow land in Urban and Influence Area is done at the same rate (100%) as of concerned value zone.

Que. 30 What should be done, if the rates for assessment of stamp duty given in the Annual Statement of Rates are not acceptable?

Ans.

- If the rates for assessment of stamp duty given in Annual Statement of Rates are not acceptable, then as per Section 31 of Maharashtra Stamps Act, the applicant has a right to present his case by applying to following officers along with necessary documents of proof to get valuation done under adjudication:
 1. Mumbai City and Suburbs- Concerned Collector of Stamps
 2. Remaining Places- Concerned Joint District Registrar and Collector of Stamps.
- For detailed information, see Part 3: Stamp Duty.

Que. 31 What is taken as basis for valuation under adjudication cases?

Ans. For determining value under adjudication, locational merits of land like, facing the main road, garden, sea coast adjoining the said land etc. and demerits like nalla is passing through the land, high tension electric line is passing through, crematory/ burial ground is nearby, the property is affected by C.R.Z, it is unbuildable etc. are taken into consideration. The concerned party can present his case with the help of related papers as proof.



2

Part 4 – Valuation

Valuation of Property

Que. 1 What is meant by market value of land/property?

Ans. In the transaction of immovable property between two parties, the market value of land / property means the price which such property would have fetched if sold in open market on the date of execution/signing of such instrument or the consideration stated in the instrument, whichever is higher.

Que. 2 For which document, the true market value as per Annual Statement of Rates is taken into consideration?

Ans. In the case of instruments or subject matter of instruments such as Agreement to sale, Conveyance deed, Deed of exchange, Certificate of sale, partition deed, Power of attorney given to a third person to sell property with or without consideration, Settlement deed, Lease deed, Transfer of lease and development agreement, the stamp duty as per the true market value of the property is taken into consideration.

Que. 3 On what basis the assessment of stamp duty is levied?

Ans. The stamp duty is levied on the higher gain/amount in between the consideration amount mentioned in the document or the value of property computed at the rate mentioned in the Annual Statement of Rates whichever is higher.

Que. 4 If the date of execution and the date of registration of document are different, the value of which date is taken into consideration for stamp duty?

Ans.

- If date of execution and the date of registration of document are different, the value arrived from Annual Statement of Rates prevailing on the date of execution of document is taken into consideration for stamp duty.
- For detailed information see Part-3, Stamp Duty

Que. 5 Will it be proper to do the valuation directly at the rate given in Annual Statement of Rates?

Ans. No. Instead of making valuation only by considering the rate in Annual Statement of Rates, valuation is done by considering the accompanying Guidelines.

Que. 6 Can the sub-registrar, register a document at a rate lower than the market value determined on the basis of rate from the Annual Statement of Rates and the Guidelines?

Ans. No. He can register such documents only in cases under adjudication as per section 31 of the

Maharashtra Stamps Act with available proofs and as per value fixed under valuation by competent officers.

Que. 7 Is it necessary to mention facts affecting stamp duty in document?

Ans. Yes. As mentioned in Section 28 of Maharashtra Stamp Act, all the facts affecting the chargeability of stamp duty shall be fully and truly set forth thereon. Similarly it is necessary to submit the incidental proofs in support of them.

Que. 8 Is the value of a property assessed by Government, Semi-Government bodies e.g. CIDCO, MHADA, MIDC etc. considered admissible as final value?

Ans. Yes. According to Rule 4(6) of Maharashtra Stamp (Determination of true market value of property) Rule, 1995, if a property is being sold/allotted in its first transaction to beneficiaries by Government / Semi-Government bodies, the value fixed by such Government / Semi-Government bodies is considered admissible as final value.

Que. 9 At what rate, the value of a plot of land allotted by Government / Semi-Government bodies is fixed while transferring it to another person?

Ans. If a plot allotted by Government / Semi-Government bodies is being transferred to another person, its value is computed at the rate stated in the Annual Statement of Rates.

Que. 10 While doing valuation of old buildings having tenants and of cessed buildings in Mumbai City and Suburbs, is it necessary to obtain certificate of admissible Floor Space Index (FSI) from the Municipal Corporation?

Ans. Yes. It is necessary to obtain certificate of admissible Floor Space Index area from the Municipal Corporation while doing valuation of old buildings having tenants and of cessed buildings in Mumbai City and Suburbs.

Que. 11 How is the valuation done when tenants are given alternate accommodation in new building?

Ans. The valuation of such kind is done according to Guideline No. 2.

Que. 12 After redevelopment, how is the valuation done when a tenant desires to purchase extra area apart from due area?

Ans. If a tenant desires to purchase extra area apart from due area, the valuation of such extra area is done at the rate given in Annual Statement of Rates.

Que. 13 Are proofs of tenants necessary for a property occupied by tenants?

Ans. Yes. For this purpose, the proofs as mentioned in Guideline No. 2 are necessary.

Que. 14 In Mumbai City and Suburbs, in a redevelopment project of building with ownership rights, how is the valuation done while owner/member is being given flat in the new building?

Ans.

- The valuation of such type of property is done as per instructions given in Registration and Stamp Department's circular dated 7/11/2013.
- The said circular is available on website www.igrmaharashtra.gov.in under heading 'Publications' and at place 'Circulars'.

Que. 15 At what rate stamp duty is assessed, if a society carries out redevelopment through a contractor, and a flat/tenement is allotted to the original member of society?

Ans. If the society has undertaken redevelopment through a contractor, and a flat/tenement is allotted to original member of society in new building; a stamp duty of Rs. 100/- is levied for such document.

Que. 16 How is the market value of a building on independent plot determined?

Ans. The market value of a building on independent plot is determined according to Guideline No. 7 for Mumbai City and Suburbs and Guideline No. 6 for rest of Maharashtra.

Que. 17 How is the valuation done for plots of land having T.D.R. potential?

Ans. According to Development Control Rules for Mumbai City and Suburbs, the valuation of plots of land with admissible T.D.R. is done as per Guideline No. 3 by 40% increase in the rate given in Annual Statement of Rates.

Que. 18 In order to have admissibility of depreciation in the valuation of old buildings, are some proofs necessary and which ones?

Ans. As mentioned in Guideline No. 4 for Mumbai City and Suburbs and Guideline No. 3 for rest of Maharashtra, to get depreciation admissible according to the age of building, proofs such as completion certificate of building, occupancy certificate, property tax assessment bill, electricity bill (mentioning the address of property and electric supply date) etc.

Que. 19 How is valuation done when the document mentions other areas besides carpet area of construction?

Ans.

- According to Guidelines No. 5 for Mumbai City and Suburbs and Guideline No. 4 for rest of Maharashtra, if the document mentions only carpet area, the said area is multiplied by 1.2 and the built up value is calculated at the rate given in Annual Statement of Rates.
- Built up area = 1.2 x carpet area, or
- carpet area = Built up area/1.2
- If the document mentions any other thing besides carpet area, then valuation is done by taking into account the maximum area mentioned in the document.

Que. 20 How is the valuation done for large area shops/office having large area?

Ans. The valuation of shops/offices having large area is done as per Guideline No. 9 for Mumbai City and Suburbs and as per Guideline No. 8 for rest of Maharashtra.

Que. 21 How is the valuation done for shops in large shopping complexes and Malls?

Ans. The valuation of shops in large shopping complexes & malls is done as per Guideline No.9 & 10 for Mumbai City and Suburbs and Guideline No.8 & 9 for rest of Maharashtra.

Que. 22 How is the valuation done, if the basement of a building is being used as a godown?

Ans. If the basement of a building is being used as a godown, its valuation is done at the rate of 70% of the rate of concerned shop as per Guideline No. 12 for Mumbai City and Suburbs and Guideline No. 11 for rest of Maharashtra.

Que. 23 How is the valuation done, if the shop/industrial shed has a mezzanine floor?

Ans. According to Guideline No. 13 for Mumbai City and Suburbs and Guideline No. 12 for rest of Maharashtra, if the shop/industrial shed has a mezzanine floor, its valuation is done at 70% of the rate for concerned shop/industrial user of that floor.

Que.24 How is the valuation done, if the land adjoining the flat/shop on ground floor is being purchased?

Ans. According to Guideline No. 14 for Mumbai City and Suburbs and Guideline No. 13 for rest of Maharashtra, if the land adjoining a flat/shop on ground floor is being purchased, its valuation is done at 40% of the rate of land in concerned value zone.

Que. 25 How is the valuation done, if terrace is also purchased along with flat/shop/office?

Ans. According to Guideline No. 15 for Mumbai City and Suburbs and Guideline No. 14 for rest of Maharashtra, if terrace is also purchased along with flat/shop/office, the valuation of such area of terrace is done at 40% of the rate for concerned flat/shop/office.

Que. 26 How is the valuation done, if the terrace on the upper floor of flat is being sold along with the flat?

Ans. If the terrace on the upper floor of flat is being sold along with the flat, the valuation of such terrace is done at 25% of the rate of flat in the Annual Statement of Rates.

Que. 27 How is the valuation done in the case of covered parking/podium parking?

Ans. According to Guideline No. 16 for Mumbai City and Suburbs and Guideline No. 15 for rest of Maharashtra, valuation of covered parking/podium parking is done at 25% of the concerned user rate in the Annual Statement of Rates.

Que. 28 How is the valuation done in the case of parking on open land (Open parking)?

Ans. According to Guideline No. 16 for Mumbai City and Suburbs and Guideline No. 15 for rest of Maharashtra, the valuation of parking area in open land is done at 40% of the rate of land in concerned value zone.

Que. 29 Is additional rate levied on the flats/offices/commercial user in multi-storied buildings?

Ans. • For flats/offices/commercial user in multi-storied building having lift facility, additional rate is levied as follows :

1. From ground floor to 4th floor at annual statement rate.
2. From 5th floor up to 10th floor – 5%
3. From 11th floor up to 20th floor- 10%
4. From 21st floor to all other floors above – 15%

Que. 30 How is the valuation done for land of potential non-agricultural use?

Ans. The valuation of land of potential non-agricultural use is done according to Guideline No. 16.

Que. 31 How is the valuation done, if land is being purchased for farm house ?

Ans. If land is being purchased for farm house, valuation is done by considering non-agricultural potential use and at the rate for potential non-agricultural.

Que. 32 In Rural Area, if the farmer owning agricultural land has a house for personal use and a cattle shed (cowpen), how is the valuation done?

Ans. While determining value of property in such document, the value of both land and building is taken into consideration. The value of land is fixed at the rate of concerned value zone. The value of construction is decided at construction rate taking into consideration the depreciation as per age of building. The said instruction is not applicable to farm houses other than the farmer's own house.

Que. 33 How is assessment per hectare calculated from 7/12 extract of land?

Ans. As per guideline no. 25 for the rest of Maharashtra assessment per hectare is calculated by dividing total area to the total assessment in 7/12 extract (Total assessment / total Area without deduction sallow/ potkharb area).

Que. 34 Is the 'potkharab' area in 7/12 extract taken into account for valuation of land?

Ans. The valuation is done according to applicable rates of land without any independent

consideration of potkharab area in 7/12 extract.

Que. 35 How is the valuation done for orchards in agricultural land ?

Ans. If separate rates for orchards are not given in the Annual Statement of Rates, for valuation of orchards in agricultural land, the ratio is given in Guideline No. 20 for rest of Maharashtra. The valuation in respect of remaining trees is done under adjudication by examining aspects like age of trees, their potential income etc.

Que. 36 How is the valuation done for 'Well' and 'Easementary Rights of Road'?

Ans.

- Since valuation of irrigated land is done as per Guideline No. 20, no separate value for 'Well' is taken into account.
- The valuation of area under easement right of road is done at the concerned land rate.

Que. 37 How is valuation done, if the 7/12 extract mentions a 'Well', but since it is dry, irrigation facility is not available?

Ans.

- The land which does not have irrigation facility or even if it has a well/tube well but being dry, irrigated (Bagayat) crops cannot be grown, then the valuation of such land is done by adding the value of constructed well/tube well in the value arrived at for dry Crop land (Jirayat) land as per agricultural land rate corresponding to the assessment of land from Annual Statement of Rates.
- For detailed information, see in marathi circular from Inspector General of Registration and Controller of Stamps No. कार्या-15/ प्र.क्र.-1/ मूल्यांकन सूट /16/2006/281, dated 2/5/2006.
- The said circular is available on website www.igrmaharashtra.gov.in under heading 'Publications' and at place 'Circulars'.

Que. 38 How is the valuation done for lands in the command area of a canal where irrigation facility not available due to non construction of canal?

Ans.

- If other irrigation facilities are also not available, then valuation of such land is done as per rate of agricultural dry Crop land (Jirayat) land corresponding to the assessment of land given in the Annual Statement of Rates.
- However, it is necessary to attach with document, a certificate from irrigation department stating non-availability of canal irrigation facility.

Que. 39 How is the valuation done, in the case of an area declared as mining belt by Government / District Collector as also the land being sold for wind mill?

Ans. According to Guideline No. 20 for rest of Maharashtra, the valuation of land declared as mining belt by Government / District Collector as also the land being sold for wind mill is done at twice the rate mentioned in Annual Statement of Rates for that land.

Que. 40 How is the valuation done for agricultural land having an area less than 10 Are?

Ans. As per Guideline No. 21 for rest of Maharashtra, if for land having area less than 10 Are only rate per hectare is mentioned, valuation is done at one and half times the rate of land arrived at through crop survey record. If separate rate is mentioned for paddy cultivation in Annual Statement of Rates and the area of entire Survey Number/Group Number is less than 10 Are, and if it is being sold wholly, and that land is not facing any road, one and half times rate is not applied to such land.

Que. 41 How is the valuation done for saline land?

Ans. As per Guideline No. 27 for rest of Maharashtra, the value of saline land is determined at 60% of the rate of irrigated (Bagayat) land after necessary verification.

Que. 42 In Rural Area, if the land is sold first time for special township projects, special economic zones, private hill station projects, and also for other potential residential / industrial / commercial non-agricultural purposes, then how is the valuation of land done?

Ans. According to Guideline No. 29 for rest of Maharashtra, the valuation of such land is done at 50% of the non agricultural land rate of the village given in Annual Statement of Rates and according to table of bulk lands for no-development zone.

Please Note

- If the rates in Annual Statement of Rates for assessment of stamp duty are not acceptable, the concerned applicant along with necessary papers of proof, can submit application to following officers for getting valuation done and exercise his right to present his case for adjudication under Section 31 of Maharashtra Stamps Act.
 1. Mumbai City and Suburbs – Concerned Collector of Stamps
 2. Remaining places - Concerned Joint District Registrar and Collector of Stamps.
- On Registration and Stamp Department's website www.igrmaharashtra.gov.in the following are available-
 1. Annual Statement of Rates under heading 'Online Services' and at place 'eASR', and
 2. Guidelines under heading 'Downloads' and at place 'ASR Guidelines'.





PART

5

e-Payment

Shri Srihari Khurd
Deputy Director, Accounts,
Office of the Inspector General of Registration,
Maharashtra State, Pune.

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Part 5 – e-Payment

General Information

Que. 1 What is e-payment?

Ans. e-payment means online (by using net-banking personally) payment by using internet, or payment made across the counter (by actually going to a bank branch).

Que. 2 Is e-payment a safe medium for paying stamp duty? What is the legal basis for e-payment system?

Ans. Yes. E-payment is a fully secure medium of paying stamp duty and it is the policy of the state government to collect maximum stamp duty through e-payment. Following are the legal provisions regarding e-payment-

- An amendment has been made in the Maharashtra Stamp Act on 28/11/2011 and e-payment has been included as a mode of collection of stamp duty vide Section 10(3) (v).
- With regard to e-payment, the State Government has framed the Maharashtra e-Payment of Stamp Duty and Refund Rules, 2013 which have come into force with effect from 24th July, 2013.
- The registration fee and other charges can also be paid safely through e-payment.

Que. 3 What are the different options available to make e-payment to the Department of Registration and Stamps ?

Ans. To enable payment of stamp duty (for documents being registered and documents not being registered) , registration fee (for documents being registered) and search fee for searching information about transactions etc e-payment facility has been provided to the citizens as a simple and convenient alternative method of payment. The following 3 options are available for e-payment:

1. E-Challan
2. E-S.B.T.R.
3. Simple Receipt

Que. 4 What is GRAS?

Ans. GRAS means Government Receipt Accounting System. This system is available on the website of the Finance department of Govt of Maharashtra <https://gras.mahakosh.gov.in> .

- The amount of taxes and fees due to various departments of Government of Maharashtra can be deposited online through this system.
- Through this system, stamp duty, registration fee and search fee can be paid online to the Department of Registration and Stamps.

Que. 5 What is meant by Virtual Treasury?

- Ans.**
- It is the treasury of the Government of Maharashtra in which the amounts collected through GRAS system get deposited.
 - The Virtual Treasury performs important functions like issuing receipt for the amounts being deposited through the GRAS system, maintaining accounts, doing reconciliation of accounts and controlling them.
 - The officer in charge of this treasury is known as Virtual Treasury Officer.

Que. 6 What is GRN?

- Ans.**
- GRN means Government Reference Number.
 - While making payment through GRAS or website of any Authorized Participatory Bank, the 18 digit specific number which is given by Virtual Treasury for the said transaction is known as Government Reference Number (GRN).
 - The GRN can be used for getting information about amount paid and also to ascertain whether the amount has been credited to the government.

Que. 7 What is the meaning of letters E, M, S or R placed at the end of a GRN?

- Ans.** The letters E, M, S, or R at the end of Government Reference Number (GRN) indicate the medium through which the amount is deposited by the citizen.
- If the amount has been paid online through e-challan, then the letter E is included (E for Electronic) at the end of GRN of the e-challan.
 - If the amount has been paid through e-challan across the counter by going to the bank, then the letter M (M for Manual) is included at the end of GRN of the e-challan.
 - If the amount has been paid to obtain e-SBTR, then the letter S (S for SBTR) is included at the end of GRN of the e-SBTR.
 - If the amount has been paid through Simple Receipt, then the letter R (R for receipt) is included at the end of GRN of the Simple Receipt.

Que. 8 What is meant by CIN?

- Ans.**
- CIN means Challan Identification Number.
 - While making e-payment through GRAS or website of an Authorized Participatory Bank, the 20 digit specific number given by the concerned bank for having made payment to the government is called Challan Identification Number (CIN).
 - CIN can be used to obtain information about the amount paid.

Que. 9 What is meant by e-challan?

- Ans.** e-challan means a challan in the prescribed format containing information as to the amount paid in the Virtual Treasury, name of the parties concerned with the document, Government Registration Number (GRN) and Challan Identification Number (CIN) of the transaction.

Que. 10 What is meant by Simple Receipt?

- Ans.** Simple Receipt means a receipt printed on plain paper by the Authorized Participatory Bank or by the party after depositing the amount of stamp duty, registration fee and other charges in the Virtual Treasury. Such receipt can be obtained only through the website of any Authorized Participatory Bank and it is essential that it bears the signature of the party or the bank officer.

Que. 11 What is meant by e-SBTR?

- Ans.**
- e-SBTR means Electronic Secured Bank & Treasury Receipt.
 - e-SBTR is a modern method of payment of stamp duty, wherein facility of e-payment has been made available to the citizens keeping intact their traditional faith in the stamp paper.
 - The printing of e-SBTR is done on a secured paper similar to/resembling conventional stamp paper supplied by the government to Authorized Participatory Banks and it bears the signature of the bank officer.

Que. 12 What are the advantages of e-payment system?

- Ans.**
- In this system, the payment can be made online anytime and from anywhere.
 - If the amount is paid by using net-banking facility, e-challan or Simple Receipt can be obtained sitting at home. (However, since e-SBTR is printed on a special secured paper resembling a stamp paper, it is necessary for the party to obtain e-SBTR through the concerned bank only.
 - It is possible to ensure that the amount paid to government is deposited with the government.
 - It is possible to make payment of a specific amount.
 - There is elimination of the risk of handling cash.
 - If a refund of stamp duty is to be obtained, there is a deduction of 10% amount in case of traditional modes of payment of stamp duty. But if a refund is to be obtained in case of stamp duty payment made through e-payment, a deduction of maximum of Rs. 1,000/- is made. This results in saving of citizens' money.

Que. 13 What items are essential for making e-payment sitting at home?

- Ans.** The items essential for making e-payment sitting at home are as follows:
- Computer facility with internet connection should be available.
 - Familiarity with use of computer especially e-payment, e-booking, online form filling etc is required.
 - If amount is to be paid online, then net-banking account facility of any bank in the GRAS system is essential.
 - If net-banking account facility is not available, e-payment can be made by personally going to the branch of any bank in the GRAS system and making payment across the bank counter.

Que. 14 With regard to e-payment what is meant by Across the Counter Payment?

- Ans.** The parties who do not have net-banking account facility but have the internet facility, can pay the amount in the branch of the bank by following across the counter method. For this purpose, you need to perform the following steps -
- By using computer and internet connection, create a draft challan through the GRAS system.
 - Visit the branch of the concerned bank included in the GRAS system having Payment Across the Counter facility along with the said draft challan and payment amount.
 - The amount may be paid in cash, by a cheque or demand draft.
 - If amount paid is in the form of a cheque or a demand draft, then the said branch credits the amount to the government only after the said amount is deposited in the account of the bank.
 - The concerned bank deposits online the said amount with the government and provides the citizen an e-challan (with GRN and CIN) in the prescribed format for the amount

received.

Que. 15 Can an individual having neither net-banking account nor internet facility make e-payment?

Ans. Yes. Even an individual who does not have the net-banking account facility and internet can make e-payment. There are two options available for this:-

A.If you wish to pay the stamp duty and registration fee together for a document to be registered, then the said payment can be made by e-SBTR or Simple Receipt at the selected branches of the Authorized Participatory Bank. Similarly, if stamp duty is to be paid for documents not to be registered the said payment can also be made through e-SBTR. No service charge is required to be paid to the banks for this purpose. (For more information see instructions in chapters 4 and 5.)

B.The payment of stamp duty, registration fee and other charges can be made by way of e-challan (GRAS) with the help of stamp vendors or franking vendor banks having the said facility. If e-payment is made through them, they are allowed to charge the customer maximum of Rs. 50/- per document as per the Government Resolution dated 07/09/2013.

Que. 16 How to use the GRAS system?

Ans. Detailed instructions in this regard are available on the website <https://gras.mahakosh.gov.in> at FAQ/User's Guide.

Que. 17 Which are the banks through which e-payment can be made by using GRAS system?

Ans. A list of all such Participatory Banks is available on the website <https://gras.mahakosh.gov.in> in the link 'Available Banks'.

Que. 18 Besides the banks mentioned in the GRAS system, which other institutions provide e-payment facility?

Ans. The remittance of stamp duty, registration fee and other charges may also be made through e-challan (GRAS) by utilizing the services of Licensed Stamp Vendors and Franking Vendors. If such payment is made through them, they can charge the customer a service charge of maximum Rs. 50/- per document as per the Government Resolution dated 07/09/2013.

Que. 19 After paying an amount through GRAS system, how can the confirmation about its credit to the government be obtained?

Ans.

- Both the GRN and CIN numbers are created after an amount is deposited with government through GRAS system. The e-challan bearing both these numbers is treated as a proof of the amount having been credited to the government.
- When an e-challan is obtained, it does not bear anyone's signature at that moment.
- However, if copy of concerned e-challan is obtained, after the information about the said amount reaches the virtual treasury and after its verification by the Virtual Treasury, it bears the digital signature of Virtual Treasury Officer (VTO) indicating the amount having been credited with the government. Generally it takes two days for this.

Que. 20 After paying an amount through e-payment, if copy of e-challan is printed, sometimes a Question mark appears in the box meant for digital signature. What does it mean?

- Ans.**
- If a print of e- challan is obtained immediately after paying the amount, it may not bear any digital signature'. However, if the print is taken approximately two days after payment of the amount, the digital signature of Virtual Treasury Officer appears in the lower part of such e-challan. On the same a Que. mark appears some times.
 - A Que. mark does not mean that there is any doubt about the amount paid; it relates to some technical aspect of digital signature. Even if there is a Que. mark, it does not create any difficulty in the registration of document.
- For more information on this subject, please refer 'Digital Signature' Instructions under the heading 'Download Links' on the Home Page of the GRAS system.

Que. 21 What should be done if some difficulties arise while making e-payment through GRAS system?

- Ans.**
- A.If difficulties arise while using e-payment system: -
See instructions in Users' Guide on the Home Page of the GRAS website.
- B.If some difficulty arises after paying the amount through e-payment: -
1. Contact the Joint District Registrar of concerned district belonging to the Department of Registration and Stamps during the office hours. The list of all Joint District Registrars in Maharashtra is available on the website www.igrmaharashtra.gov.in under the heading 'Organization' at 'Offices'.
 2. Contact the Virtual Treasury on telephone number 022-22040564 during office hours or contact on e-mail address: vto@mahakosh.in.

Que. 22 What should be done if after payment of amount through the GRAS system print of e-challan cannot be obtained?

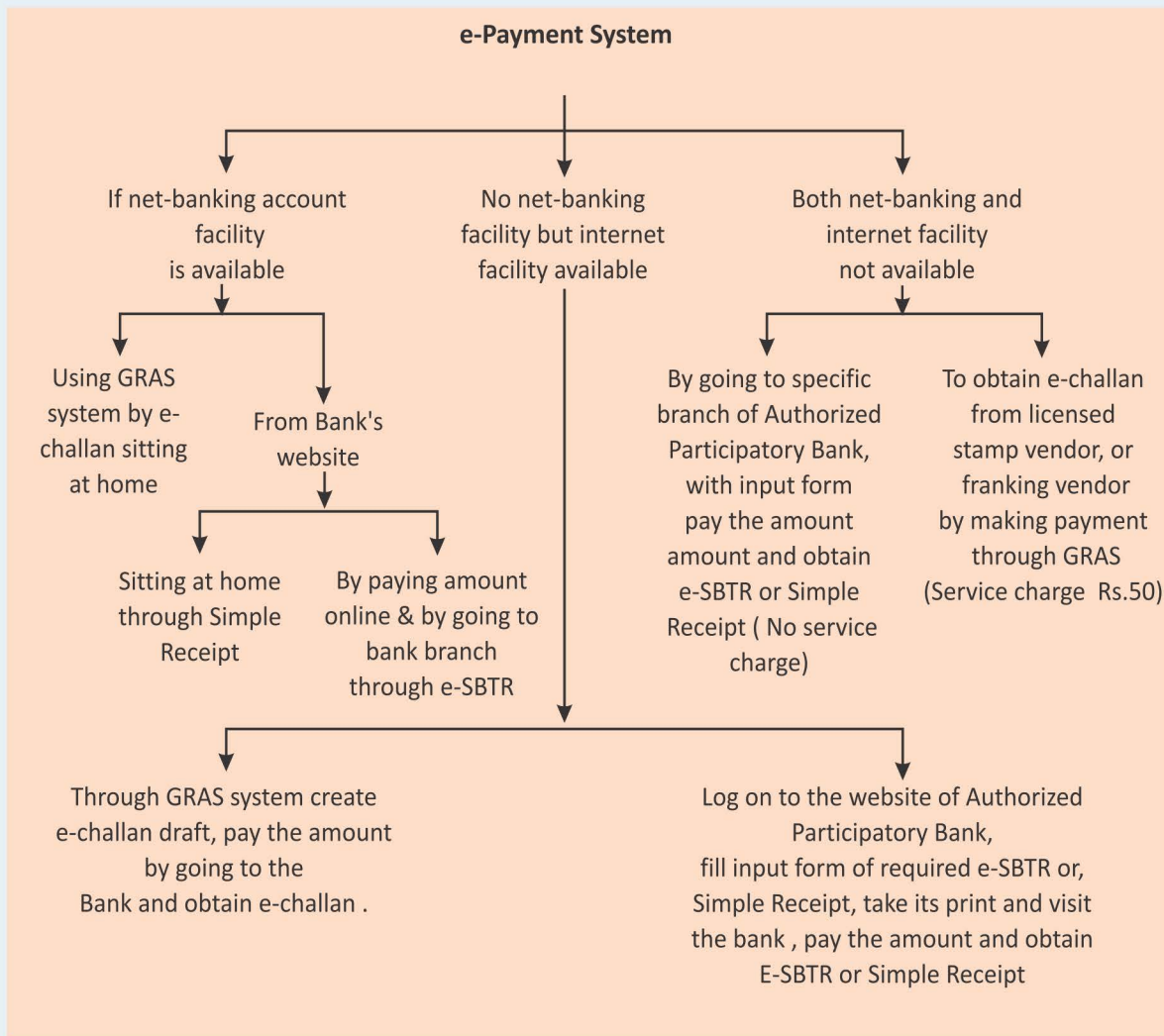
- Ans.**
- Generally print of the e-challan can be obtained immediately after payment of the amount. However, if in exceptional circumstances such print cannot be obtained: -
- A.Use ' Search e-Challan' link on the GRAS website , fill information about the department, district, name of bank, date on which payment is made, GRN/CIN , then the print can be obtained.
- B.If neither GRN nor CIN is available,
- i. Log on to the internet banking account of the bank through which you have made the e-payment and then GRN and CIN can be obtained.
 - ii. However , if you have made the payment across the bank counter, then you can obtain GRN and CIN by going to the branch of the concerned bank.

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Part 5 – e-Payment
e-Payment

Que. 1 What are the different ways of paying stamp duty/registration fee through e-payment system?

Ans. The available ways of paying stamp duty/registration fee through e-payment system are as follows:



Que. 2 How can e-payment be made if net-banking account facility is available?

Ans. If net-banking account facility is available, e-payment can be made in the following manner :

A.e-Challan-

- i. Visit the GRAS website and fill up full information about the amounts to be paid.
- ii. Ensure that the information filled up is accurate and then remit the amount by using net-banking account facility.
- iii. E-challan having GRN and CIN will be generated. Take a print.
- iv. Once the e-challan with GRN and CIN is obtained, it is to be presumed that the process of e-payment is complete.

B.Simple Receipt-

- i. Visit the website of Authorized Participatory Bank to remit the amount by Simple Receipt.
- ii. Fill up complete information about the purpose for which Simple Receipt is required.
- iii. Remit the amount by using net-banking account facility.
- iv. Simple Receipt having GRN and CIN will be generated. Take a print and put your signature on it without fail.
- v. Once you have received Simple Receipt having GRN and CIN, it is to be presumed that the process of e-payment is complete.

C.e-SBTR–

- i. Visit the website of Authorized Participatory Bank to remit amount through e-SBTR.
- ii. Fill up complete information about the purpose for which e-SBTR is required.
- iii. Remit the amount by using net-banking account facility.
- iv. Receipt having CIN will be generated. Take a print.
- v. Along with the proof of having paid the amount (Receipt having CIN) visit the branch of the bank chosen. Desired e-SBTR can be obtained.
- vi. When the e-SBTR is obtained, it can be presumed that the process of e-payment is complete.

Que. 3 How can e-payment be made if net-banking account facility is not available but internet facility is available?

Ans. If net-banking account facility is not available, but internet facility is available, e-payment can be made in the following manner :

A.e-challan-

- i. Visit the GRAS website. Choose 'Across the Counter' option and fill up detailed information about the amount to be paid.
- ii. Draft e-challan having GRN will be generated. Take a print of it.
- iii. Visit the branch of the concerned bank included in the GRAS system having Payment Across the Counter facility along with the said draft e-challan and the amount to be paid.
- iv. The amount may be paid in cash, by a cheque or by a demand draft .
- v. If amount paid is in the form of a cheque or a demand draft, then the said branch credits the amount to the government only after the said amount is deposited in the account of the bank.
- vi. The concerned bank deposits online the said amount with the government and provides the citizen an e- challan (with GRN and CIN) in the prescribed format for the amount received.
- vii. After you get e-challan having GRN and CIN, it can be presumed that the process of e-

payment is complete. (After the challan form is prepared it is necessary to deposit the amount in the bank within 7 days.)

B. Simple Receipt/e-SBTR –

- i. Visit the website of any Authorized Participatory Bank providing the facility of Simple Receipt/e-SBTR.
- ii. Choose the desired option out of Simple Receipt/e-SBTR. Then select the 'Across the Counter' option. Fill up the form online with suitable and accurate information about the purpose for which Simple Receipt/e-SBTR is required.
- iii. Take a print of the filled up information and visit the bank branch chosen by you. Remit the required amount by cash/cheque/demand draft.
- iv. Desired Simple Receipt or e-SBTR will be issued.
- v. When the Simple Receipt/e-SBTR is received, it can be presumed that the process of e-payment is completed.

Que. 4 How can e-payment be made when neither internet nor net-banking account facility is available?

Ans. If neither internet nor net-banking account facility is available, e-payment can be made in the following manner :-

A. Visit the branch of an Authorized Participatory Bank having the facility of Simple Receipt/e-SBTR or institutions working as their authorized Sub-Agent (Licenced Stamp Vendors, Franking Vendors). (At present IDBI, Punjab National Bank, Bank of Maharashtra and Canara Bank are the Authorized Participatory Banks.)

- i. Choose either Simple Receipt or e-SBTR and fill up complete information in the bank form and submit the form and the amount to the bank/Sub-Agent.
- ii. A Simple Receipt or e-SBTR will be issued.
(To obtain Simple Receipt or e-SBTR no separate fee/service charge is to be paid to the Sub-Agent.)

B. The remittance of stamp duty, registration fee, and other charges through e-payment (GRAS) can also be made with the help of Licenced Stamp Vendors or Franking Vendors. If e-payment is made through them, they can recover a service charge of maximum Rs. 50/- per document as per the Government Resolution dated 07/09/2013.

Que. 5 If stamp duty is paid by e-payment system, which date is considered as the date of purchase of a stamp?

Ans. Date of CIN or GRN appearing on the receipt created through e-payment, whichever is later, is considered as the date of purchase of a stamp.

Que. 6 What are the options available to the citizens to remit stamp duty, registration fee, and other charges?

Ans. The following options are available to the citizens for remitting stamp duty, registration fee and other charges :-

Details	1. e-Challan	2. Simple Receipt	3. e-SBTR	4.General Stamp Paper	5. Franking
Where Available?	1.Through all Participatory banks, when personal internet banking facility is available, then online. 2.If no internet banking facility available, then through participant banks having across the counter facility - selected branches of following banks 1.SBI 2.Bank of Maharashtra 3.IDBI 4.PNB	1.IDBI 2.PNB 3.Bank of Maharashtra 4.Canara Bank A. By online system if net-banking account exists in any of above banks. B. If no net-banking account available, then in the above mentioned branches of banks by across the counter method (List of branches of said banks is available on website of the Dept.)	1. IDBI 2. PNB 3.Bank of Maharashtra 4. Canara Bank A. By online method if net-banking account exists in any of above banks. B.If no net-banking account available, then in the above mentioned branches of banks by across the counter method (List of branches of said banks is available on website of the Dept.)	Stamp Vendors, Government Treasuries, Sub-treasuries	Licensed Franking Vendors (List available on the website of the Department)
What are the financial limits?	A. Across the Counter Minimum Rs. 300/- B. Net-banking - unlimited	A. Across the counter Minimum Rs. 300/- B. Net-banking- Unlimited	Stamp duty amount - Minimum Rs. 5000/- (However, e-SBTR cannot be used for payment of registration fee alone.)	From Stamp Vendor - Maximum Rs.30,000/- for one document. But unlimited for Treasuries, Sub-treasuries and General Stamp Office.	Maximum Rs. 5,000/-
For which documents it can be used?	Only for documents which are compulsory for registration	Only for documents which are compulsory for registration	For all kinds of documents	For all kinds of documents	For all kinds of documents
What duties/	For stamp duty, registration fee,	For stamp duty, registration fee,	For all kinds of documents	Stamp duty	Stamp duty

Details	1. e-Challan	2. Simple Receipt	3. e-SBTR	4. General Stamp Paper	5. Franking
fees can be paid through this?	search fee etc. for documents requiring compulsory registration.	search fee etc. for documents requiring compulsory registration	registration fee along with stamp duty. Registration fee not applicable for documents for which registration is not compulsory		

- Entire amount of Document Handling Charges is accepted in the concerned Office of the Sub-Registrar in cash.
- In case of registration fee and search fee, an amount up to Rs. 300/- is accepted in the concerned Office of the Sub-Registrar in cash.

Que. 7 What are the special characteristics of e-challan, Simple Receipt and e-SBTR as methods of e-payment?

Ans. Special characteristics of e-challan, Simple Receipt and e-SBTR as methods of e-payment are as follows:-

Sr. No.	e-Challan	Simple Receipt	e-SBTR
1.	e-challan is prepared through the GRAS system.	Simple Receipt is prepared through the website of Authorized Participatory Bank.	e-SBTR is prepared through the website of Authorized Participatory Bank.
2.	Printed on a plain paper.	Printed on a plain paper.	Printed on government supplied special paper having security characteristics (similar to the traditional stamp paper)
3.	A. Person making online payment can himself take the print. B. Person making across the counter payment can get it from the bank.	A. Person making online payment can himself take the print. B. Person making across the counter payment can get it from the bank.	Only Authorized Participatory Banks can provide e-SBTR.
4.	Amounts of stamp duty, registration fee & search/copying fee etc. can be paid in respect of documents whose registration is compulsory.	Amounts of stamp duty, registration fee & search/copying fee etc. can be paid in respect of documents whose registration is compulsory.	Stamp duty on documents whose registration is legally compulsory and documents whose registration is legally optional can be paid for amounts of Rs. 5000/- and

			above. If registration fee is to be paid, then it has to be paid along with stamp duty only. Registration fee alone cannot be paid independently.
5.	Party can take a print, sign it himself and can use it for registration	A. Party can himself take a print, sign it himself and can use it for registration. B. Bank Officer signs himself if such Receipt is taken from the counter of Authorized Participatory Bank.	e-SBTR can be given only by Authorized Participatory Banks. The bank officer puts his signature on it. On e-SBTR up to value of Rs.50,000/- signature of one officer is necessary. On e-SBTR of more than Rs.50,000/- value, signature of two officers is necessary.
6.	When both internet and net-banking account facility are not available, then payment of stamp duty, registration fee and other charges can be made using e-challan (GRAS) through the Licenced Stamp Vendor or Franking Vendor. In this case as per the Government Resolution dated 07/09/2013 they can recover service charge of maximum Rs.50/- from the customers.	When both internet and net-banking account facility are not available, Simple Receipt can be obtained by visiting the bank branch, filling up the input form and paying the required amount. No service charge is levied in this case.	When both internet and net-banking account facility are not available, an e-SBTR can be obtained by visiting the bank branch, filling up the input form and paying the required amount. No service charge is levied in this case.



3

Part5—e-Payment
e-Challan

Que.1 Where can one get detailed guidance with regard to remittance of amount through e-challan?

Ans. Detailed guidance regarding remitting amount through e-challan is available on the website <https://gras.mahakosh.gov.in> under heading Users' Guide. It is also available on the website of Department of Registration and Stamps www.igrmaharashtra.gov.in under 'e-payment' heading in the 'Online Services' on the link 'User's Guide'. More information has also been given in answer to Q. No. 3 of this part.

Que.2 For which documents is the facility of remitting stamp duty through e-challan available?

Ans. The facility of remitting stamp duty through e-challan is available only for the documents for which registration is compulsory and not for the documents for which registration is optional.

Que.3 What items should be taken care of while filling up the information on GRAS for e-challan?

Ans. While filling up the information on the GRAS for e-challan, care should be taken about the following items:

1. The facility to remit stamp duty through e-challan is available only for the documents requiring compulsory registration. Remittance of stamp duty should not be made through e-challan in respect of documents for which registration is optional. The list of documents requiring registration compulsorily can be seen while filling up the information on the GRAS under heading 'Article Code'.
2. No change can be made in the receipt which is created after remittance of stamp duty and registration fee. Therefore, attention should be paid to accuracy while filling up the information.
3. Information about name of division, particulars of property, name of office and district, type of payment, article code, head of account (Scheme name), amount in rupees, names of the parties etc. should be filled up accurately.
4. The draft e-challan that is created after filling up the information should be examined carefully and then only the procedure of depositing the amount should be performed.

Que.4 What options should be chosen while remitting amounts of stamp duty and registration fee through e-payment using GRAS system?

Ans. While remitting amounts of stamp duty and registration fee through e-payment using the GRAS system the following options should be chosen.

Sr.No.	Available Options	Choice/Selection
1.	i. Pay without registration ii. New Registration	A. Pay without registration. - If amount is to be remitted without registering (creating an account) on the GRAS system, the said option should be chosen. B. New registration- If amount is to be remitted by registering (creating an account) on the GRAS system, the said option should be chosen.
2.	Payment Mode i. e-payment ii. Payment Across Bank Counter	A. e-Payment- When amount is to be remitted by using net-banking account facility. B. Payment Across Bank Counter- When the amount is to be remitted by visiting branch of the bank participating in the GRAS and having Across Bank Counter Payment facility. List of such banks is available on the website https://gras.mahakosh.gov.in
3.	Which Department should be chosen?	Inspector General of Registration should be chosen as the Department.
4.	What payment type should be chosen?	1. Non-Judicial Customer Direct Payment – This option should be chosen for payment of stamp duty for the registration of a document. 2. Registration Fees – This option should be chosen for paying the registration fee for registration of a document. (Maximum registration fee required is Rs. 30,000/-) 3. Judicial Stamps – For judicial work/Payment of court fee, those making payment for judicial stamps should choose this option. 4. Judicial Stamp Vendor- The stamp vendors should choose this option to purchase judicial stamps from the treasury. 5. Non-Judicial Stamp Vendor- The stamp vendors should choose this option to purchase non-judicial stamps from the treasury. 6. Non-Judicial Franking Vendor- Licenced Franking Vendors selling impressed stamps by using franking machines should choose this option to remit amount for acquiring franking machine codes. 7. Search Fee- For the purpose of search of registered documents. 8. Non-Judicial Stamps – Consolidated Stamp Duty- Financial institutions who wish to pay stamp duty in a consolidated manner should choose this option. 9. Stamp Duty on Delivery of Goods – Institutions

		paying stamp duty on delivery orders of goods .
5.	Which Scheme Name should be chosen?	<p>A. Stamp Duty</p> <p>i. Superintendent of Stamps (SOS) Mumbai- Parties desiring to register a document in Mumbai and Mumbai Suburban districts should choose this option.</p> <p>ii. IGR Rest of Maharashtra – Parties desiring to register a document in districts other than Mumbai and Mumbai Suburban districts , in the offices in the rest of Maharashtra should choose this option.</p> <p>B. Registration Fee – There is only one option available and parties all over Maharashtra should choose ' IGR Rest of Maharashtra ' option.</p>
6.	Which Article Code should be selected?	Parties should select relevant Article Code as applicable to the type/category of a document.
7.	Which district should be selected?	The district in which the Office of Sub-Registrar is located and where the document is to be registered , should be selected.
8.	Which office should be selected?	That Office of Sub-Registrar should be unmistakably chosen wherein the document is to be registered. If a wrong office is selected, the document cannot be registered.
9.	What should be chosen for the period (year) column?	Select the current financial year (April to March) and further choose 'One Time/Ad hoc' option.
10.	What information should be filled in personal information and remarks?	<p>Personal information should be filled in as follows: -</p> <p>Payment Type – Non-Judicial Customer Direct Payment Or Registration Fee</p> <p>In this category fill in the information as below:-</p> <ul style="list-style-type: none"> ● Tax ID- No information should be filled. ● PAN- PAN Number of the party registering a document should be written. ● Name- Mention full name of the party remitting the amount ● Property Details Survey/Gat/CTS No.- Accurate information regarding Survey No., Gat No., etc. of the property in the document to be registered, should be mentioned. ● Area (Sq. m. , Hectares . - Area of the property in the document to be registered, should be mentioned in Sq. m. Or Hectares. ● Locality & City- Mention the location and city in which the property to be registered is located.

		<ul style="list-style-type: none"> ● PIN- Mention the Pin Code of the city/village where the property is located. ● Mobile No.-Mention mobile number of the party registering the document. ● Party Name 2 – Mention name of the Second Party. ● PAN No. 2 – PAN number of the Second Party should be mentioned. ● Consideration Amount- Enter the consideration amount mentioned in the document which is to be registered.
11.	On what basis selection of bank should be made?	<p>Out of the available banks on the GRAS system-</p> <ul style="list-style-type: none"> ● For Online Payment choose that bank where the party holds an internet banking account. ● For Across the Counter: - Choose that bank which has Across the Counter facility and you will be visiting to pay the amount.
12.	After choosing the bank, what should be the next step/action? What care should be taken about it?	<p>After filling up all the information as stated above, on clicking on 'Submit' button, a draft e- Challan is created. Check thoroughly whether information filled up is correct. If it is correct, click on 'Proceed' button below the challan. After this, a message will be displayed : 'Please verify details you have entered.' After verifying the information you have entered click on 'OK'. If correction in the information entered is necessary, press 'Cancel' button and correct the necessary information.</p> <ul style="list-style-type: none"> ● After clicking on 'OK' button, Government Reference Number (GRN) appears in a box in the centre of the screen. This GRN, being crucial, should be noted down. ● According to the Payment Mode selected by the customer - <ul style="list-style-type: none"> A. If it is 'e-payment', through net-banking the payment gateway of concerned bank becomes available. After remitting the amount there and after the remitted amount is deposited in the Virtual Treasury e-challan mentioning GRN and CIN is created. The document can be registered by attaching this e-challan to it. B. If it is 'Across the Counter', a draft e-challan is generated. Take a print of the draft e-challan and submit it in the bank branch along with the amount to be remitted. After the

		amount is deposited, an e-challan containing GRN and CIN is received from the bank. The document can be registered by attaching this e-challan to it.
13.	Which are the different ways of remitting the amount using Across the Counter option of e-Payment?	Amount can be remitted across the counter in following ways: <ul style="list-style-type: none"> • Cheque • Demand draft (DD) • Cash (An amount of more than Rs. 50,000/- should not be paid in cash as far as possible) • RTGS facility may be used in the banks which accept amount by RTGS.
14.	Is there any difference between challan prepared before remitting amount and challan prepared after remitting amount? How can one confirm that the amount has been deposited with the government?	<ul style="list-style-type: none"> • Only GRN is mentioned in e-challan prepared before the remittance of amount. • Both GRN and CIN are mentioned in the e-challan prepared after amount is remitted. • E-Challan which mentions both GRN and CIN numbers is considered as a proof that amount has been credited to the government.
15.	What is the next step/action to be taken after GRN and CIN are obtained on e-challan?	<ul style="list-style-type: none"> • Take a print of the e-challan having GRN and CIN mentioned on it. • Concerned party should sign it to attest for its truthfulness. • Such an e-challan with self signature should be attached on the first page of the document to be registered.
16.	How can one check/verify whether remittance made earlier by e-payment has been credited to the government?	The option of 'Search Challan' is available on the website https://gras.mahakosh.gov.in . If name of Division, district, bank, amount of remittance and GRN/CIN are mentioned therein, the present status about the concerned remittance can be obtained.
17.	If mistakes have been made in creating an e-challan, is there any option available for correcting the same?	<p>No. After a draft e-challan is created on the GRAS system (after obtaining GRN) correction can not be made in it.</p> <p>I. Create a new draft e-challan if mistakes are identified in the information filled up before the remittance of amount.</p> <p>ii. If mistakes are identified after the remittance of amount, resort to refund process. For detailed information about refund process please see Part-3 for a chapter on Refund of Stamp Duty.</p>

4

Part 5 – e-Payment

e-SBTR

Que. 1 What is e-SBTR? What are its characteristics?

Ans. e-SBTR means Electronic Secured Bank and Treasury Receipt.

- e-SBTR is a modern method of payment of stamp duty. Through e-SBTR, along with stamp duty registration fee can also be paid.
- It combines the characteristics of traditional stamp paper and e-payment system.
- e-SBTR is printed on a special type of secured paper supplied by the India Security Press, Nashik.
- GRN and CIN are mentioned on the e-SBTR.
- e-SBTR carries a specific Stationary Number on it.
- e-SBTR bears the signature of the Bank Officer.

Que. 2 For what purposes can e-SBTR be used?

Ans. e-SBTR can be used for the following purposes: -

- A. To remit stamp duty on documents to be registered.
- B. To remit stamp duty and registration fee together on documents to be registered.
- C. To remit stamp duty on documents not to be registered.
 - Only registration fee can not be remitted independently through e-SBTR.
 - Minimum amount of stamp duty to be paid through e-SBTR is Rs. 5,000/-.

Que. 3 In which banks is the e-SBTR facility available?

Ans. At present, e-SBTR facility is available in selected branches of the following banks: -

- IDBI Bank
- Punjab National Bank
- Bank of Maharashtra
- Canara Bank

A list of said branches is available on website www.igrmaharashtra.gov.in under the heading 'Agencies' in the link 'Banks'.

Que. 4 How can an amount be paid to obtain an e-SBTR?

Ans. There are two options of paying an amount to obtain an e-SBTR.-

- A. If you have net-banking account in a bank that provides e-SBTR, you can pay the amount by logging on to the website of concerned bank, filling up the input form and making payment sitting at home.
Since e-SBTR is printed on a secured paper, to obtain an e-SBTR, you have to visit the concerned branch of the bank along with a print of the input form and proof of having paid

the amount (having GRN/CIN).

- B. If you do not have net-banking account in these banks, you have to visit the branch of these banks providing e-SBTR, fill up and submit the Input Form along with the amount by cash/by cheque or demand draft. Then an e-SBTR will be issued by the bank.

Que. 5 Generally how much time is required to obtain an e-SBTR?

Ans. The time period required to obtain an e-SBTR depends on the method by which you are remitting the amount to the bank.

- A. In case of remittance online through net-banking account facility – two hours
(For this it is necessary for you to have a net-banking account in the Authorized Participating Bank providing e-SBTR facility)
- B. Going to branch of the above bank and making counter payment –
1. Cheque or D.D. - Two hours after passing of cheque or D.D. realization.
 2. RTGS/NEFT- Two hours
 3. Cash payment - Two hours

Que. 6 Which are the websites for remitting amounts by e-SBTR?

Ans. For remitting the amounts for payment of stamp duty & registration fees through e-SBTR following websites may be used :

- A. IDBI Bank:
<https://etax.idbibank.co.in/IGR>
- B. Punjab National Bank:
<https://gateway.netpn.com/mahastamp/home.html>
- C. Bank of Maharashtra:
<https://www.mahaconnect.in/eSBTRExternal/>
- D. Canara Bank:
<https://epayment.canarabank.in/MHestamp/epayhome.aspx>

Que. 7 What is the procedure for obtaining e-SBTR?

Ans. At present the facility of e-SBTR is provided by four nationalised banks : IDBI Bank, Punjab National Bank, Bank of Maharashtra and Canara Bank. The list of branches of the said banks providing e-SBTR facility is available on the, websites of concerned banks, the website of the GRAS system <https://gras.mahakosh.gov.in> and website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Agencies' in the link 'Banks'.

- There are two options available to remit the amount for purchasing an e-SBTR.
 1. Pay the amount online (through net-banking account facility)
 2. Across the Counter Payment – By going to bank counter and making payment by cash, cheque or demand draft.
- The following procedure may be followed to obtain e-SBTR.

A. If paying the amount online (by net-banking account)

 1. Select the convenient bank, out of banks providing e-SBTR facility and visit the website of the bank for e-SBTR (as mentioned in answer to Q. no. 6).
 2. Select Online Payment as Payment Mode and fill up proper and accurate information in the form that is displayed.
 3. Before clicking on 'Confirm and Proceed' make sure that the information entered is

- accurate or else correct the information and then click on 'Confirm and Proceed'.
4. The necessary amount should be remitted online.
 5. Take a print of information filled in by you and the proof of the amount remitted and visit the branch of bank selected by you (providing e-SBTR facility).
 6. Desired e-SBTR will be issued by the bank.
 7. While receiving an e-SBTR, make sure that it bears the signature of the Bank Officer.
- B. If amount is to be remitted by Across the Counter method-**
1. Select the convenient bank out of the banks providing e-SBTR facility and visit the website for e-SBTR of concerned bank (as mentioned in answer to Q. no. 6).
 2. Select 'Across the counter' as Payment Mode and fill up suitable and accurate information on the form that is displayed.
 3. Before clicking on 'Confirm and Proceed' make sure that the information entered is accurate. Else correct the information and then click on 'Confirm and Proceed'.
 4. Take a print of filled up information and visit the branch of the bank (providing e-SBTR facility), remit necessary amount by cash, demand draft (D.D) or cheque.
 5. Desired e-SBTR will be issued by the bank.
 6. While receiving e-SBTR, make sure that it bears the signature of the Bank Officer.
- C. If neither Internet nor Net-banking account facility is available-**
1. After selecting a convenient bank out of banks providing e-SBTR facility, visit the nearby branch of that bank providing e-SBTR facility or visit the institution working as Sub-Agent of the concerned bank. (A list of said institutions is available on website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Agencies' in the link 'Banks'.)
 2. Suitable and accurate information should be filled in item wise in the input form received.
 3. After the information is entered into the computer, the bank officer/agency should verify the Information filled in and remit the requisite amount.
 4. Desired e-SBTR will be issued by the bank.
 5. While receiving an e-SBTR make sure that it bears the signature of the Bank Officer.
- A detailed flow chart about all the above A, B, C procedures is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' in the link 'e-Payment'.

Que. 8 What are the items that should be examined by the parties while accepting e-SBTR from a bank?

Ans. While accepting e-SBTR, the parties should examine the following items: -

- Make sure that information in the e-SBTR received is accurate.
- Make sure that GRN and CIN are mentioned in the e-SBTR.
- Make sure that the letter S is mentioned at end of the GRN.
- Ensure that Original Stationary Number on the e-SBTR and the Stationary Number printed on it by the bank are the same.
- Make sure that for an e-SBTR, if the amount remitted is up to Rs. 50,000/- it bears the signature of one Officer of concerned bank & if such remitted amount is more than Rs. 50,000/- it bears the signature of two Officers.

Que. 9 How should an e-SBTR be used?

Ans. e-SBTR being an impressed stamp paper, it is necessary that writing of the document begins from the blank space on the first page of e-SBTR.

Que. 10 If a mistake is brought to one's notice while filling up an e-SBTR input form or afterwards, is it possible to correct the same?

Ans. While filling up the information in the input form on the website of Authorized Participatory Bank, if a mistake is noticed up to the stage of 'Confirm & Proceed', correction can be made in it. However, after clicking on 'Confirm & Proceed' no mistake can be corrected. Application for refund of stamp duty is the only option available in this case.

Que. 11 While making payment across the counter for e-SBTR, in whose name the D.D./cheque should be drawn?

Ans.

- The said D.D./cheque should be drawn in the appropriate name as directed by the bank from where the e-SBTR is being obtained.
- The said D.D./Cheque should not be drawn in the name of the Department of Registration and Stamps.

Que. 12 Who can become a Sub-Agent of the bank to provide e-SBTR services? What is the procedure for this?

Ans. Those who are licensed stamp vendors, licensed franking holders, co-operative banks having 'A' class in audit inspection continuously for 3 years, financial institutions, post offices can become Sub-Agents to the Authorized Participating Banks.

- Necessary eligibility for becoming Sub-Agent can be ascertained from the website www.igrmaharashtra.gov.in under the heading 'Agencies' in the link 'Others'.
- Eligible persons/institutions desiring to become Sub-Agent, should contact participant banks authorized for issuing e-SBTR.
- Authorized participatory banks should send proposals of eligible persons/institutions desiring to become Sub-Agents for sanction to the Department of Registration and Stamps.
- After getting approval of the Department of Registration and Stamps an agreement in the prescribed form is signed between Sub-Agent and Authorized Participatory Bank and one can work as Sub-Agent thereafter.

Please Note

- E-SBTR means Electronic Secured Bank and Treasury Receipt.
- E-SBTR is a modern method of remitting stamp duty and wherein e-payment facility is provided to the citizens keeping intact their faith in the traditional stamp paper.
- The print of an e-SBTR is taken on stamp paper-like secured paper supplied by the government to the Authorized Participatory Bank and it bears the signature of the officer of that bank.
- At present, e-SBTR facility is available at specified branches of the following banks: -
 - IDBI Bank
 - Punjab National Bank
 - Bank of Maharashtra
 - Canara Bank

5

Part 5 – e-Payment Simple Receipt

Que. 1 What is meant by a Simple Receipt?

Ans. A receipt printed on ordinary/plain paper by Authorized Participatory Bank or party after remitting stamp duty, registration fee and other amounts in the Virtual Treasury is called Simple Receipt. Two numbers are mentioned on this receipt viz. the Government Reference Number (GRN) of the Virtual Treasury and Challan Identification Number (CIN) of the bank.

Que. 2 For what purpose can the Simple Receipt be used?

Ans. Use of Simple Receipt can be made for remitting stamp duty and registration fee jointly or independently in the case of those documents whose registration is compulsory.

Que. 3 Which are the websites for obtaining Simple Receipt?

Ans. At present Simple Receipt can be obtained from the following 4 Authorized Participatory banks. The names of said banks and their websites are as follows:-

- A. IDBI Bank
<https://etax.idbibank.co.in/IGR/>
- B. Punjab National Bank
<https://gateway.netpnbank.com/mahastamp/home.html>
- C. Bank of Maharashtra
<https://www.mahaconnect.in/eSBTRExternal/>
- D. Canara Bank
<https://epayment.canarabank.in/MHestamp/epayhome.aspx>

Que. 4 Can the Sub-Agents appointed by the Authorized Participatory Banks themselves issue Simple Receipt?

Ans. Sub-Agents can give to the party Simple Receipt only by obtaining it from the branch of such Authorized Participatory Bank for which they are working as Sub-Agent . It is necessary that even the Simple Receipt obtained from Sub-Agent bears the signature of the bank officer of Authorized Participatory Bank.

Que. 5 How is the process of obtaining Simple Receipt?

Ans. At present, the facility of Simple Receipt is provided only by the 4 banks viz. IDBI Bank, Punjab National Bank, Bank of Maharashtra and Canara Bank. The list of branches of the said banks providing facility of Simple Receipt is available on the website of the concerned bank, website of the GRAS system <https://gras.mahakosh.gov.in> and website of the Department of

Registration and Stamps www.igrmaharashtra.gov.in under heading 'Agencies' and place 'Banks'

- There are two options available of remitting amount for Simple Receipt.
 1. Online (Remit the amount by net-banking account facility)
 2. Across the counter payment- By going to the bank counter and paying the amount in cash, cheque or demand draft (D.D.).
- To get Simple Receipt the procedure coming hereafter should be followed:
 - A. If amount is to be remitted online (through net-banking) :-
 1. Select suitable bank out of banks providing facility of Simple Receipt and then visit the website of Simple Receipt (as mentioned in answer to Que. 3) of concerned bank.
 2. Select Online Payment as Payment Mode and fill up suitable and accurate information in the form that comes up.
 3. Before clicking on ' Confirm and Proceed' ensure that the filled up information is correct, or correct the information and then click on 'Confirm and Proceed'.
 4. Remit the necessary amounts by online system.
 5. You will see a receipt prepared with GRN and CIN. Take its print and put your signature on it.
 - B. If remitting the amount by across the counter method: -
 1. Choose a convenient bank out of banks providing Simple Receipt facility and visit the website of Simple Receipt (as mentioned in Answer to Que. 3) of concerned bank.
 2. Select Across the Counter as Payment Mode and fill up suitable and accurate information in the form that comes up.
 3. Before clicking on 'Confirm and Proceed', ensure that the filled up information is correct. If it is incorrect, correct the information and then click on 'Confirm and Proceed'.
 4. After taking a print of filled up information, pay a visit to the bank branch (Providing Simple Receipt facility) and remit necessary amount in cash, Demand Draft (D.D.) or cheque and ask for a Simple Receipt.
 5. Obtain Simple Receipt for the amount remitted along with signature of bank officer.
 - C. When neither internet nor net-banking account facility are available:-
 1. Select a convenient bank out of banks providing Simple Receipt facility and visit the nearby branch of that bank which provides Simple Receipt facility or visit the institution working as Sub-Agent of the concerned bank.
 2. After registering a demand for Simple Receipt, fill up suitable and accurate information item wise in the input form received by you.
 3. After the bank officer/Agency (Sub-Agent) enters the information online on the computer, make sure that the information is correctly filled and then remit the requisite amount.
 4. Receive Simple Receipt of amount paid along with signature of the bank officer.

A detailed flow chart of all the above A, B, C procedures is available on the website of the Department of Registration & Stamps www.igrmaharashtra.gov.in in 'Online services' link under the heading 'e-payment'.

Que.6 What items should be examined by the party while accepting Simple Receipt from the Authorized Participatory Bank?

Ans. While accepting Simple Receipt from the Authorized Participatory Bank, the party should examine the following items: -

1. Make sure that the information filled by you and the information in Simple Receipt tallies in all respect.
2. Ensure that the GRN and CIN are mentioned on the Simple Receipt.
3. Ensure that the letter R is mentioned at the end of the GRN.
4. Make sure that the Simple Receipt carries the signature of the Officer of the concerned bank.

Que. 7 How should one use the Simple Receipt?

Ans. If only stamp duty, or stamp duty and registration fee together, have been paid by Simple Receipt, then the Simple Receipt should be attached at the beginning of the document to be registered. If only registration fee has been paid by Simple Receipt, then while going to the Office of the Sub-Registrar at the time of registration, such receipt should be taken along with.

Que. 8 If a mistake occurs while filling up the form for Simple Receipt, is there any option available to rectify the same ?

Ans. A. The mistake can be rectified if it is noticed up to the stage of 'Confirm & Proceed' while filling up information on the website of the Authorized Participatory Bank.
B. Once the Simple Receipt has been prepared there is no option available to make any corrections in it.

Please Note

For documents whose registration is compulsory, the use of Simple Receipt can be made to remit stamp duty and registration fee jointly or independently.





PART

6

e-Services

Shri Rajendra Kshirsagar
Deputy Inspector General, Registrations, and
Deputy Controller, of Stamps,
Pune Division

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1

Part 6 – e-Services

General Information

Que. 1 Which is the website of the Department of Registration and Stamps ?

Ans. The website of the Department of Registration and Stamps is www.igrmaharashtra.gov.in.

Que. 2 What is Computerized Document Registration System?

Ans. The process of document registration is carried out as per the procedure laid down in the Registration Act, 1908. Within the framework of the provisions, the system used to perform the activities in the context of document registration (e.g. valuation, verification of stamp duty, remarks on documents, receipts, scanning, index etc.) is called the Computerized Document Registration System.

Que. 3 What are the e-Services provided by the Department of Registration and Stamps ?

Ans. The e-services of the Department of Registration and Stamps are as follows: -

Sr. No.	e-Service	Use / Utilization
1.	Public Data Entry (PDE)	To enter information about the document before proceeding for registration.
2.	e-Step in	To book a time slot for registration of document.
3.	e-Search	To procure information about the documents registered earlier
4.	Public Data Entry for Notice Filing	Filling up the information about loan transactions involving deposit of title deed for giving intimation to the Sub-Registrar
5.	e-Filing	Facility made available to banks for giving online intimation about loan transactions involving title deed to the Sub-Registrar
6.	e-ASR	To Search the rates of market value of properties (Valuation)
7.	e-Registration	Facility for online submission of document for the registration of Leave and Licence Agreement and first Agreement to sale of Large housing projects.
8.	Online Refund Application	Facility for filing online application for refund of stamp duty.

2

Part 6 – e-Services

Public Data Entry (PDE)

Que. 1 What is Public Data Entry (PDE)?

Ans. Under the Computerized Document Registration System, information relating to document like details of the property, parties to document, stamp duty, registration fee, identifiers has to be entered into the application. With a view to enable parties to fill up this information themselves at any time and from any place, the facility made available on the website of the department is called Public Data Entry (PDE).

Que. 2 What are the benefits of Public Data Entry (PDE) to citizens?

Ans. Using Public Data Entry module, Parties can enter information about the document to be registered on their own at any time and from any place.

- Correctness of the data is ensured as the parties themselves enter it.
- The time of the parties in the Office of the Sub-Registrar is saved during the registration process.

Que. 3 Where is the facility of Public Data Entry available?

Ans. The facility of Public Data Entry is available on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading 'Online Services' at 'PDE for Registration'.

Que. 4 What is the preparation in advance required for the Public Data Entry?

Ans. Before using the Public Data Entry, it is necessary that following information is available with the party:

- The information about property and transactions relating to the document which is to be registered.
- Information of all the parties to the document.
- Information on remittance of stamp duty and registration fee related to the document.
- Information of the identifiers.
- If preparation in advance is done as stated above, Public Data Entry becomes easy.

Que. 5 How is the facility of Public Data Entry used?

Ans.

- Choose the option of 'PDE for Registration' under the heading 'Online Services' at www.igrmaharashtra.gov.in.
- After clicking PDE, carefully read the Manual to use the facility and proceed.
- Remember the log in password of the PDE facility
- After logging in, as per the advance preparation, information about document to be

registered, property, parties etc. should be filled up accurately.

- Edit option is available to correct data entry mistakes. For this the same login ID and password has to be used.
- Data entry is made in Marathi and English and if there is any discrepancy in Marathi and English translation, the matter in Marathi is considered for registration purpose.

Que. 6 What is the procedure to be followed after completion of Public Data Entry?

Ans. After completion of data entry through PDE facility:

- Carefully note down the 11 digit code number (ex. 27051452229) generated.
- If some deficiencies or mistakes are found in the data entry, use the Edit facility as stated above to make the corrections.
- If you have finalized the date, time and the office of Sub-Registrar, using the e-Step in facility on the website of the Department you may reserve time slot for registration.
- Preserve one self attested printed copy of information prepared through the use of Public Data Entry (PDE).

Que. 7 Which papers are required to be carried along with you while proceeding to the office of Sub-Registrar for registration of a document?

Ans. While proceeding to the Office of the Sub-Registrar for registration of a document, it is necessary to carry the following papers along with you: -

- Original document signed by all the parties with required stamp duty.
- If stamp duty and registration fees are paid by e-payment, the proof thereof.
- Identity proofs, photos, e-mail ID's and mobile numbers of all the parties who will be present for admission of the document.
- Identifiers and their photo identity cards.
- Necessary papers as per the category of document (List of papers is available on the website of Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Activities' at 'Document Registration'.
- Document handling charges to be paid in cash at the rate of Rs. 20/- per page of the document to be registered.
- If the bearer of Power of Attorney has executed the document on the basis of Power of Attorney, or if the document is being submitted for registration on behalf of original owner on the basis of Power of Attorney or if admission is being made, then the Power of Attorney of such right, its true copy and a Declaration in the prescribed form about Power of Attorney being in existence & effective on that date.
- If the option of Public Data Entry has been used then the 11 digit code number obtained through it and print of pre-registration summary. If Public Data Entry has not been done, then the Input Form mentioning information of the document and amount of Rs. 20/- to be paid in cash as data entry fee in the office of the Sub-Registrar.
- If time slot has been reserved through e-Step in, then the receipt thereof.
- If the document relates to sale or purchase, and if consideration / price / transaction in document is of Rs. 5 lakh or more, then PAN cards of parties to document are compulsory. If PAN cards are not available, Form 60 or 61 to be submitted as per the requirement.
- Carry along a self- attested copy of PDE and hand over the copy to the Sub-Registrar.

Que. 8 What is the fee charged for Public Data Entry?

- Ans.**
- No fee is charged if the party has done PDE on one's, own computer and presented the same. The parties are required to ensure accurate data entry.
 - If data entry of a document is done in the Office of Sub-Registrar, then data entry fee of Rs. 20/- is charged.

Que. 9 What is the procedure for correcting mistakes made in the PDE?

- Ans.** For correcting mistakes that occur during data entry while using PDE facility:
- Use 'Edit' option on the Home Page of this facility.
 - Open the information by using the Log in Id, Password and 11 Digit Code generated and correct the mistakes that have occurred.

Que. 10 Which office should be selected for data entry by using PDE for registering a document in the Office of the Sub-Registrar located in concurrent jurisdiction?

- Ans.** Even if any particular office in the concurrent jurisdiction is selected by using this PDE, the document can still be registered in any office of the Sub-Registrar in the concurrent Jurisdiction.

Que. 11 Which languages can be used for entering the data in Public Data Entry?

- Ans.** Information can be entered in the PDE by using Marathi and English languages. However, if a discrepancy is noticed in the information in English and Marathi translation, the information in Marathi is considered for registration purpose.

Que.12 How long can the data entry made through public data entry (PDE) be used for registration of a document?

- Ans.** Data entry made through the Public Data Entry (PDE) can be used up to 30 days for registration of a document.

Que.13 What should be done, if the 11 digit code number is forgotten before registration of a document?

- Ans.** It is necessary to make fresh data entry if the 11 digit code is forgotten.

Please Note

The advantages of Public Data Entry (PDE) to citizens-

- The parties can fill in the information on their own for registration of a document anytime and anywhere.
- Correctness of the data is ensured thereby.
- The parties can save their time at the office of the Sub-Registrar during the process of document registration.
- The facility of Public Data Entry is available at the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' at 'PDE for Registration'.

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Part 6 – e-Services

e-Step In

Que. 1 What is e-Step in?

Ans. The online facility made available by the Department for advance booking of a time slot at the office of the Sub-Registrar for registration of a document is called e-Step in.

- Time for document registration can be reserved in all offices of the Sub-Registrar by using this facility. By using this facility, a convenient time during the following time periods can be reserved.

Office where working hours are 10 A.M. to 6 P.M. - from 10 A.M. to 3 P.M.

Office where working hours are 7 A.M. to 2 P.M.- from 7 A.M. to 12 Noon.

Office where working hours are 2 P.M. to 9 P.M.- from 2 P.M. to 7 P.M.

*It is necessary for the party to arrive half an hour prior to the reserved time in the office of the Sub-Registrar for registration of a document.

Que. 2 What are the benefits of e-Step in facility?

Ans. By using this facility-

- You can reserve time slot for registration of a document.
- Not necessary to stand in queue in the office of the Sub-Registrar where you intend to register your document. This facility enables you to reserve the time slot convenient to you from the time earmarked for e-step in facility from the working hours of that office.
- Time is saved since you receive the service once you reach in time for registration.
- On this module, you come to know the timings already reserved in any office in area of the concurrent jurisdiction and accordingly you can choose the time slot as per your convenience.

Que. 3 Where is the e-Step in facility available to citizens?

Ans. This facility is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' on the link 'e-Step in'.

Que. 4 What advance preparation is necessary to use e-Step in facility?

Ans. To use e-Step in facility:

- Data entry should be completed by using Public Data Entry facility and the 11 digit code of Public Data Entry should be known.
- Necessary stamp duty for the document should have been paid and its details should be known.

Que. 5 What is the procedure to use the e-Step in facility?

Ans. Independent log in is not necessary for using e-Step in facility.

- Click on the 'e-Step' in option under the heading 'Online Services' on the website of the

Department of Registration & Stamps www.igrmaharashtra.gov.in and then select the 'Token Booking' option.

- Click on Booking option.
- Select the district where you want to register the document.
- Then select the office shift time
- Select the desired date
- Select the office of Sub-Registrar as per your requirement.
- If you want to select an office in the concurrent jurisdiction and if there are more than five offices of Sub-Registrars in it, select at least five offices out of them.
- Click on 'Continue' button; if time slot is available, it can be reserved.
- Mention the 11 digit code of Public Data Entry.
- Click on 'Verify' button.
- Choose convenient time out of the available timings.
- Click on 'Book' button.
- After making successful data entry a message about reservation of time slot will be displayed wherein the name of the office of Sub-Registrar, Token Number of reserved time slot will be mentioned. Note it down carefully. If required, a Re-booking ID will be provided in the same message. It should also be noted.
- Click on 'Receipt' button to print the receipt of time slot reservation.
- The Receipt will be displayed. Then press Control + P button.

Que. 6 Are there any fees required to be paid for reservation of time slot for registration of a document by using this facility?

Ans. No. This facility is free.

Que. 7 How can one change the time slot once reserved for document registration by using e-Step in facility?

- Ans.**
- If the time slot reserved for document registration by using e-Step in method is not convenient for some reasons, a new time slot can be Re-booked by changing the previous reserved time slot.
 - The Re-booking option can be used only once. You have to select Re-booking option in the "e-Step in" facility.
 - For reserving time slot again, it is necessary to know your Token Number and the Re-booking code.
 - Click on 'Re-booking' button to change the reserved time / date through re-booking.
 - Enter the booking Token Number and Re-booking code number.
 - Choose the Re-booking date.
 - Choose convenient time slot from the available timings.
 - Click on 'Re-book' button.

Que. 8 What proof do you get for having reserved time slot through the e-Step in facility?

Ans. At the end of reservation process, a Receipt is produced as a proof of having reserved a time slot through the e-step in facility.

Que. 9 How many days in advance can time slot be reserved through e-Step in facility?

Ans. At the most 30 days before and at least 1 day in advance the time slot can be reserved through the e-Step in facility.

Que. 10 How many time slots can one person reserve on any one day?

Ans. One person can reserve a maximum of two time slots on any one day.

Que. 11 Is the e-Step in facility available for all kinds of documents?

Ans. No. Except Will and adjudicated documents, this facility can be used for the registration of all the remaining documents.

Que. 12 What should be done if a holiday is declared for the day on which time slot has been reserved through e-Step in facility?

Ans. In such a case, the concerned Sub-Registrar will, depending on the availability of time slot accept your document on priority during the subsequent working day for registration.

Please Note

The e-Step in facility is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' in the link 'e-Step in'.

4

Part 6 – e-Services

e-Search

Que. 1 What is e-Search?

Ans. The facility to search information about any property registered earlier with the Department of Registration which is available on the website www.igrmaharashtra.gov.in is called e-Search. The facility to search earlier transactions by survey number of the property or by Document Registration number is available on the website of the department under the heading 'Online Services'.

Que. 2 What are the advantages of e-Search facility?

Ans. It is in the interest of the purchaser of any property, to examine/verify the mutations in the ownership rights of that property before making any transaction of that property. Earlier, it was necessary to visit all the concerned offices and search by manually examining such transactions. There are more than one office in a concurrent jurisdiction. It is cumbersome for the citizens to search through the transactions in such jurisdiction. Considering all these aspects, for the convenience of citizens by the way of e-Search the facility to search all documents registered through computerized system has been made available from the year 2002 onwards. With this facility of e-Search, one can search the transactions anytime and anywhere.

Que. 3 Where is the e-Search facility available?

Ans. This facility is available on the website of Department of the Registration and Stamps www.igrmaharashtra.gov.in under 'Online Services'.

Que. 4 How much fee is charged for obtaining search through e-Search?

Ans. For this, Rs.25/- per property per year is charged. However, a minimum search fee of Rs.300/- is required to be paid..

Que. 5 How is the fee for using e-Search system paid?

Ans.

- Choose the 'e-Search' option under the heading 'Online Services' on the website of Department of Registration and Stamps, www.igrmaharashtra.gov.in.
- If you are not a registered user, register yourself.
- Log in using your user Id and Password.
- Select an option "Make a New Payment" which will appear on the left side of the available web page.
- Then mention the amount to be paid and then select the "Confirm" and "Submit" option.
- Verify the amount on the next page and select the 'Submit' option. Then you will be directed to the GRAS website; elect the option regarding mode of payment (e-payment or Across the

- Counter Payment), Choose the bank and select "Proceed for Payment" option.
- Carefully note down your GRN number and make the payment.

Que. 6 What are the parameters on the basis of which search of documents can be taken through the e-Search system?

- Ans.**
- Search of the registered documents can be made through e-Search by using document number or property number.
 - To search by Document Number it is necessary to know the document number, year of registration and the Sub-Registrar office where the document was registered.
 - To search by property number it is necessary to know the village name and property number (Gat number/Survey number/Plot number/Property number)

Que. 7 Can search be made by the name of person in e-Search?

- Ans.** No, search cannot be made by the name of the person through this facility.

Que. 8 Explain the procedure of search by using e-Search?

- Ans.** Choose 'e-Search' option under 'Online Services' on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in. Decide first whether you wish to search by document number or property number.

A.If you opt for search of document by property number:

- Choose the district where the property is situated.
- Mention the first three English letters of the village name in the column ' Village Name'. While choosing such English letters of the village name of the property, take care that the spelling of the village is written accurately.
- Then enter 'Submit' option.
- Then 'select the village.
- Then enter the property number.
- Click on 'search' button. On the same page the list of transactions registered in respect of said property will be displayed; search the transaction as per your requirement.
- You can download the index 2 of the transactions searched and the document, if necessary. Note down the document Id of the searched document. This Id is required to download the document.

B.If you opt to search by document number :

- Select the district of the office of the Sub-Registrar
- Select the office of the Sub-Registrar.
- Select the year of document registration.
- Enter the document number.
- Then click on 'Search' option.
- Information about the required document will be displayed on the same page.

Que. 9 The index 2 of documents of which offices and of what time period are available in the e-Search facility?

- Ans.**
- Index 2 of most of the documents registered under the Computerized System of Registration from 2002 onwards are available in the e-Search facility.

- Information about the documents registered prior to 2002 will be made available soon.
- List of offices for which Index 2 and documents are available in the e-Search has been placed on the home page of this facility.

Que. 10 Are the Index 2 of Wills and Power of Attorney available in this facility?

Ans. No.

Que. 11 Do you get a receipt after paying search fee?

Ans. Yes. A receipt can be printed after the search fee has been paid.

Que. 12 After paying search fee through the e-Search system, can actual search be made in the Office of the Sub-Registrar?

Ans. Yes. After the search fee has been paid, search can be carried out within a time period of 30 days in the Office of Sub-Registrar without paying any separate fee.

Que. 13 Where can information be searched if it is not available in the e-Search system?

Ans. The list of non-available period/offices is given on the Home Page of the e-Search facility under the heading 'Online Services' on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in. You will have to visit the concerned office of the Sub-Registrar for search in such cases.

Que. 14 What procedure should be followed if frequent search of registered documents is required to be undertaken?

Ans.

- Using e-Search facility, you can search documents/index 2 registered in any office of the Sub-Registrar in the state and is available in this system.
- To undertake search frequently, you can use your User Registration obtained once / initially.
- Using the GRAS system, you may pay one time amount in order to pay search fee and the search fee is deducted from that amount every time a search is made.

Que. 15 What is meant by Index and Document Download?

Ans. By using e-Search facility, you can save in your computer a copy of document searched or a soft copy of the index of documents. This is called download of document or an Index.

Que. 16 Where is the facility of Index and document download available? Copies of documents of which offices and of what period can be obtained through this facility?

Ans.

- This facility is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' on the first page of 'e-Search' facility.
- Information about available documents in this facility has been given on the top of Home Page of e-search in 'Document Availability Office List'.

Que. 17 What is the procedure for document download?

Ans. As mentioned in detail in the answer to Q. 8, for downloading of document first of all obtain the Document Id. Then after 30 minutes:

- Select 'Document Download' option on the home page of e-Search facility.
- Mention the document Id searched by you
- Click on 'Download' button.
- Mention the Government Receipt Number of the e-challan by which you have paid the search fee.
- Click again on the 'Download' button.
- Copy of the document selected by you would be available. Save it on your computer.

Que. 18 How much fee is to be paid for downloading the document?

Ans. A fee of Rs.100/- is charged for downloading copy of one document.

Que. 19 Which software is needed for viewing again the copy of downloaded document?

Ans. To suitably view again the copy of downloaded document, any software (online document viewer) is necessary (e.g. <http://docspal.com/viewer>).

Que. 20 How is document download fees paid?

Ans. After logging in the e-Search facility:

- Select 'New Payment' option.
- Mention the amount you wish to pay.
- Then choose 'Confirm' option.
- After that click on 'Submit'.
- You will be on the GRAS website.
- Choose your bank and proceed for payment.
- Note down carefully the GRN that is generated and then click on 'OK' button.
- Enter the Log in Id and password of the bank which provides you net-banking facility.
- After the online payment process is over you will again reach the e-Search 'log in' page. Log in there.
- Then click on link 'Get GRN'. You will get GRN and bank CIN (Challan identification number).
- If you do not notice the CIN, then click on 'Verify Transaction'.
- If the process of depositing with government the amount you have remitted through bank is continuing, then CIN will be noticed only after its completion.

The Benefits of e-Search to Public

- You can search a document/Index 2 registered in any office of the Sub-Registrar.
- Such a search can be carried out at home round the clock without visiting any Government office.
- You can store/save a soft copy of the searched document/Index 2 in your computer.
- The facility of e-Search is available on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading 'Online Services' and in the link 'e-Search'.

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Part 6 – e-Services

e-Filing

Que. 1 What is e-Filing?

Ans. With regards to loan transactions relating to deposit of title deed, it is necessary for the debtor to submit this information in the form of a notice of intimation to the office of the Sub-Registrar. For detailed information in this context see chapter on 'Notice of Intimation Filing' in Part 2 of this book. Generally, the debtors are required to personally visit the office of Sub-Registrar for filing such notice. In order to save time and labour of the citizens, the Department of Registration and Stamps has made available the facility of 'e-Filing'. This facility is available only for the banks and financial institutions. By using this facility, the banks and financial institutions can prepare notices regarding loans borrowed by their debtors for submission to the offices of Sub-Registrar and submit them online from their own branch. The debtors are not required to visit the office of Sub-Registrar personally to submit such notice.

Que. 2 Where is the e-Filing facility available?

Ans. The e-Filing facility is available on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading "Online Services" and in the link 'e-filing'.

Que. 3 Can the debtors directly use the e-Filing facility?

Ans. No. The said facility can be used only through banks and financial institutions. List of banks and financial institutions availing of this facility at present is available on the website www.igrmaharashtra.gov.in under the heading "Agencies" and in the link 'Banks'.

Que. 4 What are the benefits of e-Filing to citizens?

Ans. The benefits of e-Filing are as follows:

- The citizens are not required to visit the office of Sub-Registrar to submit the notice of intimation. The citizens can complete the entire procedure of e-Filing through the branch of concerned bank or financial institution.
- A document handling charge Rs.300/- is to be paid if the notice is filed manually by visiting the office of Sub-Registrar personally. In e-Filing, the said document handling charge of Rs.300/- is not to be paid.
- The time of commuting to and fro to Sub Registrar's office is saved and there is no need of wait in the queue. The process of e-Filing is completed quickly which facilitates the completion of loan properly.

Que. 5 Can e-Filing facility be available to any bank/financial institution?

Ans. Yes. Any bank / financial institution applying to the Inspector General of Registration, Maharashtra State, Pune, in the prescribed form can avail this facility. The prescribed form for this application and details of working of the system is available on website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading 'Online Services' and in the link 'e-Filing'.

Que. 6 What rules constitute the basis of online filing of notice of intimation through e-Filing facility?

Ans. The procedure e-Filing has been prescribed under the Maharashtra 'e-Filing and e-Registration Rules, 2013' vide Section 69 of Registration Act, 1908.

Benefits of e-Filing to Public

- To submit notice, one does not have to visit the office of the Sub-Registrar. The entire procedure of filing of notice of intimation can be completed through the branch of the bank / financial institution.
- In e- Filing, payment of document handling charge of Rs.300/- is not required.
- Time required for visiting the Sub-Registrar office is saved.
- The process of filing notice of intimation is completed faster and this facilitates the completion of loan process.

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Part 6 – e-Services

Public Data Entry for
Filing of Notices**Que. 1** What is meant by Public Data Entry (PDE) for Notice Filing?

Ans. In a loan transaction related to the deposit of title deed, if an agreement has not been executed between the two parties, then the debtor has to submit information about the loan transaction by giving notice of intimation to the concerned office of the Sub-Registrar. For detailed information regarding this, please refer of this book Part-2 Document registration, & Chapter-6- Notice of Intimation Filing.

The facility of e-Filing has been made available to all the banks / financial institutions by the Department of Registration and Stamps in order to enable the citizens to complete the said procedure of online filing of notice of intimation through branches of banks / financial institutions without the need to visit the office of the Sub-Registrar.

However, the debtors of those banks/financial institutions, who are not participating in the said system, have to complete the activity of filing notice of intimation only by going to the office of the Sub-Registrar. Before personally visiting the office of the Sub-Registrar, it is obligatory on that debtor, to enter the information online in the context of that notice by using the facility of 'PDE for filing' available under the heading 'Online Services' on the website www.igrmaharashtra.gov.in.

Que. 2 How is data entry done through Public Data Entry for Notice Filing?

Ans. The data entry through Public Data Entry for Notice Filing should be done as follows:

- Stage** 1. Click on the link 'PDE for filing' under the heading 'Online Services' on the website www.igrmaharashtra.gov.in.
- Stage** 2. Read carefully the information on the page displayed. Especially try to understand the instructions under heading 'Flow'. Then click on the 'Start' button at the bottom left corner.
- Stage** 3. Two options 'To start New Entry' and 'To Modify Old Entry' can be seen on the page which is displayed. For making new data entry, use the option 'To Start New Entry'. In that:
- In 'Your Username' mention the name you consider suitable (e.g. S.A.PATIL).
 - In 'Create Your Password' mention a password of at least 8 characters in which it is necessary to have at least one capital letter, at least one small letter, at least one special character and at least one digit. (Ex. ABCd@459 or ha%724K).
 - In 'Re type Your Password' mention your password again.
 - In the blank spaces in last line the nearby 5 digits (Captcha Code) should be entered accurately.
 - Note down your user name and password. This may be required to make some corrections.
 - After this click on the button 'Start Data Entry'.
- Stage** 4. On the page that comes up, in the table 'Start Data Entry':

- In 'Date of Mortgage' fill the date of your debt transaction with the help of adjacent calender
 - Then click on button 'Start Filing New Entry'.
- Stage 5. In 'Mortgage Details' page, mention information of bank/financial institution.
- In first party type select suitable option out of Bank/NBFC.
 - After choosing 'Select Bank' option, from the pop up list choose your bank and then from 'Bank Location' choose bank branch.
 - If your bank/financial institution or branch is not seen in pop up list, choose 'Add Bank' option and in 'Add Bank Name' mention your bank name and in 'Add Bank Location' mention branch.
 - Then under heading 'Loan Detail' in the column 'Loan' write loan amount and in the interest rate column write rate of interest.
 - Then click on 'Save' button.
 - After receiving the message 'Mortgage Added Successfully' click on 'Close' button.
- Stage 6. Fill Debtor's complete information in page 'Mortgage Details'.
- On the upper side of this page, you will see a 13 digit code number under heading 'Token Number'. Note it down without fail. This code number may be required afterwards, if data entry is halfway done and needs to be completed or for making corrections. After that start data entry.
 - In the column 'Party Type' select suitable option out of 'Individual' or 'Organization' depending upon whether the debtor is individual, party, or organization,
 - Then fill out complete information about individual debtor/institution.
 - Then click on 'Save' button.
 - You will receive message 'Mortgage Added Successfully'.
 - If there is another debtor in the same case, then click on 'Add Another Party' button and on the page that appears fill out information of that other debtor and click on 'Save'. If there is no other debtor, click on 'Close'.
- Stage 7. Property details – On this page: -
- Mention all the details of the property in the loan case.
 - Select the title deed in the context of loan which has been deposited with bank/financial institution and then fill out other information about the title deed. Here, more than one title deed can also be selected.
 - Then click on 'Save' button and you will get a message like 'Property Details Added Successfully'.
 - If title deeds about other property have also been deposited, then click on 'Add Another Property' button and fill out on the available page information about that property and its title deed in the above manner and 'Save' it.
 - If other properties are not involved, click on 'Close' button.
- Stage 8. In Payment details:
- Mention the details of stamp duty shown in the notice and filing fee.
 - Then click on 'Save' button.
 - Then click on 'View Notice' button on the same page.
- Stage 9. Then the Notice of Intimation will be displayed.
- Verify the matter in it.
 - If case of need for corrections, click on 'Back' button.
 - To make necessary corrections, select the concerned entry. After correction, save it again

and after verifying suitability click on 'Submit Data' button.

- The said data will be sent online to the concerned office of the Sub-Registrar.
 - The PDF file of draft notice will become available on your computer. Do save it.
 - Later on, click on 'Close' button.
 - On the next page, a list of offices of the Sub-Registrar where you can visit for the said notice filing will become available; take a note of it.
 - Sign out by clicking on the log out button in right hand corner.
- In the last stage, take out a print of PDF file saved in computer downloads.

Que. 3 What action needs to be taken after data entry is performed using PDE for Filing method?

Ans. If data entry is done by using PDE for filing, it does not mean that notice is filed in the office of the Sub-Registrar. It is necessary for you to visit the office of the Sub-Registrar concerned with the notice within stipulated period (i.e. 30 days of date of loan transaction). For detailed information about the action at the office of Sub-Registrar please refer Part-2 of this book—Document Registration, Chapter-6. 'Filing of notice of Intimation'.

Que. 4 After doing public data entry for filing notice of Intimation and logging out of system, how can the mistakes /deficiencies in the said notice be corrected?

Ans. To correct such mistakes / deficiencies, use the PDE for filing system available under 'Online Services' on the website www.igrmaharashtra.gov.in.

- Click on the button 'Start Filing New Entry' on the first page.
- On the page displayed you will see two options viz. 'Start Filing New Entry' and 'Modify Old Entry'. Out of this, use the option 'Modify Old Entry'.
- Enter the 13 digit code number received earlier in the column 'Token Number' and enter the password in the column 'Password'.
- Then you will be able to see the data entered by you. Make necessary corrections and save each page and then close.
- In the end, see the corrected notice by using 'View Notice' option, then save the file on the computer and take a print and then click on 'Submit Data' button.

Using the corrected notice, submit the notice of intimation in the office of the Sub-Registrar.

Que. 5 What is the fee (data entry charges) required for using Public Data Entry for Filing ?

Ans. No fee is charged for doing data entry by using Public Data Entry for Filing system.

Please Note

- Making data entry by using public data entry system does not mean that notice has been filed in the office of the Sub-Registrar. It is necessary for you to visit the concerned office of the Sub-Registrar along with the notice of intimation within the stipulated time limit (within 30 days of the date of loan transaction).
- The facility of public data entry for notice filing (PDE Filing) is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' in the link 'PDE' for Filing.

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Part 6 – e-Services

e-ASR

Que. 1 What is Annual Statement of Rates (ASR)?

Ans. Tables showing rates of land and buildings prepared under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 are called Annual Statement of Rates (For more information see Part 4- Valuation).

Que. 2 On which website Annual Statement of Rates are available?

Ans. Annual Statement of Rates are available on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading 'Online Services' and in the link 'e-ASR'.

Que. 3 How can the market rate of property in a village from the website of the Department of Registration and Stamps be found?

Ans. For finding out the market rate of property in a village: -

- Click on the link 'e-ASR' under the heading 'Online Services' on the website of the Department of Registration and Stamps. www.igrmaharashtra.gov.in.
- Map of Maharashtra is displayed; click on the desired district & select the district.
- Select the year for which you need information.
- Out of available options, select Taluka of the village where property is located.
- After selecting the village and clicking –
 - i. You will notice rates as per category of land if the said village is in rural area.
 - ii. If the village is in an urban area or influence zone, then click on the option 'Survey Number' or location wise, then fill in the Survey Number of property or after selecting necessary details of the option location, you will see the market rate of property.

Que. 4 Can we find the market rate of property according to the City Survey Number / Survey Number / Gat Number on the website of the Department of Registration and Stamps ?

Ans. Yes, one can know market rates for villages in urban and influence zone as per the City Survey Number/Survey Number/Gat Number.

- For the remaining rural areas, the rates are not given as per City Survey Number / Survey Number/Gat Number, but have been collectively given for village as per the land revenue, use and location.
- List of villages in urban and influence zone is available on website of the Department of Registration and Stamps. www.igrmaharashtra.gov.in under the heading 'Activities' and in the link 'Valuation of Property'.

Que. 5 Can one know the rates as per category of land (e.g. grassland/pasture, non-agricultural etc.) in the e-ASR?

Ans. Yes, one can know the rates as per category of land (e.g. grassland/pasture, non-agricultural etc.) in the influence zone and rural areas. This is not applicable to urban areas since the Annual Statement of Rates are given as per Survey Number/Gat Number.

Que. 6 Can we get information about City Survey Number/Survey Number/Gat Number included in a certain value zone in the e-ASR?

Ans. Yes, such information can be obtained for the properties in the urban areas. Such information is not available for villages in rural areas since it is not applicable.

Que. 7 What should be done if on selecting the option of survey number, the information of the value zone of that survey number is not found?

Ans. In such cases, search by putting the city survey number of the said property or final plot number (regarding town planning scheme in urban area) or else, choose the option of 'location' and search the rates on the basis of location.

Que. 8 What should be done, if even after selecting both the options of survey number and location in the Urban / Influence zone, the rate of certain property cannot be found?

Ans. In such cases, contact the concerned office of the Deputy Director / Assistant Director, Town Planning (Valuation).

Que. 9 What should be done if the rate for use of property for a specific purpose (e.g. residence, commercial, industrial) is zero?

Ans. In e-ASR, the rate for the land in the context of property in urban influence zone is available; however, if the rate for use of that land for specific purposes (e.g., residential, commercial, industrial) is mentioned as zero, then the rate should be determined by considering Guideline No. 7 for Mumbai and Mumbai Suburban District and Guideline No. 6 for the Rest of Maharashtra. If rate cannot be fixed even on that basis, contact the concerned Deputy Director, Assistant Director, Town Planning, (Valuation).



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Part 6 – e-Services
e-Registration**Que. 1 What is e-Registration?**

Ans. The facility to register your document from anywhere you are and any time convenient to you, without visiting the office of the Sub-Registrar, is called e-Registration. At present, by using internet you can register your Leave and Licence document by filling up the prescribed form through this facility. This facility is available on the website of the Department of Registration and Stamps, www.igrmaharashtra.gov.in under the heading 'Online Services' and in the link 'e-Registration'.

Que. 2 What are the benefits of e-Registration?

Ans. The benefits of e-Registration are as follows:-

- You can prepare your document from any convenient place having internet facility.
- The document can be submitted for registration at any time (24x7).
- It is not necessary to visit the office of the Sub-Registrar for registration.
- It is not necessary for all parties to the document to be present at one time and at one place.

Que. 3 For which documents is the e-registration facility available?

Ans. At present this facility is available to the citizens for registration of Leave and Licence Agreements. Besides, this facility is also available to developers/construction professionals to register Agreement to Sale of new flats for first sale from the offices of the developers / construction professionals of large housing projects.

Que. 4 What instruments and materials and other advance preparation is necessary to use e-Registration facility?

Ans. To use e-Registration facility, the following instruments, materials and advance preparation is required: -

- Internet connection
- Thumb scanner / biometric device
- Web camera
- Printer
- UID Numbers (Aadhar Card) of all parties and identifiers
- Registration fee and stamp duty on documents to be registered through this facility has to be paid necessarily by e-payment (e-challan/simple receipt).
- Document has to be registered in the format / template provided by the Department.

Que. 5 What is the general work procedure for e-Registration of Leave and Licence Agreement?

Ans. e-Registration can be done by using the e-registration facility available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under heading 'Online Services' and in the link 'e-registration' for this purpose:

- Click on e-registration of 'L. & L.' option under heading 'Online Services' of website.
- Select Compatibility View.
- Select the district where the property is located from the 'New Entry column' on first page. Prepare your password. This password should have at least 8 characters, out of which at least one is a capital letter, one special character and one digit e.g. Nic@1234 or 12#Qwrty.
- Re-enter the password.

Details of Property:

- Now enter the details of property and after filling in necessary information click on "Save" button.
- Now an 11 digit token number will appear on the right side of computer screen. Note it down.
- After you see the message 'Property Added Successfully' choose the 'Next Party Details' option.

Details of Tenant:

- Here first choose the 'licensee category' and fill out details of licensee of the property (Person taking the property on lease).
- UID number "(Aadhar No.)" is compulsory. Enter it correctly.
- Click on "Save" button.
- After you get the message 'Party Added Successfully', if there are more than one licensees, then choose Licensee option from Party Type option and enter the information. After entering information of each licensee click on Save button.

Owner Details:

- After entering information of all licensees choose 'Licensor' in Party Type. Enter all the details of person giving property on lease through the Leave & Licence Agreement.
- UID Number (Aadhar No.) is compulsory. Enter it correctly.
- After entering information about all licensors, we have to enter information of Identifiers. Two identifiers are necessary who will identify all parties to the document. If such identifiers are not available, then two identifiers are required for each of the party to the document for identification.
- To enter information about identifiers take the following action:
- Click on Add identifiers details in Party Type
- Select the party for whom the identifier is going to identify
- Enter all particulars of the identifier correctly. It is compulsory to mention UID Number (Aadhar Number) of the identifier. After entering all the particulars of the identifier click on 'Save' button. After receiving message 'Identifiers Added Successfully' click on 'Add Another Identifier' and enter his particulars. In this manner, enter the particulars of all identifiers.

Rent and Other Conditions:

- After entering the particulars of property, parties and identifiers relating to document click on 'Add rent and other terms' button.
- In 'Period' mention the period of lease agreement in completed months. This period should not be more than 60 months.

- In the 'From' column, taking the help of calendar, enter the date from which the lease agreement will become/has become effective. This date should not be more than 4 months later than the date of signing the lease agreement.
- If you have already paid the amount by e-payment, mention in the Stamp Duty and Registration Fee columns the received Government Reference Number (GRN) and payment Date; or else use the 'Pay Now' option and remit stamp duty and registration fee online.
- Click 'verify' button and ensure that you have made the payment.
- In the column 'Document Executed At location' mention the location/village where the document will be executed.
- In the column 'Deposit (Refundable/Non-refundable)' if you enter the amount, you will see the Payment Details of Deposit column; enter information about deposit in it. If deposit is not included in the transaction do not enter anything in the Deposit column.
- If you click on the + sign in the 'Select terms and conditions' box, the conditions of liability relating to Maintenance Charges will be seen. Read them carefully and select the condition for your agreement. Here it is compulsory to select any one condition.
- After selecting conditions of maintenance charges, click the 'View the selected terms & conditions' button and view the selected conditions.
- The information about property, parties and identifiers filled in by you and the conditions selected for maintenance charges, is used for preparing your document.
- After selecting conditions click on 'Save' button.

Draft Document:

- After getting a message 'Submit successfully', click on 'View draft document'.
- The draft document of lease agreement prepared on the basis of information entered by you will be seen . . Read this document carefully.
- If you wish to make corrections in it, do necessary corrections by using Back button.

Execution:

- Once you feel satisfied that the document is according to your expectations, click on the "Execute" button. Read the message that appears after that. If all parties show agreement and indicate readiness to execute the said document and admit it, then click "OK" button.
- After this will be seen the list of names of all parties to the document and names of witnesses. Select a party one by one and take their photographs and then with the help of thumb scanner take thumb impressions. While taking photographs and thumb impressions take care that the full face and full thumb of concerned party is visible. Complete this entire process in the presence of witnesses and identifiers and after that also take the photographs and thumb impressions of concerned witnesses and identifiers.
- If so desired, the parties can use their digital signature for signing the document.
- After taking the UID Number (Aadhar No.) and thumb impression of each party and identifier, click on "Validate" button; after that the e-registration software will verify this information from base server.

Submission of Document for Registration:

- Then click on 'Submit' button. Your document will be submitted for registration to the Sub-Registrar of the Department of Registration.
- If you log out/are logged out before submission, you submit again by entering the 11 digit token number and password in the column Modify Entry.
- Before execution you can correct the document by using the Edit facility.

- After submission of the document you can view the present status of your document by using the 'View Status' option.

Registration of Document:

- The Sub-Registrar will examine the document after you have submitted it. If there are deficiencies, he will mention them. You can see them through the medium of 'View Status'. After fulfilment of deficiencies, the Sub-Registrar will give his decision on the document.
- If the document is found eligible for registration, the Sub-Registrar will register the document. You can download the registered document receipt and Index 2.
- The Sub-Registrar is expected to give his decision on your document by the next working day of submission of your document for registration.



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Part 6 – e-Services

Data Entry for Refund of Stamp Duty**Que. 1 In which cases is refund of stamp duty applicable?**

Ans. Refund of stamp duty is applicable in following cases:

- A. Before any person signs the document, if inadvertently, unintentionally or because of mistakes in writing, the said stamp becomes unsuitable for the purpose desired.
 - B. Stamp which is fully or partially written but not executed.
 - C. Stamped document paper signed by any party
- For detailed information see Part 3: Stamp Duty.

Que. 2 Is it necessary for the party to enter information through online system for refund of stamp duty?

Ans. Yes, it is necessary for the party to enter information through online system. Initially, for refund of stamp duty, information has to be entered through online system and along with its token the actual application has to be submitted within prescribed time limit to the concerned office of Collector of Stamps.

Que. 3 From which website can a party can enter information online for refund of stamp duty?

Ans. For refund of stamp duty the party can enter information online by using the facility available on website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Online Services' and in the link 'Refund Application'.

Que. 4 What kind of information is to be entered online for refund of stamp duty?

Ans. The following information needs to be entered:

- The applicant should fill in self information like name, address, mobile number, e-mail ID, name of bank, account number and reason for asking for refund.
- Information about document as to whether the document is executed/unexecuted, type of document, registered/unregistered should be entered in particulars of document. If the document is registered-
 - A. Document Number
 - B. Date
 - C. Name of the Office of the Sub-Registrar
 - D. Similarly, Cancellation Deed if registered, its registration number, date and name of the Office of the Sub-Registrar should be mentioned.
- Particulars of stamp- Enter the information like type of stamp (e.g. franking, e-SBTR, e-payment etc.), name and address of stamp vendor, name of purchaser of stamp, date of Purchase of stamp, stamp number, value of stamp paper etc. and select the district from

where the stamp has been purchased

- If more than one stamp has been purchased or if units of stamps are more than one, then for that click on the option 'Submit and Add More stamp Details'. Again the option of 'Stamp Details' will appear. Enter information about every unit of stamp in it.
- After entering full information about the stamp, an 'Image Code' in red colour will appear. Mention that image code in the blank frame below it and click on 'Register' button. After this your information about refund is submitted online.
- After successful submission of refund information online, you will see the option 'Acknowledgment'. In that you will see Refund Token / Code Number in red colour. Note down for yourself the said Ref und Token / Code Number and take a print.
- Mention the said Refund Token / Code Number in the application to be submitted to Office of the Collector of Stamps for filing of actual refund case and then submit the application within prescribed time limit to the concerned office of the Collector of Stamps.

Que. 5 What papers should be submitted along with application for refund of stamp duty?

Ans. List of papers to be submitted along with application for stamp duty refund as per type of stamp duty is as follows:

A. Following papers should be submitted along with refund application.-

- Token of submission of online application
- Document with original stamp
- If stamps purchased on behalf of the party, the affidavit of that person
- Challan / Receipt of payment of stamp duty
- If authorized person is making refund application an attested copy of Authority Letter or Power of Attorney
- Original registered agreement and registered Cancellation Deed, if refund of stamp duty of registered agreement.

B. Besides this, submit papers as follows as per the method of remittance of stamps duty:-

i. If stamp duty is paid through franking, then-

- Certificate of sale of stamp
- Copy of register of sale of stamps.
- Hyperlink terminal report from concerned franking vendor
- Attested photocopy of concerned seal from ribbon cartridge of franking vendor, or if fulfilment of any of the above papers is not possible, then certificate from Pitney Bowes Company (Company producing franking machines) about truthfulness of imprint by side of original stamp imprint.

ii. If e-payment is done through e-SBTR/Simple receipt/e-challan, then e-challan of remittance of stamp duty

iii. If stamp is purchased by e-stamp method –

1. Copy of challan showing payment of consolidated stamp duty to government by Stock Holding Corporation of India Ltd. (SHCIL)
2. Certificate of stamp sale and copy of sales register

iv. If stamp paper is purchased from treasury or stamp vendor, then-

- If stamp purchased from treasury/sub- treasury then certificate of concerned treasury/sub-treasury.
- Certificate of stamp vendor and copy/extract of stamp sale register.

Que. 6 What is the time period for submitting application for refund of stamp duty to the office of the Collector of Stamps?

Ans. The application for refund of stamp duty should be submitted to the concerned Collector of Stamps within the time period mentioned in Section 48 of Maharashtra Stamp Act.

Please Note

- It is necessary for the party to enter information online for refund of stamp duty.
- Initially, information has to be entered by online method for refund of stamp duty and then along with the token the actual application has to be submitted to the Office of concerned Collector of Stamps within prescribed time period.
- For refund of stamp duty, the facility of data entry is available on the website of Department of the Registration and Stamps, www.igrmaharashtra.gov.in under heading 'Online Services' and at the link 'Refund Application'.





PART

7

Deemed Conveyance

Dr. Sanjay Kolte

Superintendent of Stamps (H.Q.) and
Joint Inspector General of Registration,
Office of the Inspector General of Registration,
Maharashtra State, Pune

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1

Part 7 – Deemed Conveyance
Concept and Work Process

Que. 1 What exactly is MOFA Act?

Ans. The Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management & Transfer) Act, 1963 was brought into effect with a view to promote construction of flats and to control their sale, management and transfer. In common parlance this Act is called MOFA Act.

Que. 2 As per the MOFA Act, what is the responsibility of the land owner/developer with regard to transfer of property?

Ans. As per the framework of this law, in general:

1. The concerned land owners themselves or developers developing the property on behalf of the land owners, on decision to develop the land into a building, have to enter into an agreement for sale of flats, shops and enclosed structures (Galas) in the building.
2. After the property is developed, it is the legal responsibility/commitment of the land owner or developer to convey the developed property (land with building) in favour of the newly established co-operative housing society or association of apartment owners or company.

Que. 3 What is meant by deemed conveyance?

Ans. As per the MOFA Act, transfer of property is the legal responsibility of the land owner / developer. However, in many instances, the process of entering into agreement to sale and handing over possession of the flats has been completed but the developed property (land with building) has not been conveyed in favour of the co-operative housing society / association of apartment owners / company. As a result:

1. The said co-operative housing society / association of apartment owners / company do not become the legal owners of the property i.e. land with building.
2. They are not entered as owners in the records of ownership rights of the property-e.g. 7/12 extract & City Survey records.
3. As a result of this, they are deprived of benefits like redevelopment of the property, additional construction on the existing structure by availing additional FSI/TDR or to borrow loans on the said property, etc.

Considering these aspects the government has brought about some amendments in the MOFA Act, so that if the land owner / developer is avoiding / procrastinating the conveyance of the land with buildings in favour of the co-operative housing society etc., then after conducting proper enquiry, the officers designated by the government for this purpose (District Deputy Registrar, Co-operatives /Joint Registrar, Co-operatives) have been empowered to convey the land with buildings in favour of the said co-operative

housing society on behalf of the land owner/developer.

Thus the concept of effecting conveyance by a designated officer of the government instead of land owner/developer is called deemed conveyance. This is preliminary information provided on the deemed conveyance. However, for more legal clarification, please refer to section 11 of the Maharashtra Ownership Flat (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963 or contact the office of concerned Competent Authority belonging to the Department of Co-operatives, Govt of Maharashtra.

Que. 4 Which officers of the government have been designated as the Competent Authority for the purpose of deemed conveyance?

- Ans.**
- For the purpose of deemed conveyance, as per the Maharashtra Government Housing Department notification dated 25/2/2011, generally the District Deputy Registrar, Co-operatives (DDR) has been designated as the Competent Authority for the respective district.
 - For the land in the area of Thane and Raigad districts distributed by CIDCO, the Joint Registrar, Co-operatives, CIDCO, Navi Mumbai has been designated as the Competent Authority.
 - The aforesaid notification is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Publications' and in the link 'Notifications'.

Que. 5 What is the procedure for deemed conveyance?

- Ans.** The general procedure for deemed conveyance is as follows –
- Under the MOFA Act, concerned co-operative housing society, company or association of apartments can submit an application to the government designated Competent Authority i.e. District Deputy Registrar/Joint Registrar Co-operatives, requesting for unilateral (one-sided) sale deed i.e. deemed conveyance in their favour.
 - The Competent Authority, after making due enquiry, issues necessary certificate and directions to effect a deemed conveyance in favour of the said society, company or association.
 - Then the concerned society, company or association submits the draft of the deemed conveyance deed to the Competent Authority.
 - After the sanction of the draft of deemed conveyance by the Competent Authority, the concerned society submits the said conveyance deed, as per provisions of the Maharashtra Stamps act, to the concerned Collector of Stamps for adjudication (To determine stamp duty payable on the document).
 - When stamp duty is paid as per the order of the Collector of Stamps, a certificate is issued by him regarding payment of proper stamp duty on the deemed conveyance deed.
 - The Competent Authority or his representative signs on such properly stamped deemed conveyance deed as Vendor (Seller) and the concerned society officials sign as the Purchasers.
 - After the signatures of both the parties, the concerned society presents the conveyance deed to the concerned Sub Registrar for registration.

Please Note

- If the land owner/developer is avoiding /procrastinating the conveyance of land with buildings in favour of the co-operative housing society , the concerned society under the MOFA, can apply to the government designated Competent Authority for effecting deemed conveyance in their favour.
- For purposes of deemed conveyance, generally the District Deputy Registrar, Co-operatives has been declared as the Competent Authority for each respective district.
- For the land area distributed by CIDCO in Thane and Raigad districts, the Joint Registrar Co- operatives, CIDCO, Navi Mumbai has been designated as the Competent Authority.

2

Part 7 – Deemed Conveyance

Payment of Stamp Duty on Deemed Conveyance

Que. 1 What is the role performed by the Department of Registration and Stamps in the process of deemed conveyance?

Ans. Following role is performed by the Department of Registration and Stamps in the process of deemed conveyance:

1. To determine (adjudicate) the specific stamp duty that is required to be paid as per the Maharashtra Stamp Act on the draft deemed conveyance deed sanctioned by the Competent Authority (District Deputy Registrar/Joint Registrar Co-operatives).
2. To register the document after the document is signed by the Competent Authority or his representative as Vendor and the office bearers of the society as purchasers and that is submitted for registration within prescribed time limit.

Que. 2 Which papers are necessary for adjudication of the document of deemed conveyance?

Ans. For the adjudication of document of deemed conveyance:

1. It is necessary for the concerned co-operative housing society to submit an application to the concerned Collector of Stamps. It is necessary to affix a court fee stamp of Rs. 5/- on the application.
2. It is necessary to pay a fee of Rs. 100/-.
3. As per Government resolution from the Department of Housing dated 25/02/2011 and circular from the Department of Revenue and Forests dated 26/11/2012, it is necessary to submit to the Collector of Stamps the following papers:-
 - Draft of Conveyance Deed along with a photo copy.
 - It is necessary to attach information about existing flat owners as a part of the document. (in the prescribed form)
 - 7/12 extract/property card and copy of N.A. order
 - Building Permission with construction map sanctioned by the local Competent Authority (If sanctioned construction map is not available, the Architect's Certificate may be submitted
 - Commencement Certificate
 - Building completion certificate
 - Occupancy certificate
 - Certified copies of existing flat owners' agreements/index 2
 - As per section 11(3) of MOFA act, copy of order issued by the Competent Authority.

For general information about adjudication process, please refer to 'Part 3- Stamp Duty' in this book.

Que. 3 Where should the document of deemed conveyance be submitted for adjudication?

- Ans.**
- The document of deemed conveyance should be submitted for adjudication to the Office of the Joint District Registrar and Collector of Stamps where the property in the deemed conveyance is located.
 - For Mumbai City District, the said document should be submitted to the Collector of Stamps, Mumbai.
Similarly, in case of the three talukas of Andheri, Borivali and Kurla of Mumbai Suburban District, the said document should be submitted to the Office of the Collector of Stamps appointed for that taluka where the property exists.

Que. 4 Which principles are taken into consideration by the Collector of Stamps while adjudicating the document of deemed conveyance for assessing required stamp duty?

- Ans.** In general: -
1. If complete utilization of the admissible F.S.I. has been made on the plot of land which is the subject matter of document and if full stamp duty has been paid as per Article 25 of Schedule 1 of Maharashtra Stamps Act mentioned on agreement to sale of all flats, then a stamp duty of only Rs. 100/- is payable on the document of deemed conveyance.
 2. In the case referred above, if stamp duty is not paid in respect of some flats on the agreements to sale as per the Schedule 1, Article 25 of the Maharashtra Stamp Act or some F.S.I. has remained in balance/unutilized, stamp duty is to be paid on the document of deemed conveyance in relation to the market value of those flats or on the value of balance F.S.I. as per the Article 25.
 3. The above discussion has been made with reference to cases in general. However, appropriate decision is taken by the Collector of Stamps casewise by considering aspects like total F.S.I. available, utilized or balance F.S.I., stamp duty paid on the agreements to sale of the flats mentioned in the document of deemed conveyance etc.
 4. Detailed instructions regarding payment of stamp duty on documents of deemed conveyance have been issued vide circulars by the Office of the Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune dated 12/04/2012, 07/11/2013, 18/03/2014 and 4/04/2014 and these circulars are available on the website of the Department of Registration And Stamps www.igrmaharashtra.gov.in under the heading 'Publications' in the link 'Circulars'.

3

Part 7 – Deemed Conveyance

Registration of Deemed Conveyance

Que. 1 Which papers are necessary for registration of the document of deemed conveyance?

Ans. As per the circular of the Govt of Maharashtra Department of Revenue and Forests dated 26/11/2012 the following papers are mandatory for registration of a document of deemed conveyance—

1. Deemed Conveyance deed properly stamped through adjudication and signed by the Competent Authority or his representative and by the office bearers of the co-operative housing society.
2. 7/12 extract/property card and copy of N.A. order.
3. PAN card number and its photocopy of both the parties.
4. Proofs of identifiers (identity card with photograph)
5. Registration fee.
6. Document Handling Charges (at rate of Rs. 5/- per page)

Que. 2 What are the legal provisions applicable for the registration of deemed conveyance?

Ans. The provisions in the Registration Act, 1908 and Maharashtra Registration Rules, 1961 are applicable for registration of the deemed conveyance. Accordingly, the main points that should be considered are:

1. After the Order and Certificate is issued by the Competent Authority regarding deemed conveyance, the document should be submitted within four months from the date of signature of the first party to the office of concerned Sub-Registrar for registration.
2. It is necessary to submit the said document for registration to that office of the Sub-Registrar in whose area of jurisdiction the property is located.
3. For detailed information, please refer to 'Part 2 Document Registration' of this book.

Que. 3 What is the procedure in general for registration of a deemed conveyance?

Ans. Registration of a deemed conveyance is done in the same way as the registration of documents in general. For detailed information, please refer 'Part 2: Document Registration' of this book.

Que. 4 Is it necessary for the Competent Authority i.e. the Vendor in the deemed conveyance or the officer nominated by him to be actually present before the Sub-Registrar for admission of execution / signature on the deed of deemed conveyance?

Ans. No. Since the Competent Authority or Officer nominated by him has signed / executed the deemed conveyance on behalf of the Govt, as per Section 88 of the Registration Act, 1908, they are exempted from being actually present in the Office of the Sub-Registrar.

Que. 5 How much registration fee is payable for the registration of a deemed conveyance?

Ans. The co-operative housing society of which all the existing members have got their agreements to sale registered and have remitted registration fee at the rate of 1 percent of market value, and if there is no F.S.I. in balance, then the deemed conveyance in favour of such society will be charged a registration fee of only Rs. 100/-.

However, the co-operative housing societies some of whose existing members have not got their agreements to sale registered or have submitted them for registration but have not remitted registration fee at the rate of 1 percent of the market value of the property mentioned in it or there is F.S.I. in balance, etc, then a registration fee at the rate of 1 percent on the market value of those flats or the balance F.S.I. up to a maximum of Rs. 30,000/- will be payable.

Que. 6 In some co-operative housing societies, some flats remain unsold; in such cases what can be done by the concerned co-operative society?

Ans. As per the provisions of Maharashtra Stamp Act, property being transferred by any document is taken into consideration for the assessment of stamp duty. In view of this principle, all the flats included in the property being transferred through a document of deemed conveyance are considered for the assessment of stamp duty.

If the developer has not sold some flats in certain co-operative housing society, then deemed conveyance should be done without including those flats in the deemed conveyance deed or leave it to the concerned co-operative housing society to decide whether or not the deemed conveyance should be executed without including those flats.

For example, a developer has sold 45 flats out of a total of 50 flats to buyers in a building and those agreements to sale have also been executed. However, the developer has not sold the remaining 5 flats till then. In such a case, the construction area held by the 45 flat owners from the building and the share of the land in proportion to such construction area, can be mentioned in the deed of deemed conveyance.

In this context, circular from the Office of the Inspector General of Registration & Controller of Stamps, Maharashtra State, Pune dated 18/03/2014 is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Publications' and in the link 'Circulars'.

Que. 7 What can be done in a case where in a co-operative housing society the agreements to sale of some flats are not available, or a proof of payment of stamp duty on them is not available, but the concerned members are willing to pay the stamp duty on deemed conveyance?

Ans. Detailed instructions with regard to assessment of stamp duty on such deemed conveyance have been issued vide circular dated 12/04/2012 from the Office of the Inspector General of Registration & Controller of Stamps. The said circular is available on the website of the Department of Registration and Stamps www.igrmaharashtra.gov.in under the heading 'Publications' in the link 'Circulars'.

Que. 8 What can be done in cases where in a co-operative housing society the agreements to sale of some flats are not available or proof of stamp duty having been paid is also not available and the concerned members are not willing to pay stamp duty on the deemed conveyance?

Ans. In such cases, the details mentioned in the answer to Que. no. 6 should be taken into consideration.

Que. 9 Will the expected transfer be completed in cases where according to Section 11[3] of MOFA Act the Competent Authority has passed orders to give deemed conveyance, but suitable stamp duty has not been paid by preparing the document of deemed conveyance and the document has also not been registered on regular basis?

Ans. As per Section 11[3] of the MOFA, the order passed by the Competent Authority indicates that the case of a particular co-operative housing society is eligible for effecting deemed conveyance. However, no transfer can take place merely on the basis of the said order. In order to complete the transfer, it is necessary to prepare a document of deemed conveyance, remit suitable stamp duty on it and get the document registered by following proper procedure.

Please Note

- Papers Necessary for Registration of a Document of Deemed Conveyance: -
 1. Deed of Deemed Conveyance properly stamped through adjudication and signed by the Competent Authority or his representative and the office-bearers of the co-operative housing society.
 2. 7/12 extract/property card and copy of N.A. order.
 3. PAN card numbers and their photo copies of both the parties.
 4. Proof of Identifiers (Identity card with photograph)
 5. Registration fee.
 6. Document handling charge (At the rate Rs. 20/- per page)

PART

8

Marriage Registration

Shri Chintaman Bhurkunde
Deputy Inspector General of
Registration (Headquarter), Office of
the Inspector General of Registration,
Maharashtra State, Pune

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Part 8 – Marriage Registration
Information About Marriage Registration Acts

Que. 1 Which are the general laws in Maharashtra regarding registration of marriages?

Ans. Following are the existing important laws regarding registration of marriages in Maharashtra:

1. Special Marriage Act, 1954
2. The Maharashtra Regulation of Marriages Bureaus and
Registration of Marriages Act, 1998
3. Indian Christian Marriage Act, 1872
4. Parsi Marriage and Divorce Act, 1936

The said Acts are available on the website of Registration and Stamps Department - www.igrmaharashtra.gov.in in the link 'Acts' under 'Publications'.

Que. 2 What are the specific actions taken in the context of marriages under the Special Marriage Act, 1954?

Ans. There are 2 important sections in the Special Marriage Act 1954, these are as follows:

1. Solemnization of marriages under provisions of Chapter 2 of Special Marriage Act :
 - The authorised marriage officer himself solemnizes the marriage of the desirous couple, thus fulfilling the conditions laid down in the Special Marriage Act.
 - In case of the special marriage the desirous couple has to give a 30 days advance notice to Marriage Officer.
 - The Marriage Officer has to conduct enquiries within 30 days from the date of notice in case any objections or complaints about the said marriage are raised.
 - If the objections or complaints are upheld in the enquiry, the marriage is not solemnized as per the provisions of the law.
 - In case no objections are received within 30 days or the objections raised are not upheld in the enquiry, the Marriage Officer can solemnize the marriage in 30 days.
 - Such marriage in common language is also referred to as 'Court Marriage'.
2. Registration of marriages already conducted by other methods, under the provisions of Chapter 3 of the Special Marriage Act,
 - In case of an application is received in prescribed form by the Marriage Officer for registration of marriage, he conducts an enquiry in the context of objections about non-fulfilment of conditions mentioned in Section 15 of the Act.
 - The marriage is not registered as per the provisions of the Act, in case the objections raised are upheld.
 - In case no objections are received within 30 days or the objections raised are not upheld in the enquiry, the Marriage Officer can solemnize the marriage.

Que. 3 Mention in brief the provisions of the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998?

Ans. Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998 came into effect from 15/04/1999.

- At present, under this Act marriages conducted by other methods, for eg, (Vedic, Religious, etc) are registered by officers of local self-government bodies.
- Earlier to that, such marriages were registered under the Mumbai Marriage Registration Act, 1953. Although this law is now redundant, it is presumed that the marriages registered under this Act are legally registered.

Que. 4 Mention in brief the provisions of the Indian Christian Marriage Act, 1872?

Ans. This law is applicable to all Christians in India. The law allows solemnization of Christians only. According to the Christian Marriage Act, after the marriage is solemnised, the Priest who has solemnised the marriage, sends a certificate as prescribed by law to the Registrar General of Marriages and Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.

On receiving the said certificate, which is submitted to the office of the Registrar General of Marriages and Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune, it is noted in the register maintained for this purpose.

If any party applies for a copy of marriage certificate, the Registrar General of Marriages and Inspector General of Registration and Controller of Stamps Maharashtra State, Pune issues the marriage registration certificate by charging a prescribed fee of Rs. 5/-.

Que. 5 Mention in brief the provisions of the Parsi Marriage and Divorce Act, 1936?

Ans. • The Parsi Marriage and Divorce Act, 1936 is applicable to all over India except State of Jammu and Kashmir.

- Under the provisions of the Act, for solemnization of marriage it is mandatory that the bridegroom must have completed 21 years of age while the bride must have completed 18 years of age.
- The law prohibits second marriage in case the former spouse is alive.
- The solemnization of a marriage requires the presence of a priest and two witnesses.
- According to provisions of this Act, the priest prepares a certificate of solemnization of marriage in prescribed form and after the signatures of the bridegroom, bride, witnesses and his own(signature) submits the certificate to the marriage registrar in whose jurisdiction the marriage has been solemnised, to note the marriage in the register.

2

Part 8 – Marriage Registration
Special Marriage Act, 1954

- 2.1 General Information of Special Marriage Act, 1954
- 2.2 Notice of Special Marriage
- 2.3 To solemnize Special Marriage
- 2.4 Appeal against the decision of Marriage Officer
- 2.5 Fees levied under Special Marriage Act
- 2.6 Registration of marriages conducted by other methods
- 2.7 Period of preservation of records

2.1 General Information about Special Marriage Act, 1954

Que. 1 Is there any restriction of caste/religion on bride-bridegroom for marrying under Special Marriage Act, 1954?

Ans. There is no restriction of caste/religion on bride-bridegroom for marrying under the Special Marriage Act, 1954

Que. 2 Where are the offices of registration of special marriages in Maharashtra State?

Ans. The marriage registration offices for special marriages are generally located in the Headquarter sub-registrar, office of the district in Maharashtra. A detailed list of these offices is available on the website of the Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Offices' under 'Organization' column.

Que. 3 What is the jurisdiction of special marriages registration officer?

Ans. The entire revenue district is declared as the jurisdiction area of marriage officer for registration of marriages under the Special Marriage Act.

Que. 4 Who is authorised to solemnize special marriage?

Ans. According to Special Marriage Act, 1954, the appointed and authorized marriage officer can solemnise marriages. For this purpose, following marriage officers have been appointed in the state:-

- Independent marriage officers have been appointed for registration of special marriages in Mumbai City, Mumbai Suburban and Pune.
- Headquarter sub-registrar of the district in the state have been authorized as special marriage officers.
- Information in this regard is available on the website of the Registration and Stamps Department- www.igrmaharashtra.gov.in in 'Offices' under 'Organization' column.

Que.5 Which legal conditions should necessarily be fulfilled by the desirous bride and the bridegroom for eligibility to marry under the Special Marriage Act?

Ans. According to Section 4 of Special Marriage Act, 1954, it is necessary for the bride-bridegroom to fulfil the following conditions:-

- The desirous party to solemnize the special marriage should be unmarried or if married, should be divorced from the partner of earlier marriage or the partner should not be alive.
- None of the bride or bridegroom desirous of marriage should be of unsound mind or perverted mind.
- None of the bride-bridegroom desirous of marriage should suffer from mental disorder like outburst of madness/epilepsy/fits.
- None of the bride-bridegroom desirous of marriage should be unfit for procreation of children.
- On the day of notice the completed age of bride desirous of marriage should be of 18 years and that of bridegroom should be of 21 years.
- Both should not have prohibited relationships amongst them.
Information of such prohibited relations is available on the website of the Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Marriage Registration' under 'Activities' column.
- At the time of giving notice of special marriage, at least one party from among the bride or bridegroom, should be residing continuously for the last 30 days from the date of notice in the jurisdiction area of the marriage officer.

2.2 Notice of Special Marriage

Que.6 Is there a prescribed form for giving notice of solemnising special marriages?

Ans. Yes. To solemnise special marriage, a form has been prescribed in Schedule 2 of Section 5 of the Act. The notice of special marriage has to be given in the prescribed form only.

Que.7 Where can one avail the form of notice of marriage under Special Marriage Act?

Ans. The form of notice of special marriage is available in the office of the marriage officer and also available on website of Registration and Stamps department - www.igrmaharashtra.gov.in in 'Draft Notices' under 'Downloads' column.

Que.8 Is it necessary for the bride-bridegroom to be present in person for giving notice of special marriage?

Ans. No. Under the Special Marriage Act, 1954, and as per Rule 9 of Maharashtra Special Marriages Rules, 1964, the notice of marriage can be sent by a special messenger or by registered post, along with fee.

Que.9 What are the papers that should be necessarily attached along with notice of special marriage?

Ans. It is necessary to attach suitable papers along with the notice as a proof of fulfilment of conditions for solemnization of special marriage under the Special Marriage Act. It includes the following papers:-

1. Relating to bride-bridegroom

- A. Proof of age – Birth certificate or school leaving certificate, etc.
If the party is uneducated or illiterate or there is no entry of birth anywhere, then medical certificate of the Civil Surgeon of the district.
- B. Proof of residence – e.g. electricity bill in name of self/telephone bill/receipt of property tax/copy of leave and licence.
2. If bride or bridegroom is divorced then court decree of divorce.
 3. If the bride is a widow or the bridegroom is a widower, then death certificate of former partner issued by competent authority .
 4. Identity cards of three witnesses along with proof of residence.
All the proofs should be attested.

Que. 10 Are the notices given for solemnization of special marriage available for verification? Is fee charged for it?

Ans. According to section 5 of Special Marriages Registration Act, a true copy of the notice for special marriage is placed in the marriage notice book of marriage office. Such notices are made available for verification to those concerned on demand and without any charge.

Que. 11 What further action is taken after notice of special marriage is given?

Ans.

- The Marriage Officer displays a copy of the notice on the notice board of the office. In case, either of the bride or the groom is residing in the jurisdiction of another marriage officer, then a copy of the same notice is sent immediately to that office for display.

Que. 12 Can objection be raised against registration of special marriage? If yes, then in how many days?

Ans. Yes. As per Section 7 of the Special Marriage Act, objection can be raised with the concerned marriage officer before the termination of notice period of 30 days.

Que. 13 Is some fee to be paid for raising objection to registration of special marriage?

Ans. Yes. For raising objection, a fee of Rs. 25/- has to be paid in accordance with Special Marriage Act, 1954, Rule 20 of Maharashtra Special Marriage Rules, 1964, and Notification Dated 23rd March 2002 of Government of Maharashtra.

Que. 14 Who can take objection for registration of special marriage?

Ans. A person who notices that the terms and conditions as laid down in sub-section 2(A) and (B) of Section 4 of Special Marriage Act, 1954 are being violated, can raise objection for registration of special marriage.

Que. 15 Who takes a decision and in how many days on the objection received in the context of registration of special marriage?

Ans. Concerned Marriage Officer will take a decision on objection received in the context of registration of special marriage within 30 days of receipt of objection.

2.3 To Solemnise Special Marriage

Que. 16 In how many days, after giving the notice, can the marriage be solemnised?

Ans. The marriage can be solemnised after 30 days but up to 90 days from the date of giving notice

under the Special Marriage Act.

Que. 17 Are witnesses necessary while solemnising special marriage?

Ans. Yes. As per Section 11 of Special Marriage Act, 1954, three witnesses are necessary for solemnization of special marriage.

Que. 18 What procedure is followed in solemnising special marriage?

Ans. Following are the steps to solemnize a special marriage-

- Notice-

It is necessary to give notice of intended marriage in prescribed form as given in Annexure 2, Section 5 of Special Marriage Act, 1954.

- Objections for registration of special marriage-

Before the end of 30 day period from notice-

A.If objections are received-

The Marriage Officer verifies the objections received and if objections are found to be valid, the Marriage Officer issues orders rejecting the solemnization and thereby registration of marriage. This whole process is completed by Marriage Officer within 30 days of receipt of objection.

B. If objections are not received-

If objections to solemnise marriage are not received within the said time limit or are not found to be valid, the Marriage Officer –

- Prepares the declaration in prescribed form as given in Appendix 3, Section 11 of the Marriage Registration Act and gets it signed by the bride, bridegroom and the witnesses present.

- After this, the Marriage Officer administers the oath to the bride and the bridegroom, whereby they mutually and legally accept each other as husband and wife.

- Having prepared the marriage registration certificate in prescribed form as given in Appendix 4, of Section 13 of Marriage Registration Act, the marriage officer gets it signed by the bride, bridegroom and witnesses present. The officer then immediately issues a copy of the marriage registration certificate to those concerned. However, in exceptional circumstances, taking into account the extent of work, the certificate can be given within 3 days.

Que. 19 Can the marriage be solemnised at the residence or any other place other than office of the special Marriage Officer?

Ans. Yes. A special marriage can be solemnised at the residence or any other place apart from the special marriage office. However, the decision to solemnise marriage at any other place is the discretion of the Marriage Officer. If marriage is to be solemnised at any other place then-

- The bride and bridegroom must apply to special marriage officer and request him to solemnise the marriage at the desired place.

- Request can be made to solemnise marriage even on a holiday at a desired place.

- The Marriage Officer cannot remain absent from office for more than 3 hours, therefore, in such cases he can refuse visit outside the office where it requires more time.

Que. 20 Can a Marriage Officer solemnise a marriage in the jurisdiction of another Marriage Officer?

Ans. No. Special Marriage Officer cannot solemnize a marriage outside the area of his jurisdiction.

Que. 21 Can the special marriage registers be available for verification (search)?

Ans. Yes. Special marriage registers are made available for verification if an application is made to the marriage officer with prescribed fee of Rs.5/.

2.4 Appeal Against Decision of the marriage officer

Que. 22 To whom and within how many days can an appeal be filed against the decision of Marriage Officer to refuse registration of marriage?

Ans. According to Section 8(2) of Special Marriage Act, an appeal can be filed within 30 days in the competent court against the decision of marriage registration officer.

Que. 23 If the Court rejects the order of Marriage Officer, can marriage be registered? If yes, is it necessary to give notice again?

Ans. If the Court squashes the order of marriage registration officer refusing/disallowing the solemnization of marriage, the marriage can be solemnized within 3 months of the date of such order by the said Court and it will not be necessary to give notice again.

2.5 Fees charged under Special Marriage Act

Que. 24 What is the provision for fees to be charged for registration of marriage under the Special Marriage Act?

Ans. As per Rule 20 of Rules 1964 of Special Marriage Act, 1954 the fees prescribed under different categories are as follows:

Sr.No.	Details/Particulars	Payable fee Rs.
1.	Notice fee -	
	i. To issue and publish notice as per Section 5 of the Act	50/-
	ii. For each extra copy of notice as per Section 6(3)	50/-
	iii. For entries and objections Under Section 7 or 16,	25/-
	iv. Regarding application under Section 15	100/-
	v. For each extra copy of notice	50/-
2.	Fee for solemnizing marriage-	
	i. For solemnizing marriage in office of Registrar of marriage	150/-
	ii. If marriage is to be solemnized at a private place	1000/-
3.	Fees of other kinds	
	i. Application given vide Section 15 or to obtain certified copy of marriage certificate	25/-
	ii. Application for search of records in office of Registrar of Marriage (Besides Notice Book)	5/-
	iii. Search Fee	
	A. For first year	5/-
	B. For each year thereafter Rs. 5/and maximum	25/-
	iv. For appointing Commission	50/-
	v. Copy of decree or divorce, as per section 6(3)	5/-
	vi. Any application under this law, besides the above matters	5/-

For more information, refer to notification No.2011/pra.kra.362/Ku.kra.3 dated 23 March 2002 of Public Health Department of Government of Maharashtra. The said notification is available on the website of Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Notifications' under 'Publication' column.

2.6 Registration of Marriages conducted by other methods

Que. 25 Is there a prescribed application form for registration of marriages, conducted by other methods, under the Special Marriage Act?

Ans. Yes. The form of application is prescribed in appendix A, Rule 16 of Maharashtra Government's Special Marriage Rules 1964 of Special Marriage Act, 1954. The said form is available in the Office of Marriage Officer and also on the website of Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Draft Notices' under 'Downloads' column.

Que. 26 How the marriages are conducted by other methods, registered under Special Marriage Act? Are there any conditions to be fulfilled for the same?

Ans. According to Section 15 of Special Marriage Act, it is necessary to fulfil the following conditions at the time of registering the marriage:

- The couple are married and since then they are living together as husband and wife.
- Both, the husband or wife should be either divorced from their spouse in the earlier marriage or should be widowed.
- Both of them should be of sound mind, and should not be an idiot or lunatic.
- Both the parties have completed 21 years of age at the time of registration.
- The parties are not within the degrees of prohibited relationships.
- At the time of filing of the application, the couple should be residing continuously in the jurisdiction of the concerned Marriage Officer for more than 30 days before the date of notice.
- The prescribed form should bear the signature of both the husband and the wife.
- As per Section 2(B) of Special Marriage Act, 1954, marriage cannot take place between prohibited relationships. Information about prohibited relationships is available on the website of the Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Marriage Registration' under 'Activities' column.

Que. 27 Is the information about application for registration of marriage conducted by other methods published for the general public, as per Special Marriage Act?

Ans. Yes. As per Section 16 of Special Marriage Act, 1954, the application is published by displaying it on the notice board of the marriage registration office.

Que. 28 Under Special Marriage Act, can objection be raised on the application for solemnizing marriage by other methods?

Ans. Yes. Under section 15 of Special Marriage Act, any person can raise objections to marriage registration within 30 days of the date of application, if the stated conditions are not fulfilled.

Que. 29 Which officer takes the decision on objections received in the context of registration of special marriages?

Ans. The Marriage Officer of the concerned jurisdiction takes the decision on objections received in the context of registration of special marriages.

Que. 30 In how many days after application will the registration of marriage take place under section 15 of the Special Marriage Act?

Ans. The registration of marriage can be solemnized between the parties after the expiry of 30 days period of objection.

Que. 31 What is the procedure of registration of marriage solemnized by other methods, under the Special Marriage Act?

Ans. The procedure of registration of marriage solemnized by other methods is as follows:
If no objections are received on the application for registration of marriage solemnized by other methods, then—

- It is necessary for the concerned parties (husband-wife) to be present in the marriage registration office along with 3 witnesses, after 30 days, at the appointed time.
- As per section 16 of Special Marriage Act, the Marriage Officer prepares the marriage certificate in prescribed form.
- The marriage certificate is completed by taking the signatures of concerned parties (husband-wife) along with 3 witnesses.
- Copy of such marriage registration certificate is immediately given to those concerned. However, in exceptional circumstances, taking into account the extent of work, the certificate can be given within 3 days.

Que. 32 If the Marriage Officer refuses the registration of marriage solemnized by other methods, to whom and in how many days can an appeal be filed?

Ans. An appeal can be filed in the competent court within 30 days of the said rejection order.

Que. 33 Does the Marriage Officer have authority to cancel the registration of marriage solemnized / registered vide the Special Marriage Act?

Ans. No. The Marriage Officer does not have the authority to cancel the registration of marriage solemnized /registered vide the Special Marriage Act. The competent court has the authority to do so.

Que. 34 How much is the fee for registration of marriage solemnized by other methods?

Ans. Rs.100 is charged for the application for registration of marriage solemnized by other methods and Rs. 50 is charged as fees for every application.

2.7 Period for Preservation of Record

Que. 35 What is the period for which the records prepared under Special Marriage Act are preserved?

Ans. According to Rule 23 of Rules, 1964 of the Special Marriage Act, 1954 the period of preservation of records is as follows: -

Sr. No.	Particulars of Record	Period of Preservation
1.	Marriage Registration Certificate as per section 13	Permanent
2.	Marriage Registration Certificate as per Section 16	Permanent
3.	Book for pasting Declarations	Permanent
4.	Marriage Notice Book	30 years
5.	Book for pasting Notices	30 years
6.	Applications received Under Section 16	30 years
7.	Enquiry Documents	30 years
8.	Receipt Books	10 years
9.	Cash Book	10 years
10.	Applications for home visit	5 years
11.	Applications for Certified Copies	5 years

Please Note

- Headquarter sub-registrars of the district in the state perform the work of registration of special marriages. However, there are independent Marriage Officers for the three districts of Mumbai City, Mumbai Suburbs and Pune.
- A 30 days prior notice has to be submitted to the Marriage Officer by the desirous couple.
- The Marriage Officer can solemnize the marriage within 90 days in case no objections are raised within the 30 days of notice or no validity is found in the objections.
- This marriage is also called 'Court Marriage' in common terms.

3

Part 8 – Marriage Registration

Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998

- 3.1 General Information about the Act
- 3.2 Designated Marriage Registration Officers and their Offices
- 3.3 Required Documents
- 3.4 Marriage Registration Process
- 3.5 Refusal to Register Marriage by Marriage Registrar
- 3.6 Miscellaneous Provisions

3.1 General Information About the Act

Que. 1 When did the law of Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998 come into effect?

Ans. Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998 became effective from 15/04/1999. Prior to this Act, registration of marriages was done under Mumbai Marriage Registration Act, 1953. Although this Act is now repealed, the marriages registered under this Act are considered as legally registered.

Que. 2 Are marriages solemnized or are marriages which are earlier solemnized, registered under Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998?

Ans. Marriages are not solemnised, but only marriages that are solemnized earlier are registered vide Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998.

3.2 Designated Marriage Registration Officers and Their Offices

Que. 3 Where are the offices set up under Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998?

Ans. According to Govt Resolution dated 27/02/2008, of the Public Health Department of Government of Maharashtra, following are the designated officers and their jurisdiction-

Area/Jurisdiction	Competent Authority
Municipal Corporation	Zone/Ward Officer
Municipality	Chief Officer
Town Panchayat	Chief Officer
Cantonment Area (Catak Board)	Chief Officer
Gram Panchayat	Gram Sevak

- The Gram Sevak in the office of Gram Panchayat has been declared as Marriage Registrar by

the Government from 2001.

- The implementation of this Act started from 01/05/2008 in remaining divisions of state except Mumbai and Mumbai Suburbs. It started from 01/04/2010 in Mumbai and Mumbai Suburbs.

3.3 Required Documents

Que. 4 Is there a prescribed application form for registration of marriage, and where is it available?

Ans. Yes. As per Section 6 of Maharashtra Registration of Marriage Act, 1998 and Rule 5 of Regulation of Marriage Bureaus, 1999, the application for memorandum of marriage is prescribed in Form D.

- This form is available in the office of Marriage Registrar as stated in answer to question 3 and also on the website of Registration and Stamps Department - www.igrmaharashtra.gov.in in 'Draft Notices' under 'Downloads' column.

Que. 5 Which are the documents that are required to be submitted with Form D as prescribed for registration of marriage under Maharashtra Registration of Marriage Act, 1998?

Ans. The following papers are required to be attached with memorandum Form D prescribed for registration of marriage –

1. Relating to bride and bridegroom:
 - A. Proof of age – Birth Certificate or School Leaving Certificate, etc.
 - B. Proof of Residence – Authentic proof of residence, e.g. electricity bill, telephone bill, property tax receipt, leave and licence, or identity card issued by Election Commission of India.
2. Court decree of divorce, in case the bride or bridegroom is divorced.
3. Death certificate of previous spouse, in case the bride or bridegroom is widowed.
4. Photo identity card and proof of residence of three witnesses.

3.4 Procedure of Registration of Marriage

Que. 6 What is the procedure for registration of marriage under Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998?

Ans. The procedure for registration of marriage under Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998 is as follows: -

- Submission of properly filled marriage memorandum form D.
- Court fee label of Rs. 100/- must be affixed on the form.
- It is the prime responsibility of the husband to present the memorandum of marriage registration to the marriage registrar in whose jurisdiction the wife or husband resides.
- It is necessary that parties to memorandum of marriage (bride and bridegroom) and the three witnesses must personally remain present and sign the memorandum of marriage in the office of the Marriage Registrar. It is also necessary to pay the prescribed marriage registration fee.
- After submission of Form D of memorandum of marriage, the marriage registrar verifies it and on being convinced about the identity of the parties (bride-bridegroom) and the three witnesses, he issues the marriage registration certificates in form E, as prescribed under

section 6 of Maharashtra Marriage Registration Act, 1998 and sends one copy to the Registrar General of Marriages.

3.5 Refusal of Marriage Registrar to Register Marriage

Que. 7 Can the Registrar of Marriages refuse the registration of marriage? If yes, for what reasons?

Ans. Yes. The Registrar of Marriages can refuse the registration of marriage for the following reasons:-

- As per section 7 of the Act, if he is not convinced of the truthfulness of their statement in the memorandum with reference to the documents and proofs submitted by the parties (bride and bridegroom) and the three witnesses.
- It is mandatory for the Marriage Registrar to give a proper hearing to both the parties and then reject the registration with reasons given in writing.
- The marriage registrar must then send a detailed report with supportive documents, along with the order of rejection to the Registrar General of Marriages, for consideration.

Que. 8 What action does the Registrar General of Marriages take after receiving such orders of refusal of marriage registration?

Ans. After receiving the report of Marriage Registrar regarding order of refusal of marriage registration, the Registrar General of Marriages, within 1 month (according to Section 7) gives an opportunity to the concerned parties to present their side.

- Then he either instructs the marriage registrar to register the marriage, giving proper reasons or
- Confirms the order of Marriage Registrar refusing to register the marriage.

Que. 9 What should be done if the Registrar General of Marriages also issues order of refusal of marriage registration?

Ans. An appeal can be filed in the concerned Competent Court against the order of Registrar General of Marriages within 30 days from date of receipt of order.

- However, the decision by court on the matter is considered as final and the registrar of marriages takes action in accordance with such decision.

Que. 10 Where is the office of Registrar General of Marriages located?

Ans. As per this Act, the Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune is the ex-officio Registrar General of Marriages. His office is located at Ground Floor, New Administrative Building, Opposite Vidhan Bhawan, Pune -1.

3.6 Miscellaneous Provisions

Que. 11 If marriage is not registered, does it become illegal?

Ans. No. A marriage does not become illegal just because it has not been registered. But the concerned persons do not possess any Government proof of marriage. Besides, difficulty arises in having an entry of marriage in Government records.

Que. 12 What action is taken if it is noticed that false statements/information has been given in the memorandum of marriage registration?

Ans. In such cases a monetary fine which can go up to Rs. 1,000 is imposed on the concerned person.

Que. 13 Where can one get copies of marriage document registered in Sub-Registrar's office?

Ans. Under the Mumbai Marriage Registration Act, 1953 copies of marriages registered at Sub-Registrar office can be obtained at the same office. A court fee label of Rs. 5/- will have to be affixed to the application.

Que. 14 Is the marriage register available to citizens for viewing/inspecting? Can one get copy of certificate of solemnised marriage?

Ans. Yes.

- The register is available to citizens for inspection after applying to Marriage Registrar and paying a prescribed inspection fee of Rs. 15/-. Similarly,
- Its copy can also be obtained by paying a fee of Rs. 20/.

Que. 15 State the provisions regarding fees for registration of marriages under Mumbai Marriage Registration Act, 1953.?

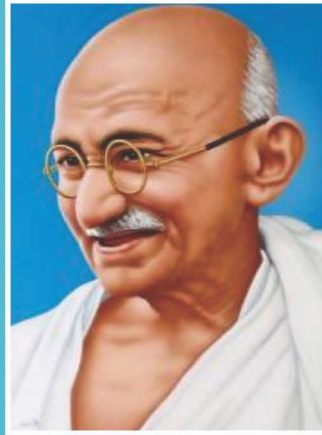
Ans. Under the Mumbai Marriages Registration Act, 1953, the following are the provisions regarding fees for registration of marriages :

Sr. No.	Particulars	Fee (Rupees)
1.	If marriage is registered within 90 days of solemnization of marriage	50/-
2.	If marriage is registered after 90 days and upto 1 year	50/- + penalty 100/-
3.	If marriage is registered after 1 year	50/- + penalty 200/-
4.	Copy of marriage certificate	20/-
5.	Inspection of records (Search)	15/-

Please Note

1. Marriage does not become illegal just because it was not registered. But because of that the concerned person does not have any Government proof of being married. Besides, difficulty arises in making entry in Government records.

Registration of marriages solemnized by Vedic method is done by Marriage Registrar appointed in concerned local self Government bodies under the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages act, 1998.



A citizen is the most important visitor on our premises.
He is not dependent on us; we are dependent on him.
He is not interruption in our work; he is the purpose of it.
He is not an outsider in our business; he is a part of it.
We are not doing him a favour by serving him;
he is doing us a favour
by giving us an opportunity to do so.



- MAHATMA GANDHI