

No. L&DO/ 24026 (21)/CDN/2016/ 315
Government of India
Ministry of Urban Development
Land & Development Office
Innān Bhāwan, New Delhi

Dated: 13th July, 2016

OFFICE ORDER No.5/2016

Subject : Acceptability of un-registered Agreement to Sell executed during the period of suspension of registration of such Agreements by Delhi Government's Circular dated 27.4.2012 – Stamp duty paid for Agreement to Sell regarding.

In continuation of this Office Order No.8/2008 dated 19.12.2008 regarding "Amendment in Registration and other related Law implications on validity of Agreement to Sell executed after 23.9.2001". The issue in respect of acceptability of un-registered Agreement to Sell, in the cases of conversion from leasehold to freehold, executed during the period for which the Delhi Government had restricted the registration of GPA and Agreement to Sell vide Circular on 27.4.2012, has been considered in the file No.A-318, Shivalik, New Delhi. It is seen that the Delhi Government issued a Circular on 27.4.2012 restricting registration of GPA and Agreement to Sell on the basis of Order passed by Hon'ble Supreme Court of India in October, 2011. In this Order, the Supreme Court had ruled that sale transactions carried in the name of GPA will have no sanctity and immoveable property can be sold or transferred only through registered deeds.

2. In this file, an "Agreement to Sell" executed on 24.9.2012 which could not be registered due to suspension of registration by Delhi Government's Circular dated 27.4.2012, has been accepted after the payment of stamp duty by way of impounding with the Collector of Stamps.

3. Therefore, it has now been decided that all such "Agreements to Sell" which have been executed during the period of suspension of registration vide Delhi Government's Circular dated 27.4.2012 and thus could not be registered, may be accepted subject to the payment of stamp duty by way of impounding with the Collector of Stamps, as the very purpose of registration of property transaction gets fulfilled by way of payment of Stamp Duty by the purchaser and the required revenue realized by the Government. Further, it must be ensured that all such Agreements to Sell on which the stamp duty has been paid with the Collector of Stamps, must be duly certified by the Collector of Stamps.

4. This issues with the approval of Land & Development Officer.


(A.K. Malhotra)
Dy. Land & Development Officer

To
All Dy.L&DOs/Officers/Sections

2. Guard File/CDN