

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

RDM-Reg-CLRFIC-0002-2015-

32814

dated

24.10.16

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

Inspector General of Registration, Odisha, Cuttack
All Revenue Divisional Commissioners / All Collectors

Sub: Clarification on chargeability of Stamp Duty and compulsory registration of sale certificate issued by Authorized Officers of the banks u/s 13 of SARFAESI Act, 2002.

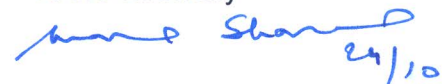
Sir,

Clarifications have often been sought from various quarters regarding chargeability of stamp duty and registration fees on registration of sale certificate issued by the Authorized Officers of the banks u/s 13 of SARFAESI Act, 2002 and whether, registration of such sale certificate is mandatory. In the decision of the Hon'ble High Court of Madhya Pradesh in case of M/s Mid India Power and Steel Ltd. -vrs- M. P. Audyogik Kendra Vikash Nigam Ltd. (AIR 2010 MP 201), the Hon'ble Court held that the sale certificate issued by the Authorized Officer of the secured creditor bank in exercise of its power u/s 13 of the SARFAESI Act, 2002 and Rules is mandatory since Authorized Officer of the bank is neither a Civil nor a Revenue Officer within the meaning of section 17 of the Registration Act.

2. In the case between M/s P. M. Associates -vrs- IFCI Ltd. and others decided in the full bench of the Hon'ble Madras High Court vide order dated 23.08.2013, the same view has been reiterated.

3. The Law Department has been consulted in the matter. The Law Department is also of the view that the Authorized Officer-cum-Chief Manager under SARFAESI Act is neither a Civil nor a Revenue Officer within the meaning of the clause (xii) of sub-section 2 of section 17 of the Registration Act, 1908 and therefore, registration of such sale certificate is not exempted from stamp duty and registration. For effecting changes in revenue records, the registration of such sale certificate issued in favour of the auction purchaser requires compulsory registration.

Yours faithfully

 24/10

Principal Secretary to Government

Memo No. 32815 /R&DM dated 24-10-16

Copy forwarded to all ADM-cum-District Registrars / All Tahasildars / All District Sub-Registrars / All Sub-Registrars for information and necessary action.

[Signature]
24/10/16

Joint Secretary to Government

Memo No. 32816 /R&DM dated 24-10-16

Copy forwarded to the Tahasildar, Bhubaneswar for information and necessary action with instruction that the above clarification supersedes the earlier clarification issued to him vide this Department letter No. 15810 dated 26.05.2015.

[Signature]
24/10/16

Joint Secretary to Government