

STATE AMENDMENTS

Andhra Pradesh:

After Part, IX, insert the following Part, namely:—

"PART IXA

REGISTRATION OF DOCUMENTS BY MEANS OF
ELECTRONIC DEVICES

70A. *Application of this part.*—This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under section 70B.

70B. *Documents scanned by electronic devices in areas notified by the Government.*—(1) The Government of Andhra Pradesh may, by notification, in the Official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70C. *Saving.*—Nothing in this Part shall apply,—

- (i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;
- (ii) in the case of unforeseen eventuality like break down of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefore—

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a break down of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration."

[Vide Andhra Pradesh Act 16 of 1999, sec. 6 (w.e.f. 31-12-1998).]

Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

Karnataka:

After Part XI, insert the following Part, namely:—

"PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF
ELECTRONIC OR OTHER DEVICES

70A. *Application of this part.*—This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. *Definition.*—In this part, "Process of Registration of documents by means of electronic or other devices" shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, microfilming and any other device used for the purpose of storage and retrieval when required.

70C. *Process of registration of documents by means of electronic or other device in the areas notified by the State Government.*—(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for registration under this Act may be scanned or microfilmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. *Application of Act to areas notified under section 70C.*—In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modification, namely:—

- (a) in clause (2) of section 2, the words "and the information, storage devices like floppy disk, hard disk or compact disk etc., microfilm or any other media" shall be inserted at the end;
- (b) in section 16, for sub-section (1), the following shall be substitute, namely:—

"(1) The State Government shall provide for the officer of Registering Officer the books and the information, or image processing and storage devices like microfilming unit or computer and scanners alongwith the software prescribed by the Inspector-General from time to time necessary for the purpose of this Act";

- (c) in section 51, in sub-section (1), for the words "the following books", the words, figures and brackets "the following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted;
- (d) in clause (c) of sub-section (1) of section 52, after the words "book appropriate therefor", the words "or stored in the electronic or other storage device" shall be inserted;
- (e) in section 54, after the words "copied", the words "or stored in the electronic or other storage device" shall be inserted;
- (f) in sub-section (1) of section 60, after the words "copied", the words "or where the document is stored in an electronic or other device the certificate shall contain the word "Registered" with Document No., Year, Book No. and Date shall be inserted;
- (g) in section 61,—

- (i) in the heading, after the word "copied", the words "or stored in the electronic or other storage device" shall be inserted;

- (ii) after sub-section (1), the following shall be inserted, namely:—

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it alongwith the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved";

- (h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely,—

"(1) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like microfilming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificate issued";

- (i) in section 89, in sub-sections (1), (2), (3) and (4), the following shall be inserted at the end, namely:—

"or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be".

70E. *Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.*—Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer incharge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. *Saving.*—Nothing in this part shall apply,—

- (1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;
- (2) in the case of unforeseen eventuality like breakdown of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons therefor.

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a breakdown of electronic or other device are duly incorporated into the system, after the same is restored in the manner specified in the rules by the Inspector-General of Registration.

70G. Powers of the State Government under this Chapter.—Where for any reason, the State Government is satisfied that, the process of registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the Official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose.

[Vide Karnataka Act 32 of 2001, sec. 4 (w.e.f. 3-10-2001).]

Maharashtra:

After Part XI, insert the following Part, namely:—

PART XIA

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70A. Application of this Part.—This Part shall apply to the areas only in respect of which a notification is issued by the Provincial Government under section 70C.

70B. Definitions.—In this Part—

- (1) "Government Photo Registry" means the office where documents are photographed under the provisions of this Part.
- (2) "Manager, Government Photo Registry" means the person in charge of the Government Photo Registry.
- (3) "Photo Registrar" means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.

70C. Documents may be photographed in areas notified by State Government.—

(1) The State Government may, by notification in the Official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.—In any district or sub-district in respect of which a notification has been issued under section 70C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:—

- (1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.
- (b) It shall then be transmitted by the registering officer to the Manager, Government Photo Registry who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impresions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document and as soon as the document has been photographed he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

Provided that before transmission of the document to the Manager, Government Photo Registry the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

- (c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy of the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film:

Provided further that in case of documents containing plans or maps the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.

- (d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe:

Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector-General may direct.

- (2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in book provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:—

- (a) in section 19 the words "and also by a true copy" shall be omitted;
- (aa) sub-section (2) of section 20 shall be omitted;
- (b) sub-section (4) of section 21 shall be omitted;
- (c) the words "according to the order of its admission" occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) in sub-section (1) of section 60 the words "and page" shall be omitted;
- (f) sub-section (1) of section 61 shall be omitted;
- (g) in sub-section (1) of section 62,—
 - (i) for the words "transcribed" the word 'copied' shall be substituted; and
 - (ii) for the words and figures "copy referred to in section 19", the words "photograph of the original" shall be substituted.

70F. Savings.—(1) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed.

(2) Notwithstanding anything contained in this Part, in the case of any document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trade mark label and where such true copies are accepted, the map, plan or trade mark label shall not be photographed and such copies thereof shall be filed in the appropriate book.

[Vide Bombay Acts 17 of 1930 sec. 3 (w.e.f. 4-9-1930), Act 18 of 1933, Act 24 of 1938 read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

Tamil Nadu:

After PART XI, insert the following PART, namely:—

"PART XIA**REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES**

70A. Application of this Part.—This Part shall apply to the areas only in respect of which a notification is issued by the State Government under sub-section (1) of section 70B.

70B. Documents scanned by electronic devices in areas notified by the State Government.—

(1) The State Government may, by notification, in the Tamil Nadu Government Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act, or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70C. Saving.—Nothing in this Part shall apply,—

- (i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices;
- (ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General."

[Vide Tamil Nadu Act 50 of 2000, sec. 6 (w.e.f. 25-7-2000).]

PART XII**OF REFUSAL TO REGISTER**

71. Reasons for refusal to register to be recorded.—(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.—(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60;

and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.—(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. Procedure of Registrar on such application.— In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire—

- (a) whether the document has been executed;
- (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. Order by Registrar to register and procedure thereon.—(1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witness, and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

76. Order of refusal by Registrar.—(1) Every Registrar refusing—

- (a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or
- (b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

77. Suit in case of order of refusal by Registrar.—(1) Where the Registrar refuses to order the document to be registered, under section 72 or a decree section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.

PART XIII

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES

78. Fees to be fixed by State Government.—¹[***] The ²[State Government] shall prepare a table of fees payable—

- (a) for the registration of documents;
 - (b) for searching the registers;
 - (c) for making or granting copies of reasons, entries or documents, before on or after registration;
- and of extra or additional fees payable—
- (d) for every registration under section 30;
 - (e) for the issue of commissions;
 - (f) for filing translations;
 - (g) for attending at private residences;
 - (h) for the safe custody and return of document; and
 - (i) for such other matters as appear to the Government necessary to effect the purposes of this Act.

STATE AMENDMENTS

Kerala:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

"(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1) either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[Vide Kerala Act 7 of 1968, sec. 14 (w.e.f. 22-2-1968).]

Pondicherry:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union territory of Pondicherry, any fee or fees payable in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[Vide Regulation 2 of 1977, sec. 3 (w.e.f. 1-4-1977).]

Rajasthan:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

1. The words "Subject to the control of the "Governor-General in Council" omitted by Act 38 of 1920, sec.2. and Sch. I.
2. Subs. by the A.O. 1950, for "Provincial Government".

"(2) The State Government may, if in its opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit or reduce the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[Vide Rajasthan Act 16 of 1976, sec. 4 (w.e.f. 13-2-1976).]

West Bengal:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered insert the following sub-section, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of West Bengal any fee or fees in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[Vide West Bengal Act 8 of 1956, sec. 3 (27-1-1956).]

Section 78A

Goa:

After section 78, insert the following section, namely:—

"78A. *Power to reduce or remit fees.*—If the Government of Goa, Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory, any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons."

[Vide Goa Act 14 of 1985, sec. 2 (27-6-1985).]

Tamil Nadu:

After section 78, add the following section, namely:—

"78A. *Power to reduce or remit fees.*—The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Tamil Nadu Government Gazette, reduce or remit, whether prospectively or retrospectively, the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class of cases and in respect of any person or class of persons."

[Vide Tamil Nadu Act 1 of 1998, sec. 2 (w.e.f. 2-3-1998).]

Uttar Pradesh:

After section 78, insert the following section, namely:—

"78A. *Power to reduce or, remit fees.*—The State Government may by rule or order published in the official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the fees chargeable in respect of any instrument or class of instruments, or in respect of any class of instruments when executed by or in favour of the State Government or any person or class of persons."

[Vide Uttar Pradesh Act 48 of 1975, sec. 4 (w.e.f. 1-11-1975).]

Section 78B

Uttar Pradesh:

After section 78A, insert the following section, namely:—

"78B. *Payment of registration fees in the form of adhesive labels and allowance thereof.*—(1) This fees for the registration of a document may be charged in the form of adhesive labels for which the Inspector-General of Registration may, with the prior approval of the State Government, make rule to regulate supply and sale thereof the persons by whom alone such sale is to be conducted and the duties and remuneration of and the fees chargeable from such persons.

(2) The District Registrar may, on an application of a person, make allowance for the spoiled, misused or unused adhesive tables purchased for the registration of a document in accordance with the rules made by Inspector-General of Registration with the prior approval of the State Government."

[Vide Uttar Pradesh Act 36 of 2001, sec. 24 (w.e.f. 20-5-2002).]

79. **Publication of fees.**—A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

80. **Fees payable on presentation.**—All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

Section 80A
STATE AMENDMENTS

Andhra Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficit registration fees.*—(1) Notwithstanding anything contained in section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who represented such document for registration under section 32, as an arrear of a land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector-General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed."

[Vide Andhra Pradesh Act 4 of 1999, sec. 7 (w.e.f. 1-4-1999).]

Gujarat:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficit amount or registration fee as arrear of land revenue and provision for refund.*—(1) If, on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector General of Registration, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue. The certificate of the Inspector General of Registration shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector General of Registration finds that the amount of fee in excess of that which is legally chargeable, has been charged and paid under the provisions of this Act, he may upon an application in writing or otherwise refund the excess."

[Vide Gujarat Act 18 of 1990, sec. 4 (w.e.f. 19-11-1990).]

Haryana:

After section 80, insert the following section, namely:—

"80A. *Deficit amounts of fees payable and their recovery.*—(1) If the value of the property or the considerations, as the case may be, has been increased under section

47A of the Indian Stamp Act, 1899, the consequential increase in the fee for the registration of document under this Act, shall be paid by the person liable to pay the same within a period of thirty days from the date of the order of determination of the value of the property or the consideration, as the case may be, is communicated to him.

(2) The fee payable under sub-section (1) may be recovered as an arrear of land revenue."

[Vide Haryana Act 36 of 1973, sec. 2 (w.r.e.f. 1-11-1966).]

Himachal Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of registration fees as arrears of land revenue and provision for refund.*—(1) If on inspection, or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.

(2) Where the Registrar finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess."

[Vide Himachal Pradesh Act 1 of 1982, sec. 2 (w.e.f. 15-1-1982).]

Karnataka:

After section 80, insert the following section, namely:—

"80A. *Recovery of registration fee not levied or short levied, etc.*—(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, on a certificate of the Inspector-General of Registration, be recovered from the person who presented such document for registration, as an arrear of land revenue. The certificate of the Inspector-General shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted without giving such person,—

- (i) an opportunity of being heard; and
- (ii) an opportunity to pay the amount of fee found due from him.

(2) If on inspection or otherwise the Inspector-General of Registration finds that the amount of fees charged and paid under the provisions of this Act is in excess of that which is legally chargeable, he may, upon an application in writing or otherwise, refund the excess fee so charged and paid.

(3) Nothing in sub-sections (1) and (2) shall apply to instruments executed prior to first day of April, 1972."

[Vide Karnataka Act 19 of 1980, sec. 2 (w.r.e.f. 1-4-1972).]

Madhya Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficient registration fees as arrears of land revenue.*—If on inspection or otherwise, it is found that the fees payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient amount of fee shall after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document, as arrears of land revenue."

[Vide Madhya Pradesh Act 4 of 1999, sec. 3 (w.e.f. 15-10-1999).]

Maharashtra:

After section 80, insert the following section, namely:—

"80A. *Recovery of fees and provision for refund.*—(1) If on inspection or otherwise, it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be