

Registration (Andhra Pradesh Amendment) Act, 1999

ANDHRA PRADESH

India

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Act 4 of 1999

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Registration (Andhra Pradesh Amendment) Act, 1999(Act No. 4 of 1999)Last Updated 21st October, 2019Statement Of Objects And Reasons - (Act No. 4 of 1999). - Section 17 of the Registration Act, 1908 specifies the documents which are compulsorily register able and Section 18 of the said Act lays down certain documents for which registration is optional. Generally the public execute such optionally registrable documents either on white paper or on a stamp paper of nominal value and do not opt for registration of such documents, since they are not compulsorily register able and thereby they tend to evade payment of proper stamp duty resulting in loss of stamp revenue to Government. Thus the provisions for optional registration in respect of certain documents is being taken advantage of to evade payment of stamp duty. Further in some districts in the State most of the purchasers of immovable property are evading payment of stamp duty by avoiding registration and resorting to filling of declaratory suits. The vendors, in collusion with the vendees, never contest the suits but readily give their consent for passing decrees in favour of the purchasers. Accordingly, on the basis of the consent given by the vendors, decrees are passed by the Courts declaring the title of the purchasers on the suit property. The parties are filling these decrees before the authorities concerned and getting the mutation of the property effected in their names. Thus ownership is changed without payment of stamp duty causing heavy loss of revenue. To curb this evil, Government have decided to bring such consent decrees passed by a civil Court, agreements of sale of immovable property of the value of one hundred rupees and above and leases of immovable property for periods less than one year also, within the purview of Section 17 of the said Act by suitably amending the said Act. It is also decided to insert a new Section 22-A so as to empower the Government to notify the registration of such document or class of documents as opposed to public policy and to reject their registration. Instruments which are not duty stamped, are dealt with in Chapter IV of the Indian Stamp Act, 1899 (Central Act II of 1899). Section 48 of the said Act provides for the recovery of duties payable under that Act, as arrears of land revenue. Under the said Act, as and when the Collector or any person appointed as a collector comes to know that a document has not been duty stamped, proceedings will be initiated by him for the recovery of the deficit In stamp duty. But there is no similar provision in the Registration Act, 1908 (Central Act XVI of 1908), to collect the deficit in the registration fee in such cases. It has, therefore, been decided to empower the registering officer to recover the deficit registration fees and also empower

the Government or the Inspector General of Registration and Stamps to write off the irrecoverable arrears of deficit registration fee as prescribed in the rules to provide for the recovery of the unpaid or deficit registration fee where the fee has not been paid or insufficiently paid in respect of any document by suitably amending the Registration Act, 1908 in its application to the State of Andhra Pradesh. Appended to L.A. Bill No. 6 of 1998. Reserved by the Governor on the 19th May, 1998 for the consideration and assent of the President received the assent of the President on the 13th January, 1999 and published on the 29th January, 1999 in the Andhra Pradesh Gazette Part IV-B (Extraordinary). An Act further to amend the Registration Act, 1908 in its application to the State of Andhra Pradesh. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows:

1. Short title, extent, and commencement.

- (1) This Act may be called the Registration (Andhra Pradesh Amendment) Act, 1999. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of Section 17.

- In the Registration Act, 1908 (hereinafter referred to as the principal Act), as in force in the State of Andhra Pradesh, in Section 17, -(a) in sub-section (1), -(i) for clause (d) the following shall be substituted, namely, -(d) leases of immovable property, (ii) after Clause (e) but before the proviso, the following clauses shall be inserted, namely: -(f) any decree or order or award or a copy thereof passed by a civil Court, on consent of the defendants or on circumstantial evidence but not on the basis of any instrument which is admissible in evidence under Section 35 of the Indian Stamp Act, 1899, such as registered title deed produced by the plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future any right, title or interest whether vested or contingent of the value of one hundred rupees and upwards to or in immovable property; and (g) agreement of sale of immovable property of the value of one hundred rupees and upwards; (b) in sub-section (2), -(i) in Clause (v) for the words "any document not in itself creating", the words "any document except an agreement of sale as mentioned in Clause (g) of sub-section (1) not in itself creating", shall be substituted; (ii) in Clause (vi), for the words "any decree or order of a Court". the words "any decree or order of a Court, not being a decree or order or award falling under Clause (f) or sub-section (1)", shall be substituted; (iii) the explanation shall be omitted.

3. Amendment of Section 18.

- In Section 18 of the principal Act, Clause (c) shall be omitted.

4. Insertion of new Section 22A.

- After Section 22 of the principal Act, the following section shall be inserted, namely:

22A.

(1)"Documents registration of which is opposed to Public policy. - The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.(2)Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable".

5. Amendment of Section 28.

- In Section 28 of the principal Act, for the expression "Clauses (a), (b), (c), (d) and (e) of Section 17 sub-section (2)", the expression "Clauses (a), (b), (c), (d), (e), (f) and (g) of Section 17, sub-section (2)", and for the expression "Clauses (a), (b), (c) and (cc)" the expression "Clauses (a), (b) and (cc)" shall be substituted.

6. Amendment of Section 50.

- In Section 50 of the principal Act, in subsection (1), for the expression "Clauses (a), (b), (c) and (d) of Section 17", the expression "Clauses (a), (b), (c), (d), (e), (f) and (g) of Section 17", shall be substituted.

7. Insertion of new Section 80-A.

- After Section 80 of the principal Act, the following section shall be inserted, 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 presented 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 subsection (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.