

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Mumbai 400 032, dated 30th December 2002

NOTIFICATION**REGISTRATION ACT, 1908**

No. RGN. 2000/4494/CR-1082/M-1.—In exercise of the powers conferred by section 78 of the Registration Act, 1908 (XVI of 1908), in its application to the State of Maharashtra, the Government of Maharashtra hereby amends the Table of Fees published under Government Notification, Revenue Department No. RGN. 155 67731/N, dated the 17th July 1961, and the same is hereby published with effect from 1st January, 2003 as required by section 79 of the said Act, as follows, namely:—

1. In the said notification, in the Table of Fees (hereinafter referred to as "the said Table"),—

(A) in Article 1, in clause (4),—

(i) for sub-clause (c), the following sub-clause shall be substituted, namely:—

“(c) If such amount or value is not expressed at all, a fixed fee as under:—

	Rs.
(1) In respect of immovable properties situated in Greater Bombay, Thane, including that part of Thane Taluka adjoining Greater Bombay which is encircled by Thane Bassein Creek and Navi Mumbai Corporation area, including Hill Station areas, Municipal Corporation of cities of Pune including the Cantonments of Pune and Kirkee.	1,000
(2) Municipal Corporations, other than those mentioned in clause (1) above, and Cantonments of Deolali, Dehu Road and Aurangabad.	750
(3) In respect of the immovable properties situated at any place other than those mentioned in clauses 1 and 2 above.	500
(4) In respect of the deed of partnership	1000
(5) In respect of moveable property	500

(ii) in Note 1, for the letters and figures "Rs. 20", the letters and figures "Rs. 100" shall be substituted;

(iii) in Note 2, for the letters and figures "Rs.20" the letters and figures "Rs. 100" shall be substituted at both the places where they occur;

(iv) in Note 4, for clauses (1), (2) and (3), the following shall be substituted, namely:—

(1) Where the rent is fixed and no fine or premium is paid or money advanced, then, if the lease is granted,—

The fee will be assessed—

(a) where the lease purports to be for a term not exceeding three years. For the whole amount of rent or the amount of average annual rent, whichever is lower.

(b) where the lease purports to be for a period in excess of three years but not more than ten years. On thrice the amount of average annual rent.

(c) where the lease purports to be for a period in excess of ten years but not more than twenty nine years, without renewal clause, contingent or otherwise. On five times the amount of average annual rent.

(d) where the lease purports to be for a period in excess of twenty nine years or in perpetuity or does not purport to be for any definite period or for lease for a period of ten years with renewal clause, contingent or otherwise. Ten times of the amount average annual rent.

(2) where the lease is granted for fine or premium or money advanced or to be advanced and where no rent is fixed. The amount of such a fine or premium or money advanced or to be advanced.

(3) Where the lease is granted for a fine or premium or money advanced or to be advanced in addition to rent fixed.

The amount of fine or premium or money advanced or to be advanced, in addition to the fee which would have been payable on such lease, if no fine or premium or advance had been paid.”;

(v) For the *Explanation 1*, the following *Explanation* shall be substituted, namely:—

“*Explanation 1*.—Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this Article, even if there is a provision to set it off towards any instalment or instalments of rent.”;

(vi) for the Note 4A, the following shall be substituted, namely:—

“*Note 4 A*.—For the transfer of tenancy rights without consideration, the fee shall be as follows,—

	Rs.
(1) For the properties mentioned in item (i) of sub-clause (c) of clause (4) of Article 1.	500
(2) For the properties mentioned in item (ii) of sub-clause (c) of clause (4) of Article 1.	300
(3) For the properties mentioned in item (iii) of sub-clause (c) of clause (4) of Article 1.	200
(4) For the properties mentioned in item (iv) of sub-clause (c) of clause (4) of Article 1.	100

(vii) for the Note 7, the following shall be substituted, namely:—

“*Note 7*.—If in any case the rent, remuneration or hire is payable partly in money and partly in kind and money, and the value of the portion payable in kind is not expressed, the fee shall be charged at twice the amount of the ad-valorem fee chargeable in respect of the amount payable in money, e.g. if the ad-valorem fee leviable on the amount payable in money is Rs. 100, the total fee leviable in respect

of the document would be Rs. 100 on the money value, plus Rs. 100 for the payment in kind, if the rent or remuneration is payable entirely in kind and if the money value is not expressed, a fixed fee as is mentioned in Article 1(4)(c) shall be levied.”;

(viii) for the Note 9, the following shall be substituted, namely:—

“*Note 9.*—In respect of confirmation deed without consideration, an ad-valorem fee under Article 1, shall be charged on the document confirmed, in addition to a fee of Rs. 100 . In respect of such confirmation, for consideration, an ad-valorem fee under Article 1 shall be charged in addition to the fee leviable on a deed confirmed.”;

(ix) for the Note 11, the following shall be substituted, namely:—

“*Note 11.*— In case of documents purporting or operating to effect a contract for the sale of immovable property, an ad-valorem fee shall be charged on the document. The document purporting or operating to transfer, by way of sale of such property and executed in pursuance of the said contract, shall be treated as a supplementary document and shall be accordingly charged with the fee, subject to a maximum of Rs. 100 .”.

(B) In the said Table, in Article II, for the letters and figures “Rs.20”, the letters and figures “Rs.100” shall be substituted at both the places where they occur.

(C) In the said Table,—

(1) For Article III, the following Article shall be substituted, namely:—

“III. This Article shall apply to documents on which fee shall be calculated according to the ad-valorem scale in Article 1, subject to a certain maximum Registration fee calculated according to the ad-valorem scale, subject to a maximum of Rs. 100 , shall be levied on the following documents, namely:—

(i) Documents which acknowledge merely the payment of the consideration for some other document which is

also a registered document which acknowledges the receipt of the consideration expressed in a previous registered document but not paid at the time of the execution of such document, where full ad-valorem fee has, under Article 1, been levied in respect of such previous document;

(ii) reconveyances and releases, executed on the satisfaction of liens in mortgages which are previously registered and on which full ad-valorem fees have been levied;

(iii) documents acknowledging the receipt of instalments on account of mortgages which are registered and on which full ad-valorem fee has been levied;

(iv) revocation of trust or settlement (see Note 1 below);

(v) duplicate or duplicates presented for registration with the original document or documents, on the same day;

(vi) Duplicates not presented for registration with the original document or documents on the same day, but on which reference to registration of the original document or documents is quoted;

(vii) Release as executed in pursuance of some other document on which full ad-valorem fee as in Article 1 has been paid (see Note 2 below)."

(2) In Note 4, for the letters and figures "Rs.20" occurring at both the places, the letters and figures "Rs.100" shall be substituted.

(D) In the said Table,—

(a) for Article IV, except the Notes 1 and 2 thereunder the following Article shall be substituted, namely:—

"IV. This Article shall apply to documents on which fixed fee is to be levied. A fixed registration fee of Rs. 100 shall be levied, for the registration of the following documents.—

(i) Documents seeking transfer of tenancy rights without consideration:

(ii) Power of Attorney not being of the nature described in clause (3A) of Article 1 above;

(iii) writing of *divorcement*, a certificate of heirship, guardianship, administratorship or executorship;

(iv) a notice of pendency of suit or proceeding referred to in section 52 of the Transfer of Property Act, 1882;

(v) revocation of trust or settlement (see note 2 below);

(vi) dissolution of partnership;

(vii) Agreement of pre-emption in a partition deed, or in a lease apportionment of property, adoption deed;

(viii) declaration of trade-mark, declaration, Agreement of easement, where amount or value of consideration is not shown;

(ix) documents which do not fall within any other Article of the said Table.

(b) in Note 1, for the letters and figures "Rs.20.00", the letters and figures "Rs.100" shall be substituted.

(E) In the said Table, for Article V, the following Article shall be substituted, namely:—

"V. For registration of a Will, when Rs. 100 ."
presented open or of an authority to
adopt or of a cancellation of a Will

(F) In the said Table, in Article VI, for the figures "20.00", the figures "100" shall be substituted.

(G) In the said Table, in Article VII, for the figures "20.00", the figures "100" shall be substituted.

(H) In the said Table, in Article VIII, for the figures "20.00", the figures "100" shall be substituted.

(I) In the said Table:—

(a) in Article X, for clauses (a) and (b), the following shall be substituted, namely:—

“X. SEARCHES AND INSPECTIONS

(1) Every entry, in every respect of the property (being property dealt with under any one document), for which search or inspection of the register, books or indexes is made by computerised system. Rs. 25;

(2) where the search under clause (1) is made,—

(a) with search report up to 12 years; and 300;

(b) for every additional year with search report; 25;

(3) Every entry of each property for each year in respect of each document for which search or inspection of the register, books or indexes is made by non computerised system with search report. 25;

“*Explanation.*—If in an application to the registering officer for a copy of an entry, the names of the claiming and executing parties, the nature of the document and the year and place of registration are shown, the fee for search shall not be levied.”;

(c) for Note 4, the following Note shall be substituted, namely:—

“*Note 4.*—Search fee at the uniform rate of Rs. 100 shall be charged in respect of search taken on the application for determining the market value of single specified property.”

(J) In the said Table, in Article XIII, after the *Explanation*, the following shall be inserted, namely:—

“*Note.*—If a party requests for a document to be photographed on priority basis, Rs. 100 shall be charged in addition to the regular photo copying fees, and if the party requests the document to be photographed on top priority basis, fees of Rs. 200 shall be charged, besides the regular photo copying fees. In respect of documents to be photographed on priority basis, the document shall be returned within a period of 15 days from the date of

receipt of the application by the Manager, Government Photo Registry, Pune, through the concerned registration officer.”.

(K) In the said Table, for Article XIV, the following Article shall be substituted, namely:—

“XIV. For making or granting copies of entries and documents for the benefit of any person, or to be forwarded to any officer under sections 65, 66 and 67, or for making or granting copies of reasons for refusal by a Registrar under section 76 Rs. 5 .”.

(L) In the said Table,—

(a) for Article XV, the following Article shall be substituted, namely:—

“XV. Extra copies from the preserved negatives shall be granted if the applicant applies for them. Rs. 20 per page;

(b) after the Note, the following Explanation shall be inserted, namely:—

“*Explanation.*—In this Article, the expression “page” means one side of the sheet.”.

(M) In the said Table, for Article XVI, the following Article shall be substituted, namely:—

“XVI. For granting copies of map, provided that the arrangement for and cost of making such copies shall be made and borne by the person who applied for them. Rs. 20 .”.

(N) In the said Table for Article XVIII, following Article shall be substituted, namely:—

“XVIII. For copy prepared under Xerox System.—

(a) For each page up to the size of 30.5 cm. x 21.5 cm. Rs. 5;

(b) For each page of the size larger than the size, mentioned in (i) above, required to be copied in parts., for each part up to the size of 30.5 cm. x 21.5 cm. Rs. 5;

“Note 1.—If the party requests for a Xerox copy on priority basis, double the above fee shall be charged;

Note 2.—No fee shall be leviable for granting copies of index II, in respect of a demand made at the time of registration of document, when the index is generated. If such a demand is subsequently made by the parties in writing, fee shall be leviable at the rates mentioned in clause (a) & (b) above, for granting copies.

Explanation.—In this Article, the expression “page” means one side of the sheet.

(O) In the said Table, for Article XIX, the following Article shall be substituted, namely:—

“XIX. *Extra or Additional Fees.*—
For registration of any document by a registrar under section 30 (1), in addition to the ordinary fees. Rs. 100;

Note.—When the duty of registration of any document properly registrable by sub-registrar is performed by the Registrar to whom he is subordinate, owing to the former being a party to the transaction represented by such document or owing to the sub-registrar's ignorance of the English language in which a document is written and presented to him and accompanied by a true translation and true copy thereof, the extra fee will not be charged.”

(P) In the said Table, for Article XX, the following Article shall be substituted, namely:—

“XX. For issuing a commission under section 33 or 38,—

(a) if the person is physically unable to attend the office or is confined to jail. Rs. 50;

(b) otherwise than in (a) above Rs. 100.”

(Q) In the said Table, for Article XXI, the following Article shall be substituted, namely:—

“XXI. For filing translation under Rs. 20.”
section 62.

(R) In the said Table, for Article XXII, the following Article shall be substituted, namely:—

“XXII. Attendance at private residence or jail—

(1) For every attendance at private residence under sections 32, 33 and 38,—

(a) within the limits of Municipal Corporation. Rs. 300;

(b) Areas in the cities and towns having Municipal Councils and the Cantonments of Deolali, Dehu Road, Aurangabad, Khadki and of all other places. Rs. 200;

(2) For every attendance at Jail under sections 31, 33 and 38. Rs. 100;

Note 2.—For every attendance at private residence of a nurse or female assistant, if required to accompany a Registering Officer to take the thumb impression of one or more female executants who are *pardanashin* or of high birth an extra fee at the same rates prescribed in clauses (1) and (2) of this Article shall be charged, irrespective of the number of documents registered at such private attendance.”

(S) In the said Table, in Article XXIII, in the first proviso, for the letters and figures “Rs.15.00”, the letters and figures “Rs.25.00” shall be substituted.

(T) In the said Table, for Article XXIV, the following Article shall be substituted, namely:—

“XXIV. For every copy of the memorandum to be sent under sections 64, 65 and 66. Rs. 5;

Note.—No fee shall be payable in respect of duplicate or duplicates of a document presented for registration along

with the original or in which registration reference to the original is quoted, if presented subsequent to the original.”

(U) In the said Table, for Article XXV, the following Article shall be substituted, namely:—

“XXV. For the authentication or attestation of Power of Attorney Rs. 25.”

By order and in the name of the Governor of Maharashtra,

A. K. KELBAIKAR,
Desk Officer.