

Notification
Revenue department,
Sachivalaya, Gandhinagar.
Dated the 23rd November, 2020.

Registration ACT, 1908. NO.GHM-2020-121-M-RGN-122020-142(1)-H-1:- The following rules made by the Inspector General of Registration for the State of Gujarat, in exercise of the powers conferred upon him by clause (k) of sub-section (1) of section 69 of the Registration Act, 1908(XVI of 1908) having been approved by the Government of Gujarat in exercise of the powers conferred by sub-section (2) of section 69 of the said Act, are hereby published for general information, namely:-

1. Short title and commencement, -

- (a) These rules may be called "the Gujarat e-payment of Registration Fee and Refund Rules, 2020.
- (b) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions. -

(1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Registration Act, 1908 (XVI of 1908);
- (b) "CIN" means the 'Challan Identification Number' issued through e-payment system on receipt of payment form the customer by the participating bank;
- (c) "Cyber Treasury" means the Government Treasury, as defined in clause (23) of rules 2 of the Gujarat Treasury Rules, 2000.
- (d) "Cyber Treasury Portal" means a system used by the Cyber Treasury for receiving and accounting of Government Revenue;
- (e) "District Registrar" means an officer appointed under section 6 of the Act;
- (f) "GTN" means a 'Government Transaction Number' generated through the system of Cyber Treasury Portal on receipt of payment;
- (g) "e-Challan" means an e-Challan consisting of 'Government Transaction Number (GTN) and 'Challan Identification Number (CIN)' of the bank, disclosing successful payment of Registration Fee in Cyber Treasury, in the name of either of the executing or claiming party to the instrument in the Forms specified in this behalf;

- (h) "Participating Banks" means banks authorized by the Finance Department, Government of Gujarat for providing facility and services of making government payment into the Cyber Treasury, and any bank recognized by the Reserve Bank of India for net banking and NEFT;
 - (i) "Registering officer" means an officer appointed under section 6 of the Act;
 - (j) "Section" means section of the Act.
- (2) Words and expressions used but not defined herein shall have the same meaning as are respectively assigned to them in the Registration Act, 1908 (XVI of 1908) and the Information Technology Act, 2000 (XXI of 2000).

3. Online payment of Registration Fee and other charges. -

The required Registration Fee and the other charges may be paid online in the Cyber Treasury Portal through Gujarat Administrative Process of Registration, Valuation and Indexing (GARVI).

4. Mode of obtaining and using e-Challan. -

- (1) The Registration Fee payer shall obtain e-Challan by paying the required Registration Fee and other charges to the Cyber Treasury through the participating bank online.
- (2) An e-Challan obtained as above shall be used in respect of the instruments which are registered or to be registered under the Act.
- (3) An e-Challan containing the 'Challan Identification Number (CIN)' issued by the participating bank, the 'Government Transaction Number (GTN)' issued by the Government Cyber Treasury and the reconciled data regarding the amount paid relating to it together shall be treated as sole proof of payment of Registration Fee and other charges.

Explanation- No e-Challan shall be treated as a valid proof of payment, unless the details of instrument for which it applies, tally overall with the details provided by the payer while making payment.

- (4) An e-Challan may be obtained prior to presentation of the instrument, provided that the time limit specified in the Act

shall be followed.

- (5) An e-Challan generated by the payer (either of the executing or claiming party) shall be signed by him in token of its authentication.
- (6) The holder of the e-Challan mentioned in sub-rule (5) shall get it defaced from the Registering Officer with whom the instrument is registered or to be registered or from the District Registrar if related with the payment of Registration Fee in accordance with the relevant provisions of the Act.
- (7) No e-Challan shall be treated as valid unless it is defaced by the Registering Officer or any other officer authorized to do so, within a period of four months from the date of obtaining it.
- (8) The Registering Officer or the District Registrar as the case may be, on receiving the e-Challan shall deface it and attach the defaced e-Challan duly signed by him, to the instrument:

Provided that, as and when the defacement of the e-Challan is done automatically by the Gujarat Administrative Process of Registration, Valuation and Indexing (GARVI) system, an endorsement of defacement would be sufficient.

- (9) The e-Challan as far as possible should be printed on the first page of the instrument and if it is not possible to print on the first page then it should be attached before the first page of the instrument. In case of multiple e-Challans, either they may be printed serially date wise on the front pages or similarly attached on the top of the instrument:

Provided that, if the e-Stamping certificate is used to pay the stamp duty, then in that case, it should be attached before e-Stamping certificate:

Provided further that, for any deficit fee, it should be kept with the receipt generated through Gujarat Administrative Process of Registration, Valuation and Indexing (GARVI) system by the Sub-Registrar.

- (10) The defaced e-Challan or endorsement of defacement shall always be treated as the part of instrument and in absence of it, the instrument shall not be treated as duly paid with the Registration Fee.

5. Functions of Registering Officers and District Registrars. -

- (1) The Registering Officer or as the case may be the District Registrar, on receiving any e-Challan while performing his

duties shall verify details of payment of Registration Fee contained in the instrument with the details available with the Cyber Treasury.

- (2) The Registering Officer or as the case may be, the District Registrar, on being satisfied about genuineness of payment shall deface e-Challan and annex it to the instrument or if it is already defaced, endorse it along with his signature and designation on it. He shall also ascertain that, the e-Challan is annexed or attached to the instrument.
- (3) During verification of e-Challan, the Registering Officer or as the case may be, the District Registrar found that, any mischief *viz. tampering of e-Challan, re-use of used e-Challan, fraudulent practice, fraud, evasion of stamp duty and registration fee, injury to record etc.* is being played in relation to e-Challan, shall immediately report to his superiors and also take the necessary action as per the provisions of *the Information Technology Act, 2000 or as the case may be the Registration Act, 1908.*

6. Refund.-

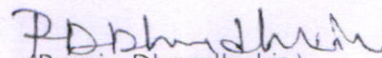
- (1) The procedure for refund of Registration Fee to be adopted by the Registering officers against e-Challan shall be *as per the online process according to the prevailing rules and procedure under the Act.*
- (2) The procedure for preparing refund bill shall be as specified by the Finance Department and Directorate of Accounts and Treasury, from time to time.

7. General Conditions.-

- (1) The Inspector General of Registration or any officer authorised by him shall have authority to inspect the accounts of e-payments.
- (2) The Officer authorised by the Inspector General of Registration shall supervise the inventory management of the e-payment system and overall officer work.
- (3) Whenever the dispute arises regarding interpretation of the provisions of these rules, the Inspector General of Registration, after giving the parties reasonable opportunity of being heard, shall pass the appropriate order thereon and his decision shall be final.

(4) Any breach of these rules shall be punishable as provided in the Act.

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


(Pravin Dhandhukia)

Under Secretary to Government.

To,

1. The Manager , Government Central Press, Sector-30, Gandhinagar with request to publish the order in part -IV- B of Gujarat Government Extra Ordinary Gazette and send 25 copies of the same to Revenue Department / H-1 Branch, and 25 copies to the Superintendent of Stamps and Inspector General of Registration Sector-14, Gujarat State, Gandhinagar.

Copy forwarded with compliments for information to :

1. The Superintendent of Stamps and Inspector General of Registration, Stamp and Nodhani Bhavan, near kh-5 circle, Sector-14, Gandhinagar.

2. The Account General, Gujarat State. Ahmedabad/Rajkot.

✓ 3. Select file - 2020.

4. Dy.S.O. Select file-2020.

Notification
Revenue department,
Sachivalaya, Gandhinagar.
Dated the 23rd November, 2020.

Registration ACT, 1908. NO.GHM-2020-122-M-RGN-122020-142(2)-H-1:- The following rules made by the Inspector General of Registration for the State of Gujarat, in exercise of the powers conferred upon him by clause (k) of sub-section (1) of section 69 of the Registration Act, 1908(XVI of 1908) having been approved by the Government of Gujarat in exercise of the powers conferred by sub-section (2) of section 69 read with sub-section (1) of section 89D of the said Act, are hereby published for general information, namely:-

1. Short title and commencement. -

(1) These rules may be called the Gujarat e-Registration and e-Filing Rules, 2020.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions. -

(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Registration Act, 1908 (XVI of 1908);

(b) "e-Filing" means online or electronic filing of notice of intimation of mortgage of property specified in section 89B of the Act filed through e-Filing module;

(c) "e-Filing Module" means a software module developed by the Inspector General of Registration for filing of notice of intimation of mortgage of property specified in section 89B of the Act;

(d) "e-Registration" means online or electronic registration of documents;

(e) "e-Registration module" means a software Module developed by the Inspector General of Registration for registration of documents;

(f) "Inspector General of Registration" means an officer appointed under section 3 of the Act.

(g) "Registering officer" means an officer appointed under section 6 of the Act.

(2) Words and expressions used but not defined herein shall have the same meaning as are respectively assigned to them in the Registration Act, 1908 (XVI of 1908) and the information Technology Act, 2000 (XXI of 2000).

3. The following documents may be registered/filed by e-Registration module/e-Filing module-
 - (a) Agreement to Sale (without possession),
 - (b) Mortgage Deed (without possession),
 - (c) Deposit of Title Deeds,
 - (d) Reconveyance of mortgaged property,
 - (e) Leave and Licence, Lease Deed (upto thirty years),
 - (f) Surrender of Lease,
 - (g) Lease Deed and Conveyance Deed executed by the local authorities, Gujarat Housing Board, Gujarat Gram Gruh Nirman Board, Gujarat Slum Clearance Board, Gujarat Industrial Development Corporation, and
 - (h) Documents specified in section 89A and section 89B of the Act.
4. The parties shall not be allowed to attach any external file in the body of the document. On completion of the data entry, the document so created will be displayed on the screen. If required, it may be edited at the stage of submission. No editing shall be permissible after submission.
5. For the purposes of e-Registration under these rules, -
 - (a) electronic signature or biometric thumb print and capture of digital photo through the software module, shall be appended for all or any of the executants as well as the identifying witness through the software module, wherever required by law;
 - (b) Permanent Account Number or Unique Identification Number or any other identification or document number as determined by the Government of Gujarat regarding each executing party shall be mandatory to prove his identity;
 - (c) The parties shall submit their e-mail ID and mobile numbers for correspondence and notification.
6. The registration process shall not proceed unless all mandatory information is filled in while registering the specific document.
7. The submission of online data can be made 24x7 hours, but the time for registration shall be office working hours when the parties come to the office on prior approved online appointment time for admission of execution with the original document and declaration stating that this is the original document, which was submitted online.

8. A document shall be completed and submitted within 30 days from the next day of first data entry made. If document is not submitted within 30 days, then fresh data entry shall be made. The Registration fees and any other charges if already paid, shall be adjusted up to four months from the date of payment.
9. (1) Every party shall be responsible for cross verification of the identity of the other parties. It shall be always presumed that, the parties appending the signatures are known to each other and have themselves confirmed that, each party has valid authority and right to sign the document.
(2) For the purpose of these rules, it shall always be construed that, appending signature to the document shall mean executing the document.
10. For online registration, registration fees shall be paid online to Government of Gujarat in the Cyber Treasury Portal through Gujarat Administrative Process of Registration, Valuation and Indexing (GARVI) by electronic transfer of funds.
11. While accepting the document for registration, the Sub-Registrar shall ascertain that, -
 - (a) the document fulfils the conditions, specified under the Act, rules and orders framed thereunder;
 - (b) the stamp duty and registration fees and other charges are duly paid;
 - (c) the registration of the document is not inconsistent with any of the provisions of the Act.
12. If on scrutiny of the document, it is found that, there is no *prima-facie* objection for registration of the document, it shall be registered and made available online for downloading. It may also be forwarded to the e-mail address provided by the parties.
13. If on scrutiny of the document, it is found that there is anything objectionable for registration of the document, the objection shall be conveyed on the e-mail address provided by the parties, within the next working day after submission. The parties will then have to comply the objection raised. If the compliance is satisfactory, the document shall be registered and conveyed to the parties as provided in these rules.
14. If the parties fail to make a satisfactory compliance within 30 days raising objection, the e-Registration shall be rejected.

9

Explanation.- For the purpose of this rule, while counting the period of thirty days, the day on which objection is raised shall be excluded.

15. For the purpose of e-Filing the documents under these rules,-

- (a) appending of electronic signature or biometric thumb print and capture of digital photo through the software module, shall be mandatory for the person filing the notice;
- (b) Permanent Account Number or Unique Identification Number or any other identification or document number as determined by the Government of Gujarat regarding each executing party shall be mandatory to prove his identity;
- (c) the parties shall submit their e-mail ID and mobile numbers for correspondence and notification.

16. (1) The person who has filed online notice under section 89B shall be solely responsible to prove the correctness of the contents of the notice.

(2) Any stamp duty or filing fees, if any shall be paid online only.

(3) The record copies, if required shall be available online and may be supplied on request after receiving e-Payment of fees.

17. Request for Search of online registered document or record copies of e-Registration or e-filing shall be made online, through the GARVI website of the Registration Department. The necessary fees required to pay shall be paid online. The search and the copies shall be made available online only.

18. The Sub-Registrar, at the end of the day shall create an abstract of the document registered and the Government receipts and put his electronic signature on it, in token of acknowledgment of the same.

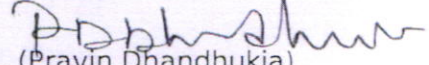
19. Discrepancies, if any, regarding payment of fees, stamp duty or other charges shall always be subject to recovery by the appropriate authority.

20. All the provisions of the Act, and of the Gujarat Stamp Act, 1958 shall apply to the documents registered under these rules also.

21. The stamp duty or registration fees for e-Registration or e-Filing shall be the same as provided under the Gujarat Stamp Act, 1958 and the Table of Fees specified under section 78 of the

Act, respectively.

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


(Pravin Dhandhukia)

Under Secretary to Government.

To,

1. The Manager , Government Central Press, Sector-30, Gandhinagar with request to publish the order in part -IV- B of Gujarat Government Extra Ordinary Gazette and send 25 copies of the same to Revenue Department / H-1 Branch, and 25 copies to the Superintendent of Stamps and Inspector General of Registration Sector-14, Gujarat State, Gandhinagar.

Copy forwarded with compliments for information to :

1. The Superintendent of Stamps and Inspector General of Registration, Stamp and Nodhani Bhavan, near kh-5 circle, Sector-14, Gandhinagar.

2. The Account General, Gujarat State. Ahmedabad/Rajkot.

✓ 3. Select file - 2020.

4. Dy.S.O. Select file-2020.

Notification
Revenue department,
Sachivalaya, Gandhinagar.
Dated the 23rd November, 2020.

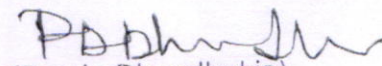
Registration ACT, 1908. NO.GHM-2020-123-M-RGN-122020-142(3)-H-1:- The following rules made by the Inspector General of Registration for the State of Gujarat, in exercise of the powers conferred upon him by section 69 of the Registration Act, 1908 (XVI of 1908) and of all other powers enabling him in this behalf, having been approved by the Government of Gujarat in exercise of the powers conferred by sub-section (2) of section 69 of the said Act, are hereby published for general information, namely:-

1. (1) These rules may be called the Gujarat Registration (Amendment) Rules, 2020.
(2) They shall come into force on the date of their publication in the *official Gazette*.

2. In the Gujarat Registration Rules, 1970, in rule 45, in sub-rule (1), after clause (h), following clause shall be added, namely:-

"(i) the non-testamentary documents relating to immovable property mentioned in sub-section (1) of section 17 of the Act, are accompanied by the Identity proofs as determined by the State Government having photograph of the concerned persons, Authorisation letter from competent authority or person, Declaration by the power of attorney holder stating that the principal is alive,".

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


(Pravin Dhandhukia)

Under Secretary to Government.

To,

1. The Manager , Government Central Press, Sector-30, Gandhinagar with request to publish the order in part -IV- B of Gujarat Government Extra Ordinary Gazette and send 25 copies of the same to Revenue Department / H-1 Branch, and 25 copies to the Superintendent of Stamps and Inspector General of Registration Sector-14, Gujarat State, Gandhinagar.

Copy forwarded with compliments for information to :

1. The Superintendent of Stamps and Inspector General of Registration, Stamp and Nodhani Bhavan, near kh-5 circle, Sector-14, Gandhinagar.
2. The Account General, Gujarat State. Ahmedabad/Rajkot.

✓ 3. Select file - 2020.

4. Dy.S.O. Select file-2020.