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WOMEN'S WING CHAIRPERSON
Jesal Shah

To,
Shri Ravindra Binwade (I.A.S.),
Inspector General of Registration
& Controller of Stamps,

Ground Floor, New Administrative Building
Opposite Vidhan Bhavan (Council Hall), Pune 411001.

Subject – Applicability of Modification of Registration Act u/sec 18A.

Ref : Notification vide Government Gazette dated 28.04.2025 for - Refusal to register certain documents.

Respected Sir,

With regards to the modification under the registration act, 1908 dated 28.04.2025, on mere perusal of the amendment/inclusion of section 18A it is seen that the section is formulated in so as to allow refusal of certain types of documents and deeds, thereby preventing parties to are not empowered to alienate rights, arising out of lands owned by state government, government authorities, and public land owning authorities. The following is our understanding of the amendment:

- *Modification 18A(1)(a) – the provision nearly deals with certain transactions which are prohibited under central or state acts*
- *Modification 18A(1)(b) - this provision applies to only those parties who are not empowered to create certain rights on central and state government lands, any authority established under Central or state government act*
- *Modification 18A(1)(c) - This provision is with regards to lands, which are attached temporary permanently to any competent authority wide provisions of any central or act or any tribunal or court.*
- *Modification 18A(1)(d) - This provision deals with any particular documents described by the state government under this act, wide rules made under this act.*

It may be seen that the registration Authority hereby has power to refuse to register certain types of documents, documents on certain types of lands. However, it has come to our understanding that the registration authority appears to have misconstrued the provisions of the act. Our members have raised grievance with regards to the fact that the registration authority now seeks specific NOC from the landowning/competent authority, afresh before registration of any documents and deeds, especially including agreement for the sale of flats, for which approval has been granted by competent authority.

For this purpose, we would invite your attention to the various planning, authorities of greater Mumbai under whom approval under various provisions of the development control and promotion regulations of 2034 are being approved and the manner in which the landowners NOC is already being considered before the grant of approval:

Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

CREDAI-MCHI CHAPTERS : THANE | KALYAN-DOMBIVLI | MIRA BHAYANDAR | RAIGAD | NAVI MUMBAI |
BHIWANDI | PALGHAR BOISAR | SHAHAPUR-MURBAD | URAN-DRONAGIRI |
VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

- **MCGM/BMC :**

Any scheme on government land, the title of which is examined by the planning authority and also confirms the extent of the alienation of rights of the landowning Authority at the time of approval. It may be seen that the NOC of the landing Authority is always considered by the MCGM, as per provisions of the DCPR NOC is required under –only subject to which approval under section 45 of the MRTTP is thereafter granted.

In the case of MCGM estate lands – here the proposal received NOC from the Estate department of MCGM only after which the building proposal department of MCGM grants approval in the form of IOA and further construction permission.

Hence any document creating rights out of the sale BUA of schemes approved by MCGM have obtained the NOC of the land lord and further the NOC of the land-owning authority of the estate department in case of MCGM lands. As a result, there is no need for further clarification once Building approval under Section 45 of the MRTTP act is granted in the form of Intimation of Approval/Disapproval.

- **MHADA :**

MHADA is the area certification authority for cessed buildings as well as approval and development of buildings/land within the layout of MHADA. In the case of Cessed buildings the repair board certifies the area of the occupants and MHADA component and on basis of area certified is the further approval from the competent planning authority obtained.

In the event the lands are belonging to MHADA and forming part of MHADA's larger layout, MHADA has its own special planning authority, which thereby allows grant of approval on its lands. Considering that the planning authority and land authority are both under MHADA, there is no question of irregularity in terms of rights created vide flat sale agreement, which is to be registered. The Resident Engineer of MHADA issues a NOC/LOI subject to certain terms and conditions and usually amounting to payment. Only once such dues are paid the LOI with the extent of Built up area to be certified handed over to the Special Planning Authority of MHADA for approval in terms of Intimation of Approval u/sec 45 of the MRTTP Act.

Hence in the case of MHADA approvals as well it is seen that the dues and payments to the landowner and the extent of Built up area is sanctioned prior to grant of approval. Hence any alienation of rights is within the limits of approval granted by the authority.

- **The Slum Rehabilitation Authority** – Under slum rehabilitation schemes, the landing authority is the competent authority to approve the annexure II, that is the list of protected and eligible slum dwellers. After formulating the annexure II. It is then sent for further consideration and approval, to the slum rehabilitation authority. Thereafter, SRA authority grants approval for the scheme in terms of FSI/BUA, which is permitted. After the grant of LOI the copy of the LOI is also forwarded to the land-owning Authority for grant of formal NOC in the event that the NOC is not received within 60 days or objection to LOI is not raised. In such cases, there is a deeming provision under sub regulation 2.8 of Regulation 33(10) of the DCPR 2034. Not only that, but there is also a prevailing circular no. 28 which further elaborates the deeming provision.

There is also a modification wide notification dated 16.04.2008, which clearly stated that in terms of lands owned by centre/state/public authorities once the land was declared as a slum Scheme at the most the compensation for the land component the authority is entitled to is to the extent of 25% of ready reckoner land value.

Hence even under IOA and approvals granted from the Slum Rehabilitation Authority the NOC from the landowner is duly obtained.

From the above cases it is seen that before formal approval of any kind is granted by the Approval authority – due consideration of the landowners NOC is being sought after. However, we are observing a concerning trend where sub-registrars are broadly interpreting these provisions, particularly Section 18A(1)(b) and (c) to refuse the registration of Agreements for Sale (AFS) for flats being constructed or already constructed on both private and public lands. It appears there is a misunderstanding that this provision applies to all land transfers, including those not involving government-owned land or properties under attachment. We have been informed that some sub-registrars are even demanding No Objection Certificates (NOCs) prior to the registration of AFS of flats, citing this modification under the Registration Act, which is causing unnecessary delays and confusion.

Through recent communications, we have apprised your office for this ongoing challenge, where sub-registrars are refusing registrations. We have also highlighted that the interpretation of sub-registrars is different from what is mentioned in the circular/GR and that this specific amendment is intended for land transfer of government land and not for flats on government land being constructed or already constructed especially considering the above that formal approval is granted only after landowners NOC and rights are taken care of.

Sir, your intervention in this matter is critical. The refusal to register AFS for flats is severely impacting the real estate sector and, more importantly, causing immense hardship for homebuyers who are unable to complete their property transactions. **This situation is leading to a complete halt in registrations. Such a halt will also adversely affect the revenue accrued to the State in terms of Stamp Duty arising out of the registration of flats.**

CREDAI-MCHI Prayers

We earnestly request your esteemed office to Issue an immediate clarification to all sub-registrars regarding the precise scope and applicability of Section 18A(1)(b) and (c) of the Registration Act, 1908. We believe that a clear directive from your office will alleviate the current confusion and ensure the smooth functioning of property registrations across the state.

We look forward to your favourable intervention and are willing to represent the above submissions in person to ensure that a well-informed clarification is obtained.

Thank you.

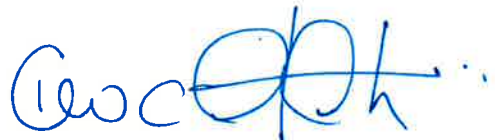
Yours sincerely,
For **CREDAI-MCHI**



Dominic Romell
President

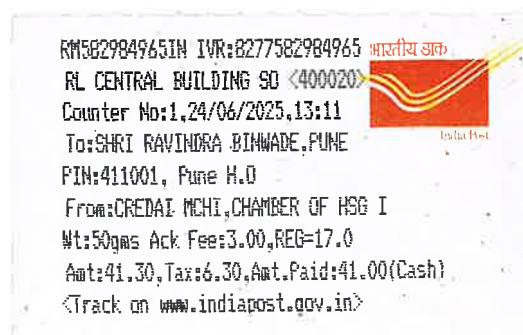


Dhaval Ajmera
Hon. Secretary



Keval Valambhia
Chief Operations Officer
Mob: +91 98709 85061

Encl : As Mentioned Above





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ११, अंक १५]

सोमवार, एप्रिल २८, २०२५/वैशाख ८, शके १९४७

[पृष्ठ २, किंमत : रुपये २७.००

असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Registration (Maharashtra Amendment) Act, 2023 (Mah. Act No. XXIII of 2025), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIII OF 2025.

(First published, after having received the assent of the President in the the " Maharashtra Government Gazette", on the 28th April 2025).

An Act further to amend the Registration Act, 1908, in its application to the State of Maharashtra.

XVI of 1908. WHEREAS it is expedient further to amend the Registration Act, 1908, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

1. This Act may be called the Registration (Maharashtra Amendment) Act, 2023. Short title.

XVI of 1908. 2. After section 18 of the Registration Act, 1908, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely :—

" 18A. (1) Notwithstanding anything contained in this Act, the following classes of documents shall be refused for registration, namely :—

(a) the document relating to transaction, which is prohibited by any Central Act or State Act, for the time being in force ;

(१)

(b) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or lease or otherwise in respect of any immovable property owned by the Central Government or State Government or any Authority or undertaking of the Central Government or State Government or any authority or undertaking constituted or established under any Central Act or State Act, for the time being in force, executed by any person other than those statutorily empowered to do so :

(c) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or permanent alienation or lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or State Act, for the time being in force or any court or tribunal :

(d) document of any description as may be prescribed by the State Government by rules made under this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature. "

Amendment
of section 21
of XVI of
1908.

3. In section 21 of the principal Act,—

(1) in sub-section (1) for the words "unless it contains a description of such property sufficient to identify the same.", the following shall be substituted, namely :—

"unless it contains such description of the property, and accompanies with such papers and documents, as may be prescribed by the State Government by rules made under this Act, sufficient to identify the same." :

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

"(1A) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature."

Amendment
of section 22
of XVI of
1908.

4. In section 22 of the principal Act, in sub-section (2), after the words, brackets and figure "sub-section (1)", the words, brackets and figures "and sub-section (1) of section 21" shall be inserted.