

REVENUE DEPARTMENT
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,
5, SHAM NATH MARG, DELHI-110054.
Tele No.23965184.

No.F.1 (1165)/Regn.Br./Div.Comm./2014/5836

Dated: 09/09/2014

To,

The District Magistrate,
All Revenue District,
Delhi/ New Delhi.

Sub : Acquisition and Transfer of Immovable Property in India by foreign nationals.

Madam/ Sir,

Please find enclosed copy of the D.O.No.33/28/EM-2007 dated 11/08/2014 from Joint Secretary to the Ministry of Finance, Department of Economic Affairs, North Block, New Delhi- 110001 on the subject noted above which is self explanatory.

It has been brought to notice that foreign nationals are buying immovable property illegally in some parts of the country. Many organizations and social groups have also made representations to the Central Government expressing their serious concerns in this regard. Moreover foreign national person coming to India and staying beyond 182 day on a tourist or other visa meant for a certain period are illegally acquiring immovable property in India in violation of the extent rules and **regulations under FEMA.**

It has been further stated that Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulation 21/2000 dated 3rd May, 2000 provides that an Indian citizen resident outside India and a Person of Indian Origin resident company outside India may acquire immovable property in India and also a foreign company which has established a Branch Office or other place of business in India under the provisions of FEMA 22/2000-RB dated the 3rd May, 2000 can acquire immovable property in India which is necessary for or incidental to carrying on such activity.

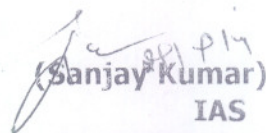
Apart from above, it has also been brought to this office notice that a foreign national who is residing in India for more than 182 days for taking up employment or carrying on business/ vocation or for any other purpose indicating his stay for uncertain period may acquire immovable property in India subject to fulfilling certain requirements, prescribed by the State Authorities. To be treated as a 'person resident in India' under FEMA, a person has not only to satisfy the condition of the period of stay (being more than 182 days during the course of the preceding financial year) but has also to comply with the condition of the purpose/ intention of stay. It may be further noted that no person being a citizen of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal or Bhutan shall acquire or transfer immovable property in India without prior permission of the Reserve Bank. RBI's Master Circular No. 4/2014-15 dated July 1, 2014(copy enclosed) for ready reference.

Accordingly, it has been requested by the MOF to issue appropriate instructions to all concerned authorities (i.e. Registering Authorities of immovable properties under Registration Act, 1908) under our control to be extra vigilant in such matters and satisfy themselves (the Registering Authorities) about the eligibility under FEMA before registering transfer of properties by foreign nationals and seek necessary declarations/ verify travel document such nature of visa from intending buyer who are on visit to India or seller on their eligibility under FEMA. Wherever appropriate, the authorities concerned may consider reviewing registration of sale/ purchase already made to determine their compliance with legal requirements.

It is, therefore, requested instruct all the Sub Registrar under your administrative control to be extra vigilant in such matters and satisfy themselves (the Registering Authorities) about the eligibility under FEMA before registering transfer of properties by foreign nationals and seek necessary declarations/ verify travel document such nature of visa from intending buyer who are on visit to India or seller on their eligibility under FEMA. Wherever appropriate, the authorities concerned may consider reviewing registration of sale/ purchase already made to determine their compliance with legal requirements.

Yours Faithfully,

Encl. As above:


(Sanjay Kumar)
IAS

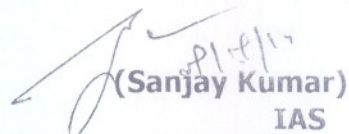
Special Inspector General (Registration)

No.F.1 (1165)/Regn.Br./Div.Comm./2014 | 5836

Dated: 09/09/2014

Copy to:

1. All Sub Registrar Delhi/ New Delhi along with the copy of the D.O. letter referred above for information and necessary action.
2. System Analysis (Revenue), Delhi for uploading the same on the Departmental website.
3. Joint Secretary to the Ministry of Finance, Department of Economic Affairs, North Block, New Delhi- 110001 w.r.t above referred D.O. letter.
4. O.S.D to Chief Secretary, Delhi Secretariat, IP Estate, New Delhi.
5. P.A to Divisional Commissioner, Delhi.


(Sanjay Kumar)
IAS

Special Inspector General (Registration)