பதிவுத்துறை தலைவர் அலுவலகம்,
சென்னை – 28.

மேல்வரைவு எண்.15486/சி2/2023, நாள்.01.12.2023.

அரசாணை (பல்)எண்.131, வணிகவரி மற்றும் பதிவுத்துறை(J1), நாள்.01.12.2023 –ன் நகல் தகவலுக்காகவும் உரிய நடவடிக்கைக்காகவும் அனுப்பப்படுகிறது.

அரசாணை பெற்றுக்கொண்டதற்கான ஒப்புதலை உடன் அனுப்பி வைக்க அனைத்து துணை பதிவுத்துறை தலைவர்களும் கோரப்படுகிறார்கள். துணைப்பதிவுத்துறை தலைவர்கள் சம்மந்தப்பட்ட மாவட்ட பதிவாளர்களிடமிருந்து ஒப்புதல் பெற்று கோர்வை செய்யவும், மாவட்ட பதிவாளர்கள் சம்மந்தப்பட்ட சார்பதிவாளர்களிடமிருந்து ஒப்புதல் பெற்று கோர்வை செய்யவும் அறிவுறுத்தப்படுகின்றனர்.

ஒப்பம்/–01.12.2023
பதிவுத்துறை தலைவர்
/ஆணையின்படி/

மாவட்டப் பதிவாளர்(ஆய்வு)

பெறுநர்:

அனைத்து துணைப் பதிவுத்துறை தலைவர்கள்,
அனைத்து மாவட்டப் பதிவாளர்கள். (நிர்வாகம் மற்றும் தணிக்கை),
அனைத்து பதிவு அலுவலர்கள்.

நகல் :

1. இயக்குநர், பதிவுத்துறை பயிற்சி நிலையம், சென்னை–14.
2. அனைத்து உயர் அலுவலர்கள், பதிவுத்துறைத் தலைவர் அலுவலகம்.
3. பதிவுத்துறைத் தலைவரின் நேர்முக எழுத்தர்.
4. நேர்முக உதவியாளர் (தனி),
மாண்புமிகு வணிகவரி மற்றும் பதிவுத்துறை அமைச்சர் அவர்கள்.
5. முக்கிய ஆணைக் கோப்பு.

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6. கணினி மென்பொருள் பிரிவு – (இணைய தளத்தில் மேலேற்றம் செய்வதற்கு)

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கலைஞர் 100 1924 - 2023

தலைமைச்செயலகம் 01 DEC 2023 45253 சென்னை-600 009

ABSTRACT

Registration Department – Deed of first sale of apartment/flat/villa/row house/villament - Reduction in the rates of stamp duty in respect of registration of deeds of first sale and fixation of composite value - Orders – Issued.

COMMERCIAL TAXES AND REGISTRATION (J1) DEPARTMENT

G.O. (Ms.) No.131 **Dated : 01.12.2023**

சோபகிருது, கார்த்திகை–15 ,
திருவள்ளுவர் ஆண்டு – 2054

Read:

From the Inspector General of Registration, Letter No.15486/C2/2023-1, dated 28.9.2023.

*****

ORDER:

With a view to augment the revenue in Registration Department and to study the best practices in fixing the Guideline value of flats/apartments, a team of officials from Tamil Nadu Registration Department under the chairmanship of Secretary, Commercial Taxes and Registration Department and Inspector General of Registration visited Karnataka State's Registration Department on 10.07.2023 and 11.07.2023. The team made a thorough study of the procedure being followed in respect of charging of stamp duty and registration fee on documents relating to sale of apartments by promoters as well as the methodology followed in fixation of Guideline Value for Apartments, in the State of Karnataka.

2. Based on the study report, in the letter read above, the Inspector General of Registration has submitted a proposal to Government in which he has stated that in Tamil Nadu, at the time of first sale of flats, two types of documents are registered, viz., Deed of Sale of undivided share of land (7% Stamp Duty and 2% Registration Fee levied) and Construction Agreement in respect of proposed building (1% Stamp Duty and 3% Registration Fee levied). He has further stated that although in reality, the Builders/Developers/Promoters are developing the whole property into apartment premises and selling undivided share of land along with building (Apartment) to individual purchasers, the practice of executing deed of sale

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only in respect of undivided share of land is in vogue in Tamil Nadu. He has also stated that while registering these documents, the guideline value is reckoned for calculating the value of land and set-forth value in the construction agreement is reckoned for valuation of the building and it is learnt that in respect of sale of flats, most of the States except Tamil Nadu are levying applicable Stamp Duty and Registration Fee on both undivided share of land and building put together in the sale deeds. Further, he has stated that some of the States are fixing composite rate for flat including undivided share of land and building and charging the rate on super built up area. He has also stated that in the State of Karnataka, composite value (for land and building) is fixed for each and every apartment by the Central Valuation Committee and the value of super built-up area computed based on composite value fixed by Central Valuation Committee is reckoned for levy of charges and 'Super built up area' of a flat is computed as minimum of 1.25 times of Carpet area.

3. The Inspector General of Registration has also stated that the issue of fixing composite value for the flats/apartments was discussed in a consultative meeting held with the promoters of flats/apartments on 27.07.2023, 07.09.2023 and 12.09.2023 and they agreed to this in principle, but they requested to fix the stamp duty at a reduced rate on par with Karnataka State.

4. Hence, in order to make the new method acceptable to all stakeholders viz., Government, promoters and the flat buyers, the Inspector General of Registration has submitted a proposal to permit to fix the composite rate for flats/apartments and to reduce the stamp duty rates for the purchase of newly developed flat sold by the promoters/land owners, subject to the condition that the concession will not be applicable for the second sale of the flat.

5. The Inspector General of Registration has further added that provisions of stamp duty will apply to calculating the transfer duty also. So, if the stamp duty is reduced, the transfer duty also will get reduced proportionately. He has furnished the details of the net payable by the purchaser of the newly sold flat as follows:-

Sl. No.	Value of apartment/flat/ villa/row house /villament of any real estate project based on composite value calculated in terms of super built up area or value set forth in the document whichever is higher	**Present Rate**				**Proposed Rate**			
		Stamp Duty	Transfer duty	Registration Fee	**Total payable**	Stamp Duty	Transfer duty	Registration Fee	**Total Payable**
1.	Below 50 lakhs.	5%	2%	2%	**9%**	2.86%	1.144%	2%	**6%**
2.	Rs.50 lakhs to Rs.4 Crore.	5%	2%	2%	**9%**	3.575%	1.43%	2%	**7%**
3.	Above Rs.4 Crore.	5%	2%	2%	**9%**	5%	2%	2%	**9%**

6. The Inspector General of Registration has also stated that to adopt the Karnataka model in charging of deeds of sale of flats, the below mentioned sequence of events have to be followed:-

(i) As far as fixation of composite value, the Central Valuation Committee may deliberate and take decision accordingly.

(ii) The Government may issue necessary orders under section 9(1)(a) of the Indian Stamp Act, 1899 (Central Act II of 1899) for reduction of the stamp duty rates for the purchaser of flats/apartments.

(iii) A circular may be issued to the field officers regarding following of composite value and reduction of stamp duty.

7. The Government, after careful examination of the proposal of the Inspector General of Registration, have decided to adopt the new model in charging of deeds of sale of flats and order as follows:-

(i) The Central Valuation Committee is authorized to work out a methodology and to frame guidelines for the fixation of rates of apartment/flat/villa/row house/villament as composite value in accordance with the market value in existence.

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(ii) The Inspector General of Registration is instructed to collect the stamp duty and registration fee on the composite value of the flats/apartments including both the undivided share of land and the building put together (super built-up area);

(iii) The slab and the concession given, in fixing the composite value for the flats/apartments will be as per the following statement under section 9(1)(a) of the Indian Stamp Act, 1899:-

Sl. No.	Value of apartment/flat/ villa/row house /villament of any real estate project based on composite value calculated in terms of super built up area or value set forth in the document whichever is higher	**Present Rate**				**Proposed Rate**			
		Stamp Duty	Transfer duty	Registration Fee	**Total payable**	Stamp Duty	Transfer duty	Registration Fee	**Total Payable**
1.	Below 50 lakhs.	5%	2%	2%	**9%**	2.86%	1.144%	2%	**6%**
2.	Rs.50 lakhs to Rs.3 Crore.	5%	2%	2%	**9%**	3.575%	1.43%	2%	**7%**
3.	Above Rs.3 Crore.	5%	2%	2%	**9%**	5%	2%	2%	**9%**

This concession is applicable only to the flats and apartments registered along with the undivided share of land for the first sale. This is not applicable to the second sale of flats/apartments. Henceforth, the present practice of registering two documents for undivided share of land and building separately is dispensed with.

8. The Government also direct that the Notification appended to this order will be published in the Extraordinary issue of the Tamil Nadu Government Gazette, dated the 1st December 2023. The Works Manager, Government Central Press, Chennai-1 is requested to send 100 copies of the

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notification each to Government and to the Inspector General of Registration, Chennai-28.

(BY ORDER OF THE GOVERNOR)

B. JOTHI NIRMALASAMY
SECRETARY TO GOVERNMENT

To
The Inspector General of Registration, Chennai -28.
The Works Manager, Government Central Press, Chennai-1.

Copy to:
The Finance Department, Chennai-9.
The Law Department, Chennai-9.
The Special Personal Assistant to Hon'ble Minister (Commercial Taxes and Registration), Chennai-9.
The Private Secretary to Secretary to Government, Commercial Taxes and Registration Department, Chennai-9.
The Chief Minister's Office, Chennai-9.
Stock file/Spare copy.

// FORWARDED / BY ORDER//

SECTION OFFICER

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APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (Central Act II of 1899), the Governor of Tamil Nadu hereby reduces the duty chargeable under the said Act in respect of instruments of deed of first sale of apartment/flat/villa/row house/villament of any real estate project payable on the composite value of undivided share of land and building set forth in the document or the composite value of the real estate project fixed/to be fixed by the appropriate authority, calculated in terms of super built up area, whichever is higher, as provided in the following table, subject to the provisos thereunder:-

THE TABLE.

Sl. No.	Value of apartment/flat/villa/row house/villament of any real estate project based on composite value calculated in terms of super built up area or composite value set forth in the document whichever is higher.	Present rate of stamp duty	Reduced rate of stamp duty
(1)	(2)	(3)	(4)
1.	Below Rs.50 Lakhs.	5 %	2.86%
2.	Rs.50 Lakhs to Rs.3 Crore.	5 %	3.575%

Provided that the above reduction of duty will be applicable only to the deeds of sale evidencing first sale of undivided share along with apartment/flat/villa/row house/villament constructed or partly constructed thereon in a real estate project:

Provided further that irrespective of the stage of construction, the market value of the apartment/flat/villa/row house/villament of any real estate project shall be the value set forth in the document or the composite value of the real estate project calculated in terms of super built up area fixed/to be fixed by the appropriate authority, whichever is higher.

Explanation.- "real estate project" means the development of a building consisting of apartment, or converting an existing building or a part thereof into apartment, or the development of land into apartment/flat/villa/row house/villament for the purpose of selling all or

some of them and includes the common areas, development works, all improvements and structures thereon and all easement, rights and appurtenances belonging thereto.

B. JOTHI NIRMALASAMY
SECRETARY TO GOVERNMENT

//True Copy//

01/12/2023
SECTION OFFICER

1/12/23

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