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**GOVERNMENT OF ASSAM  
REVENUE & DISASTER MANAGEMENT DEPARTMENT  
ASSAM SECRETARIAT (C) : DISPUR  
GUWAHATI-06**

No. REGN.100/2015/17,

Dated Dispur, the 3<sup>rd</sup> November, 2015.

**OFFICE MEMORANDUM**

**Sub. : Procedure for according permission for Registration of Transfer of Ownership of Flats and proportionate area of Land thereof in Apartment Buildings.**

In recent times, a large number of Apartment Buildings have been constructed by the Real Estate Developers in the Guwahati city and other major towns of the State of Assam. The State Government has allowed transfer of ownership of flats and proportionate area of land thereof in the Apartment Building to the purchasers / transferees as per the Assam Apartment (Construction and Transfer of Ownership) Act, 2006.

As per the Section 21 (A) of the Registration Act, 1908 (as amended), permission of the Deputy Commissioner is necessary for registration of transfer of ownership of any immovable property in the State of Assam.

It has been brought to the notice of the Government by the Assam Real Estate & Infrastructure Developers Association (AREIDA) that the builders / developers as well as the purchasers / transferees are facing immense difficulties in connection with obtaining permission from the Office of the Deputy Commissioners for transfer of flats to the different purchasers / transferees. At present, the developers / builders have to submit separate petition for each purchasers / transferees resulting in multifold repetition of the same work for each purchasers which leads to increasing the work load in Circle Offices as well as DC offices in addition to causing unnecessary delay and difficulties for the developers / purchasers.

(27)

The State Government in Revenue & Disaster Management Department discussed the matter with the representatives of the Assam Real Estate & Infrastructure Developers Association and officials concerned for granting of such permission.

After consideration of all aspects of the matter, the following procedure is formulated with a view to expedite granting of such permissions by the Deputy Commissioners:

- (1) The Builder or the authorized persons for transferring the Flats and proportionate area of land and all the intended purchasers in Apartment Building will submit a petition jointly to the Deputy Commissioner concerned enclosing all required documents mentioning proportionate area of land and area of flat intended to be transferred. A single petition will be filed mentioning names of all intended purchasers / transferees. The Deputy Commissioner will maintain one Master file for each residential project / apartment bindings while processing for the permission for transfer instead of making separate files for each individual purchaser/ transferee. The office of Deputy Commissioner will issue a receipt with an Identification Number (ID No.) for each Apartment Building. The master file numbers may preferably be used as the identification number for each Apartment Building and are to be quoted in all future reference.
- (2) Joint application in the forms as may be prescribed by Deputy Commissioners is to be made by the builder / developer and the intended purchasers (in duplicate). One copy of application will be sent by the Deputy Commissioner for report from the Circle Officers concerned as regards the ownership / status of the land proposed to be transferred.

- (3) One set of following documents are to be submitted to the Deputy Commissioner along-with the petitions for transfer of flats.
- (i) Authenticated copy of the land document.
  - (ii) Affidavit from the seller stating about his undisputed / absolute ownership and possession over the land and status of encumbrances etc.
  - (iii) Individual affidavits from each intended purchasers with respect to his citizenship and his satisfaction regarding the status of the land etc.
  - (iv) Proof of identification of the purchasers and the builder / developer (seller).
  - (v) Photographs of the builder / developers (in case of company / society that of the authorized person) and of each individual intended purchaser.
  - (vi) Letter of Authority in case of authorized persons.
  - (vii) Up-to-date Land Revenue Receipt.
  - (viii) Any other document as may be sought by the Deputy Commissioner concerned on case to case basis (as may be mentioned in prescribed Application Form).
  - (ix) Copy of the original building permission from the GMDA / GMC Authority.
- (4) The builder or the authorized persons to transfer the flats and the apportioned land should correctly mention proportionate share of land so that the sum total of the proportionate shares does not exceed the total area of the plot where the apartment building or the residential projects is constructed.

- (28)
- (5) In case any developer / builder or the authorized persons for reasons beyond their control cannot submit joint application for all the intended purchasers at a time, they may submit separate application later on for the remaining purchasers of the flats. The Deputy Commissioners as far as possible should utilize the available information in the file relating to the residential projects / apartment building concerned to grant permission expeditiously without refereeing to the Revenue Circle Offices unless some additional information / clarification is necessary.
  - (6) The Deputy Commissioners are to ensure that application for permission for transfer is disposed off within stipulated time of 30 days as mentioned in the Registration Act, 1908 (as amended).
  - (7) The Deputy Commissioners will create separate cells in their offices for grant of sale permission for land and Flats and for Flats and proportionate share of Land.

The new procedure would come into force with immediate effect.

Sd./- S.C. Das, IAS

Additional Chief Secretary to the Govt. of Assam  
Revenue & Disaster Management Department

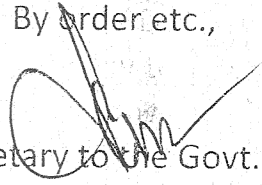
Memo No. REGN.100/2015/17-A,

Dated Dispur, the 3<sup>rd</sup> November, 2015.

Copy to:

1. The Director of Land Records & Surveys etc., Assam, Rupnagar, Guwahati-32.
2. The Commissioner, Lower Assam Division, Panbazar, Guwahati-1.
3. The Commissioner & Secretary to the Government of Assam, Guwahati Development Department, Dispur, Guwahati-6.
4. The Commissioner, Guwahati Municipal Corporation.
5. The Chief Executive Officer, Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati.
6. All Deputy Commissioner (S).

By order etc.,

  
Deputy Secretary to the Govt. of Assam,  
Revenue & Disaster Management Department