

# The Registration (Assam Amendment) Bill, 2022

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## BILL

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

Preamble

Whereas it is expedient further to amend the Registration Act, 1908, hereinafter referred to as the principal Act, in its application to the State of Assam;

Central Act  
No.XVI of 1908

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

Short title,  
extent and  
commencement

1. (1) This Act may be called the Registration (Assam Amendment) Act, 2022.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Amendment of  
section 21 A


2. In the principal Act, in section 21A,-

(i) in the third line, for the words, "except for house, flat, residential apartment, commercial building or any construction or structure erected on a plot of land", appearing in between the words "immovable property" and "shall be" shall be omitted.

(ii) in the first proviso, the punctuation mark "." appearing at the end shall be substituted by the punctuation mark ":" and thereafter the following provisos shall be inserted, namely:-

"Provided further that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments for lease or transfer of apartments of real estate projects which have been duly registered with the Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016 and occupancy certificate is issued by the concerned local authority:

Central Act  
No.XVI of 2016

  
CHECKED BY THE  
LEGISLATIVE DEPARTMENT  
ON 15.9.2022

Provided also that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer of apartment that are not required to register with Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016, in any planning area, for which permission for the construction as per the sanctioned

Central Act  
No.XVI of 2016

plan and occupancy certificate has been issued by the concerned local authority:

Provided also that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer on resale of apartments, in any planning area, for which No Objection Certificate from the concerned Deputy Commissioner of the District has been issued in the past and there has been no change in land and structure respectively.

Explanation - The words 'apartment', 'real estate project' and 'planning area' shall have the same meaning as defined under clause (e), (zn) and (zh) of section 2 of Real Estate (Regulation and Development) Act, 2016. respectively"

Central Act  
No.XVI of 2016

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VETTED BY THE  
LEGISLATIVE DEPARTMENT  
15.9.2022

## STATEMENT OF OBJECTS AND REASONS

The object of the proposed "The Registration (Assam Amendment) bill 2022" is to amend the Section 21A of "The Registration Act, 1908" so as to facilitate the early registration of the apartments created as part of the real estate projects duly registered under Real Estate Regulatory Authority of Assam, apartments that do not require registration with the Real Estate Regulatory Authority and the apartments on resale omitting amendments made by the Registration (Assam Amendment) Act 2021.

The last amendment of Section 21A of the Registration (Assam Amendment) Act, 2021 stipulated that no NOC is required for transfer of house, flat, residential apartment, commercial building or any construction or structure erected on a plot of land has been examined thoroughly and after consideration of all aspects it is felt necessary for further amendment of the Registration (Assam Amendment) Act, 2021 to keep the registration of only RERA approved projects, apartments that are created with due permission and occupancy certificate by the concerned local authority or apartments on resale without change in land and structure out of the purview of the NOC regime since such apartments fulfill the due diligence requirements at the time of RERA registration, when construction permission and occupancy certificate is granted by the authorities or at the time of getting No Objection Certificate from concerned Deputy Commissioner of the district at the time of first creation.

The present bill provides special dispensation as following

- (a) the last amendment of Section 21A of the Registration (Assam Amendment) Act, 2021 "except for house, flat, residential apartment, commercial building or any construction or structure erected on a plot of land", appearing in between the words "immovable property" and "shall be" shall be omitted.
- (b) Furthermore, no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments for lease or transfer of apartments of real estate projects which have been duly registered with the Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016 and occupancy certificate is issued from concerned local authority:
- (c) Furthermore, no such No Objection Certificate from the concerned Deputy commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer of apartment that are not required to register with Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016, in any planning area, for which permission for the construction as per the sanctioned plan and occupancy certificate is duly issued by the concerned local authority:
- (d) Furthermore, no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer on resale of apartments, in any planning area, for which No Objection Certificate from the concerned Deputy Commissioner of the District has been issued in the past and there has been no change in land and structure respectively.

Hence the bill.



(Jogen Mohan)  
Minister,  
Revenue & Disaster Management



P. Secretary,  
Assam Legislative Assembly

FINANCIAL MEMORANDUM

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.



(Jogen Mohan)  
Minister,  
Revenue & Disaster Management

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MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative powers proposed in the Bill.



(Jogen Mohan)  
Minister,  
Revenue & Disaster Management

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Extract of the existing Section 21A of the Registration Act, 1908

“Notwithstanding anything contained in any other provision of this Act, no non-testamentary instrument relating to immovable property “except for house, flat, residential apartment, commercial building or any construction or structure erected on a plot of land” “shall be accepted for registration, unless of the Deputy Commissioner of the concerned district issues a No Objection Certificate containing the description of such immovable property to be transferred and also such other No Objection Certificates, which are required to be issued by the Deputy commissioner or any other authority for the time being in force or under any Executive Instruction, Order etc. issued by the State Government from time to time.

Provided that all such No Objection Certificates shall be issued within a period of thirty days from the date of receipt of application and in case No Objection Certificate is not issued within the stipulated period of thirty days, a speaking order with reasons thereof shall be issued to the applicant within the said stipulated period”.

And

Extract of the proposed section 21A of the Registration Act, 1908

- (i) in the third line, for the words, “except for house, flat, residential apartment, commercial building or any construction or structure erected on a plot of land”, appearing in between the words “immovable property” and “shall be” shall be omitted.
- (ii) in the first proviso, the punctuation mark “.” appearing at the end shall be substituted by the punctuation mark “:” and thereafter the following provisos shall be inserted, namely:-

“Provided further that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments for lease or transfer of apartments of real estate projects which have been duly registered with the Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016 and occupancy certificate is issued by the concerned local authority:

Provided also that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer of apartment that are not required to register with Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016, in any planning area, for which permission for the construction as per the sanctioned plan and occupancy certificate has been issued by the concerned local authority:

Provided also that no such No Objection Certificate from the concerned Deputy Commissioner of the District shall be required for registration of the non-testamentary instruments of lease or transfer on resale of apartments, in any planning area, for which No Objection Certificate from the concerned Deputy Commissioner of the District has been issued in the past and there has been no change in land and structure respectively.

Explanation - The words ‘apartment’, ‘real estate project’ and ‘planning area’ shall have the same meaning as defined under clause (e), (zn) and (zh) of section 2 of Real Estate (Regulation and Development) Act, 2016.”

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