GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-Reg-CASEHC-0058-2023/ 45316 /R&DM.,dated 28 DEC 2023

From
Sri Diganta Routroy, OAS (SAG)
Additional Secretary to Government

To
The Inspector General of Registration, Odisha, Cuttack
All Revenue Divisional Commissioners/All Collectors

Sub: Clarification on registration of Sale Certificate.

Sir,

I am directed to invite a reference to this Department letter No. 32814/R&DM., dated 24.10.2016 where in it was clarified that sale certificate issued in favour of auction purchaser by the authorized Officer–cum- Chief Manager under SARFAESI Act requires compulsory registration with payment of stamp duty and registration fees for effecting changes in revenue records as he is neither a Civil nor a Revenue officer.

2. In the case of Esjaypee Impex Pvt. Ltd vrs. -The Assistant General Manager and the Authorised officer Canara Bank (2021) 11SCC, 357, the Hon'ble Supreme Court has upheld that sale certificate issued in favour of the appellant does not require any registration in view of section 17(2) (xii) of the Registration Act,1908 as the same has been granted pursuant to the sale held in public auction by the authorized officer under the provision of SARFAESI Act. Further, the authorized officer under SARFAESI Act is to hand over the duly validated sale certificate to the auction purchaser with a copy to the registering authorities to file in Book-1 as per section 89 (4) of the Registration Act, 1908.

3. The Hob'ble High Court in WP (C) 9307 of 2022- Sebati Tudu vrs. Authorised Officer, Indian Overseas Bank, Bhubaneswar and in WP (C) 13376 of 2023- M/s Padmaprabhu Commodity Trading Private Limited vrs. State and others has passed orders in the aforesaid ratio .

4. The Law Department has been consulted in the matter. The Law Department has advised that the Registering authority is to make necessary entries in Book-1 on production of sale certificate issued by the authorurised officer without registration and payment of stamp duty and registration fees thereof.

This supersedes this Department letter No. letter No. 32814/R&DM dated 24.10.2016 and letter No. 29204/R&DM dated 04.09.2017.

Yours faithfully,

28/12/23

Additional Secretary to Government

Memo No 4537/RDM dated 28 DEC 2023

Copy enclosure forwarded to All ADM-cum-District Registrars/All Tahasildars/All District Sub-Registrars/All Sub-Registrars for information and necessary action.

Additional Secretary to Government
28/12/23

Memo No 4538 /RDM dated 28 DEC 2023

Copy forwarded to Private Secretary to Hon'ble Minister, R&DM for kind information of Hon'ble Minister, R&DM .

Additional Secretary to Government
28/12/23

Memo No 4539 /RDM dated 28 DEC 2023

Copy forwarded to Private Secretary to Additional Chief Secretary, R&DM Department for kind information of Additional Chief Secretary .

Additional Secretary to Government
28/12/23