

**DEPARTMENT OF PUBLIC RELATIONS
CHANDIGARH ADMINISTRATION**

Press Release

Transfer of Immovable Property

Chandigarh, 16th June, 2017: The Hon'ble Supreme Court of India in the case of Suraj Lamps and Industries Vs State of Haryana- SLP(C) No.13197 of 2009 has categorically laid down that "immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of 'GPA sales' or 'SA/GPA/WILL transfers' do not convey title and do not amount to transfer, nor can they be recognized as a valid mode of transfer of immovable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of title, except to the limited extent of section 53A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in Municipal or Revenue Records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales."

The Board is allowing the transfer on the basis of GPA transfer policy on the basis of GPA (Authority to manage) +SPA (authority to sell) and agreement to sell. Thereafter, the Board vide its order dated 2/3/2016 ordered that the applicant shall pay an amount equal to the stamp duty and Registration charges applicable/ payable on the agreement to sell be charged as per the circle rate/collector rate, notified by the Administration as applicable on the date of agreement or the consideration money mentioned in the Agreement to Sell whichever is higher.

The applicant shall also deposit unearned increase/transfer fee in lieu of it (applicable on the date of transfer under the policy) as notified by Chandigarh Administration from time to time in accordance with the Capital Of Punjab (Development and Regulation) Act 1952 and the rules framed thereunder from time to time.

The Board is also providing Tatkal Services for Transfer of Property so as to provide quicker and out of turn transfer of property. To avail this service, the applicant has to deposit Tatkal Fee in addition to the regular transfer fee.

Detail of Tatkal Fee:

i) EWS/ORT/One Room	Rs.20,000/-
(ii) LIG/Cat-IV/ One BR	Rs.30,000/-
(iii) MIG/Cat-III/2 BR	Rs.40,000/-
(iv) HIG/Cat-I/II/3 BR/Ind.	Rs.50,000/-

Commercial property: -

- i) Rs. 1,00,000/- for convenient shops/small booths.
- ii) Rs. 2,00,000/- for bay shops/shop-cum-flats.

The Transfer letter subject to publication is issued within 5 working days from the date of receipt of the application.

Now it has come to the notice of the Board that in the case of certain sales of property after Suraj Lamp judgement, the sellers or their legal heirs do not want to cooperate with the buyers for the execution of sale deed or are demanding a huge amount of money from such buyers in order to come forward for the execution and registration of sale deeds in their favour. CHB has, therefore, decided that in cases where the buyers are suffering a genuine difficulty and are being harassed by the sellers/legal heirs who are raising undue financial demands, such buyers may apply alongwith complete documents like GPA/ Sub GPA, SPA, Agreement to Sell & Will (if any). Apart from the

processing fee charged in the GPA/Sub GPA transfers, the applicants shall pay the fee as laid out on CHB Website.

The Performa and the other set of documents would however remain the same, as in the case of regular GPA/ Sub GPA transfers.