

17/05/2023

**OFFICE OF THE DIVISIONAL COMMISSIONER, REVENUE
DEPARTMENT
STAMP AND REGISTRATION BRANCH, B BLOCK
5-SHAM NATH MARG, DELHI-110054**

F.1/998/REGN. BR. /DIV.COMM/HQ/14/ 5064

DATED:- 27/05/26

CIRCULAR

Subject: - Implementation of Hon'ble Delhi High Court's Direction in WP© 3591/2014- compliance with 47-A of the Indian Stamp Act, 1899 Regarding Valuation and Registration of Residential Properties.

In compliance with the directions of the Hon'ble High Court of Delhi in Writ Petition (Civil) No. 3591/2014 titled "Amit Gupta & Others vs. Ms. Manisha Saxena & Others", the Revenue Department is required to issue a specific circular to sensitize all concerned authorities about the procedure to be followed under Section 47-A of the Indian Stamp Act, 1899, particularly in cases where the consideration set forth in the instrument is less than the fair market value as per applicable circle rates.

Presently, under the Delhi Stamp (Prevention of under Valuation of Instruments) Rules, 2007, the following key provisions apply:-

- a. *The instrument must clearly specify both the plinth area and built-up area of the property.*
- b. *Stamp duty is to be calculated on the basis of these values, including the construction cost.*
- c. *In the case of partial sale of property, the valuation shall be proportionate to the actual plinth area sold, and the stamp duty shall be determined accordingly.*
- d. *However, it is often observed that stamp duty is incorrectly computed on the maximum permissible plinth area instead of the actual built-up area, leading to undervaluation.*

In particular, issues have been observed in relation to the registration of basements of residential properties, where the consideration mentioned in the instrument is found to be lower than the valuation as per the applicable circle rates.

Accordingly, it is hereby directed that all Sub-Registrars / Joint Sub-Registrars shall adhere to the following procedure in such cases:

1. **Notification to Parties:-** At the time of presentation of the instrument for registration, if the consideration stated is less than the circle rate-based valuation, the parties shall be notified in writing that the declared consideration and corresponding stamp duty are deficient.
2. **Opportunity to Amend:-** The parties shall be given an opportunity to revise and amend the document to reflect the correct valuation as per the circle rates and to pay the deficient stamp duty, if any.
3. **Procedure under Section 47-A:-** If the parties fail to amend the instrument and do not pay the requisite stamp duty as per the circle rate valuation:-
 - a. The Sub-Registrar / Joint Sub-Registrar shall register the instrument with an endorsement regarding the deficiency.
 - b. The registered document shall then be forwarded to the Collector of Stamps for determination of the correct market value and proper stamp duty under

Section 47-A of the Indian Stamp Act, 1899.

4. **Collector:** - Upon receipt of the document, the Collector of Stamps shall proceed in accordance with law, including the provisions of Section 27 of the Indian Stamp Act, to assess the correct market value and recover any deficiency in stamp duty.

Now, therefore, all the Sub-Registrars / Joint Sub-Registrars are directed to follow the above procedure for registration of documents / instruments of basement of residential properties for registration. The proceedings under Section 47-A of the Indian Stamp Act, 1899, as applicable to the State of Delhi, shall ordinarily be disposed of within a period of three months from the date of receipt of the documents by the Collector of Stamps.

This issues with the prior approval of Competent Authority.

Digitally signed by
Rakesh Kumar
Date: 26-05-2026
17:31:28

(Rakesh Kumar)
Additional District Magistrate-I (HQ)
Revenue Department, GNCTD

F.1/998/REGN. BR. /DIV.COMM/HQ/14/ 5064.

DATED:- 27/05/26

Copy to information for:-

1. All District Magistrates/Collectors of Stamps, GNCTD.
2. All Sub-Registrars, GNCTD.
3. System Analyst, Revenue Department, for uploading on the Departmental website.
4. Guard File.