

AMENDMENT TO REGISTRATION ACT OF 1908 SPECIFIES DOCUMENTS TO BE REFUSED REGISTRATION

I. INTRODUCTION

The Registration Act of 1908 (“**said Act**”) serves as the principal legislation governing registration of various contracts, agreements and other documents in India. Maharashtra Amendment Act No. XXIII of 2025 (“**Amendment**”) made to the said Act is enacted under the authority of the Maharashtra Government (“**Government**”) and complies with the Constitution of India. Prior to the Amendment, the said Act provided a framework for a class of documents of which registration is both compulsory and optional in respect of immovable property, however it lacked clarity on a class of documents that shall be refused registration. The Amendment, especially tailored for the State of Maharashtra, has only recently introduced provisions for a class of documents that cannot be registered.

II. KEY CHANGES

The Amendment inserted a new section, Section 18A, into the said Act, which explicitly enumerates classes of documents that shall be refused registration. This includes documents related to;

- i. transactions prohibited by any Central or State Act, for the time being in force;
- ii. transactions of sale, gift, exchange or lease or otherwise concerning property owned by the Central Government or State Government, or any authority or undertaking constituted or established under the Central or State Act executed by any person other than those statutorily empowered to do so;
- iii. transactions of sale, gift, exchange, permanent alienation, lease or otherwise concerning property that has been attached, permanently or provisionally, by any competent authority under Central or State Act or court or tribunal; &
- iv. document of any description as may be prescribed by the State Government by rules made under the said Act.

Additionally, the Amendment modifies existing provisions under Sections 21 and 22 of the said Act, refining the requirements for property descriptions accompanied by such papers and documents, as may be prescribed by the Government by rules made under the said Act and finetunes procedural language for compliance with the amended registration requirements, respectively.

III. CONCLUSION

Property transactions in the state are expected to be significantly impacted by the implementation of the Amendment. The document signatories must ensure that the documents they seek to register comply with the amended provisions. This change will improve legal certainty and safeguard the interests of government / state owned properties. It will reduce the possibility of fraudulent transactions and property rights issues by ensuring adherence to current legislation.

IV. APPLICABILITY AND EFFECTIVE DATE

The Amendment is applicable to the State of Maharashtra and was published on 28th April 2025, following the assent from the President, marking its effective date.

DISCLAIMER

This alert has been written for general information of our clients and should not be treated as a substitute for legal advice. We recommend that you seek proper legal advice prior to taking any action pursuant to this alert. We disclaim all liability for any errors or omissions. For further clarifications, you may write to Anuja Kedia (anuja.kedia@parinamlaw.com), Darshit Shah (darshit.shah@parinamlaw.com) and Chandni Gupta (chandni.gupta@parinamlaw.com).

MUMBAI

13th Floor, Express Towers, Ramnath Goenka Marg, Nariman Point, Mumbai – 400 021.

Tel : +91 22 4241 0000.

NEW DELHI

Flat No. 14 (II), 2nd Floor, Front Block, Sagar Apartments, 6, Tilak Marg, New Delhi – 110 011.

Tel : +91 11 4610 2548.

PUNE

2nd Floor, Kundan Chambers, Thube Park, Next to Sancheti Hospital, Pune – 411 005.

Tel : +91 20 2553 0711.

WWW.PARINAMLAW.COM