

Government of Jammu and Kashmir
Revenue Department
Civil Secretariat, Jammu/Kashmir

Subject: Refund of Registration Fee.

Reference: Inspector General Registration, J&K file no. E-7098758

Circular No. 04 -JK(Rev) of 2024

Dated: 22.05.2024

It has come to the fore, through IGR J&K, that there have been instances where citizens, in their efforts to register articles / instruments through NGDRS, have encountered technical glitches resulting in the failure to process the registration fees. Consequently, these citizens have had to repay the Registration fees in order to avail of the registration service. However, the initial fees paid, which did not result in the registration of any documents/availing of the services, is eligible for a refund.

The matter was referred to Law Department for legal opinion which vide U.O No. LAW-Opn2/96/2023-10 Dated 18.10.2023; C.No. 7240383 has returned the case with the following advice:

" Returned: The instant reference is not relatable to recovery of fees or refund of excess fee paid; but relates to a situation where the fees has been wrongly paid and the same is not even a part of the transaction relatable to registration process as the registration process in such cases is yet to commence. It is more of an administrative issue/ difficulty rather than an issue with which the statutory provisions are either found deficient or can be found fault with. Since the issue is primarily with respect to amount wrongly paid before the process of registration is commenced; it can be dealt with administratively issuing circular instructions in this behalf. However in case the department is also faced with issues qua refund of excess fee paid during the registration purposes, the department may propose suitable amendments at par with other state specific amendments in the Registration Act 1908.

The department as such is advised to proceed further in the matter accordingly."

On the advise of Law Department, the case has been examined and after obtaining the concurrence of Finance Department, following instructions are issued for a situation where no registration of the documents is effected due to technical

glitches/circumstances beyond the control of the applicant, and thus he/she becomes eligible for refund of the fee paid:

1. The affected citizens may submit an application for the refund of the fees, for which no service is availed, to the concerned Sub Registrar. The Sub Registrar will review the application and conduct necessary reconciliation with government receipts and forward the case to the Inspector General of Registrations, J&K through the respective Registrar and Additional Inspector General of Registration for further consideration.

2. The Inspector General of Registration, J&K will review the case and verify that the reconciled amount is indeed due for refund, and it has not resulted in the registration of any instruments/articles. After satisfying himself with the validity of the claim, the Inspector General will grant approval for the refund of the respective amount after deduction of Rs 100 from the fee paid provided budgetary provisions are available for the purpose.

3. Further, IGR shall issue the details guidelines/procedure to ensure that only genuine cases get the refund without incurring any pecuniary loss to the state.

Sd/-

Secretary to the Government

Revenue Department

Dated: 22 .05.2024

No. REV-Regt/9/2023(7124751)

Copy for information to the:-

1. Principal Accountant General, J&K.
2. Financial Commissioner (Revenue), J&K.
3. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
5. Divisional Commissioner, Kashmir/ Jammu.
6. Inspector General of Registration J&K.
7. Private Secretary to the Chief Secretary.
8. Private Secretary to the Advisor (B) to Hon'ble Lieutenant Governor.
9. Pvt. Secretary to Commissioner/ Secretary to the Government, General Administration Department.
10. Pvt. Secretary to the Secretary to the Government Revenue Department.
11. In-charge Website.
12. Government Order file (w.2.s.).

(Aflaq Ahmad), JKAS

Under Secretary to the Government