



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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Date of Decision: 09.12.2025

1. CWP-6068-2024 (O&M)

JASPAL KAUR AND ANOTHER

... PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS.

... RESPONDENTS

2. CWP-6075-2024 (O&M)

PARAMJIT KAUR AND ANOTHER

... PETITIONERS

Versus

STATE OF PUNJAB AND OTHERS.

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. V.K. Sachdeva, Advocate, for the petitioner.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Subham Pabbi, Advocate and
Mr. Sumit Batra, Advocate for respondent No.4

SANJIV BERRY, J.

1. The instant writ petitions have been preferred by the petitioners seeking writ in the nature of mandamus directing the respondents especially respondent No.2 to enter and keep/register the Sale Certificate dated 02.09.2023 (Annexure P-2) issued by the Recovery Officer-II, DRT-II, Chandigarh in



relevant revenue records in respect of land fully described in the head note of the petition in pursuance to the Proclamation of Sale Notice dated 14.03.2023 (Annexure P-1) held at public auction on 24.05.2023 in execution of Recovery Certificate No.104/2021 issued by Presiding Officer, Debt Recovery Tribunal-II, Chandigarh in OA No. 74/2012, titled as “*Pegasus Assets Reconstruction Private Limited vs. Raj Transmission Engineering Limited*” and further directing respondents to enter mutation of the property in pursuance to the Section 17(2) (xii) of the Registration Act, 1908.

1.1 Since the issue involved is same in both the writ petitions, as such, same are taken up together for disposal.

2. It is the *inter alia* contended by learned counsel for the petitioners that the petitioners being the successful bidder in the auction held on 24.05.2023 in execution of the Recovery Certificate No. 104/2021 issued by Presiding Officer, Debt Recovery Tribunal-II, Chandigarh in OA No. 74/2012 titled as “*Pegasus Assets Reconstruction Private Limited vs. Raj Transmission Engineering Limited*” were issued Sale Certificate dated 02.09.2023 (Annexure P-2) by the concerned Recovery Officer of the Debt Recovery Tribunal. He accordingly moved an application to respondent No.2 to get the sale registered in accordance with the provisions contained in Section 17(2)(xii) of the Registration Act and to enter the mutation of the property vide letter dated 26.12.2023 (Annexure P-6) but no action thereon has been taken and the respondent No.2 has orally refused to register the Sale Certificate dated 02.09.2023 until the stamp duty thereon is deposited. He has referred to the judgment of Hon’ble Apex Court in **State of Punjab and Anr. vs. M/s Ferrous Alloy Forgings P. Ltd. & Ors.; 2024 SCC online SC 3372;** and submits that



registrable under Section 17(2)(xii) of the Registration Act, 1908, and does not attract stamp duty unless presented for registration or used for a purpose requiring such duty, hence prayed for acceptance of the petition.

3. Per contra, learned counsel for the State has assailed these arguments by submitting that the provisions contained in Section 17(2)(xii) has since been omitted vide notification dated 23.07.2024 amending the Registration Act, issued by the State Government and there has been insertion of Clause (f) in Section 17(1) for registration to the fact that any Certificate of Sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer Or Civil court or any authority, under law has been inserted and pursuant to the aforesaid amendment a Sale Certificate granted to a purchaser of property sold at a public auction has to be compulsorily registered and the petitioners are required to pay the requisite Stamp Duty, therefore, the petitioners are not entitled to any concession. Hence prayed for dismissal of the petition.

4. After considering the submissions, it transpires that the petitioners happen to be the successful bidder in the auction held on 24.05.2023 in pursuance to the Proclamation of Sale Notice dated 14.03.2023 (Annexure P-1) conducted by Recovery Officer DRT-II, Chandigarh in execution of Recovery Certificate No.104/2021 issued by Presiding Officer, Debt Recovery Tribunal-II, Chandigarh in OA No. 74/2012.

5. A perusal of the record reveals that, consequent to being successful bidder and having been paid the requisite amount, Certificate of Sale dated 02.09.2023 (Annexure P-2) was issued by the Recovery Officer, DRT-II, Chandigarh in favour of the petitioners.



6. The relevant provisions of Section 17(2)(xii) of the Registration Act, 1908 at the relevant time on 02.09.2023 when the Certificate of Sale was issued to the petitioners in the public auction reads as under:-

“17. Documents of which registration is compulsory-

*(2) Noting in clauses (b) and (c) of sub-section (1) applies to-
(xii) any certificate of sale granted to the purchaser of
any property sold by public auction by a Civil or
Revenue Officer.”*

7. The learned State counsel has placed on record the copy of notification dated 23.07.2024 amending the Registration Act, 1908 as applicable to the State of Punjab to the effect that clause (xii) in Sub-section 2 of Section 17 has been omitted while 17(1) (F) has been inserted, however it is not disputed that this notification/amendment is stated to have come into force on and with effect from its publication in the official Gazette i.e 23.07.2024.

8. It is pertinent to mentioned here that Hon’ble Apex Court in case of ***M/s Ferrous’s case (supra)*** has held in the similar case that Sale certificate issued in pursuance of a Courts auction is not compulsorily registrable under Section 17(2)(xii) of the Registration Act and does not attract Stamp Duty unless presented for registration or used for a purpose requiring such duty. The relevant portion of the judgment of M/s Ferrous’s case (supra) reads as under:-

“ xxx xxx xxx
13. The short question that falls for our consideration in this appeal is whether it is mandatory for the successful auction purchaser to deposit the stamp duty for the sale certificate to be issued to it in view of the provisions of the Stamp Act and the Registration Act

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20. *The position of law discussed above makes it clear that sale certificate issued by the authorised officer is not compulsorily registrable. Mere filing under Section 89(4) of the Registration Act itself is sufficient when a copy of the sale certificate is forwarded by the authorised officer to the registering authority. However, a perusal of Articles 18 and 23 respectively of the first schedule to the Stamp Act respectively makes it clear that when the auction purchaser presents the original sale certificate for registration, it would attract stamp duty in accordance with the said Articles. As long as the sale certificate remains as it is, it is not compulsorily registrable. It is only when the auction purchaser uses the certificate for some other purpose that the requirement of payment of stamp duty, etc. would arise.”*

9. From the above discussion, it transpires that under the provision of Registration Act, 1908 contained in Section 17(2)(xii) as prevalent on the date when the Certificate of Sale dated 02.09.2023 (Annexure P-2) was issued by the Recovery Officer, DRT-II, Chandigarh in favour of the petitioners being the successful bidder/buyer of the property in the public auction conducted in execution of the Recovery Certificate No. 104/2021 issued by the Debt Recovery Tribunal II Chandigarh did not entail applicability of Section 17 (2)(xii) of the Registration Act, 1908. Although the stand of the State is that after the notification dated 23.07.2024 Section 17(2)(xii) of the Registration Act, 1908 is applicable to such auctions but the fact remains that this notification is applicable from the date of its publication in the official gazette which happens to be 23.07.2024. The instant Certificate of Sale being issued in favour of the petitioners much prior in time being dated 02.09.2023 as is evident from (Annexure P-2), the aforesaid notification dated 23.07.2024 cannot be applied retrospectively in the case of the petitioner.



10. Resultantly, in the light of the above, finding merits in the contentions of the petitioners, both the writ petitions are allowed, directing the respondents particularly respondent No.2 to register the sale in revenue record in favour of the petitioners in pursuance of the Certificate of Sale dated 02.09.2023 (Annexure P-2) issued by Recovery Officer-II, Debt Recovery Tribunal-II, Chandigarh, forthwith, alongwith consequential mutation in the revenue record.
11. With the above said directions, both the writ petitions stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 09.12.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |