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POA/GPA Process for NRI in USA



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#9 CRMSowbhagya, Near Spice Garden, #35/1B Varthur Main Road, Marathahalli, Bangalore-37
Phone: India: +91 81233 01122, USA: +1 (404)9234567, Email: service@agarwalestates.com

Power of Attorney (POA)

KEY: “Knowledge Empowers You!” to help you make better and informed decisions.

As a part of our **KEY** series, we are sharing our legally verified practical experience on Power of Attorney (POA)). We have observed misleading information on internet on many popular websites. **Please do consult your lawyer or hire a legal expert for this matter.**

Power of Attorney (POA)/General Power of Attorney (GPA)/Specific Power Of Attorney(SPA): It is a legal document whereby the **Principal or Executant** appoints an **agent or attorney** to do and execute certain acts or deeds on his/her behalf.

Principal (Executant): An Executant is a person who is executing the POA and is authorizing an agent to do something on his/her behalf. He/She should be careful while authorizing an agent and the power given to the Agent/Attorney.

Agent (Attorney): The person to whom such powers are granted and the one who is authorised to act on the principal's behalf is the Agent or the Attorney holder.

Execution of Power of Attorney:

Draft Document: Power of Attorney is taken very lightly **but its impact is huge**. It should be drafted by legal experts clearly defining its scope and **objectives**. **Proper** and complete address of the property should be present along with the name of the Principal and Unique Identification of Attorney must be there. Original POA/SPA/GPA needs to be handed over to Attorney.

In ONE POA/GPA/SPA, only one principal can appoint only one attorney.

Notarisation: A Power of Attorney must be signed and executed before a certified notary officer in your city who shall also notarize it.. The document can also be notarized at any Indian Consulate.

Registration: A power of attorney is not required to be registered unless it creates an interest in Buy/Sale of immovable property. It must then be executed and authenticated by the District Registrar or sub-registrar.

Stamp Duty: Stamp Duty has to be paid by the Attorney in the jurisdictional registrar's office where the Property is located. Stamp duty varies depending upon relationship of Executant and the Agent. This process is called adjudication.

POA should be given to a blood relative. In cases, where it cannot be given to blood relatives, it may attract higher stamp duty which will approximately be **up to 5% of the prevailing guideline value/circle rate of property**. We suggest consulting your legal advisor.

Process for Adjudication of POA

Power of Attorney for executing sale/purchase of property has to be registered by the Principal and its attorney by paying proper Stamp Duty in the local District-Registrar of Attorney. Both Principal and Attorney have to be present for registration. Passport size photo of both Principal and Attorney is required. Although on the spot photos would be taken, it is advisable to carry passport size photographs.

If an inter-state POA is executed, the Sub Registrar (for address of the property for sale) would follow the 'Live Check' rule. The 'Live Check' rule is all about cross verifying the authenticity of the POA by getting connected to the Principal's Sub-Registrar. At times, Sub-registrar's can send letters for approval as well to minimize the chances of fraud. In this case, POA execution is completely at Sub registrar's discretion. This process may take a month. We suggest consulting your legal advisor.

Note: Hire a legal expert for POA of Buy/Sale of property as its impact is huge. Invalid POA may cost you additional trip to Bangalore. We always recommend "Special POA (SPA)".

KEY points for POA for Resident Indian:

1. **Proper stamp duty or Registration Charges** (Rs. 200+/-): For Domestic POA, Stamp duty of minimum Rs. 200/- has to be paid in local Sub-Registrar office where POA was executed. Please check with your lawyer about exact Stamp Duty charges. Stamp paper should be from the place where the Principal is staying.
2. **Language:** POA should always be drafted in English. For example, POA drafted in Hindi in Rajasthan may not work in Bangalore.
3. For Registered POA of domestic Principal, both Principal and Attorney must go together to local jurisdiction Sub-Registrar office with two ID/Address proof having photo (Aadhar card, PAN card, Driver License, Voter's Card etc)
4. Sub-Registrar will click digital photo and print it in POA. It's recommended to carry two passport size photographs by both Principal and Attorney.
5. Principal needs to sign on all the pages and Agent needs to sign at designated space.
6. Two witnesses are required with valid ID/Address proof having photographs.
7. Adjudication of domestic POA is not required.

POA Process for NRIs in USA

Please find below instructions for POA process for NRIs in USA in detail:

in USA:

- Print your POA on a plain white 8.5"X11" (normal A4) size paper. If possible, please print on good quality paper with GSM 90 to 110.

- Executant must sign at the bottom of all the pages of POA
- Notarize the POA with Notary public with two witness. Or Attest the POA at Indian Consulate General Office. It is Optional, but we strongly recommend.
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- Apostille the POA at Secretary of State Office (Varies from state to state)
- Supporting documents are required for authentication in USA: Original printed POA, Original Passport, VISA (I-94, H1B, Green Card etc) and government ID proofs with photo e.g. Driver License, or SSN.

Further Details about overall process in USA can be found at:

- <https://www.youtube.com/watch?v=c5-DJNvZzW8>

For Notary and Apostilles (Varies from state to state in USA):

- <https://www.gsccca.org/notary-and-apostilles>
- <https://www.indianembassy.org/pages.php?id=62>

Adjudication In India:

- Duly attested GPA/POA from USA needs to be adjudicated in District Registrar in Bangalore, India. Your local lawyers should take care of it and provide required guidance. For example, if address proof of attorney is in Marathahalli, adjudication will be done at District Registrar office in Shivaji Nagar. Adjudication can't be done in Sub-Registrar office located in Varthur or KR Puram.
- Attorney has to apply by writing an application to District Registrar along with his photo in the Application and Attorney's Unique ID/Address proof having photo (as mentioned in the POA).
- **Documents required for Adjudication:** Original POA, and copy of POA, **self-attested** government ID proofs with photo as mentioned in POA, including Original ID/Address proof, Duly signed Application for Adjudication and one passport sized photo of POA Holder. It's recommended to carry two ID/Address proof (Aadhar Card, Voter ID card, PAN Card, Driver License, Passport etc).
- Required stamp duty to be paid for the POA to be adjudicated.

We strongly recommend hiring a lawyer for the purpose of correctly executing a Power of Attorney. Typically, they charge around Rs. 4,000/- to Rs. 10,000/- depending on the attorney for expenses like Registration Charges at District Registrar, Out of Pocket expenses,.

POA holds a high impact in any transaction. **Your registration could be postponed or. If for any reason, the POA is invalid, you have to once again execute a Rectification Deed.**

FAQ for NRI's POA:

1. Is eStamp required for NRI POA?
No.
2. Will the Signature of witnesses will be in the USA. Does it have to be notarized as well?
YES. Both witnesses should provide their ID proof to the Notary and provide their Signature, Full Name and Address in POA. When the document is getting notarized, it will be done along with witness in USA.
3. Should all the pages of POA be notarised?
Yes
4. Photo of NRI (Principal) is not required at all, but it's recommended as it's a prevalent practice. POA for Bank related task and it is as per bank's rules.
5. A notarized copy of passport may be required for Home loan purpose.
6. [Attestation from Indian Embassy](#) for an NRI is recommended, but not required. For Foreign nationals (Like US Citizen with OCI card), approval from Indian Embassy is not required. Any foreign document must be notarised in that country.
7. [Adjudication of POA must be done within 3 \(three\) months of arrival of POA in India.](#)
8. Attorney for Foreign POA doesn't sign at all in Original POA. Neither his photo is required in Original POA. Attorney photo is required in Application.
9. In Bangalore, does the adjudication of POA happen in the same Sub Registrar Office?
No. It has to be registered at District Registrar, Bangalore based on the address proof of the Attorney and may take the entire day. Sub-Registrar can't adjudicate POA.
10. Who will submit application for the adjudication?
The Application should be submitted by the Attorney Holder along with his ID/Address proof having Photo, and make sure ID matches as mentioned in POA.
11. What supporting documents are required for adjudication?
Original POA, and copy of POA, self-attested government ID proofs with photo as mentioned in POA (Original ID/Address proof), Duly signed Application for Adjudication and one passport sized photo of POA Holder. It's recommended to carry two ID/Address proof (Aadhar Card, Voter ID card, PAN Card, Driver License, Passport etc)
12. Is Witness required for adjudication of POA?
No
13. How much will the Stamp Duty for adjudication?
It will be minimum Rs.200/- for blood relatives. It could be up to 5% of value of property. Please consult with your legal advisor.
14. How much time it takes for adjudication of POA?
It may take 1-3 days based on the availability of District Registrar.
15. Would it be feasible to do the adjudication on the same day as registration?
Yes. It takes couple of hours. **However, it may take 1-2 additional day as well.**

It all depends on the timely execution of Adjudication process and time taken to travel from District Registrar to Sub-Registrar office of property for Sale. Both buyer and Attorney has to arrive before 4 PM at Sub-registrar office for registration of property.

16. Can Adjudication be done at local District-Registrar office in his home town?

It is always advisable to get the adjudication done in the District Registrar where the Property is located so proper stamp duty can be calculated. However, if the Attorney Holder is immediate blood relative then the Adjudication can be done even at the Jurisdiction District Registrar of the Residence of Attorney.

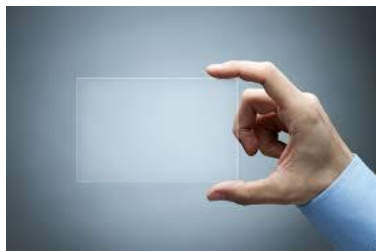
We are here to empower you with Knowledge and provide a neutral and unbiased view.

We would like to extend our gratitude to the M/S. **Ramniwas Surajmal (Advocates & Solicitors)** for their valuable legal inputs to prepare this document. You can reach out to them at anupam@rslegal.in or +91-97406 45762.

Disclaimer: Above document is prepared based on our experience and legal inputs by the Law firm. It may help you to understand the overall process. We are not at all responsible in case of any error. **Please take your own legal guidance.**

Agarwal Estates Unique Differentiator

Agarwal Estates, One Stop, All Solutions - Real Estate services venture, utilizes the promoter's extensive experience in process implementation, service delivery and standard methodologies to suit the requirements of the real estate market in India. This has helped us in delivering high quality services - on time - and also enabled us to successfully launch the concept of: **All we need is your autograph!**[™]



TRANSPARENCY is the CORE VALUE of Agarwal Estates

Being a **transparent** organization, we empower our customers through our revolutionary concept and key initiative called as KEY (**Knowledge Empowers You**). We share all the information with customers to enable them to make informed decisions. We have been constantly getting acknowledged by our existing customers about the **Knowledge** we share with them.

Agarwal Estates provides end-to-end solutions:

- **Real estate advisory:** Overseas investments, buy-back options, Flexible investment amount, etc.
- **Buy/sell/rent property:** Understanding your needs and providing the right solutions
- **Property and tenant management:** Peace of mind, guaranteed rent
- **Home loans:** Free consultancy, awareness about hidden charges, maximum savings
- **Home décor & interiors:** Six weeks completion for a standard 3 BHK starting at Rs 3+ lakhs
- **Allied services:** Property tax, Electric meter transfer, Vastu, etc.

ONE STOP, ALL SOLUTIONS - REAL ESTATE SERVICES



Agarwal Estates aspires to empower customers with the **right knowledge** to enable them to make the **right decisions** at the **right time**.



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**NATIONAL
ASSOCIATION OF
REALTORS - INDIA**

India: +91 81233 01122, USA: +1 (404)923 4567, Email: service@agarwalestates.com