



POA Process, especially for NRI in USA



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Power of Attorney (POA)

Making well-informed decisions is **KEY**, and we believe that **"Knowledge Empowers You!"** to handle important processes with clarity and confidence.

As a part of our **KEY** series, we have shared our wisdom based on facts and subject-matter expertise.

In this document, we are sharing our legally verified practical experience on Power of Attorney (POA). This document is created to help you understand Registration of POA for NRI & Indian Citizen residing in USA for Buy/Sale of property in India. **We have observed misleading information on the internet on many popular websites.** While this document provides an overview, we strongly recommend consulting a **qualified lawyer or legal expert** for specific legal advice.

Power of Attorney (POA)/General Power of Attorney (GPA)/Specific Power of Attorney (SPA): It is a legal document through which the **Principal or Executant** appoints an **agent or attorney** to act on their behalf in specific legal or financial matters.

Who is involved in a Power of Attorney?

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

Agent (Attorney Holder): The person who is given the power to act on the principal's behalf. The agent must act in the best interest of the principal and within the scope of the POA.

Execution of Power of Attorney:

Drafting the Document: Power of Attorney is taken very lightly, **but its impact is huge.** To ensure it serves its intended purpose without legal complications, it must be **carefully drafted by legal experts** with clear **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 should be handed over to the Attorney.

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

Steps for POA Execution

1. **Notarisation:** A Power of Attorney must be signed and executed before a certified notary officer in your city who shall also notarize it.
2. **Apostilling:** A Power of Attorney executed in the USA must simultaneously be apostilled for an NRI. This step is not required for domestic POA. An **apostille** is a certification issued by State officials that verifies the authenticity of a **notarized Power of Attorney**. This process is handled by the Authentication Division of the State Department. Once apostilled, no further attestation from the Indian Embassy is needed.
 - In many places in India, the attestation by the Indian Embassy/Consulate is easily recognised and **officials** may ask for attested copy despite the document already being apostilled. To avoid any inconvenience, you have the option to get the

- apostilled document further attested by the Consulate, you may apply to the Consulate for this.
- The Consulate will attest the documents only after they have been first apostilled by the relevant state authorities in the USA. Apostilling is done at the offices of the Secretary of State where the applicant resides. For details, please check the state government's websites. For example, residents of California may check the website www.sos.ca.gov.
 - Attestation by the Indian Consulate is optional. You may do so as explained above. Once the POA is apostilled and/or attested by Indian Consulate, it must be registered in India for it to be legally valid.
3. **Registration:** The POA must be registered to authorize the Attorney to **buy or sell** immovable property on behalf of the Executant. It must then be Adjudicated by the District Registrar.
 4. **Adjudication and Stamp Duty:** Stamp Duty must be paid by the Attorney in the jurisdictional District Registrar's office where the Property is located (preferably). Stamp duty varies depending on the relationship between the Executant and the Agent. This process, known as **adjudication of POA**, is mandatory under the **India Stamp Act**. If the POA is **issued in the USA**, it must be **adjudicated by the Attorney Holder** in India to be legally valid in the **Sub-Registrar's office**.

KEY Points for POA:

1. **Prefer Blood Relatives:** It is advisable to grant POA to a **blood relative**. In cases, where it cannot be given to blood relatives, it may attract higher stamp duty, which will be approximately **up to 5% of the prevailing guideline value/circle rate of property**. We suggest consulting your legal advisor.
2. For executing a Rental Agreement, POA can only be notarized rather than registered. Your legal expert can guide you in such a scenario. Adjudication of POA is required only for Registration of POA for NRIs.
3. **A Special Power of Attorney** is recommended for property-related matters. Seller must hand over the Original POA/GPA to the current Buyer. When the property is sold again, the **next buyer must receive the original POA** for their records.
4. For POA for Home loan purposes, the KYC documents (PAN Card, Indian Passport, Visa, and Passport Size photo) of the Principal must be notarized.
5. Hire a legal expert for POA relating to the Buy/Sale of property as its impact is huge.
6. **POA carries a significant weight in any transaction. Your registration of the sale deed could be postponed if the POA is not properly executed and stamped. An invalid POA may require additional travel from your hometown to the property's location, adding inconvenience and costs. If, for any reasons, the POA is found to be invalid post registration of the sale deed, a Rectification Deed will need to be executed, leading to further legal and procedural hurdles.**

POA Process for Residents of India

Power of Attorney for executing sale/purchase of property must be registered by both the Principal and the attorney, by paying proper Stamp Duty in the local Sub-Registrar's office of the Principal's Jurisdiction. Both the Principal and the Attorney must be present for registration. While photographs will be taken on the spot, it is advisable for both parties to carry passport-size photographs.

If an inter-state POA is executed, the Sub-Registrar (at the address of the property for sale) will follow the 'Live Check' rule, verifying the authenticity of the POA by coordinating with the Principal's Sub-Registrar. At times, written approval may be required to prevent fraud. This **process may take up to a month** and is subject to the **Sub-Registrar's discretion**. We suggest consulting your legal advisor.

KEY points for POA for Resident Indian:

1. **Stamp Duty and Registration Charges (Rs. 200+/-):** for a Domestic POA, a minimum Stamp duty of Rs. 200/- must be paid at the local Sub-Registrar's office where the POA is executed. The e-Stamp paper should be from the **Principal's location**. Please consult your **lawyer for exact charges**.
2. **Language:** POA should always be drafted in English. A POA drafted in another language — for example, in Hindi **in Rajasthan** — **may not be recognised as valid in Bangalore**.
3. For a registered domestic POA, both the Principal and the Attorney must visit the local jurisdictional Sub-Registrar's office together, with two valid photo ID/address proof documents each (such as Aadhaar Card, PAN Card, Driver's License, or Voter's Card).
4. The Sub-Registrar will capture a digital photograph, which will be printed in the POA. Both the Principal and the Attorney are advised to carry two passport-size photographs.
5. The **Principal signs at the bottom of all pages**, while the **Attorney signs only at the designated space in the last page**.
6. Two witnesses are required, with valid photo ID/Address proof.
7. Adjudication is not required for a domestic POA.

POA Process for NRIs in USA

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

A. Notarisation/Apostille process in USA:

- Print your POA on a plain white 8.5"X11" (normal A4) size paper. For best results, use good-quality paper with GSM of 90 to 110.
- The Executant must sign at the bottom of EVERY page of the POA. This is not merely a formality — when the Indian Embassy/Consulate attests a POA, the attestation applies to the document as a whole. Signatures or initials on every page along with page# serve as evidence that no pages were added, removed, or altered

after execution. A POA with unsigned pages can be questioned at the District Registrar's office in India, and in the worst case, rejected — requiring the entire process to be repeated from the USA.

- Have the POA notarised by a Notary Public, with two witnesses present.
- Have the POA apostilled at the Secretary of State's office. Note that this process varies from state to state.
- Attestation of the POA at the Indian Consulate is optional, but **recommended**.
- **Supporting documents required for authentication in the USA:**
 1. Original printed POA in A4 size paper of atleast 90 GSM
 2. Self-Attested Previous and current Original Passport and copy of first five pages and last two pages of current passport
 3. Notarised copy of VISA (H1B/H4 and I-94, or Employment Authorisation Document (EAD) aka Work Permit or Green Card etc) and
 4. Proof of USA Residence address e.g. Driver's License / Utility bill / [Landline Telephone bill](#). (**Mobile phone Bill and Bank Statements are not accepted as address proof**).

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

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

Further details for Notary, Apostilles (Varies from state to state in USA), and attestation from Indian Embassy can be found at:

- <https://www.gsccca.org/notary-and-apostilles>
- <https://www.indianembassy.org/pages.php?id=62>
- [Consulate General of India, San Francisco, California: Power of Attorney / Affidavits relating to Property or Financial Matters](#)

B. Adjudication in India:

- Duly notarized, apostilled and attested GPA/POA from the USA must be adjudicated at the **District Registrar's office (DRO)** in Bangalore, India, assuming POA Holder's address proof is of Bangalore. Your local lawyer should be able to guide you through this. For example, if the address proof of the attorney is in Marathahalli, Bangalore, then adjudication happens at **Shivaji Nagar District Registrar** (not Varthur or KR Puram Sub-Registrar office (SRO)) as Marathahalli falls under Shivaji Nagar DRO.
- The Attorney must submit a written application to the District Registrar, along with their **photograph** and **self-attested valid ID/address proof** as stated in the POA — for both the Principal and the Attorney.
- **Documents required for Adjudication:**
 - Original POA, and a copy of the POA

- Duly signed Application for Adjudication
 - One passport sized photo of the POA Holder.
 - It is recommended to carry at least two forms of Self-attested government-issued photo ID/Address proof (Aadhar Card, Voter ID card, PAN Card, Driver License, Passport etc.) of both Executant and Attormey **Original KYC documents of the POA holder must be carried)**
 - Copy of the Sale Deed
 - Property Tax paid receipt
 - Encumbrance Certificate (EC)
 - eKhata of the Property
- Applicable stamp duty must be paid for the POA to be adjudicated.

Service Fee: We strongly recommend engaging a lawyer for the correct execution of a Power of Attorney. The lawyer will handle drafting, coordination with the Registrar's office in India, and associated out-of-pocket expenses. Stamp Duty is payable as per actuals (**minimum Rs. 200/-**). Professional fees typically range from **Rs. 10,000 to Rs. 25,000/-, depending on the complexity of the matter.**



FAQ — POA for NRIs:

1. Is an e-Stamp required for an NRI POA?

No.

2. Do the witnesses also need to be notarised in the USA?

YES. Both witnesses must provide their ID proof to the Notary and furnish their signature, full name, and address in the POA. Witness signatures are notarised as part of the same notarisation process in the USA.

3. Should all pages of the POA be notarised?

Yes.

4. Is a photo of the NRI (Principal) required in the POA?

Photo of NRI (Principal) is not required at all, but it's recommended as it's a prevalent practice.

5. What about POA for bank-related tasks?

Requirements vary by bank. Please check with your specific bank for their documentation requirements.

6. Is a notarized copy of the passport required for a home loan?

Yes, it may be required. Please confirm with your loan provider.

7. Is attestation from the Indian Embassy necessary for an NRI?

It is recommended, but not mandatory. The attestation service is available only to Indian citizens; proof of Indian citizenship must be submitted. **For foreign nationals — including US citizens and OCI cardholders — attestation from the Indian Embassy is not required. Any foreign-executed document must be notarised and apostilled in the country of execution.** However, NRIs (Indian Passport Holder) should attest in Indian Embassy/Consulate as a best practice.

8. What is the time limit for adjudicating a POA in India?

Adjudication of POA must be done within 3 (three) months of the POA's arrival in India.

9. Does the Attorney sign the Original POA?

No. The Attorney does not sign the Original POA, nor is their photograph required in it. However, their photograph is required in the Application for Adjudication.

10. In Bangalore, does the adjudication of POA happen in the same Sub Registrar's Office?

No. Adjudication must be done at the **District Registrar's office** in Bangalore, based on the Attorney's address proof. A Sub-Registrar does not have the authority to adjudicate a POA. **Please note that this process may take an entire day.**

11. Who submits the application for the adjudication?

The Attorney Holder must submit the application personally, along with **their** photo ID/address proof. **The ID must match the details mentioned in the POA.**

12. 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.)

13. Is a Witness required for adjudication of POA?

No

14. What will the Stamp Duty be for adjudication?

A minimum of Rs. 200/- applies for blood relatives. **For non-blood relatives, it can be up to 5% of the property's value.** Please consult your legal advisor for the exact applicable amount.

15. How long does adjudication take?

It typically takes 1-3 days, depending on the availability of the District Registrar.

16. Would it be feasible to do the adjudication on the same day as registration?

Yes, it is possible and usually takes a few hours. **However, delays of one to two days may occur due to the adjudication process and travel between the District Registrar's office and the Sub-Registrar's office.** Both the buyer and the Attorney must arrive at the Sub-Registrar's office before 4:00 PM for the registration of the property.

17. Can adjudication be done at the POA holder's home-city District Registrar (as per his KYC address) when the property is located in another city?

This is a grey area and different Sub-Registrar offices interpret the rule differently. In our experience, adjudication is generally allowed in the POA holder's KYC city, even when the property is located elsewhere — as long as the stamp duty applicable in the property's city is paid. To avoid objections from the property's city (which may follow a different stamp-duty rule), it is safer to use a slightly higher stamp amount (e.g., ₹200 required in Karnataka → take ₹500 stamp). This ensures the POA remains valid across jurisdictions.

During adjudication, you must also submit:

- Sale deed copy
- Encumbrance Certificate (EC)
- Property tax paid receipt
- Ekhata of the property
- Self-attested KYC of both parties
- Originals KYC document of Attorney

Real Cases from Agarwal Estates:

The following are real experiences from our files, shared to help you navigate a situation that many NRI clients encounter.

Case 1: Adjudication in a Different City from the Property

One of our clients was based in the USA and owned a property in Ghaziabad. The Attorney Holder resided in Bangalore. When the matter was taken to the Ghaziabad Registrar, they directed that adjudication be done in Bangalore. At the Bangalore District Registrar's office, junior staff initially indicated that adjudication of an out-of-city property was not possible. We escalated the matter directly to the District Sub Registrar — the senior officer — who reviewed it and approved the adjudication, completing the process in DRO Bangalore.

Key Takeaway: Different legal professionals may offer differing opinions on adjudication jurisdiction. Many believe adjudication must be done in the city where the property is located — but that is not always the case. We strongly recommend first checking with the Local/District Registrar's office in the POA Holder's city of residence before making any travel arrangements. Avoid a situation where the Attorney Holder travels to the property's city, only to be told that adjudication has to be done in their home city instead.

Case 2: Name Discrepancy Across ID Documents

In a separate transaction, the POA Holder's name appeared differently across their Aadhaar Card and PAN Card.

This discrepancy, though seemingly minor, has the potential to stall or invalidate a registration if not addressed in advance. The name on the POA must match the name on the Attorney Holder's ID proof exactly; any variation can lead to the transaction being delayed or rejected at the Registrar's office.

To resolve this, a **Dual Name Affidavit** was executed — a notarised declaration stating that the two-name variations refer to one and the same person. In India, this affidavit is executed on Rs. 50/- stamp paper and notarised by a Notary Public. For an NRI principal in the USA, the same affidavit can be executed on plain paper and notarised by a US Notary Public.

Key takeaway: Check all ID documents of the Attorney Holder — and the principal — for name consistency well before the registration date. If a discrepancy exists, a Dual Name Affidavit is the standard instrument to resolve it. Ensure it is notarised and ready prior to adjudication.

Case 3: Attestation at the Indian Embassy in Denmark

In another transaction, the seller was an Indian citizen residing in Denmark. In Denmark, notarisation services are not provided to non-Danish citizens. So POA can only be attested in the Indian Embassy. POA attestation is generally applied only to the final page of the document. When the seller requested attestation on every page to ensure the document's integrity — they were informed that per-page attestation fees would make this prohibitively expensive.

The Embassy official then placed all pages of the POA side by side with a gap of hardly a few inches and applied a single attestation seal spanning across every page simultaneously, covering the entire document under one attestation, making sure that no pages could be altered after execution.

We are committed to empowering you with Knowledge by providing a neutral and unbiased view.

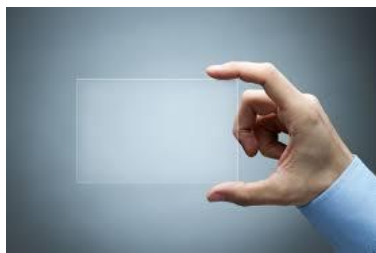
We would like to extend our sincere gratitude to **M/S. Ramniwas Surajmal (Advocates & Solicitors)** for their valuable legal inputs in the preparation of this document. For legal assistance, you may reach out to them at anupam@rslegal.in or **+91-97406 45762**.

Disclaimer: Above document is prepared based on our experience and legal inputs by the Law firm. It is intended to provide a general understanding of the process. While every effort has been made to ensure accuracy, we recommend consulting a qualified legal advisor for guidance specific to your situation. Agarwal Estates does not accept liability for any errors or omissions.

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