



HEADLINES | Judgment] No Arrest on ground of Mere 'Suspicion': Gujarat High Court to GST Dept [Read Order] DGGI (H)

COLUMNS | HEADLINES | INCOME TAX | TOP STORIES

Purchase and Sale of Immovable Property in India by NRI / OCI

June 6, 2019 12:40 pm | By : Sakshi Agarwal



3 Easy Steps

- 1) **Click** "Start Now"
- 2) **Download** on our website
- 3) **Get** manuals for



Promo Code ADDON25

Ad Valid on SpiceMax, Hot Meals & Preferred Seat bookings

SpiceJet

Learn more



HOME TOP STORIES NEWS UPDATES COLUMNS INTERVIEWS INCOME TAX SERVICE TAX

CST & VAT / GST EXCISE & CUSTOMS MORE +

Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018. The regulations have defined the “**Non-Resident Indian (NRI)**” as an Indian citizen resident outside India and an “**Overseas Citizen of India (OCI)**” as a person resident outside India who is registered as an Overseas Citizen of India Cardholder under the Citizenship Act, 1955.

• **ACQUISITION OF IMMOVABLE PROPERTY IN INDIA**

NRI/OCIs are permitted to invest in both residential and commercial properties. However, there are a few restrictions as to the investment in (a) agricultural land or (b) plantation property or (c) farmhouse property; (**hereinafter called “Restricted Property”**). The immovable property in India can be acquired by the NRI/OCIs either by direct purchase or a gift or inheritance. The rules governing the acquisition of immovable property in different modes are listed below:

• **PURCHASE BY NRI/OCI (OF NON-RESTRICTED IMMOVABLE PROPERTY)**

The NRIs/OCIs may purchase immovable property other than the Restricted Property i.e. (a) agricultural land or (b) plantation property or (c) farmhouse property by paying consideration out of the funds:

- funds received in India through banking channels by way of inward remittance from any place outside India or
- funds held in any non-resident account permitted under FEMA.

Care should be taken that no payment can be made including the part payment or down payment by Pay pal, traveller’s cheque, foreign currency or any other mode.

• **PURCHASE BY NRI/OCI JOINTLY WITH THEIR SPOUSES:**

The joint acquisition has also been allowed by the spouse of an NRI/OCI of immovable property other than restricted property i.e. (a) agricultural land or (b) plantation property or (c) farmhouse property, subject to the following

CO **Burj Noida in Sector 75 Noida by Dasnac. 3/4 BHK
Luxury Apartments @ Rs. 2.25 Crs***

- Burj Noida Xlr8 | Sponsored

[Read Next Story >](#)

d in India through banking
it account maintained in

- **Marriage:** the marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the acquisition of such property;
- **Prohibition:** The non-resident spouse is not otherwise prohibited from such acquisition.



to face Stern
Action: GST
August 19, 2019

Enter your email...



State Govts
Deemed to be
Registered
August 19, 2019



No Arrest on
ground of Mere
'Suspicion':
August 17, 2019



DGGI (HQs)
arrests Two
Persons in
August 17, 2019



Kerala High
Court quashes
Govt Order on
August 17, 2019



Naturopathy,
Yoga, Ayurveda
are Health Care
August 16, 2019

VIDEOS CORNER

[VIEW MORE](#)

All you want to know
about **Fat Tax**

TAX SCAN

Facebook: /taxscan, Twitter: /tax_scan, Website: www.taxscan.in, YouTube: /taxscan

All you want to know
about Fat Tax

HOME TOP STORIES NEWS UPDATES COLUMNS INTERVIEWS INCOME TAX SERVICE TAX
 CST & VAT / GST EXCISE & CUSTOMS MORE +

Relative, who is either

- a person resident in India; or
- NRI/OCI
- **INHERITANCE (FOR BOTH RESTRICTED AND UNRESTRICTED IMMOVABLE PROPERTY)**

NRIs/OCIs may acquire both non-restricted as well as (a) agricultural land or (b) plantation property or (c) farmhouse property from:

- a person resident outside India who had acquired such property in accordance with the provisions of the foreign exchange law in force at the time of acquisition; **or**
- from a person resident in India;
- **TRANSFER OF IMMOVABLE PROPERTY**

NRI/OCI are permitted to transfer:

- **Restricted Properties i.e. (a) agricultural land or (b) plantation property or (c) farmhouse property** to a person resident in India;
- **Non-Restricted Property** to an NRI or OCI or a person resident in India.
- **REPATRIATION OF SALE PROCEEDS**

Repatriation of sale proceeds is subject to the following conditions:

- Repatriation of sale proceeds of immovable property would require the specific permission from RBI if a person has acquired immovable property under section 6(5) of the FEMA when he was resident in India or inherited from a person who was resident in India;
- Further, repatriation of the sale proceeds of immovable property other than restricted properties by NRIs or OCIs are subject to the following conditions:
- the immovable property should have been acquired by the NRI/OCI as per the foreign exchange law in force at the time of his acquisition;

- the immovable property should have been paid for in full; and
- the sale proceeds of the immovable property should have been paid in full; and

[Read Next Story >](#)

Therefore it is very important that the NRI/OCI consider the above conditions before investing and taking an exit from India.



All you want to know about Goods and Service Tax (GST) Bill

UPDATES

VIEW MORE



May 17, 2018

ICAI conducts Residential Programmes for Men and Women Chartered Accountants



2017

ICAI Appointed as Vice-Chair of Asian-Oceanic September 22,



Govt to set up National Financial July 24, 2017



Job Opening in Investment Advisory June 11, 2017