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AUTHENTICATED POWER OF ATTORNEY

To authenticate is to attest or certify authorship. It is different from registration (By registered power or attorney, a person employs an agent to do any lawful act in his stead. – It is not compulsorily registrable.)

That for the purposes of clause(c) of section 32 only of that section are applicable to section 33 and the following powers need authentication for presentation of documents :-

- a) Where the principal executes and the attorney presents and the two persons are different.
- b) Where a power of attorney is given for both
 - i) to execute document and present the same, and
 - ii) to present for registration documents executed by or in favour of the principal, such a power must be authenticated as a whole because of (ii).
- c) Where a general power of attorney gives among several powers, a power to present document executed by the principal for registration on behalf the principal, it must be authenticated as ^awhole because of this authority to present.

Where a power contains an authority to execute a document and also to present it, i.e. where the executant and the presentant are the same, it does not require to be authenticated as the executant as such can present. (S. 32)

Power of attorney, which do not contain or imply an authority to present for registration a document executed by or in favour of the principal, or to admit execution of any document executed by him, shall not be authenticated.

The procedure of authentication has been elaborately explained from rule 91 to rule 93 of West Bengal Registration Rule.

JURISDICTION

The place of residence of the principle at the time of execution determines the jurisdiction of the different officers, who are competent to authenticate the power of attorney.

It is essential that the power of attorney shall be executed before an officer competent to authenticate the same. For the purpose of S. 33(1) (a) a power of attorney executed before presentation will also hold good by re-execution in the presence of registering officer.

In case of persons exempted from personal appearance u/s 88 of R. Act, The authenticating officer shall satisfy himself about the voluntary execution of the power.

Where a general power of attorney contains an authentication clause, then it must be authenticated first, then it will have to be registered.

At first Serial No....., G.P. No....., Year....., will be given, then again it will be registered and entered in the Book No. 4. Receipt u/s 52 will be issued twice.

Stamp requires worth Rs. 50.00 only,

Another opinion Rs. 100.00 (Rs. 50.00 for each authentication and registration)

Registration Fees : L (II) - 12.00

& E - 7.00

COPY : Authenticated power are not entered in Book No. 4 Miscellaneous Register (S. 51) but shortly noted in a separate registrar. As it is not registered, a copy of it can not possibly be obtained from the Registration office except where it is asked for under R.T.I. Act.

In case of registered power of attorney, the copy of entries in Book No. 4 shall be given to any person executing or claiming under the documents to which such entries respectively refers or to his agent or representative.

AUTHENTICATED POWER

Appendix D-Departmental Instruction By Inspector General
(See Part VI of Bengal Manual, 1928, P. 165)

146. Abstract of all powers of attorney authenticated should be prepared without unnecessary delay and signed by the registering officer. Below the extract there should be a copy of the foot-note of correction. Foot-note shall be copied in every case into the register of power of attorney kept in Form No. 17 in Appendix - I.
147. A principal desiring to revoke an authenticated power should, if it is available, produce it before the registering officer with an application to get it cancelled.....
149. The duplicated or triplicate of a power of attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon, but it shall not be necessary to abstract the power more than once in the register.....
153. All power of attorney, duly authenticated, must as a rule, be presented in original along with documents before registering officer.