COLONEL'S PROPERTY WATCH

Practical intelligence for NRI families with property in India

ISSUE 3 — JULY 2026 — Colonel CVS Sehgal (Retd.)

She finally asked.

Not about the property in general. About one document she'd been carrying in the back of her mind for two years — the General Power of Attorney her husband signed over to his brother back in 2017. “Has anyone looked at that since?” she asked him, over dinner, on a Tuesday like any other.

He didn't have an answer. Neither of them had thought about it since the day it was couriered to Punjab.

This newsletter is for her. And for every family living abroad still holding a Power of Attorney they signed once — and haven't looked at since.

SECTION 1 — LAW UPDATE

The Power of Attorney India Won't Recognise

A Power of Attorney signed abroad does not become usable in India the moment it lands. State governments are steadily closing the loopholes that once let a POA stand in for a full, registered property transfer.

Three things most families abroad get wrong:

- A foreign POA needs authentication before it does anything in India — notarised and apostilled, or attested by the Indian Consulate, depending on where you signed it. For property matters, I have seen registrars insist on consulate attestation even where a valid apostille already exists.
- The day it lands in India, a clock starts. Stamp duty has to be assessed and paid within a defined window — commonly running to about three months, though this varies state to state. Miss that window, and the document does not send you a warning. It simply stops working.
- If the POA is meant to authorise a sale, gift, or exchange of property, adjudication is not the finish line. It also needs registration at the Sub-Registrar's office where the property sits. Karnataka has already made this compulsory. Punjab is heading the same direction.

Somewhere, a POA signed in 2017 has never been adjudicated, registered, or reviewed. She's reading this right now, doing the arithmetic on how many years that clock has been running.

SECTION 2 — COURT WATCH

A POA Was Never Enough: Suraj Lamp & Industries vs State of Haryana (2011)

The Supreme Court settled a question that had confused buyers and sellers for decades: can a Sale Agreement, a Power of Attorney, and a Will — together — stand in for a properly registered sale deed?

> *The Court's answer left no room for doubt: a Power of Attorney — however it's paired with a sale agreement or a Will — cannot stand in for a registered sale deed. It doesn't transfer ownership. Full stop.*

A Power of Attorney lets someone act for you. It does not, by itself, give anyone ownership. I don't care how old the arrangement is, or how much you trust the person holding it — a POA-based purchase does not hold secure title.

The brother holding that POA doesn't own the property. He holds authority to act on someone else's behalf — and only for as long as that authority stays valid.

SECTION 3 — PRACTICAL TIP

Three Things You Can Do This Week — From Wherever You Are

You don't need to fly to India. You don't need a lawyer on the phone at midnight. These three steps take under thirty minutes and cost nothing.

1. Find the POA and check the arrival date.

Locate the actual document. Find the date it arrived in India — courier record if you have one. That date, not the signing date, is when the adjudication clock started.

2. Confirm registration, if it's a property POA.

If it authorises sale, gift, or transfer of property, check whether it was ever registered at the Sub-Registrar's office. Adjudication alone does not cover you.

3. Ask if it names a backup and carries an end date.

No named alternate, no defined validity period — that's not a technicality. That's an open-ended risk sitting quietly in your files.

SECTION 4 — COLONEL'S CORNER

A Word From Colonel Sehgal

In forty years, the Power of Attorney is still the document people trust the most and understand the least. Families treat it like a formality — sign it, courier it, forget it.

I have sat across the table from more than one family who found out, only when they finally needed it, that the document had gone quietly unusable years earlier. Nobody had done anything wrong. Nobody had told them the clock was running.

If you've already started asking the question — good. Don't let it sit for another two years.

A General POA sitting untouched isn't just paperwork. It's the only thing standing between an orderly future for that property and a fight nobody in your family is ready for.

It deserves thirty minutes of your attention this week.

Missed Issue 2? Read it on the Will — and why the one in your almirah may not hold up: cvssehgal.com/newsletter

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