ARISE

Aparupa Realty Investment N Strategic Enterprises Pvt Ltd

NRI Property Investor Guide

Buying, owning and selling property in India with a focus on Gurugram | 2026–27 edition

- What NRIs and OCIs can buy, and how to pay
- The full cost of buying in Gurugram
- Home loans, rent and tax on rent
- Selling, capital gains and TDS under the new Income-tax Act
- Taking your money back abroad

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Before you begin

Buying a home in India from abroad is simpler than most people expect, provided the money moves through the right accounts and the paperwork is in order from day one. Most of the problems we see with NRI clients do not come from the purchase itself. They come years later, at the time of selling or sending money back, because a small step was missed at the start.

This guide walks you through the whole journey in the order you will face it. Rules are current as of November 2026. Note that India's new **Income-tax Act, 2025** came into force on 1 April 2026, so many familiar section and form numbers have changed. We mention both the old and new numbers where it helps.

1. What you can and cannot buy

Under FEMA, an NRI (an Indian citizen living abroad) or an OCI cardholder can buy property in India without any approval from the RBI, with one clear exception.

You can buy freely	You cannot buy
Apartments, builder floors, villas and independent houses	Agricultural land
Residential plots	Farmhouses
Shops, offices and other commercial property	Plantation property
Any number of properties — there is no limit on how many you own	(You can still receive these by **inheritance**)

A spouse who is not an NRI or OCI can buy **one** property jointly with the NRI/OCI spouse, subject to RBI conditions.

2. How you must pay

Payment has to reach the seller through Indian banking channels. The permitted routes are:

- Money sent from abroad through normal banking channels (inward remittance)
- Your **NRE** or **FCNR(B)** account in India
- Your **NRO** account in India

Cash in foreign currency or traveller's cheques are not allowed for property payments.

> **ARISE advice:** Wherever possible, pay from your NRE/FCNR account or by direct remittance, and keep every bank advice. Money paid this way can later be sent back abroad in full, within the rules in Section 7. Money paid from an NRO account is harder to take out later.

3. The full cost of buying in Gurugram

Budget for these over and above the agreed price:

Item	What you pay
Stamp duty (Gurugram, within municipal limits)	Man: **7%** | Woman: **5%** | Joint (man + woman): **6%**
Registration fee	Slab-based, capped at ₹50,000
GST	Payable on under-construction homes. No GST on a ready home that already has its Occupation Certificate.
Other	Maintenance deposit, club and parking charges (builder-specific), and legal fees

Stamp duty is calculated on the agreed price or the government circle (collector) rate, whichever is higher.

Example — a ₹2 crore apartment in Gurugram

Registered in the name of	Stamp duty	Saving vs a male buyer
Husband alone	₹14,00,000	—
Husband and wife jointly	₹12,00,000	₹2,00,000
Wife alone	₹10,00,000	₹4,00,000

ARISE advice: Registering the home in the wife's name, or jointly, is one of the easiest legitimate savings available in Haryana. Decide this before the agreement is signed, because the names on the booking usually carry through to the sale deed.

4. Home loans for NRIs

Most Indian banks and housing finance companies lend to NRIs and OCIs. The loan is in rupees and is repaid from your NRE, NRO or FCNR account. RBI limits how much of the property value a bank can lend:

Loan amount	Maximum loan as a share of property value
Up to ₹30 lakh	90%
₹30 lakh to ₹75 lakh	80%
Above ₹75 lakh	75%

Banks usually ask for passport and visa or OCI card, overseas employment contract or business proof, recent salary slips, six months of overseas and NRE/NRO bank statements, and PAN.

5. Checks before you book

You are buying from a distance, so these checks matter even more:

- **RERA registration.** Confirm the project and the builder on the HARERA Gurugram portal (haryanarera.gov.in). Check the approved completion date and any complaints against the project.
- **Approvals.** Licence, approved building plans and environmental clearance. For a ready home, the Occupation Certificate.
- **Title and dues.** For a resale home, a lawyer's title search, the chain of past sale deeds, and proof that the bank loan (if any) and maintenance dues are cleared.
- **Builder track record.** Visit a completed project of the same developer and speak to residents.
- **Circle rate.** Know the official rate for the sector (available on the Haryana revenue portal) so the stamp duty figure is not a surprise.

Buying without travelling: Power of Attorney

If you cannot be in India for registration, you can appoint a trusted person through a Power of Attorney. Have it signed and attested at the Indian Embassy or Consulate (or apostilled, where your country allows), then get it stamped in India within three months of it arriving here. Keep the powers specific to the one property and the one transaction.

6. Renting out your property

Rent from Indian property is taxable in India even though you live abroad. The tenant must deduct tax before paying you:

- **TDS on rent paid to an NRI is 30%** plus surcharge (if applicable) and 4% cess, which works out to **31.2%** for most landlords. There is no minimum — it applies from the first rupee.
- This is now deducted under **section 393(2)** of the new Act (earlier section 195).

- Your actual tax is often lower, because 30% of the net rent is allowed as a standard deduction and home loan interest can also be claimed. You get the extra back by filing your Indian tax return.
- To avoid having too much tax held back every month, apply for a **lower deduction certificate** (now **Form 128**, earlier Form 13) and give it to your tenant.

Rent should be credited to your NRO account.

7. Selling — capital gains and TDS

How long you held the property	Tax on profit
24 months or less (short term)	Added to your income and taxed at your slab rate
More than 24 months (long term)	**12.5%** plus surcharge and cess, without indexation

Resident sellers of older properties may choose 20% with indexation in some cases. That option is not available to NRIs.

The TDS trap

When an NRI sells, the buyer must deduct tax on the **full sale price**, not just on your profit. For a long-term sale this is 12.5% plus surcharge and cess (roughly 13% to 15% in total).

Example	Amount
Bought in 2021 for	₹1.5 crore
Sold in 2026 for	₹2.5 crore
Actual profit	₹1 crore
Tax on that profit (12.5%, before surcharge and cess)	about ₹12.5 lakh
TDS the buyer must deduct on the full ₹2.5 crore (12.5%, before surcharge and cess)	about **₹31.25 lakh**

The extra ₹18–19 lakh is refunded only after you file your return, which can take months. The fix is to apply for a **lower deduction certificate (Form 128)** well before the sale. It only covers payments made after it is issued, so apply before you accept the token money.

Who handles the TDS

- From 1 October 2026, a **resident individual** buying from an NRI can deposit this TDS using their PAN through **Form 141**, without needing a TAN. Companies and firms still use the TAN route.
- If **you** are an NRI buying from another NRI, you must deduct this TDS yourself — speak to your chartered accountant before paying anything.
- If you buy from a **resident** seller, you deduct 1% TDS when the price is ₹50 lakh or more.

Saving tax by buying another home

If you sell a residential property held long term and reinvest the gain in another residential house in India, the gain can be exempt (old section 54, now **section 84**). Buy within one year before or two years after the sale, or complete construction within three years. The exemption is capped at ₹10 crore. If the gain is ₹2 crore or less, you can split it across two houses — but only once in your lifetime.

8. Taking your money back abroad

- **Property bought with foreign money** (remittance, NRE or FCNR): the sale proceeds can be sent abroad up to the amount you originally paid in foreign exchange. For residential property, this is allowed for a maximum of **two** properties.
- **Anything beyond that**, and property bought from rupee funds or inherited: send it through your NRO account, within the limit of **USD 1 million per financial year**.

- Your bank will need a tax declaration and a chartered accountant's certificate. These are now **Form 145** and **Form 146** (earlier Forms 15CA and 15CB).

ARISE advice: Keep the bank remittance advices and receipts from your original purchase safely. Without them, proving that you paid in foreign exchange can hold up repatriation years later.

9. Old vs new tax references at a glance

What it covers	Income-tax Act 1961	Income-tax Act 2025 (from 1 Apr 2026)
TDS on payments to NRIs (sale, rent)	Section 195	Section 393(2)
Lower / nil TDS certificate	Section 197, Form 13	Section 395, Form 128
Capital gains exemption on a new house	Section 54	Section 84
Remittance forms	Forms 15CA / 15CB	Forms 145 / 146
Tax year	Previous year + assessment year	Single 'tax year' (1 April – 31 March)

Returns for income earned up to 31 March 2026 still follow the old Act.

10. Your document checklist

Keep ready	
PAN card	Needed for registration, TDS, loans and tax returns
Passport, visa or OCI card	Proof of identity and NRI/OCI status
Overseas address proof	For bank and registration records
NRE / NRO / FCNR account details	For payments, loan EMIs and rent
All payment receipts and bank remittance advices	Needed for repatriation and capital gains
Sale agreement, allotment letter, sale deed	Original and scanned copies
Power of Attorney (if used)	Attested abroad and stamped in India

How ARISE helps

We work with NRI and OCI clients from the first shortlist to the final registration and beyond. That includes property selection across Gurugram's key corridors, project and title checks, site visits on video, coordination with your bank and chartered accountant, Power of Attorney support, and help with renting out or reselling when the time comes.

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Important: This guide gives general information based on FEMA, RBI directions, the Income-tax Act 2025 and Haryana stamp duty rules as they stood in November 2026. Rules, rates and forms change, and every investor's situation is different. Please confirm tax matters with a qualified chartered accountant and legal matters with an advocate before you act.