FUTURISTIC NOIDA

NRI buyer guide

FEMA, NRE/NRO payments, power of attorney and TDS

Free home-buyer guide · Edition Oct 2026

For buyers in Noida, Greater Noida & the Yamuna Expressway
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What NRIs and OCIs may buy

Under FEMA (Non-debt Instruments) Rules 2019, an NRI or OCI can buy residential and commercial property in India without RBI approval. They cannot buy agricultural land, a plantation property or a farmhouse (except by inheritance). No limit on the number of flats.

How to pay

- Pay through normal banking channels: inward remittance from abroad, or from your **NRE, NRO or FCNR(B)** account in India.
- No payment in foreign currency notes or travellers' cheques.
- A home loan from an Indian bank/HFC in INR is allowed; repay via NRE/NRO or inward remittance.

Selling and taking money out

- Sale proceeds can be repatriated up to the amount originally paid in foreign exchange; this is allowed for up to two residential properties.
- Other balances in an NRO account can be remitted within the RBI's USD 1 million per financial year limit, after taxes, with CA certificate (Form 15CA/15CB).

Source: FEMA (Non-debt Instruments) Rules, 2019; RBI Master Direction on immovable property by NRIs/OCIs (rbi.org.in).

Power of attorney (POA)

If you cannot be present for registration, give a specific POA to a trusted person. Sign it before the Indian embassy/consulate (or notarise and apostille it), then get it adjudicated / stamped in UP within the time allowed after it reaches India. Limit it to the one property and purpose.

TDS: the rule changed with the new Act

The Income-tax Act, 2025 applies from 1 April 2026. Old section numbers in older articles are out of date.

Situation	Rule
You (resident) buy from a **resident** seller, value ≥ ₹50 lakh	Deduct 1% TDS – s.393(1), Table Sl. 3(i) (earlier s.194-IA)
Anyone buys from an **NRI seller**	Deduct tax at rates in force on the seller's capital gain – s.393(2), Table Sl. 17 (earlier s.195). No ₹50 lakh threshold. Long-term gains 12.5% plus surcharge and 4% cess; short-term at slab rates
NRI seller wants lower TDS	Apply to the tax department for a lower-deduction certificate before the sale

From 1 Oct 2026, a resident individual/HUF buyer deducting tax from a non-resident seller reports it in Form 141 Schedule E (CBDT notification 121/2026, 22 Sep 2026). The buyer needs a TAN only where the law requires it – check with a CA before the first payment.

Sources: Income-tax Act, 2025 and incometaxindia.gov.in (checked 29 Oct 2026); CBDT notification 121/2026.

NRI checklist

- ☐ Passport, visa / OCI card, PAN, overseas address proof
- ☐ NRE / NRO account statement for payments
- ☐ Specific POA, adjudicated in UP
- ☐ Seller's TDS and Form 15CA/CB plan (if you are selling)
- ☐ CA advice in both India and your country of residence (DTAA)

Sources (checked 29 Oct 2026)

- FEMA (Non-debt Instruments) Rules, 2019 and RBI Master Direction on Acquisition and Transfer of Immovable Property in India by NRIs/OCIs; rbi.org.in
- Income-tax Act, 2025 (in force from 1 Apr 2026): s.393(1) Table Sl.3(i) (1% TDS, resident seller, ≥₹50 lakh; earlier s.194-IA) and s.393(2) Table Sl.17 (non-resident seller, earlier s.195); incometaxindia.gov.in, checked 29 Oct 2026
- CBDT notification 121/2026 dated 22 Sep 2026 (Income-tax (Fifth Amendment) Rules 2026, effective 1 Oct 2026: Form 141 Schedule E for TDS on purchase from a non-resident)

Not legal or financial advice. General information only, not legal, tax or financial advice. Rules and rates change; confirm with a lawyer, a CA, your bank and the official portal before you pay anything.

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