

MAHARASHTRA APARTMENT OWNERSHIP RULES, 1970

CONTENTS

1. Short title
2. Definitions
3. Declaration under section 2
4. Conveyance of Apartments
5. Parties to Deeds of Apartment
6. Contents of Deeds of Apartments
7. Form of book under section 13(3) and of index thereto
8. Form of Memorandum under Section 13(4)

MAHARASHTRA APARTMENT OWNERSHIP RULES, 1970

In exercise of the powers conferred by subsection (1) of section 25 of the Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by the said sub-section (1) of Section 25, namely:

1. Short title :-

Malh. Apartment Ownership Rules 1972 These rules may be called the Maharashtra Apartment Ownership Rules, 1972.

2. Definitions :-

(1) In these rules, unless the context requires otherwise :- (a) "Act" means the Maharashtra Apartment Ownership Act, 1970 ; (b) "Form" means a form appended to these rules; (c) "Section" means a section of the Act.

(2) Words and expressions used in these rules but not defined therein shall have the meaning respectively assigned to them in the Act.

3. Declaration under section 2 :-

Application of Form A.

(1) The Declaration to be executed and registered under section 2 by the sole owner or all the owners shall be in form "A".

(2) The declaration shall be signed by the apartment owner and verified in the presence of a Magistrate or any other person

competent to administer oath and shall be filed with the competent authority within thirty days from the date of its execution or with in such longer period as that authority may permit.

4. Conveyance of Apartments :-

Deed of Apartment. All transfers of apartments by the sole owner or all the owners of the property (being an owner or owners who has or have executed and registered a Declaration in Form "A") to an apartment owner and subsequent transfer from an apartment owner to his transferee shall be by a Deed of Apartment.

5. Parties to Deeds of Apartment :-

Apartment Owner. In the case of the first Deed of Apartment, the party of the first part shall be either the sole owner or all the owners of the property who has or have executed and registered the Declaration in form "A" and the party of the second part shall be the apartment owner. In the case of subsequent Deed of Apartment, the party of the first part shall be the apartment owner and the party of the second part shall be his transferee

6. Contents of Deeds of Apartments :-

Contents of Deed of Apartments.

(1) The first Deed of Apartment shall be accompanied by a copy of the relevant floor plans of the building filed under sub-section (2) of section 13 and by a certificate of an architect certifying that the said floor plan shows the number and dimensions of the apartment being conveyed and of the immediately adjoining apartment and that the said floor plan fully and accurately depicts the lay-out of the apartment, its location, dimensions, approximate area, main entrance, common areas and facilities and limited common areas and facilities, if any, to which it has access, as built.

(2) In addition, the first and every subsequent Deed of Apartment shall include the following particulars, namely :-

(a) Description of the land as provided in section 11 or the post office address of the property, including, in either case, the liber, page and date of executing the Declaration, the date and serial number or its registration under the Registration Act, 1908 and the date and other reference, if any, of its filing with the competent authority ;

(b) The apartment number of the apartment in the Declaration and any other data necessary for its proper identification ;

(c) Statement of the use for which the apartment is intended and restrictions on its use, if any ;

(d) The percentage of undivided interest appertaining to the apartment in the common areas and facilities ;

(e) Any further details which the parties to the Deed may deem desirable to set forth consistent with the Declaration and the Act;

(3) The provisions of this rule may be given effect to by referring to the relevant provisions made in the declaration for the purpose of avoiding repetition of those relevant provisions in the Deed of Apartment.

(4) The apartment owner shall file a true copy of every Deed of Apartment to which he is a party in the office of the competent authority within thirty days from the date of its execution.

7. Form of book under section 13(3) and of index thereto :-
Form "C".Form "D".

(1)The Register of Declarations and Deeds of Apartments for the purpose of sub-section (3) of section 13 shall be in Form "C" .

(2) The index to such register shall be in Form "D".

8. Form of Memorandum under Section 13(4) :-

The memorandum required to be filed by the Manager or Board of Managers for the purpose of sub-section (4) of section 13 shall be in form "E".