



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ३१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of Maharashtra Apartment Ownership (Amendment) Bill, 2018 (L.A. Bill No. V of 2018), introduced in the Maharashtra Legislative Assembly on the 28th February 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. V OF 2018.

A BILL

further to amend the Maharashtra Apartment Ownership Act, 1970.

WHEREAS it is expedient further to amend the Maharashtra Apartment Ownership Act, 1970, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

Mah. XV
of 1971.

1. This Act may be called the Maharashtra Apartment Ownership (Amendment) Act, 2018. Short title.

Mah. XV
of 1971.

2. In section 3 of the Maharashtra Apartment Ownership Act, 1970 (hereinafter referred to as “the principal Act”), for clause (a), the following clause shall be substituted, namely :—

Amendment
of section 3 of
Mah. XV of
1971.

“(a) “apartment” whether called block, chamber, dwelling unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by

any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified ;”.

Amendment
of section 6 of
Mah. XV of
1971.

3. In section 6 of the principal Act, in sub-section (2), for the words “ of all ” the words “ of majority ” shall be substituted.

Insertion of
new section
6A in Mah.
XV of 1971.

4. After section 6 of the principal Act, the following section shall be inserted, namely :—

Re-development
of apartments.

“6A. Notwithstanding anything contained in sub-section (3) of section 6, section 14 and section 22 of this Act, any work in relation to the re-development of a building can be carried out after obtaining the consent of the majority of apartment owners of such building :

Provided that, in respect of such building, a period of thirty years has been completed, from the date of issuance of Completion Certificate by the concerned Planning Authority or from the date of issuance of permission to occupy a building by the concerned Planning Authority, whichever is earlier, or, the concerned Planning Authority has declared such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighborhood thereof.

Explanation.—For the purposes of this section, the expression “re-development” shall have the meaning as assigned to it in relevant Development Control Regulations. ”.

Amendment
of section 8 of
Mah. XV of
1971.

5. In section 8 of the principal Act, for the words “ unanimous consent of all ” the words “ consent of majority of ” shall be substituted.

Amendment
of section 11
of Mah. XV of
1971.

6. In section 11 of the principal Act, in sub-section (1), in clause (i), for the words “ percentage of votes ” the words “ percentage of majority of votes ” shall be substituted.

Amendment
of section 14
of Mah. XV of
1971.

7. In section 14 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) A property may be removed from the provisions of this Act, by majority of apartment owners by an instrument to that effect duly executed. ”.

Amendment
of section 22
of Mah. XV of
1971.

8. In section 22 of the principal Act, for the words “ the Association of Apartment Owners ” the words “ the Association of Apartment Owners by majority ” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971) has been enacted to provide for the ownership of an individual apartment in a building and to make such apartment heritable and transferable property and to provide for matters connected therewith.

2. While implementing the provisions of the said Act, it has been observed that, certain buildings covered by the said Act, though require re-construction or re-development, it is not possible to undertake such re-construction or re-development as the consent of all the members of Association of Apartment Owners is required. It has been also noticed that, if such buildings are not re-constructed or re-developed in time, there is a likelihood of risk of life to the residents therein. With a view to overcome such problems and difficulties, it is considered expedient to amend the said Act, suitably.

3. The salient features of the proposed amendments are as under,—

(a) the definition of “apartment” is proposed to modify on the lines of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(b) to provide for repair or re-construction or re-development of the dilapidated buildings, after obtaining the consent of majority of apartment owners ;

(c) to make the consequential amendments in view of the proposed amendments.

4. The Bill seeks to achieve the about objectives.

Mumbai,
Dated the 22nd February 2018.

PRAKASH MAHETA,
Minister for Housing.