



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २९(७)]

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असाधारण क्रमांक ६१

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 the Maharashtra Apartment Ownership (Amendment) Bill, 2020 (L. A. BILL No. XL of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XL OF 2020

A BILL

further to amend the Maharashtra Apartment Ownership Act, 1970.

Mah. WHEREAS it is expedient further to amend the Maharashtra Apartment
XV of Ownership Act, 1970, for the purposes hereinafter appearing; it is hereby
1971. enacted in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Apartment Ownership Short title.
(Amendment) Act, 2020.

Mah. 2. In section 3 of the Maharashtra Apartment Ownership Act, 1970 Amendment
XV of (hereinafter referred to as “the principal Act”), of section 3
1971. of Mah. XV
of 1971.

(a) after clause (i), the following clause shall be added, namely :—

Mah. “(i-1) “Co-operative Court” means the Co-operative Court
XXIV of constituted under Maharashtra Co-operative Societies Act, 1960;”
1961.

(b) after clause (r), the following clause shall be inserted, namely :—

Mah. “(s) “Registrar” means a person appointed to be the Registrar of Co-
XXIV of operative Societies under the provisions of the Maharashtra Co-operative
1961. Societies Act, 1960;”.

Insertion of
new section
12A in Mah.
XV of 1971.

3. After section 12 of the principal Act, the following section shall be inserted, namely :—

Amendment in
contents of
Declaration or
Deed of
Apartments.

“12A. The Apartment Owners may by resolution passed by majority in special meeting of the Association of Apartment Owners, change or amend the contents of the Declaration or Deed of Apartments.”.

Insertion of
new sections
16A and 16B
in Mah. XV of
, 1971.

4. After section 16 of the principal Act, the following sections shall be inserted, namely :—

Filing of
complaint
with the
Authority.

“16 A. Any aggrieved apartment owner, Association of apartment owner, may file a complaint with the Registrar, for any violation or contravention of the provisions of this Act or the rules made thereunder against any apartment owner or the sole owner or all the owners of the property. Every such complaint as far as possible, be disposed of by the Registrar within a period of thirty days from the date of its receipt:

Provided that, where such complaint is not so disposed of within the said period of thirty days, the Registrar shall record the reasons for the delay.

Appeal to
Co-operative
Court.

16B. (1) Any person aggrieved by any direction or order or decision of the Registrar, Co-operative Societies may prefer an appeal to the Co-operative Court (hereinafter in this section referred to as “the appellate authority”).

Explanation.—For the purpose of this section, “person” means apartment owner, Association of apartment owner, sole owner, or all the owners of the property.

(2) Every appeal under sub-section (1) shall be preferred within a period of sixty days from the date on which a copy of the direction, order or decision made by the Registrar is received by the aggrieved person :

Provided that, the appellate authority may entertain any appeal after the expiry of sixty days, if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the appellate authority may, after giving the parties a reasonable opportunity of being heard, pass such orders thereon as it thinks fit.

(4) The appellate authority shall send a copy of every order made by it to the parties and to the Registrar.

(5) The appeal preferred under sub-section (1) shall be dealt with by the appellate authority as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within ninety days from the date of receipt of appeal.”.

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 herewith.

2. Under the provisions of the Act, for the purpose of re-construction or re-development of the apartments, before its amendment by the Maharashtra Apartment Ownership (Amendment) Act, 2018 (Mah. XLI of 2018), the consent of all the members of Association of Apartment Owners was required. Due to said restrictions, it was not possible to undertake such re-construction or re-development of the dilapidated buildings. By the said amendment, it is now provided that for re-construction or re-development of the dilapidated buildings, the consent of majority of Apartment Owners. To ensure that the process of re-construction and re-development of buildings of apartments it is expedient to make some consequential amendments in the certain provisions of the said Act.

3. While implementing the provisions of the said Act, it has been observed that, the apartment owners have no rights to change the Declaration or Deed of Apartment, which vest with the promoter or owners of the property, who take undue advantage and execute the Declaration and Deed of Apartment in their favour or for their benefit. It has also been noticed that in the said Act, there is no provisions for grievance redressal mechanism for apartment owners or the Association of Apartments for violation or contravention of the provisions of the said Act. With a view to overcome such problems and difficulties, it is considered expedient to amend the said Act, suitably.

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

(a) to provide for the right to amend the contents of Declaration or Deed of Apartment after obtaining the consent of majority of apartment owners;

(b) to provide for the redressal mechanism to the apartment owners or Association of Apartment for violation or contravention of the provisions of the said Act.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 2nd September 2020.

DR. JITENDRA AWHAD,

Minister for Housing.