



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ११, अंक ४४]

शुक्रवार, डिसेंबर १२, २०२५/अग्रहायण २१, शके १९४७

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असाधारण क्रमांक १०८

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 Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Amendment and Validation) Bill, 2025 (L A. Bill No. CVIII of 2025), introduced in the Maharashtra Legislative Assembly on the 12th December 2025, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. CVIII OF 2025.

A BILL

further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

WHEREAS it is expedient further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows :-

1. This Act may be called the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Amendment and Validation) Act, 2025. Short title.

2. After section 1 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (hereinafter referred to as "the principal Act"), the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st May 2016, namely :- Insertion of new section 1A in Mah. XLV of 1963.

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Application of
Act.

“1A. This Act shall not apply to the real estate projects to which the Real Estate (Regulation and Development) Act, 2016 is applicable, except sections 5A, 11A, 13B, 13C, 13D and other provisions relating to the Competent Authority. ”. 16 of 2016.

Amendment
of section 5A
of Mah. XLV
of 1963.

3. In section 5A of the principal Act, for the word and figures “and 11” the figures, word and letter “, 11 and 11A” shall be substituted and shall be deemed to have been substituted with effect from the 1st May 2016.

Insertion of
new section
11A in Mah.
XLV of 1963.

4. After section 11 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st May 2016, namely :-

Deemed
conveyance.

“11A.(1) Where the promoter of a real estate project which is registered under the Real Estate (Regulation and Development) Act, 2016 fails to execute a registered conveyance deed in favour of the allottee or the association of allottees under section 17 thereof and sub-rules (2) and (3) of rule 9 of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosure on website) Rules, 2017, then, the allottee or the association of allottees shall be entitled to have a unilateral deemed conveyance executed in their favour similar to the conveyance as provided under the said section 17 and to have it registered and for that purpose, may apply alongwith relevant documents to the Competent Authority as per the procedure specified in sub-section (3) of section 11 of this Act. 16 of 2016.

(2) The provisions of sub-sections (4) and (5) of section 11 and relevant provisions of unilateral deemed conveyance under this Act shall *mutatis mutandis* apply to such applications for grant of deemed conveyance.”.

Validation
and
savings.

5. Notwithstanding anything contained in any judgement, decree or order of any court or authority to the contrary or anything done or purporting to have been done or any action taken or purporting to have been taken or any proceedings instituted under any provision of the principal Act, before the commencement of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Amendment and Validation) Act, 2025, including any notification, order, notice or circular issued or rules made or deemed conveyance executed and registered, decisions taken, any proceedings instituted or orders passed or directions issued by the Competent Authority or the concerned Registration Officer as per the provisions of the principal Act, shall be deemed to be and shall be deemed always to have been duly and validly issued, made, executed, registered, taken, done or instituted, in accordance with the law as if the provisions of the principal Act, as amended by this Act, had been continuously in force at all material times and accordingly, no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the said principal Act prior to such commencement did not provide for unilateral deemed conveyance in respect of real estate projects registered under the Real Estate (Regulation and Development) Act, 2016. Mah. of 2025.

16 of
2016.

6. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of the principal Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Power to remove difficulties.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Section 11(1) of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963) (hereinafter referred to as “the MOFA Act”) casts duty on the promoter to take all necessary steps to complete his title and convey to the co-operative society, company or association of persons who take flats, his right, title and interest in the land and building and execute all relevant documents therefor within period agreed upon or within prescribed period of four months from the date on which co-operative society or the company is registered or the association of flat takers is duly constituted.

If the promoter fails to execute such conveyance, then members of such co-operative society, company or association of apartment owners are entitled to have a unilateral deemed conveyance executed in their favour and have it registered by making application to the Competent Authority alongwith relevant documents under sub-section (3) of the said section 11.

2. Section 17 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) (hereinafter referred to as “the RERA Act”) also provides that a promoter shall execute a registered conveyance deed in favour of allottees and association of allottees within specified period as per sanctioned plans as provided under the local laws or in the absence of any local law, within three months from the date of issue of occupancy certificate. Sub-rule (4) of rule 9 of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosure on website) Rules, 2017 provides that co-operative society, company or association of allottees shall also be entitled to have a unilateral deemed conveyance executed in its favour as per the provisions of the MOFA Act.

3. Section 88 of the RERA Act makes it clear that the provisions of the RERA Act are in addition to and not in derogation of any other law for the time being in force. In view of the above referred provisions contained in the MOFA Act, the RERA Act and the rules made thereunder, the Competent Authorities are issuing unilateral deemed conveyance in favour of co-operative societies, companies or associations of flat or apartment owners as per the existing local law in force. The provisions of unilateral deemed conveyance are for the social welfare of public at large. Several societies still exists in the State where the promoter has not executed conveyance in their favour inspite of existing provisions in this regard. The societies or associations needs conveyance of land or building for re-development.

4. Therefore, in order to bring clarity in applicability of the MOFA Act to real estate projects and to make express provision for unilateral deemed conveyance in respect of the projects registered under the RERA Act, the Government considers it expedient to amend the MOFA Act, suitably. It is also proposed to provide for necessary validating provisions for validating any notification, order, notice or circular issued or rules made or deemed conveyance executed and registered or any proceedings instituted therefor.

5. The Bill seeks to achieve the above objectives.

Nagpur,
Dated the 11th December, 2025.

EKNATH SHINDE,
Deputy Chief Minister (Housing).

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves following proposal for delegation of legislative power, namely :—

Clause 6.—Under this clause, power is taken to the State Government to issue an order in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of this Act.

2. The above-mentioned proposal for delegation of legislative power is of normal character.