

Andhra Pradesh Apartments (Promotion Of Construction And Ownership) (Amendment) Act, 1993

18 of 1993

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Andhra Pradesh Apartments (Promotion Of Construction And Ownership) (Amendment) Act, 1993

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Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-- 1. Published in AP. Gazette Part IV-A. (Ext.) dated 23-12-93.

1. Short Title And Commencement :-

- (1) This Act may be called the Andhra Pradesh Apartments (Promotion of Construction and Ownership) (Amendment) Act, 1993.
- (2) It shall be deemed to have come into force on the 31st October, 1993.

2. Amendment Of Section 2, Act 29 Of 1987 :-

In the Andhra Pradesh Apartments (Promotion of Construction and Ownership) Act, 1987 (hereinafter referred to as the Principal Act), for Section 2, the following section shall be substituted, namely:

2. "Application of the Act--

The provisions of this Act shall apply to every property and the sole owner or all the owners thereof shall duly execute and register a declaration as hereinafter provided."

3. Amendment Of Section 3 :-

In Section 3 of the Principal Act,--

(i) for clause (h), the following clause shall be substituted, namely:--

"(h) declaration means the instrument to be submitted under Section 14, containing full and true particulars mentioned therein and such declaration as may be lawfully amended, from time to time;"

(ii) for clause (m), the following clause shall be substituted, namely:--

"(m) promoter means a person, including the owner of the land, who constructs or causes to be constructed a block or building of apartments for the purpose of selling some or all of them to other persons, and includes his assignees; and where the person who develops or builds and the person who sells are different persons, the term includes both;"

(iii) for clause (n), the following clause shall be substituted, namely:--

"(n) property means the land, the building and the common areas and facilities, including the land proposed for construction of one or more buildings of apartments."

4. Amendment Of Section 4 :-

In Section 4 of the principal Act,

(i) in sub-section (1), for the words "Any promoter, who intends to sell an apartment, shall on being so required by an intending transferee make a full and true disclosure in writing or, the words "Any promoter who intends to sell an apartments, shall make full and true disclosure in writing of" shall be substituted;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:--

"(4) (a) The promotor shall not transfer an apartment except,--

(i) after filing a declaration referred to in Section 2 before the competent authority duly enclosing the approved plan for construction of the building of apartments;

(ii) after obtaining the required certificate of completion and the

certificate of fitness for occupation from the local authority concerned; and

(iii) along with the undivided share in the land and other common areas and facilities;

Explanation:- For the removal of doubts it is hereby declared that for purposes of stamp duty and registration fee the value of the apartment, the value of the undivided share in the land and the proportionate value of all other common areas and facilities shall be taken into consideration by the registering officer.

(b) No promoter shall transfer merely the undivided share in the land, in exclusion of the apartment and all other common areas and facilities appurtenant thereto."

5. Amendment Of Section 7 :-

Section 7 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in any other law for the time being in force, no right or title shall accrue to any person in respect of any apartment unless the right or the title is properly conveyed in accordance with the provisions of this Act by means of executing an agreement referred to in Section 5 and a conveyance referred to in subsection (1) of this section."

6. Amendment Of Section 14 :-

In Section 14 of the principal Act,--

(i) in sub-section (1) for the opening paragraph, the following shall be substituted, namely:--

"Every sole owner of a property or all the owners thereof shall submit the declaration referred to in clause (h) of Section 3 in the office of the competent authority in such form and in such manner as may be prescribed containing full and true particulars of the following, namely:--"

(ii) for clause (h), the following clauses shall be substituted, namely:--

"(h) an undertaking by the promoter to the effect that he will abide by the provisions of this Act and the Rules made thereunder and that he will transfer undivided share in the land along with apartment to any person;

(i) such other particulars as may be prescribed."

7. Amendment Of Section 15 :-

For Section 15 of the principal Act, the following shall be substituted, namely:--

15. "Common ownership.--

After due compliance with the provisions of Section 5 and 7, the property shall be deemed to be owned in common by the apartment owners and the undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities."

8. Omission Of Section 16 :-

Section 16 of the principal Act shall be omitted.

9. Amendment Of Section 17 :-

In Section 17 of the principal Act, the words "or the withdrawal of a property from the provisions of this chapter referred to in Section 15" shall be omitted and at the end, the words "and shall accordingly be registered" shall be added.

10. Amendment Of Section 28 :-

In Section 28 of the principal Act, for the expression "Section 4, Section 5, Section 6, Section 7, Section 24, Section 25 or Section 27", the expression "Section 2, Section 4, Section 6, Section 6, Section 7, Section 14, Section 17, Section 24, Section 25 or Section 27" shall be substituted.

11. Amendment Of Section 31 :-

In Section 31 of the principal Act, in sub-section (1), the words "submitted to the provisions of Chapter III" shall be omitted.

12. Repeal Of Ordinance 7 Of 1993 :-

The Andhra Pradesh Apartments (Promotion of Construction and Ownership) (Amendment) Ordinance, 1993 is hereby repealed.