

**MAHARASHTRA HOUSING AND AREA DEVELOPMENT
(ESTATE MANAGEMENT, SALE, TRANSFER AND EXCHANGE
OF TENEMENTS) REGULATIONS, 1981**

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**MAHARASHTRA HOUSING AND AREA DEVELOPMENT
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In exercise of the powers conferred by sub-section (1) of Section 185 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), read with sub-clause (i) of clause (a), clause (b) and clause (f) of sub-section (1) of Section 28 and clauses (iii), (iv), (vi) and (ix) of sub-section (3) of Section 28 and Section 64 of the said Act and of Rule 17 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981 and of all other powers enabling it in this behalf, the Maharashtra Housing and Area Development Authority, with the previous sanction of the Government of Maharashtra, makes the following regulations, namely

PART 1

Preliminary

1. Short title, application and commencement :-

(1) These Regulations may be called the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) Regulations, 1981.

(2) They shall apply

(a) to the estate management, sale including transactions in the nature of sale by deferred payment, transfer and exchange of Authority premises, not being premises used or to be used exclusively for office or an undeveloped site, and

(b) except as provided in Part VIII, in relation to premises of the Authority in the whole of the State.

(3) They shall come into force at once.

2. Definitions :-

In these regulations, unless the context requires otherwise ,

(1)

(a) "Act" means the Maharashtra Housing and Area Development Act, 1976 ;

(b) "Allotment Committee" means a Committee appointed by a Board for the purpose of drawing lots ¹[for allotment of residential tenements] in a building and for such other purposes relating

thereto as the Board may think fit from time to time ;

(c) "allottee" means a person to whom a tenement is allotted or who is put in possession or occupation of a tenement under these Regulations and includes :

(i) a housing society, a company, an Association or a body corporate established under any law for the time being in force in the State ; and

(ii) all such persons who, before the commencement of these Regulations, are duly and legally in possession or occupation of any premises of the Authority ;

(d) "Apartment Act" means the Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971) ;

(e) "apartment owner" means an apartment owner as defined in Section 3 of the Apartment Act ;

(f) "applicant" means a person who applies under Regulation 9 in Form I for allotment of a tenement under these Regulations ;

(g) "Association" means a Association of Apartment Owners constituted under the Apartment Act ;

(h) "Authorised Officer" means an officer not below the rank of an Estate Manager duly empowered by the Chief Officer for the purposes of these Regulations ;

(i) "Authority" or "Board" includes an Officer appointed by the Authority or as the case may be, by the Board to perform the functions and to exercise the powers of the Authority or the Board under these Regulations ;

(j) "Chief Officer" means the Chief Officer of a Board within the meaning of sub-section (5) or (6) of Section 18 of the Act ;

(k) "colony" means any specified area referred to as such in which any existing Board or the Authority has constructed buildings or is entrusted with the management of buildings, under a housing scheme ;

(l) "economic rent" in relation to tenement means the rent which is determined by the Authorised Officer in accordance with the formula prescribed by the Government by an order made in this behalf ;

(m) "Estate Manager" means the officer of a Board appointed as such, and includes an Assistant Estate Manager, appointed as such and duly authorised by the Board for the purposes of these Regulations, for managing the estate of the Authority specified in such authorisation ;

(n) "Estate of the Authority" means all lands, buildings, all easements in relation thereto and all other property belonging to, or vesting in, the Authority or in its possession for the purposes of the Act, or these Regulations, and also includes all Authority premises ;

(o) "family" in relation to an allottee or applicant, means his spouse, sons and unmarried daughters, and for the purposes of transfer of tenants also includes persons who are members of his family under the personal law applicable to him ;

(p) "Form" means a Form appended to these Regulations ; (q) "Government" means the Government of Maharashtra ;

(r) "housing scheme" includes a housing plan or project, 2[but does not include a plan or project for the construction, establishment and development of a commercial centre] ;

(s) "housing society" means co-operative housing society registered or deemed to be registered under the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) ;

(t) "income" in relation to an applicant or allottee means the total average monthly income regularly derived by the applicant or allottee and his or her spouse from any occupation, trade, business, employment or any calling or source constituting normal means of livelihood on the date on which an application for a tenement offered under any housing scheme is submitted to the Authority, Board or officer specified in such scheme or any other date specified by the Board in this behalf but does not include, income which is intended to reimburse any specific service, such as, conveyance allowance, house rent allowance, travelling allowance, car allowance and such other allowances ;

² [(u) "Initial installment" means such amount of purchase price of a tenement as the Board may determine, and which an applicant, tenderer or allottee is required to pay to the Board before occupying such tenement, regard being had to the cost of the tenement, whether provisional or final constructed under any

housing scheme or a scheme for a commercial centre] ;

(v) "officer of the Board" means in relation to the area under the jurisdiction of the Bombay Housing and Area Development Board, the Deputy Chief Officer (Estate Management), and elsewhere the Chief Officer within his jurisdiction ;

(w) "purchase price" in relation to a tenement means the provisional or the final price at which a tenement is sold to an allottee under these Regulations.

(x) "Rules" means the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981 ;

(y) "section" means a section of the Act ;

(z) "tenant" in relation to a tenement means the person to whom a tenement is allotted either on lease, on payment of rent or on the basis of sale by deferred payment (popularly referred to as a transaction in the nature of hire-purchase), till such person has paid all the equated installments and other dues, if any, in respect of the tenement and the building containing such tenement has been duly conveyed under a deed of sale to the housing society, company or the Association ;

(za) "tenement" means a part of a property intended for independent use including one or more rooms of enclosed space located on one or more floors (on part or parts thereof), in a building constructed under any housing scheme 4[or any scheme for a commercial centre and intended to be used principally for residence or for a commercial purpose] or such other use as the Board may permit in this behalf with a direct exit to any public street road or highway or to a common area leading to such street, road or highway and includes an apartment within the meaning of the Apartment Act ;

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

1. Substituted by Authority's Notification No. MH/EMR 1080/11808/EM-9, dated 20th November, 1982.

2. Substituted by *ibid*.

PART 2

General

3. Provision for estate management :-

(1) Subject to the superintendence, direction and control of the Authority, every Board shall, within the area of its jurisdiction, be responsible for the management of the estate of the Authority, or for the sale including transactions of sale on the basis of deferred payment, of tenements in any such estate, ¹ [or for transfer or exchange of residential tenements, or for permitting caretaker arrangement of residential tenements under these regulations], and all other matters pertaining to the management of the estate of the Authority.

(2) The Board may, by an order in writing, also authorise such officers working under the Board or Authority not below the rank of an Estate Manager to discharge such functions and duties, and exercise such powers in relation to matters referred to in clause (1) as may be specified in the order.

(3) Save as aforesaid, subject to the general supervision of the President, the Vice-President, the Chairman and Vice-Chairman, the Chief Officer shall manage the estate of the Authority with the assistance of the officers duly authorised by the Board for the purpose of these Regulations under clause (2).

(4) The Estate Manager and other staff of the Authority appointed for the work of estate management shall be responsible to the officer of the Board for management and for that purpose may also exercise all or any of the powers specified in this Regulation.

(5) The Estate Manager may for and on behalf of and in the name of the Authority,

(a) ask for or demand and receive payment of rent and other amount due to the Authority and give receipts for payment made to the Authority ;

(b) give notices to occupiers of the tenements for and in relation to the recovery of rent, eviction, re-entry or retaking possession of the tenements, unauthorised additions and alterations therein or breach of any of the terms and conditions of the agreement or lease or any other purpose whatsoever under any law, agreement, lease or order of the Authority, as the case may be ;

(c) report cases of persons falling under Section 65 of the Act to the Competent Authority, and furnish for the said purpose,

necessary information, files, documents and other evidence, re-enter, re-take or resume possession of any tenement whenever required or remove any unauthorised occupier of any tenement, with the requisite assistance of the other employees of the authority ;

(d) institute, maintain or conduct legal proceedings for recovery of claims, eviction, distress and defend legal proceedings instituted against the Authority, Board or any officer thereof in the discharge of his official duties, and may also sign, verify, declare, affirm and present complaints, petitions, applications, affidavits, appeal Memoranda, Vakalatnamas for Counsel and Advocates or Solicitors engaged by the Authority ; and

(e) generally do such acts, deeds and things and execute such documents or instruments as may be proper and necessary for all or any of the purposes aforesaid.

(6) all amounts recovered by any officer under these Regulations in pursuance of any documents or instruments, shall be credited forthwith to the fund of the Authority.

Explanation The Estate Manager for the purposes of Chapter VIII of the Act means the Deputy Chief Officer (Repairs and Reconstruction) in respect of the estate of the Authority vested in the Authority under that Chapter.

1. Substituted by Authority Notification No. MH/EMR/10801/11808/EM-9 dated 20th November, 1982.

4. Housing Schemes :-

(1) There may be housing schemes for different categories of persons, namely low income group, middle income group, higher income group, that is, persons having an income specified in such scheme or for weaker sections of community, industrial workers or for any combination thereof or any other scheme which may be made under the Act as the Board may, by notice affixed on its Notice Board and also by advertisement in local newspapers under Regulations 8, notify.

(2) All housing schemes of any existing Board may be declared by the Board as falling under any of the categories referred to in clause (1), and thereupon, the provisions of these Regulations shall apply in relation to the tenements in such housing schemes as they apply in relation to tenements in a housing scheme announced

under clause (1), subject to such modifications, if any, as the Board may think fit, regard being had to the terms and conditions under which the existing Board may have allotted the tenements and the hardship, if any, which may result due to the application of the provisions of these Regulations to the housing scheme of an existing Board.

4A. Schemes for Commercial Centres :-

1 The Authority may formulate schemes for the construction, establishment and development of Commercial Centres at such places and for such categories of commercial establishments as it may deem expedient.

1. added by Authority's Notification No. MH/EMR/1080/11808/EM-9, dated 20th November, 1982.

5. Reservation of tenements :-

Subject to the provisions of these Regulations :

(1) there shall be reserved by the Board in every housing scheme, or in relation to housing scheme in any area during any period specified in this behalf, tenements for the categories of persons as specified in Rule 13 of the Rules in the percentages shown against them in the said rule ;

(2) there may be reserved by the Board in every colony not exceeding two percent of the existing tenements therein,

(a) for locating such amenities provided in the colony as the Authority may by general or special order specify in this behalf ; and

(b) for the staff appointed for the administration and maintenance of the colony on such terms and conditions and in such manner as the Board may subject to any general directions of the Authority, think fit ;

1 [(3) the reservation of tenements under sub-clause (a) of clause (2) may be made on such principles, in such manner and on payment of such rent or sale price as the Authority may determine in accordance with the provisions of Rule 15 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981.]

1. Substituted ibid

PART 3

Allotment of Residential Tenements

5A. Part not to apply to Commercial tenements :-

The provisions of this part shall not apply to allotment of commercial tenements.

6. Procedure for allotment :-

(1) Subject to the provisions of these Regulations and except as directed by Government all tenements shall be allotted in accordance with the provisions of these Regulations.

(2) The tenements may be allotted either on the basis of monthly tenancy, or on the basis of sale by deferred payment or on the basis of outright sale.

(3) Where tenements are allotted on the basis of sale by deferred payment

(a) the allottee shall hold the tenements on the basis of monthly tenancy until all the allottees have paid all the equated installments or any other installments and all other dues including dues on account of service charges to the Authority and the building containing such tenements is conveyed under a duly executed sale-deed to a housing society, a company, or an Association ;

(b) on payment of all such dues, the monthly tenancy shall stand terminated, and the building together with the tenements and the land beneath and appertenant thereto shall be conveyed to the society, to the company or to the Association, as the case may be, except that such land shall stand vested subject to the provisions of the lease in respect of such land executed in favour of the Authority.

(4) Notwithstanding anything contained in these Regulations the entire building in a scheme may be allotted on the basis of outright sale to the Government or to any Corporation owned or controlled by the State or to any local Authority for purposes of residential use : Provided that, the allotment may be made after meeting the demand of persons who have applied in response to the advertisement if the scheme is already advertised.

(5) On such allotment under clause (4), the building together with the land underneath and appertenant thereto shall vest in, and belong to the Government or as the case may be, the Corporation, and shall be held by it on such conditions and restrictive covenants as may be specified by the Board in this behalf, regard being had

to the common service and amenities, common areas and facilities available in relation to such building and the adjoining property of the Authority, if any, including water tanks, water connections, electric installations and the like.

7. Notice inviting applications for allotment of tenements :-

(1) The Chief Officer shall display a notice on the Notice Board of his office, inviting applications for residential accommodation in a building constructed or under construction or proposed to be constructed under any housing scheme before such date as may be specified in the notice.

(2) The notice shall specify such details of the building and tenements therein, the class of persons who may be eligible for allotment, the reservation for the different categories of persons, the preference, if any, to be given to any class of persons in the matter of allotment of tenements, the manner of allotment, the amount of deposit or earnest money or both to be paid, the circumstances in which the amount of deposit or earnest money or any portion thereof may be retained by the Board towards administrative expenses and such other terms and conditions of allotment as may be decided by the Chief Officer.

(3) The notice shall constitute an offer of the tenements to the applicants for acceptance of the conditions specified in the notice.

8. Publication of notice in newspapers :-

Where any Board displays a notice on its Notice Board under Regulation 7, the Chief Officer shall forthwith publish a notice in such daily newspapers, as he thinks fit, of which atleast one notice shall also be published in English or Hindi newspapers of the area, that a notice containing the details relating to the housing scheme for inviting applications has been displayed on the Notice Board of the Board and is open for inspection during office hours.

9. Application for tenements :-

(1) Any person desirous of getting a tenement for bona fide residential purpose may, in pursuance of the notice displayed under Regulation 7, apply in Form 1. The application shall be accompanied by such particulars as specified in the Form. Persons below the age of 18 years shall not be eligible to apply for any tenement.

[(1A) A person shall not be eligible to apply for any tenement in a municipal area if he or his/her spouse or his/her minor children own a house or a flat or a residential plot of land or holds on a hire-purchase basis or outright sale basis or on a rental basis from the Maharashtra Housing and Area Development Authority a house or a flat or a residential plot of land in his/her name or in the name of his/her minor children as the case may be, in such a municipal area ;]

(2) No application shall be accepted unless

(a) it is received with its accompaniments on or before the date specified in the notice displayed under Regulation 7 ; and

(b) the applicant pays the earnest money or makes the initial payment as specified or required in accordance with such notice.

(3) The applicant shall not be entitled to any interest, on the amount of the earnest money or such initial payment made by him under this Regulation.

²(4) No person shall tender more than one application in the general category or any reserved category in any scheme.

² (5) If a person falls in one or more of the reserved categories he may apply in only one of the reserved categories of his choice : Provided that, he may in addition and also make an application in the general category, if he so desires.

1. Inserted by Authority's Notification, No. MH/EMR 1080/11808/EM-9, dated 16th January, 1982.

2. Added by Authority's Notification, No. MH/EMR 1080/11808/ EM-9, dated 16th January, 1982. t Substituted by Authority's Notification No. MH/EMR/1089/1641/EM-3, dated 15th June, 1989.

10. Register of applications :-

(1) On acceptance of an application under Regulation 9, the Authorised Officer, shall enter such application in a register maintained for the purpose, in the order in which it is reserved by him and enter on the application the number specified in the register, and the date of its receipt and shall thereafter send a receipt to the applicant in token of having received the application on the aforesaid date. There shall be maintained a separate register for each scheme advertised under Regulation 8 , and for each reserved category. Each such register shall be closed every day till

the last day under an appropriate certificate by the Authority Officer.

(2) All applications and the register in which such applications are entered shall, on the expiry of the last date of receipt of applications, be kept with the Authorised Officer.

11. Verification of eligibility :-

(1) After the expiry of the last date of receipt of applications as displayed on the Notice Board under Regulation 7, the Chief Officer shall direct the Authorised Officer to examine the applications and to verify the eligibility of the applicants. On receipt of such direction the Authorised Officer shall proceed to verify the completeness of the applications and to verify the eligibility of the applicants in the manner prescribed in the succeeding clauses of this Regulation.

(2) The Authorised Officer shall ensure that each applicant has filed in the form of application fully in all respects and has submitted all the requisite certificates from the prescribed authorities in the specified formats and other documents as displayed in the notice under Regulation 7, and as disclosed from the particulars specified by him in Form 1. The Authorised Officer shall summarily reject the applications which are not complete and thereafter proceed to verify the eligibility of applicants with reference to the said certificates of prescribed authorities and other documents and draw a list of eligible applicants in each category of persons specified in the notice displayed under Regulation 7, and shall forward the same to the Chief Officer.

(3) On receipt of a list of eligible applicants the Chief Officer shall require it to be displayed on the notice board of the Board, and shall publish

(4) Any applicant who is not found eligible, may apply for reverification before an officer appointed by the Chief Executive Officer in this behalf, within 15 days from the date on which the notice is published in the newspapers under clause (3). No application for reverification shall be admitted except as regards the completeness of the application and the authenticity of the requisite certificates of prescribed authorities and documents accompanying it. The applicant shall not rely on any evidence, whether oral or documentary, other than the requisite certificates of prescribed authorities and documents to establish eligibility.

12. Drawal of lots :-

(1) On publication of the notice under clause (5) of Regulation 11, the Chief Officer shall ,

(a) if the number of eligible applicants in any category of persons is equal to or less than number of tenements notified under Regulation 7, direct the Authorised Officer to draw lots to determine the order in which their names will be entered in the Allotment Register to be maintained under Regulation 13 ;

(b) if the number of eligible applicants are more than the number of tenements specified in the notice displayed under Regulation 7, direct the Authorised Officer to draw lots under clause (2) of this regulation.

(2) The Authorised Officer shall, after notifying to the members of the Allotment Committee regarding the date of the draw, proceed to draw lots from among the eligible persons in the presence of such members, so however that the number of lots so drawn does not exceed twice the number of available tenements in the case of tenements in the reserved categories and two times the number of available tenements in other cases. The applicants shall be informed of the date, time and place of the draw by notice displayed on the notice board of the Board and also by publishing the same in such daily newspapers as the Chief Officer thinks fit ;

(3) On each draw, the Authorised Officer shall, in the presence of the members of the Allotment Committee enter the name of each drawee in the register of drawees maintained for the purpose, so that the names of successful drawees are entered in the said register in the same order in which they emerged out of the lots :

Provided that in respect of housing schemes wherein preference is required to be given to any class of persons in the matter of allotment of tenements, the Authorised Officer shall in the presence of the members of the Allotment Committee re-arrange the order of the names in the register of drawees so that the names of persons from the preferred class are entered first in the same order in which they appear in the register of drawees and thereafter the names of other persons shall be entered in the same order in which they appear in the said register. A separate register containing the names of successful drawees as so re-arranged shall be prepared and the register so prepared shall be considered as the register of drawees for the purpose of allotment of tenements in such

schemes.

(4) There shall be a separate register of drawees for each category.

(5) After the entries on a page of the register of drawees are complete, the Authorised Officer and a member of the Allotment Committee duly authorised by it in this behalf shall each sign the page and any erasures made thereon in token of the names or erasures being made in their presence and with their approval.

(6) The register of drawees prepared under clause (3) of this regulation in so far as it consists of persons who in the order of their lots are immediately entitled to the allotment of tenements shall constitute the "approved list" while the remaining drawees in the said register shall constitute the "waiting list". The persons whose names have been entered in the Register of Drawees shall be informed of their position in the said Register under Certificates of posting ;

(7) The Register of drawees shall in addition to the names of the drawees contain such other particulars as the Chief Officer may determine. The approved list as well as the waiting list with the other particulars shall be displayed on the Notice Board in the Board's Office or such other place as the Authorised Officer may think necessary in the interest of giving adequate notice to applicants entered in such lists.

13. Allotment of tenements :-

(1) All the buildings in a scheme with respect to which applications have been called for by notice issued under Regulation 7, shall be considered together for the purpose of allotment of tenements therein to the successful applicants. Allotments of tenements in these buildings shall be made floor wise. Allotments of tenements to such successful applicants shall be commenced from the first floor of the buildings and continued to the second, third, fourth and other upper floors, if any, thereof in that order and the tenements on the ground floor shall be allotted after the allotment of all the tenements on the upper floors are completed. The tenements on each floor of all the buildings shall, as far as practicable, be allotted to successful applicants in the general category and in each of the reserved categories in proportion to their respective percentages specified in the notice displayed under Regulation 7, in the order of their ranks in the register of drawees.

(2) The tenements shall be allotted to the successful applicants on the basis of and in the order of their ranks in, the register of drawees prepared under Clause (3) of Regulation 12. The names of the persons to whom the tenements are so allotted and the particulars of the tenements allotted to them such as building and tenement numbers and the floor hereof and such other particulars as may be determined by the Chief Officer shall be entered in the Allotment Register kept for the purpose.

¹ [(3)

(i) A person successful in both the general as well as reserved categories shall be allotted a tenement,

(a) in the general category, if his name appears in the approved lists of both the categories.

(b) in the category in which his name appears in the approved list, if his name appears in the approved list in one category and in the waiting list in another category.

(ii) The name of a successful person who is on the waiting lists of the general as well as reserved categories shall be continued in both the lists till he is allotted a tenement under one of the categories.

(iii) On the allotment of a tenement in one category, the name of the successful applicant in the approved or the waiting list, as the case may be, of the other category, shall stand cancelled.

1. Added by Authority's Notification No. MH/EMR/1080/11808/EM-9, dated 16th January. 1982.

14. Renotification of vacancies if number of eligible applicants less than number of tenements :-

If on the preparation of the list of eligible persons prepared under Regulation 11, the Chief Officer finds that the number of such eligible persons is less than the total number of notified tenements, he shall renotify the remaining vacancies under Regulation 7. He shall allot the renotified tenements in accordance with the provisions of these regulations only after the persons in the list of eligible applicants prepared prior to such renotification have been duly allotted tenements under Regulation 13 of these regulations.

15. Provisions icgarding waiting lists :-

(1) A waiting list shall remain valid for a period of two years from

the date of its display on the Notice Board under clause (7) of Regulation 12.

(2) An applicant on a waiting list may apply for a tenement in another scheme in the same city or the same are specified in the notice displayed on the Notice Board under Regulation 7 and advertised under Regulation 8.

(3) The applicant shall not be required to pay any further earnest money while applying for a tenement in another scheme, unless the earnest money required for that tenement exceeds the amount he has already paid. In this case, he shall be required to pay the difference in the earnest money deposit.

(4) If an applicant on a waiting list is allotted a tenement in pursuance of a notice referred to in Clause (2), his name on the waiting list shall be deleted.

16. Allotment to tenements by the Hoard on me direction of Stale Government. :-

Notwithstanding anything contained in these Regulations the Board may allot any tenements in any building to any person according to the directions of the State Government. The number of tenements to be so allotted shall be restricted to the extent of 2 per cent of the tenements which are taken up for construction for the first time in the year under each of the Economically Weaker Section, Low Income Group, Middle Income Group and Higher Income Group category by the Authority through its Boards.

17. Intimation of allotment of tenements :-

(1) Subject to the provisions of these Regulations, the Authorised Officer shall send an intimation of allotment in Form II to every eligible applicant on the approved list.

(2) On receipt of the intimation of allotment, the allottee may, within the period specified in the letter, accept the allotment of the tenement in Form 111. and pay the amounts referred to in Form II and specified in the notice displayed under Regulation 7, if any.

(3) Subject to the provisions of this Regulation, every acceptance in Form III shall constitute acceptance of the offer made in the notice published under Regulation 7. and in the letter of allotment in Form II.

(4) If, after all the tenements in a building or group of buildings

are allotted, a vacancy occurs, or if the number of eligible applicants on an approved list is exhausted, the available vacancy or vacancies in such building or group of buildings may be filled in, by allotting them to the persons on the waiting list in the order of priority in the waiting list ; and the provisions of these Regulations shall apply as they apply for allotment of tenements to persons on an approved list.

18. Power to withdraw allotment :-

(1) Notwithstanding anything contained in Regulation 17 the Chief Officer may, before any tenements are handed over and occupied by the applicants, review any decision regarding allotment and may by order withdraw the allotment duly made under Clause (1) of Regulation 17 if he is satisfied that on the basis of any fresh evidence before him, the allotment of the tenement is required to be withdrawn.

(2) Every such order withdrawing an allotment shall be communicated in writing to the applicant, along with the grounds on which the allotment has been withdrawn.

(3) The order of the Chief Officer withdrawing the allotment shall, subject to an appeal to the Chief Executive Officer, be final and binding on the applicant.

(4) Any applicant, who is aggrieved by the decision of the Chief Officer, may, within a period of fifteen days from the date of receipt of the order, file an appeal before the Chief Executive Officer stating in brief the grounds for appeal.

(5) Every appeal shall be decided by the Chief Executive Officer within a period of three weeks from the date of filing of the appeal and every order rejecting the appeal shall state briefly the grounds for such rejection.

19. Transfer of application :-

If any applicant on an approved list or waiting list dies or is transferred or leaves the place in which the tenement is located, or for any other reason which, in the opinion of the Authorised Officer, is adequate, his application may with the previous approval of the ¹ [Chief Officer] be transferred in the name of any other bona fide member of his family whose name is mentioned in the application for that purpose, provided that such other member is otherwise eligible for allotment under these Regulations. In case the bona fide

member is not interested or if there be no bona fide member then the tenement may be allotted to the next person in the waiting list.

1. Substituted by Authority's Notification No. MH/EMR/1089/1641/EM-3, dated 15th June, 1989.

20. Final Allotment :-

(1) After the tenements are ready for occupation, the Estate Manager shall

(a) In respect of tenements to be allotted on the basis of sale by deferred payment, issue an allotment letter in Form IV to such applicants who have accepted and complied with the requirements of the letter of intimation of allotment in Form II informing them that the tenements have been finally allotted to them on the terms and conditions accepted by them ;

(b) In respect of tenements to be allotted on rental basis, issue an allotment letter in Form V, and

(c) in cases falling under sub-clauses (a) and (b), the applicants shall in writing be asked to take over possession of the tenement within such period as may be specified in the letter.

(2) On acceptance of the allotment of a tenement in cases falling under sub-clause (a) or sub-clause (b) of clause (1), the allottee shall, subject to the provisions of clause (4) of Regulation 21 execute a tenancy agreement in Form VI in favour of the Authority, and shall comply with the terms and conditions of such agreement.

(3) Such tenancy agreement in the case of a tenement sold on the basis of deferred payment shall subject to the provisions of the proviso to clause (4) of Regulation 21 remain in operation only in so far as the building containing such tenement and the land underneath and appurtenant to the building is duly conveyed to the housing society, company or the Association as provided in these Regulations.

21. Allotment on basis of deferred payment, Allottees to form Society or Company or Association :-

(1) Unless otherwise specially decided by the Authority, as soon as the minimum number of persons required to form a housing society, or a company or Association, as the case may be, have taken possession of

(a) to the Registrar of Co-operative Societies for the registration of the allottees as a housing society, or

(b) to the Registrar of Companies for forming a company of the allottees under the Companies Act, 1956, or

(c) to the Board requesting that the Authority as owner of the building may, after all the allottees have paid the full purchase price of the tenements allotted and the Authority has no objection to convey the building to the apartment owners, submit the building containing the tenements allotted to them, and the land underneath and appurtenant thereto (hereinafter collectively referred to as the property), to the provisions of the Apartment Act with the condition that the Authority shall grant a lease of such land to the apartment owners on the terms and conditions of lease being disclosed in the declaration either by annexing to the Declaration a copy of the instrument of lease to be executed or otherwise.

(2) Every application under clause (1) shall be accompanied by a "No Objection Certificate" from the Board to the effect that the Board has no objection to forming a housing society or a company or to the submission of the property to the provisions of the Apartment Act.

(3) The allottees, shall, after the application is made under clause (1), take all steps to get themselves registered as a housing society, or company, or as the case may be expedite the Board to submit the property to the provisions of the Apartment Act, as provided in sub-clause (c) of clause (1) of this Regulation and on the formation of the housing society or company inform the Board, accordingly. Where the property is to be submitted to the provisions of the Apartment Act, the Board shall expedite the Authority for such submission, and proceed to take all necessary steps under that Act.

(4) On the formation of the housing society or company, the Board shall arrange to lease the property to the housing Society or the company and in any other case, the Board shall lease the tenements in the building to each allottee where the allottees have expressed desire to submit the building to the provisions of the Apartment Act, and thereupon, the society or the company or the allottees shall hold the property, or as the case may be, the land and the tenement purely as tenements of the Authority, until all

the allottees have paid the full purchase price of the tenements and all other outstanding dues, if any, to the Authority, and the property is duly conveyed to the housing society or company or to the Association :

Provided that, where the allottees have paid the full purchase price and there are no outstanding dues due to the Authority, and the property is ¹ [* * *] duly conveyed to the society, company or association, as provided in this Regulation, the tenancy executed in favour of the housing society, company or allottees shall stand terminated and the building shall cease to be Authority premises and the housing society or company or the allottees, as the case may be, shall hold the building as owner thereof subject, however, to the condition that the land beneath and appurtenant to the building shall be held on lease from the Authority as provided in these Regulations.

(5) The housing society, the company, or as the case may be, the allottees shall hold the property on lease duly executed in that behalf as tenants of the Authority and till the lease is in force, the property shall remain as the Authority premises subject to the provisions of the Act.

(6) After the entire amount due from a housing society, company, or as the case may be, allottees in respect of the tenements, in a building or group of buildings is paid to the Authority, the Chief Officer, shall without undue delay take steps to convey the building to the housing society, the company or the Association with its right, title and interest in the building containing the tenements, and lease to it the land underneath and appurtenant thereto and execute the necessary document in that behalf and deliver all documents of title relating to the building aforesaid and of the lease of land aforesaid to the housing society, the company or the Association, as the case may be.

(7) All charges including stamp duty and registration fees to be paid in respect of the documents referred to in clause (6) shall be borne by the housing society, company or the Association, as the case may be.

Explanation In sub-clause (c) of clause (1) the expression "Declaration" has the meaning assigned to it in the Apartment Act.

1. Deleted by Authority's Notification No. MH/EMR/1080/11808/EM-9. dated 20th November, 1982.

PART 3A

Allotment of Commercial Tenements

21A. Manner of allotment :-

All commercial tenements shall be allotted in accordance with the provisions of this part.

21B. Allotment on basis of outright sale :-

(1) The commercial tenement shall be allotted on the basis of outright sale.

(2) On payment of the whole of the amount of sale price and all other dues, if any, by all the allottees in building or a group of buildings in a Commercial Centre the building or the group of buildings shall be conveyed

(3) Until the building is so conveyed to a co-operative society or a company or an association and the land underneath and appurtenant thereto is leased to it the same shall continue to be a "Authority premises" and the provisions of the Act and the Rules and Regulations made thereunder shall continue to apply in respect of all matters regulated by them.

21C. Notice inviting tenders for allotment of commercial tenements :-

(1) The Chief Officer shall display a notice on the Notice Board of his office, inviting sealed tenders for allotment of commercial tenements in a building or a group of buildings constructed or under construction or proposed to be constructed as a Commercial Centre, before such date as may be specified in the notice. The tenders shall be invited for specific tenements or groups of tenements in buildings in a Commercial Centre.

(2) The notice shall specify such details and salient features of the building and each of the tenement or a group of tenements as the case may be proposed for sale therein, the categories of establishments, if any, that are proposed to be located in the Commercial Centre, the number of tenements allottable to each such category, the manner of allotment, the amount of deposit or earnest money or any portion thereof may be forfeited or retained by the Board towards administrative expenses, the date on which and the time at which the tenders would be opened in the presence of the tenderers, and such other terms and conditions of allotment as may be decided by the Chief Officer.

21D. Publication of notice in newspapers :-

Where any Board displays a notice on its Notice Board under Regulation 21-C, the Chief Officer shall forthwith publish a notice in such daily newspapers, as the thinks fit, of which at least one notice shall also be published in English or Hindi newspaper of the area, that a notice containing the details relating to the scheme for a Commercial Centre for inviting tenders has been displayed on the Notice Board of the Board and is open for inspection during office hours.

21E. Application for commercial tenements :-

(1) Any person desirous of getting a commercial tenement for bona fide commercial purpose or any other non-residential purpose approved by the Authority may, in pursuance of the notice displayed under Regulation 21-C, present a tender in Form VI-A. The tender shall be accompanied by such particulars as specified in the Form. Persons below the age of 18 years shall not be eligible to present tenders for any commercial tenement.

(2) No tender shall be accepted unless

(a) it is received with accompaniment on or before the date specified in the notice displayed under Regulation 21-C, and

(b) the tenderer pays the deposit/earnest money or makes the initial payment as specified or required in accordance with such notice.

(3) The tenderer shall not be entitled to any interest on the amount of the deposit/earnest money or such initial payment made by him under this Regulation.

21F. Register of applications :-

(1) On receipt of a tender under Regulation 21-E, the Authorised Officer shall enter such tender in a register maintained for the purpose, in the order in which it is received by him and enter on the tender the number specified in the register, and the date of its receipt and shall thereafter send a receipt to the tenderer in token of having received the tender on the aforesaid date. There shall be maintained a separate register for each of the commercial tenement or a group of tenements, as the case may be, under the scheme advertised under Regulation 21-D. Each such register shall be closed everyday till the last day under an appropriate certificate by

the Authorised Officer.

(2) All tenders and the register in which such tenders are entered shall, on the expiry of the last date of receipt of tenders be kept with the Chief Officer.

21G. Opening and Scrutiny of tenders :-

(1) The tenders presented by the persons interested in the allotment of commercial tenements on or before the date specified in the notice displayed under clause (1) of Regulation 21-C shall be opened by the Chief Officer tenement-wise in the presence of the Chief Accounts Officer on the date and at the time specified in the notice displayed under the said clause (1) of Regulation 21-C. The tenderers shall be entitled to be present when the tenders are opened, scrutinized and selected for allotment.

(2) On opening of the tenders, they shall be arranged in the order of the price tendered, that is the tender containing the highest offer shall be put at the first place followed by the tender containing the next higher offer and so on.

(3) The names of the tenderers so arranged shall be entered in a register kept for the purpose.

(4) The Chief Officer shall thereupon ensure that each tenderer fulfils the conditions of allotment displayed in the notice under Regulation 21 -C and as disclosed from the particulars specified by him in Form VI-A. The tenderers who as a result of such scrutiny are held to be ineligible shall not be considered for allotment of commercial tenements in the category of tenements in the scheme under scrutiny. The names of the eligible tenderers shall be entered in separate register kept for the purpose in the order of the price tendered, that is, tenderer whose tender contains the highest offer shall be entered first followed by the tenderer offering next higher tender and so on. The names of tenderers entered in the said register shall constitute the approved list for the purposes of allotment of commercial tenements.

(5) There shall be a separate register for each commercial tenement or a group of commercial tenements, as the case may be.

(6) After the entries on a page of the register of tenderers kept under clause (3) or Clause (4) of this Regulation are complete the Chief Officer and the Chief Accounts Officer of the Board shall each

sign the page and any erasers made thereon in token of the names or erasers being made in their presence and with their approval.

21H. Allotment of tenements :-

(1) A commercial tenement or a group of commercial tenements shall, subject to the provisions of clause (2) of this Regulation, be allotted by the Chief Officer to the tenderer who is held eligible and whose tender is the highest for the tenement or group of tenements, as the case may be, for which he has presented his tender. The names of the persons to whom the tenements or group of tenements are so allotted in a building or a group of buildings in a Commercial Centre and the particulars of the tenements or group of tenements allotted to them in a building or a group of buildings and such other particulars as may be determined by the Chief Executive Officer shall be entered in the allotment register kept for the purpose.

(2) Notwithstanding anything contained in clause (1) of this regulation

(a) the Chief Officer may, if necessary, reject all or any of the tenders without assigning any reasons.

(b) the conditional tenders shall be liable to be rejected.

(c) the Chief Officer shall not in cases wherein the highest tender is for an amount which is less than the upset price determined by the Authority accept the tender or allot the tenement but shall place the matter before the Board and make the allotment or reject all the tenders in accordance with the decision of the Board in that behalf :

Provided that no such allotment in pursuance of the Board's decision shall be made by the Chief Officer unless the decision of the Board is confirmed by the Authority. The authority shall, as far as possible, confirm or refuse to confirm such decision within a period of two months from the date of receipt of the Board's decision. The decision of the Authority in such a case shall be final.

21I. Renotification of vacancies :-

(1) If there are no tenders offered for any commercial tenement or a group of commercial tenements in a Commercial Centre or if all the tenders offered are rejected under these Regulations or of the tenement or the group of tenements is not allotted to any tenderer

for any reason whatsoever, the Chief Officer shall renotify the vacancy under Regulation 21-C.

(2) The Chief Officer may at the time of renotification of vacancies, if considered so necessary, change the category of establishment to be located in the renotified commercial tenements.

21J. Intimation of allotment of commercial tenements :-

(1) Subject to the provisions of these regulations, the Authorised Officer shall send an intimation of allotment to every successful tenderer whose name has been included in the Allotment Register kept under Regulation 21-H.

(2) On receipt of the intimation of allotment, the allottee shall, within the period specified in the letter, accept by letter to be addressed to the Chief Officer the allotment of the tenement and pay the amounts referred to in the allotment letter and specified in the notice displayed under Regulation 21-C, if any.

(3) If the allottee does not convey to the Chief Officer his acceptance of the allotment of tenement to him, or pay the amounts referred to in the allotment letter within the period specified or, if the period so specified is extended by the Chief Officer, within the period so extended, the allotment made in his favour shall be liable to be cancelled and the amount of deposit or earnest money paid by him shall stand absolutely forfeited to the Authority.

(4) Subject to the provisions of the Regulation every acceptance under clause (2) shall constitute acceptance of the offer made in the notice published under Regulation 21-C and in the letter of allotment.

21K. . :-

Offer to next highest tenderer in certain circumstances If the allotment made in favour of a successful tenderer is for any reason cancelled under the provisions of these Regulations before the tenement is handed over and occupied by the tenderer, the next highest tenderer, in the approved list may be offered and allotted with such tenement on payment of the price agreed to be paid by the original successful tenderer.

21L. Power to withdraw an allotment :-

(1) Notwithstanding anything contained in Regulation 21-J, the

Chief Officer may, before any tenements are handed over and occupied by the successful tenderers, review any decision regarding allotment and may, by order withdraw the allotment duly made under clause (1) of Regulation 21-J if he is satisfied that on the basis of any fresh evidence before him, the allotment of the tenement is required to be withdrawn.

(2) Every such order withdrawing an allotment shall be communicated in writing to the tenderer along with the grounds on which the allotment has been withdrawn.

(3) The order of the Chief Officer withdrawing the allotment shall, subject to an appeal to the Chief Executive Officer, be final and binding on the tenderer.

(4) Any tenderer, who is aggrieved by the decision of the Chief Officer, may, within a period of 15 days from the date of receipt of order, file an appeal before the Chief Executive Officer stating in brief the grounds for appeal.

(5) Every appeal shall be decided by the Chief Executive Officer within a period of three weeks from the date of filing an appeal and every order rejecting the appeal shall state briefly the grounds for such rejection.

21M. Final allotment :-

(1) After the tenements are ready for occupation, the Estate Manager shall issue an allotment letter to such of the tenderers who have accepted and complied with the requirements of the letter of intimation of allotment informing them that the tenements have been finally allotted to them on the terms and conditions accepted by them. The tenderer shall in writing be asked to take over possession of the tenement within such period as may be specified in the letter.

(2) On acceptance of the allotment of a tenement, the allottee shall be governed by the terms and conditions contained in the allotment order and the provisions of the Act, and Rules and Regulations made thereunder till the property is duly conveyed to the co-operative society, company or association as provided in these regulations.

PART 4

Certain Powers of Board

22. Powers of Board to increase price of tenements :-

(1) Notwithstanding anything contained in the notice inviting applications or in the agreement extended by an allottee, the Board shall, if the expenditure including interest on the amount of loans taken by the Authority, if any, and the expenditure incurred on supervision has increased the cost of tenement/building, be competent to revise the price of a tenement already specified in the notice or agreement.

(2) All the allottees in relation to the tenements aforesaid shall be bound by such revision, and they shall either pay the difference, if any, between the price so determined and the price paid by them within two weeks from the date of demand, or as the case may be, be entitled to a refund of such difference.

23. Power of Board to utilise ESI :-

Notwithstanding anything contained in these Regulations, where the Floor Space Index in respect of any building, the tenements in which have been allotted, has not been fully utilised, the Authority may utilise the Floor Space Index by erecting an additional floor or floors or otherwise, at any time before the building is conveyed under a duly executed deed of sale to the housing society, company or Association and thereupon, all the provisions of these Regulations relating to allotment of tenements in the portion of the building so constructed shall apply as they apply in relation to tenements already allotted in such building.

23A. . :-

Part not ¹ to apply to commercial tenements The provisions of this part shall not apply to commercial tenements.]

1. Inserted by Authority's Notification No. MH/EMR/1080/11808/EM-9, dated 20th November, 1982.

PART 5

Transfer of Tenements

24. Transfer of Tenements :-

If any allottee dies, or, in the course of his service or employment, is transferred, or secures or intends to secure another accommodation or leaves the place within the jurisdiction of the local Authority in which the tenement is located for reasons not known to him or anticipated by him ¹[prior to the allotment of the tenement or desires to transfer the tenement to any member of his

family], his tenement during the currency of the tenancy under Regulation 20, may be permitted by the Chief Officer to be transferred in the name of any other member of his family :

Provided that such member ² * ***** undertakes to abide by the provisions of these Regulations.

1. Substituted by Authority's Notification No. MH/EMR/1089/1641/EM-3, dated 15th June. 1989.
2. Deleted by Authority's Not. No. MH/EMR/1080/EM-9, dated 20th November, 1982.

25. Prohibition against transfer of tenement :-

(1) No allottee shall during the currency of the tenancy under Regulation 20, transfer any tenement allotted to him except with the previous permission in writing of the Board and also of the housing society or the company, if such a society or company has already been formed and registered.

(2) The housing society or the company may give permission to transfer any tenement, if the transferee falls within the same income group as provided under Regulations 4 and 7 and has paid all the dues to the Board on behalf of the Authority.

(3) If any allottee transfers any tenement in contravention of the provisions of clause (1) or clause (2),

(a) the Board may declare such transfer to be invalid and to be of no effect, and the transfer made in favour of the transferee shall stand cancelled ;

(b) the transferee shall be deemed to be in unauthorised occupation of the tenement and may be evicted therefrom under Chapter IV of the Act :

Provided that no such declaration shall be made unless the transferee has been given an opportunity to submit his explanation in writing to the Board ; and

(c) the authority shall refund the amount paid by the allottee without any interest after deducting an amount equal to rent for the period during which the tenement was occupied by the allottee.

Explanation In this clause "rent" means "economic rent" as determined by the Board.

25A. Part not to apply to commercial tenements :-

The provisions of this part shall not apply to commercial tenements.¹

1. Inserted by Authority's Notification No. MH/EMR/1080/11808/EM-9, dated 20th November, 1982. 17 Substituted ibid.

PART 6

Provisions Relating to Tenements Allotted under these Regulations

26. Consequences of failure to accept tenement to join housing society. Company, etc :-

(1) If an allottee ,

(a) fails to accept the tenement offered to him, and to pay the required amount ; or

(b) fails to take possession of the tenement so offered within the period specified in the allotment order ; or

(c) having taken possession of the tenement, refuses or fails to join [a co-operative society or a company or an association] as the case may be, the Authorised Officer may cancel the allotment, remove his name from the approved list, and evict him under the provisions of the Act and retain towards administrative expenses such part of the earnest money paid by the applicant not exceeding one per cent of the sale price of tenement as the Board may decide, regard being had to the circumstances in which his name is being removed, and the balance shall be refunded to the allottee without any interest due to him after deducting from the balance and from the initial installments or the security deposit the amount of compensation for occupation of the tenement and the amount of damages to the premises, if any. When the amount of initial installment and security deposit falls short of the amount of compensation together with the amount of damages, the amount shall be recoverable from the allottee as arrears of land revenue, if the said amount is not paid within a reasonable time.

Explanation The Board, may assess the amount of damages, having regard to the period of his stay in the tenement, the condition of the tenement, and such other relevant factors as the Authorised Officer, for reasons to be recorded in writing, may think fit.

(2) The retention of the earnest money shall in no way affect the right of the Board to take action for eviction under the provisions of Chapter VI of the Act.

(3) In case of tenements allotted on rental basis, the earnest money paid by an allottee may be retained towards administrative expenses under the following circumstances, that is to say ,

(a) if the allottee fails to accept the tenement allotted to him within the time specified in the allotment order ; or

(b) if it is found that the allottee does not satisfy any of the conditions of allotment.

(c) refrain from having more than one cooking arrangement in the tenement ;

(d) not sub-let the whole or any part of such tenement ;

(e) refrain from doing any act which would cause or likely to cause any damage to the tenement or an act which is destructive or injurious to the building or the tenement.

27. General Liability of allottees and societies, etc., to continue as long as the building and tenements therein continue to remain as the Authority premises :-

(1) Where common services, such as, water, chowkidar , sweeper, electrician, plumber and the like are provided for any building or group of buildings by a Board, the charges for common services shall be apportioned between the tenants of each building or group of buildings.

(2) Where the allottees have formed a housing society or company, such society or company, and in any other case, the Board, shall communicate to each allottee his share of charges for common services, ground rent, of monthly taxes and public dues in respect of his tenement and the land underneath and appurtenant to the building containing such tenement. The society, company or the Board, as the case may be, may as far as practicable, indicate the break up of the liability in respect of each of the item mentioned above to enable an allottee to verify such liability. Such liability may include the share of an allottee based on approximation, where charges are collected on pro rata basis such as charges for water, electrician, sanitary repairs, chowkidar, sweeper, plumber and the like.

(3) The allottee shall pay the electricity charges directly to the Undertaking supplying the energy to the allottee.

(4) The housing society, company, or as the case may be, the Board, shall, on receipt of the payment due from every allottee under clause (1) deposit the amount in any bank approved by such housing society, company or Board before the 10th day of each month succeeding the month to which the payment relates.

(5) The housing society, company or the Board, as the case may be, shall pay taxes and damages received from the allottees to the concerned authorities within a reasonable time from their receipt.

(6) If the payment under clause (3) or (4) cannot be made by the housing society or company for any reason, the Board shall be informed of the same with reasons therefor.

(7) The housing society, the company or the Board, as the case may be. and every allottee shall each, severally and jointly, be bound to keep the building and the land and each tenement in good condition, and shall be responsible for the repairs and maintenance of the building and the land appurtenant thereto at the expense of the housing society or company or allottees.

(8) The housing society or company or the Board, as the case may be, shall be entitled to recover expenses towards such repairs and maintenance from each allottee.

(9) The housing society, company and every allottee shall permit any officer duly authorised by the Board, in this behalf, to enter upon any part of the building or land and any tenement therein and inspect the condition thereof and give notice of any defect with a direction to rectify it in the time specified by it till the building or tenement is transferred to the housing society or company or the Association, as the case may be.

28. Refund of amount of initial payment :-

If any applicant whose name is either on the approved or on the waiting list is not allotted any tenement his amount of deposit and initial payment, if any, may, within ninety days from the date on which all the tenements stand finally allotted, be refunded to the applicant without any interest.

PART 7

Caretaker Arrangement and Exchange of Tenements

29. Permission for caretaker arrangement :-

(1) An allottee may, in relation to a tenement which is an Authority

premises, with the prior permission in writing of the Chief Officer, enter into a caretaker arrangement for such period as may be specified by him from time to time ,

(a) if he is required to leave the city or town in which the tenement is located for higher studies or for employment or for any other reasonable cause, or

(b) if he is required to stay compulsorily in the premises provided by the employer as a part of his service condition, or

(c) if the caretaker arrangement is sought on any other ground, which in the opinion of the Chief Officer, is reasonable :

Provided that, if the period of caretaker arrangement exceeds five years whether continuously or otherwise, the approval of the Board shall be necessary.

(2) The Chief Officer may, while granting the permission, require the allottee to pay such fee for entering into caretaker arrangement, regard being had to the nature of the circumstances, grounds on which caretaker arrangement is sought for, the duration for which permission is sought and such other factors as the Chief Officer may think fit.

(3) The allottee who has been permitted to enter into such caretaker arrangement shall pay the fee so charged to the Board within the time determined by the Authorised Officer either monthly or annually, or otherwise.

(4) If the allottee fails to pay the fee for a period of three months or more after the expiry of the time so determined the person occupying the tenement shall be deemed to be in unauthorised occupation of the tenement, and he shall be liable to be evicted therefrom under Chapter VI of the Act.

30. Exchange of tenements :-

(1) Where any tenements are allotted on the basis of monthly tenancy or on the basis of sale by deferred payment, the Authorised Officer may, on an application made to him, permit exchange of tenements under the provisions of this Regulation.

(2) No application for unilateral transfer of tenement allotted on rental basis or on the basis of sale by deferred payment shall be entertained unless the tenements to be exchanged are in the same

group of buildings. Such permission in the former case may be granted only on payment of a fee of a sum equal to two months 'rent', and in the latter case, on the payment of the fee equal to two months' installment payable by the allottee in respect of his tenement.

(3) The Authorised Officer may permit mutual exchange of tenements whether allotted on rental basis or sold on the basis of deferred payment if the tenements to be exchanged are in the same group of buildings. Such permission in the former case may be granted on payment of a fee of a sum equal to one month's rent by each tenant, and in the latter case, on payment of a fee by such allottees of a sum which shall be equal to the monthly installment payable by him in respect of his respective tenement:

Provided that, the Chief Officer may permit such mutual exchange of tenements on the same conditions as aforesaid if such tenements are in different group of buildings within the jurisdiction of the Board.

(4) On such exchange of tenements under this regulation, each allottee shall step into the shoes of each other and their rights and liabilities in respect of their respective tenements shall be governed according to the terms on which the tenement is held under these regulations :

Provided that, where tenement is allotted on rental basis, both the tenants shall not be in arrears of rent due and payable to the Authority on the date of the exchange.

(5) The Authorised Officer may, for reasons to be recorded in writing refuse any exchange of tenements applied for.

(6) The allottee who is aggrieved by the decision of the Authorised Officer may appeal to the Board within 30 days from the date of receipt of the decision of the Authorised Officer. The decision of the Board on the question of exchange of tenements in appeal shall be final and conclusive.

31. Part 18 not to apply to commercial tenements :-

The provisions of this part shall not apply to commercial tenements.]

PART 8

Provision Relating to the Estate Management of the Authority for the Purposes of Chapter VIII of the Act

32. Management of Estate under Chapter VIII :-

(1) Subject to the superintendence of the Chief Officer, the Deputy Chief Officer (Repairs and Reconstruction), shall be in charge of the estate of the Authority vested in it for the purposes of Chapter VIII of the Act and its management, and he may exercise all or any of the powers for that purpose under this Part.

(2) The Deputy Chief Officer, with the concurrence of Chief Officer may direct that any of the powers given to him by clause (1) may also be exercised by such officer not below the rank of the Estate Manager as may be specified in such direction (such officer hereinafter in this Part being referred to as the Competent Officer).

33. Allotment of temporary accommodation :-

(1) Where any of the occupiers of a building have been dishoused, and it is obligatory on the Board to provide them with alternate accommodation under any of the provisions of Chapter VIII, the Competent Officer, shall require every occupier in the building from which he has been dishoused to furnish him with information in Form VII,

(2) On receiving information under clause (1), the Competent Officer shall allot temporary accommodation in a transit camp in accordance with the provisions of Sections 90, 91, 94 or 95 of the Act. The allotment order of temporary accommodation shall be in Form VIII.

(3) When the area occupied by an occupier in any old building exceeds 200 square feet and the members of his family so dishoused are more than eight the Competent Officer may allot an additional tenement to such occupier.

(4) On allotment of a tenement in a transit camp, every allottee shall, be subject to the provisions of Chapter VIII, and before occupying the

34. Allotment of accommodation in repaired or reconstructed buildings :-

(1) Where any occupier has been dishoused under any of the events specified in Chapter VIII, the Competent Officershall direct the occupier to reoccupy his accommodation in the building after it is reconstructed or after the building is rendered habitable, as the case may be.

(2) Where in a reconstructed building, it is not possible to accommodate all the occupiers of the old building, a Committee consisting of an Estate Manager and not more than two Assistant Estate Managers may be formed by the Chief Officer and subject to the provisions of clause (3), the allotment to the occupiers of the old building may be made in the reconstructed building by the Committee by drawing lots.

(3) As far as possible an occupier may be provided with an accommodation in the reconstructed building, of a floor area equivalent to the floor area, in the old building occupied by him, but in no case, exceeding 68 square meters for any occupier of a residential tenement.

(4) If any occupier cannot be accommodated in the reconstructed building, the Competent Officer, shall provide him with an alternative accommodation in any transit camp or in any other reconstructed building on the basis of his seniority in the Master List maintained for the purpose depending upon the period of his stay in the transit camp.

(5) The Competent Officer may allot a tenement from the surplus accommodation available in a reconstructed building to an employee of the Authority who may be looking after the maintenance of the reconstructed building.

Explanation The Chief Officer shall maintain a list of persons accommodated in a transit camp for the purposes of Chapter VIII showing therein the name of the occupier, the name of the building from which he was dishoused, the name of the transit camp, the date of occupation of the transit camp and such other information as the Chief Officer may think fit so that the list indicates the total period of stay of an occupier in a transit camp for determining his seniority for allotment in any transit camp or in any building reconstructed under Chapter VIII. The list so maintained shall be called the Master List.

35. Bar against allotting tenements constructed under Chapter VIII to persons other than those dishoused under that Chapter :-

Except as otherwise provided in these Regulations, no tenement in a building constructed out of the monies to the credit of the Repairs Fund under Chapter VIII shall be allotted to any person other than persons who are dishoused in the circumstances provided in that

Chapter.

PART 9

Miscellaneous

36. Repeal :-

On the commencement of these Regulations, the following Regulations shall stand repealed except with respect to things done or omitted to be done under these Regulations, namely :

(1) The Maharashtra Housing Board (Allotment, Management and Sale of Tenements), Regulations, 1970.

(2) Regulations made by the Bombay Housing Board under clauses (a) and (b) of Section 67 of the Bombay Housing Board Act, 1948.

(3) Madhya Pradesh Housing Board Estate Management, maintained by the Board and Terms and Conditions for Use and Occupation Regulations, 1952.

(4) Bombay Building Repairs and Reconstruction Board (Management of Buildings Maintained by the Board and Terms and Conditions for Use and Occupation, Regulations, 1970.

¹[(5) Madhya Pradesh Housing Board Regulations - Management and use, of buildings and the principles of allotment - Remuneration and service conditions of officers and servants.

(6) Vidarbha Housing Board (Allotment of Flatson Hire Purchase System under the Middle Income Group) Regulations.

(7) Vidarbha Housing Board (Allotment of Flatson Hire Purchase System under the Low Income Group) Regulations.

² (8) Vidarbha Housing Board (Allotment, Management and Sale of Tenements) Regulations.]

1. Added by Authority's Notification No. MH/EMR/1080/11808/EM-9, dated 16th January, 1982.

2. Added *ibid*.