
MAHARASHTRA OWNERSHIP FLATS (REGULATION OF THE PROMOTION OF CONSTRUCTION, ETC.) RULES, 1964

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MAHARASHTRA OWNERSHIP FLATS (REGULATION OF THE PROMOTION OF CONSTRUCTION, ETC.) RULES, 1964

In exercise of the powers conferred by clauses (a) to (e) of subsection (2) of section 15 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963) and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 15, namely

1. Short title :-

These rules may be called the Maharashtra Ownership Flats (Regulation of the promotion of construction, etc.) Rules, 1964.

2. Definitions :-

In these rules unless the context otherwise requires-

(a) "Act" means the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963); [(a-i) "Form" means a form appended to these rules.]

(b) "section" means a section of the Act.

3. Manner of making disclosure :-

(1) A promoter for the purposes of making disclosure of any document referred to in section 3 or prescribed thereunder shall produce [The promoter shall display or keep all the documents, plans or specifications (or copies thereof) referred to in clauses (a), (b) and (c) of sub-section (2) of the said section 3 at the site and permit inspection thereof.] Such person may ask the promoter all relevant questions for seeking further information or clarification in respect of any document or matter required to be disclosed, produced or furnished by or under the provisions of the Act and the promoter shall be legally bound to answer all such questions to the best of his knowledge and belief.

(2) The promoter while making disclosure of the outgoings as required by clause (j) of sub-section (2) of section 3 shall state the basis on which any estimated figures or other information is given.

(3) The promoter shall, when the flats are advertised for sale, disclose inter alia in the advertisement the particulars as required by sub-section (i) to (iv) (both inclusive) of clause (m) of sub-section (2) of section 3.]

4. True copies of certain documents to be given :-

A promoter shall, on demand and payment of a reasonable charge therefore, give to any person intending to take or taking one or more flats true copies of the following documents, namely:-

(a) all documents of title relating to the land on which the flats are constructed, or are to be constructed, which are in the promoter's possession or power;

(b) the certificate by an Attorney-at-law or Advocate referred to in clause (a) of sub-section (2) of section 3;

(c) all documents relating to encumbrances (if any) on such land, including any right, title, interest or claim, of any party in or over such land;

(d) the plans and specifications of the building built or to be built on the land referred to in clause (c) of sub-section (2) of section 3;

(e) a list of fixtures, fittings and amenities (including the provision for one or more lifts) provided or to be provided for the or

apartments;

(f) a list referred to in clause (g) of sub-section (2) of section 3;

(g) a list of all outgoing referred to in clause (j) of sub-section (2) of section 3 and the basis on which any estimated figures or other information is given to the person intending to take or taking the flat.

5. Particulars to be contained in agreement :-

1 The promoter shall before accepting any advance payment or deposit, enter into an agreement with the flat-purchaser in Form V containing the particulars specified in clause (a) of sub-section (1A) of section 4 and shall attach thereto the copies of the documents specified in clause (b) of the said sub-section (1A).

1. Substituted by G.N. FOB 1085/7956(1), dated 10.4.87, s.3.(M.G.G., , Pt. 1V-B.1987, p.413).

6. Fees to be paid under section 7(2) :-

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1. Rule shall be deleted by G.N. FOB 1085/7956/11, dated 10.4.87, s.4.- M.G.G.,, Pt. IV- B, 1987, p.413).

7. When a dispute is to be referred for decision under subsection (2) of section 7 :-

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(a) if the dispute is in respect of a single flat, or if the reference is to be made by a single flat-purchaser, the fees payable shall be Rs. 100;

(b) if the dispute is in respect of more than one but less than ten flats or a common reference is to be made by more than one but less than ten flat-purchasers, the fee payable shall be Rs.100 per flat;

(c) if the dispute is in respect of more than ten but less than twenty- five flats or a common reference is to be made by more than ten but less than twenty-five flat-purchasers, the fee payable shall be Rs. 1,000 in lump sum;

(d) if the dispute is in respect of more than twenty-five flats or a common reference is to be made by more than twenty-five flat-purchasers, the fee payable shall be Rs.2,000 in lump sum;

1. Substituted by G.N., P.W. and H.Dcpt. No. FOB 1171/21306-D-

37, dated 17.8.79. (M.G.G., 1979, Pt. IV-B, p. 1483.

8. Period for submission of application for registration of co-operative society or company of flat-purchasers :-

Where a co-operative society or a company of persons taking the flat is to be constituted, the promoter shall submit an application to the Registrar for registration of the co-operative society or the company, as the case may be, within four months from the date on which the minimum number of persons required to form such organization have taken flats. Where the apartment takers propose to submit the Apartments to the provisions of the Maharashtra Apartment Ownership Act, 1970, by executing Declarations and Deeds of apartments as required by that Act, the promoter shall inform the Registrar as defined in the Maharashtra Co-operative Societies Act, 1960, as soon as possible after the date on which all the apartment-owners (being not less than five) have been executed such Declarations and Deeds of Apartment.

9. Period of conveyance of title of promoter to organization of flat-purchasers :-

If no period for conveying the title of the promoter to the organisation of the flat-purchasers is agreed upon, the promoter shall (subject to his right to dispose of the remaining flats, if any) execute the conveyance within four months from the date on which the co-operative society or the company is registered or, as the case may be, the association of the flat-takers is duly constituted. When a promoter has submitted his property to the provisions of the Maharashtra Ownership Act, 1970, by executing the registering Declaration as required by section 2 of the Act, and no period for conveying the title of the promoter in respect of an apartment to each apartment-taker is agreed upon, the promoter shall execute the conveyance or deed of apartment in favour of each apartment-taker within four months from the date the apartment-taker has entered in to possession of his apartment.

10. Manner of making disclosure before the officer appointed under section :-

(1) For the purpose of making disclosure of all transactions in respect of the account referred to in section 5 or for the purpose of making disclosure of information and documents in the manner prescribed in these rules, a promoter shall produce before the officer, appointed under the said section, the following documents in relation to such account within such time as that officer may fix

in that behalf, namely:-

1. The Cash Book.
- 2.The General Ledger.
- 3.The Personal Ledger
4. The Nominal Accounts.
- 5.The Receipts of Advances And Deposits.
6. The Vouchers of Expenditure.
7. Bank Pass Book.
- 8.The Register of Flat-Purchasers.
- 9.The Register of Flats.
- 10.The Statement Indicating Receipts and Disbursement (General).
- 11 .The Statement Indicating Receipts and Disbursement of Individual Accounts.

(2) The Register of Flat-Purchasers and Register of Flats shall be in Forms II. and I respectively and the statement at serial numbers 10 and 11. in sub-rule (1) shall be in Form III and Form IV, respectively. The other documents referred to in sub-rule (1) may be maintained according to the trade practice.]