

NEW ADAPTATION FOR EXECUTION OF DELHI APARTMENT OWNERSHIP ACT, 2009

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The Delhi Apartment Ownership Act of 1986 was an attempt by Parliament to streamline the law on individual apartment ownership in high-rise buildings. In the preamble, it states, “Creating ownership of a single dwelling in a multi-story building and an undivided interest in the common rooms and premises belonging to that dwelling, making the dwelling and its parts inheritable and transferable. It is an act of doing.” related or related matters. Individual ownership of a multifamily dwelling requires the establishment of a complex series of relationships and property interests. Condominium ownership means that a portion of the property is privately owned and the remainder of the building (communal property) belongs to other residential owners. Common property includes roofs, façades, entrance areas, stairwells, corridors, common walls, technical systems, and structural components. The condo owner's ownership of other portions of the common property must be clearly stated on the condo deed before move-in, including the percentage or percentage of common property ownership assigned to each residence. We may also establish and enforce other rights, including property and contract rights. Some of the most important rights and obligations of individual owners are measured by their percentage or proportion of ownership over the common property. For example, a community owner's fee for maintaining her property is usually based on the relative size of the dwelling. For example, owners of the largest apartments pay the most to maintain common property. Others with similarly sized apartments pay the same amount. This act was passed to regulate critical housing issues and received presidential approval on December 23, 1986. This applies to all skyscrapers built by cooperatives or other bodies or authorities. The rise in residential development in Delhi and accompanying litigation has increased the need for legislation. It regulates many issues regarding the rights and obligations of homeowners. For example, inheritance and ownership issues, rights to common rooms and facilities, and transfer restrictions such as sales, mortgages, and leases. Current State of the Law, Unfortunately, it was not implemented correctly. One reason for this could be the apparent conflict of interest between the developer of the multi-story building (who is responsible under the law for setting up and registering housing deeds) and the apartment owner. I have. Promoters are reluctant to

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enforce deeds because they tend to lose ownership of common areas and facilities that charge homeowner maintenance fees, etc. Consent is required in order to put the residential name on the customer's books. Surprisingly, this exploitative clause in the homebuyer's contract was not challenged by the Brea Association before the Competition Commission of India (CCI) in a recent lawsuit filed against DLF. Only after the contract is signed can the builder be expected to draw up the condo contract for the private owner. Apartment owners are also reluctant to apply to the relevant authorities under the law because they do not want their sales contracts tied to the registration of ownership by paying stamp duty to the government. The competent authority has no obligation to enforce compliance with the provisions of the law by such promoters/builders or individual apartment owners. The central government, a highly centralized infrastructure, has designated There are only three competent authorities, the Chief of Government of the Delhi NCT, the Deputy Chairman of the Delhi Development Authority (DDA), and the Land Development Officer (L&DO).

¹The Delhi High Court On PIL titled *O.S. Bajpai vs. The Administrator (Lt. Governor of Delhi) & Ors.*², the petitioner has drawn the attention of the High Court towards apathy and inaction on the part of the respondents in not properly enforcing The Delhi Apartment Ownership Act, 1996 It's been argued that the defendants are powerless to enforce the Act since it does not outline any corrective or criminal actions that the relevant authority can begin taking in the occasion that the Act's provisions are now being broken by the contractors who preserve the multi-story structures. A number of measures have been approved to put the Delhi Apartment Ownership Act, of 1986, into effect. In response to an interest of the public lawsuit filed by an attorney accusing that the Government of Delhi was not trying to implement the Act because it does not provide for punitive action in the event of a violation of its clauses, a division bench of the Court comprised of Justice A. K. Sikri and Justice Ajit Bharihoke issued the instructions for the Act's implementation.

In the case of *Marvin Malik v. Delhi Secretariat*³, Development, GOI, and the Department of Revenue Headquarters, GNCTD to respond to the transferred RTI application which deals with a very important matter of high public interest, concerning the ownership rights of apartment owners vis-à-vis the violation of laws by the builders of apartments, causing

¹ Staff reporter, New measures for implementation of Apartment Ownership Act, The Hindu(JUNE 02, 2010, 15:38 IST) <https://www.thehindu.com/news/cities/Delhi/New-measures-for-implementation-of-Apartment-Ownership-Act/article16240320.ece/amp/>

² WP (C) No. 1959 of 2007

³ Gnct, Delhi on 25 November, 2014

serious loss of revenue to the Government, which is also the subject matter of the court case in *OP Bajpai Vs. Union of India and others* in WP No.1959/2007, it has been stated that within 15 days of receiving this decision, provide the data to the appellants. The Court ordered the Government to designate a relevant authority in each region, who would then be able to designate personnel with the level of Deputy Director or Joint Commissioner to carry out the Act execution. Bench notified all class developers concerning the registration of property deeds that the transference by sale deed, agreement of lease, or endorsing was performed before the purchase date that could have passed. Within 2 months of the responsible authority's designation, that tribunal must submit a pro forma deed that has been authorized and published by that body. The decision stated that owner-occupiers as well as the contractor will create a house agreement and send it to the sub-registrar for certification. Additionally, it is the client's duty to act in compliance with the laws. After the registry, the developer is required to give the property owner a written confirmation of the enrollment deed.

LEASEHOLD LAND

For rental properties, the condominium deed must be executed by the developer, the condominium owner, and the property developer as verifier, whereas for freehold properties, it must be signed between the builder and the condominium owner. I need to create a contract. Said. The bench has ordered the competent authority to issue notices to all high-rise residential developers in the capital, directing them to make favorable sales, leases, or warranty transfers to buyers within a specified period of time. For future home sales and purchases, Bench said the deed will be registered by the builder and owner within a month of its execution. The terms of the deed include the transfer of exclusive ownership and ownership of the residence, its undivided shares in the premises, including common areas and land, as shown in each deed calculated on the basis of This includes, but is not limited to, ownership of such interests. The prorated value of the residence to the total value of the same, specified order.

PENALTY CHARGES

Additionally, the right or ownership of the property must be inheritable and transferrable under the provisions of the agreement. The Registrar will indeed enforce the required punishment on the infractions under the Indian Stamp Act as well as the Registration Act, and legal proceedings for recovering the necessary fees may also be started. The inability to implement the deed would've been handled as avoiding the payout of required stamp duty as well as the registration fees. The purchaser shall be known as the owner of that property for the

purposes of collecting welfare under the Act, according to the decision, if the contractor's failures and inactivity in signing and registration of the sale deed of the apartments were proven. According to the order, the relevant authority must send particular notifications to every holder of a multi-story residence reminding them of their legal right to establish an owner's affiliation. Additionally, the fit and proper authority's staff must send representatives to each of these apartment buildings to make sure the creation of owners' affiliations. The ruling stated that after an apartment owners' group is established, it would take over administration from the constructor and will fulfill all duties. The constructor will pass over all accounts books and other papers to the owners' group. The government is considering drafting a new bill to update the Delhi Apartment Ownership Act of 1992 in order to solve the issues encountered by apartment owners in the nation's capital, Delhi.

Union Minister for Urban Development Venkaiah Naidu promised that a draft regulation would've been proposed to solve the issues facing building owners in the city at a discussion with lawmakers in Delhi. However, so because the city's multifamily housing complex and her DDA homes do not fall within that spectrum, the new regulation would not be applicable to them. According to a senior government official in the urban development ministry, "the old legislation has to be thoroughly reviewed to apply the various sections because it is unclear and not yet effectively implemented." The new legislation seeks to make the transfer, inheritance, and sale of apartment complexes for city residents who own apartments. Additionally, it promises to grant complete rights of ownership and streamline the home purchase or sale procedure. Owners currently only receive occupation rights. Apartment blocks in Delhi are home to almost 20 lakh people, according to estimates.

To address the problems affecting the city and determine a course of action, Naidu called a conference of the Delhi MPs. Along with apartment ownership, Parvesh Verma, Udit Raj, Manoj Tiwari, and Ramesh Bidhuri, four Delhi MPs, talked here about the topics of Delhi rent control, unapproved colonies, the Delhi Master Plan, and the greenery of the capital. Raj said following the meeting, "The issues with the Apartment Ownership Act, the Delhi Rent Control Act, and the regularisation of unauthorized colonies were addressed with the Minister and he has promised us to pursue it earnestly."

There will be a second session with Delhi's MPs because Naidu urged them to make some specific recommendations regarding these issues. Venkaiah Naidu, minister of architecture and urban projects for the union, voiced sorrow over the fire catastrophe and sent his sympathies

to the dead families. According to the Minister, he informed Prime Minister Narendra Modi of the occurrence and its seriousness. Dharmendra Pradhan, the minister of petroleum, also spoke on the matter. In order to ensure the complete safety of the gas pipeline network, Naidu recommended that a thorough investigation be launched in order to stop similar occurrences from happening again and that suitable compensation, relief, and rehabilitation help be provided.

