

CHANDIGARH APARTMENT RULES,2001

1 The Chandigarh Apartment Rules, 2001 Note : These Rules have been repealed vide Notification No. 36/6/116/ dated 1-10-2007 at page 1797 No. - In exercise of the powers conferred by Section 3 and 22. of the Capital of Punjab (Development and Regulation) Act, 1952 as adapted by the Punjab Reorganization (Chandigarh) adaptation of Laws on State and Concurrent Subjects) Order, 1968 and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh, is pleased to make the following rules, namely:- I. (i) The rules shall be called 'S The Chandigarh Apartment Rules, 2001'- (ii) They shall come into force immediately and apply to the Union Territory, Chandigarh

2. Definitions; (a) "Apartment" means each sub-division of a building duly recognized by the Estate Officer, along with the proportionate share in common areas and common facilities, as well as any other property rights appurtenant thereto, shall constitute an Apartment. (b) "Building" means any construction or part of construction or proposed construction in Chandigarh as defined in Clause (x) of Rule 2 of the Punjab Capital (Development and Regulation) Building Rules, 1952. (c) "Building Regulations" means the Building regulations refer to the rules, directions and orders under the Capital of Punjab (Development and Regulation) Act, 1959- (d) "Common areas and common facilities" means the common areas and common facilities in relation to a building shall include the land covered by the building and all easements, rights of access and other similar rights belonging to the land and the building. The common structures such as foundations, columns, beams, supports, main valves, common roofs, corridors, staircases, fire escapes, entrances and exits of the building. Such parking areas, passages, driveways, gardens, storage spaces, spaces for security, as are required or specified for common use. Installations of common services such as power, light, gas, water heating refrigeration, air conditioning, sewerage, elevators, tanks, pumps, ducts and such other common facilities as may be prescribed from time to time. All other parts of the building and land necessary for maintenance, safety and common use. (e) "Lessee" means the lessee of a site or building in terms of the Chandigarh Lease Hold of Sites and Buildings Rules, 1973. (f) "Owner" means the owner of a site or building in terms of the Chandigarh (Sale of Sites and Buildings) Rules, 1960, or in terms of any Other allotment or conveyance of freehold ownership rights on immovable property by Chandigarh Administration. (g) Under the context otherwise requires, the words and expressions used in these rules shall have the meaning assigned to them in the Capital of I. Published in Chandigarh Administration Gaz (Extra) dated 20-12-2001 2179 [232] Chandigarh Apartment Rules, 2001 233 Punjab (Development and Regulations) Act, 1952 and the rules made thereunder

3. Sub-division of Building: (1) Every' building subject to the provisions of the Capital of Punjab (Devel- opment and Regulation) Act, 1952 and the separate and independent units in ac- cordance with these rules.Each such sub-division of a building shall be recog- nized as a distinct, identifiable property to which the owner lessee shall have title along with prortionate rights in the declared common areas and common facilities. Each sub-division along with common areas, common facilities, rights of access easements and other ownership rights shall constitute a single, distinct identified, property which may be used transferred or disposed by the owner/lessees in ac- cordance with the applicable law and rules. (2) A building may be sub-divided through a declaration made by the own- ers/lessees to the Estate Officer in the prescribed form (



Form- D). The Estate Officer shall, if he is satisfied with the completeness and correctness of information provided with the declaration and after, having the building inspected, if necessary, recognize the subdivisions of the building and the owners/lessees thereof, upon payment of such fee as may be notified by the Administration from time to time. The recognition of each sub-division as an apartment by the Estate Officer under these rules shall be accorded by way of a fresh letter of allotment or a fresh conveyance deed, as the case may be, in suppression of the previous letter of allotment or conveyance deed. Such letter-of-deed shall recognize the owners/lessees of the apartment as the owners/lessees thereof, who shall be liable to comply with all the provisions of the Capital of Punjab (Development and Regulation) Act, 1952, and rules and regulations and orders framed thereunder. All the covenant and liabilities contained in the original allotment letter and in the conveyance deed pertaining to the building or site, shall be construed to be contained in the subsequent letter or deed, as the case may be, even though no specific mention may have been made therein. (3) Each sub-division, after it has been recognized as an apartment by the Estate Officer, consequent upon the filing of prescribed declaration, shall be the sole and exclusive property of the declared owners/lessees. Such owners/lessees shall be fully and exclusively responsible and liable for complying with all provisions of the Capital of Punjab (Development and Regulation) Act, 1952, rules and orders framed thereunder, and covenants of the allotment letter and conveyance deed pertaining to the site or the building. All these provisions of rules, orders and covenants shall apply, *pari passu*, to the apartment and to the owners/lessees thereof, as they did and would have, to the site or building and the owners/lessees thereof. (4) Each apartment shall be entitled to separate utility connections such as water supply, sewerage and electricity, subject to building regulations. (5) Where sub-divisions of a building with more than one storey have been allotted, sold or leased by the Estate Officer, the Estate Officer may after giving notice to the owners/lessees of such sub-divisions, declare such sub-divisions as apartments, to which the provisions of these rules shall apply

4. Sub-Division of Residential Buildings: (1) Any residential building situated on a plot size of less than 1400 square yards may be sub-divided into separate dwelling units with not more than one dwelling unit on each floor of the building. Each such dwelling unit shall constitute a sub-division. 234

Chandigarh Apartment Rules, 2001 (2) The basement, if any, allowed in a residential building shall not constitute a separate sub-division. The basement shall form a part of the sub-divisions on the ground floor. In case more than one sub-division is allowed on the ground, each such sub-division may have a separate basement if building regulations so permit. Except in the case where the basement provides for facilities such as parking area at the end or other plant and equipment required for apartments in the building, the basement or portions therein may constitute a part of the sub-division on floors, other, ground floor. (3)

The garage, servant quarters, outhouse, mali hut, store, open spaces etc. not



forming part of the main residential building shall not form a separate sub-division(s) and shall form part of one or more of the apartments of the main building. (4) A residential building on a plot of 1400 square yard or more may be sub-divided into two dwelling units on each floor provided that building regulations so permit

5. Sub-Division of commercial properties: (1) Shop-cum-offices and shop-cum-flats may be sub-divided into a commercial unit on the ground floor, and a separate unit on each of the upper floors of the appropriate category. (2) Where a ground floor partition is allowed in a S.C.O. or S.C.F. such S.C.O. or S.C.F. may be sub-divided into more than one sub-division on the ground floor, provided that each sub-division conforms with the Building Regulations, and provided that not more than one sub-division shall be allowed in each bay. As regards upper floors used for commercial purposes, each floor may be sub-divided provided that there is not more than one sub-division for each bay on the upper floors. (3) The basement of any S.C.O. or S.C.F. shall not constitute a separate sub-division and shall form part of one of the sub-divisions whether a commercial unit or a dwelling unit, provided that no change of use for the basement shall be allowed

6. Sub-Division of Industrial Buildings: No sub-division of industrial buildings shall be allowed



- 7. Declaration as regards Sub-division of Building : (1) The owners or lessees of any building, may file a declaration intending to sub-divide the building in accordance with these rules and the building regulations. This declaration shall be in the prescribed form (**



Form D), and shall be submitted to the Estate Officer. A decision as regards of the building shall be taken within 60 days of the submission of the declaration. (2) Any permission for sub-division shall not amount to regularization of any contravention or violation of any building regulations. (3) The declared owners/lessees of the sub-division shall be liable for complying With all rules and regulations framed under the Act and by notifications in this regard, from time to time

8. Common areas and common facilities: (1) Every declaration for sub-division of a building shall contain the complete details regarding the common areas and common facilities. These may be used by all the owners/lessees and occupiers of the building equally, and without hindrance, subject to reasonable restrictions to ensure privacy and common access to all owners/lessees and occupiers. 240 Chandigarh - Apartment Rules - C.O.'S-C.F-/P10t No--- Sector - - Chandigarh - SCHEDULE OF COMMON AREAS AND COMMON FACILITIES 200 Description boundaries on plan Arrangement liability for repair/ maintenance SCHEDULE OF RESTRICTED AREAS portion Level of liability for repair/ maintenance Restrictions on use

