

IR;eso t;rs

>kj[k.M xtV

vlk/kkj.k vad

>kj[k.M ljdkj }kjk izdkf'kr

la[;k 52

13 ek?k] 1933 'kdkCn

jk;ph] o`gLifrokj 2 Qjoh]

fof/k ¼fo/kku½ foHkkx

&&&&&&&

notification

30 tuojh] 2012

la[;k&,yCethC&23@2011&11@ystC] >kj[k.M fo/kku eaMy dk fuEu& लिखित अधिनियम, जिस पर राज्यपाल दिनांक 21 जनवरी, 2012 को अनुमति दे चुकेgSa] blds }kjk loZlk/kkj.k dh lwpuk ds fy, izdkf'kr fd;k tkrk gS A

2

>kj[k.M xtV ¼vlk/kkj.k½] o`gLifrokj 2 Qjoh] 2012

[झारखण्ड अधिनियम 01, 2012]

झारखण्ड अपार्टमेंट(फ्लैट) स्वामित्व अधिनियम, 2011

बहुमंजिले भवन के किसी पृथक अपार्टमेंट(फ्लैट) की मालकियत सुनिश्चित

djus rFkk ,sls vikVZesaV¼¶ySV½ ds lkFk lac) lqfo/kkvksa ,oa lk>k {ks=ksa esa

अविभाजित हित सुनिश्चित करने तथा उससे संबद्ध अथवा उत्पन्न मामलों एवं हितों

को दाययोग्य (विरासत योग्य) एवं हस्तांतरण योग्य बनाने के लिए अधिनियम ।

Hkkjr x.kjT; ds 62osa o`kZ esa >kj[k.M jkT; fo/kku eaMy }kjk fuEufyf[kr

रूप में यह अधिनियमित हो:-

v/;k;&I

izkjafHkdh

1-
अपार्टमेंट
सकेगा ।

%&(1) यह अधिनियम "झारखण्ड
स्वामित्व अधिनियम, 2011" कहा जा

(2) यह अधिनियम सम्पूर्ण झारखण्ड राज्य में प्रवृत्त होगा ।

$\frac{1}{4}3\frac{1}{2}$;g jkT; ljdkj }kjk vlk/kkj.k xtV esa izdk'ku dh frfFk ls izo`Ük
gksxk A

2- dk ykxw gksuk %& इस अधिनियम के प्रावधान किसी
बहुमंजिले भवन ds izR;sd vikVZeasV $\frac{1}{4}$ ySV $\frac{1}{2}$ ij ykxw gksaxs ftudk
fuekZ.k vkoklh;] O;olkf;d ;k fdlh vU; mís'; ;Fkk dk;kZy;] fdlh
o`fÜk] O;olk;] O;kikj ;k okf.kT; ds lapkyu ds fy, fdlh vU; izdkj ds
Lora= mi;ksx ds fy, इस अधिनियम के आरंभ के पूर्व या बाद में
पूर्ण स्वामित्व वाली भूमि अथवा लीज वाली भूमि जिसमें पट्टे की अवधि
30 वर्ष या उससे अधिक हो पर किया x;k gks A

परन्तु जहाँ कोई भवन इस अधिनियम के आरंभ के पूर्व या बाद
मेंfufeZr gqv k gks] vkSj mlesa nks ;k rhu vikVZeasV $\frac{1}{4}$ ySV $\frac{1}{2}$ gh
gksa] rks ,sls Hkou का मालिक, समय-समय पर यथा संशोधित,
रजिस्ट्रेशन एक्ट, 1908(अधिनियम16] 2008 $\frac{1}{2}$ ds izko/kkuksa ds rgr
vikVZeasV nLrkost dk;kZfUor ,oa iathd`r dj k,xk ekuks ml Hkou ds
laca/k esa og izorZd gks A

ijUr q vkSj fd] Hkwfe dk ,d ek= Lokeh ;k lHkh Lokeh] viuh
Hkwfe इस अधिनियम के प्रावधानों के समक्ष इस शर्त के साथ प्रस्तुत कर
सकेगा किog ;k os ,slh Hkwfe vikVZeasV ekfyd dks iV~Vs ij
miyC/k dj k;saxs vkSj ,sls iV~Vksa dh 'krksZa] bls lacaf/kr
?kks"k.kk esa] fu"ikfnr gksus okys iV~Vs dk dkxtkr layXu djds
vFkok vU;Fkk] izdV dh tk;sxh A

ijUr q ;g vkSj fd] jkT; ljdkj lkekU; vFkok fo'ks"k vkns'k }kjk
किसी ऐसे मालिक को अपना भवन, इस अधिनियम के प्रावधानों के
समक्षizLrq djus dh ck;/rk ls foeqDr dj ldsxh A

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifro kj 2 Qjoh] 2012

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3- ifiHkk"kk.; %&इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न

cafVrhß ls vfHkizsr gS vikVZesaV¼¶ySV½ ds laca/k esa ,slk O;fDr ftls izorZd }kjk izkjaHk esa ,slk vikVZeasV vkcafVr fd;k x;k gks fdUrq vHkh rd fcØh vFkok gLrkarj.k ugha fd;k x;k gks A

pvikVZesaV¼¶ySV½ß ls vfHkizsr gS izorZd@fodklDrkZ }kjk fdlh cgqeaftys Hkou esa Lora= mi;ksx dh ea'kk ls miyC/k dj;k;h x;h सम्पत्ति का ऐसा हिस्सा जिसमें एक या एक से अधिक कमरे या बंदजगह, जो एक या एक से अधिक तलों या उसके/उनके किसी हिस्सेesa vofLFkr gks vkSj ftldk mi;ksx vkokl] dk;kZy;] O;olk;] okf.kT; ;k O;kikj ds lapkyu ;k ;Fkk mYysf[kr vU; fdlh Lora= mi;ksx ds fy, gks vkSj ftldk lh/kk cfgxZeu fdlh lkoZtfud xyh] lM+d] mPpekxZ ;k ,sls fdlh lkoZtfud LFky esa gks] tks fdlh lkoZtfud xyh@lM+d ;k mPpekxZ esa lh/ks feyrs gks vkSj blesa] izorZd }kjk micaf/kr ,sls vikVZesaV¼¶ySV½ ;FkkfLFkr ekfyd dks xkM+h ikdZ djus ;k ,sls vikVZesaV¼¶ySV½ esa ?kjsyw lgk;rk ds fy, fu;qDr O;fDr ds jgus ds mi;ksx gsrq miyC/k dj;k;h x;k rg[kkuk@cslesaV ;k ry?kj@lsyj] dksbZ xjkt ;k dejk ¼pkg ,sls vikVZesaV¼¶ySV½ okys cgqeaftys Hkou ls tqM+k gqv ;k vyx gks½ 'kkfey gSA

vikVZesaV¼¶ySV½ la[kß ls vfHkizsr gS vikVZesaV¼¶ySV½ nLrkost esa vikVZesaV¼¶ySV½ dh fofk"V igpku ds fy, fu/kkZfjr dksbZ la[k] v{kj ;k bu nksuksa ds la;ksx ls cuh igpkuA

vikVZeasV ekfydß ls vfHkizsr gS ,slk vkoafVrh ftldks izorZd@ izkseksVj us dksbZ vikVZesaV¼¶ySV½ vafre :lk ls csp fn;k ;k gLrkarfjr dj fn;k tks vkSj ftlds QyLo:lk og bl vikVZesaV¼¶ySV½ dk Lokeh cu x;k gks vkSj tks Hkou ,sls ds lk>s {ks=ksa vkSj miyC/k lq[k&lqfo/kkvksa esa vikVZesaV¼¶ySV½ nLrkost esa fofufnZ"V jhfr@izfr'kr ds vuq:lk vfoHkkftr fgr j[krk gks A

Li"Vhdj.k% voafVrh vius vikVZesaV¼¶ySV½ dk ekfyd rHkh cu ik;sxk tc og izorZd@izkseksVj dks mldh lEiw.kZ jkf'k ,oa ml ij vko';d C;kt] ;fn dksbZ gks dk iw.kZ Hkqxrku dj ns vkSj bl अधिनियम की धारा-11 के प्रावधानों के अधीन अन्तिम रूप सेvikVZesaV¼¶ySV½ mls csp ;k gLrkarfjr dj fn;k x;k gksA

blds lkFk gh vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfyd ds ikl mlds uke ls fu"ikfnr ,oa iathd`r vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost gksuk pkfg, tcfd vkoafVrh dks ,slk djuk visf{kr ugha gS A

vuqeksfnr cSadß ls vfHkizsr gS LVsV cSad vkWQ bf.M;k ,sDV] 1955 ds अधिनियम 23 की धारा-3 के अन्तर्गत गठित भारतीय स्टेट बैंक ऑफ इण्डिया (सबसिडियरी बैंक्स) ऐक्ट, 1959 (अधिनियम 38, 1959) की/kkj&3 ds vUrxZr xfBr lgk;d cSad ;k cSafdax dEiuht (एकीजीशन एण्ड ट्रान्सफर ऑफ अंडर टेकिंग) ऐक्ट, 1970 (अधिनियम 10&5] 1970½ dh /kkj&3 ds vUrxZr xfBr led{k fo|eku cSad ;k cSafdax dEiuht ¼,Dohth'ku ,.M VªkUIQj vkWQ vaMj Vsfdax½ ,DV]

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>kj[k.M xtV ¼vll/kkj.k½] o`gLifrokj 2 Qjoh] 2012

1980 (अधिनियम सं0-40, 1980) की धारा-3 के अन्तर्गत गठितdkWjsLikSfUMx fo|eku cSad A

vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'kuß ls vfHkizsr gS cgqeaflys Hkouksa ds lHkh vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku tks lewg ds :lk esa dk;Zjr gks vkSj vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost rFkk mifof/k ds vuqlkj bl :lk esa ifjHkkf"kr gks rFkk tks vius uke ls dksbZ le>kSrk djus esa l{ke gks A

i"kZnß ls vfHkizsr gS ftldk pquko ,lksfl,'ku ds lnL; mifof/k ds v/khu vius lnL;ksa }kkj fuokZfpr vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku dh izca/kd Ik"kZnA

mifof/kß ls vfHkizsr gS vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku }kkj इस अधिनियम के अधीन निर्मित उपविधि ।

lkekU; {ks= ,oa lqfo/kk,;ß ls Hkou ds laca/k esa vfHkizsr gS %&

(i) og Hkwfe ftlij Hkou fLFkr gks vkSj ml Hkwfe vkSj Hkou ls संबंधित सारी सुविधाएँ, अधिकार, उपकरण।

(ii)uhao] LrEHk 'kgrhj] /kju] vk/kkj LrEHk] eq[; nhokj] Nr] gkWY] xfy;kj] izdks"B] lhf<+;kj] lh<+h] jkLrs vfXu ls cpko rFkk Hkou ds izos'k ,oa cfgxZeu }kj A

(iii)ry?kj] rg[kkuk] izkax.k] cxhpk] [kqyk {ks=} 'kkWfiax dsUnz] fo|eku ,oa LVksjst {ks= A

(iv) }kjiky ;k lEifÜk dh ns[kjs[k ds fy, fu;qDr O;fDr;ksa ds jgus ds fy, fu;r iflj A

(v)dsUnzh; lsokvksa] ;Fkk& fo|qr] izdk'k] xSl] xeZ ,oa 'khry ty] rkiu@iz'khfrdj.k okrkuqdwyu@HkLehdj.k rFkk ey ofgdk dk izfr"Bkiu A

(vi),yhosVj] Vadh] iEi] eksVj] ia[ks] dEizs'ku] ufydk,;@MDV~l rFkk lkekU; :lk ls lk>k mi;ksx ds fy, fo|eku lHkh midj.k ,oa izfr"Bkiu A

(vii)vU; ,slh lkeqnkf;d ,oa O;olkf;d lqfo/kk,; tks fofgr dh tk, rFkk

(viii)lEifÜk ds vU; lHkh fgLls tks blds vfLrRo] j[k&j[kko ,oa lqj{kk ds fy, vko';d ,oa lqfo/kktud gksa vFkok lkekU;r% lk>k mi;ksx esa gks A

lkewfgd [kpZß ls vfHkizsr gS %&

(i) vikVZesaV^{1/4}¶y ekfydksa ds ,lksfl,'ku }kjk izR;s vikVZesaV^{1/4}¶ySV^{1/2} ekfyd ds fy, fof/kiwoZd fu/kkZfjr dqy jde A >kj[k.M xtV ^{1/4}vlk/kkj.k^{1/2}] o`gLfrokj 2 Qjojh] 2012 5

(ii)iz'kklfud j[k&j[kko] lk>k {ks=ksa ,oa lqfo/kkvksa ds ejEefr ;k cnyko ij [kpZ A

(iii)vU; [kpZ ftls vikVZesaV^{1/4}¶ySV^{1/2} ekfydksa ds ,lksfl,'ku us lk>k [kpZ dk ntkZ fn;k gks A

(iv)ऐसा खर्च, जिसे इस अधिनियम की धाराओं या उपधाराओं अथवा vikVZesaV^{1/4}¶ySV^{1/2} nLrkost vFkok mifof/k ds }kjk lk>k [kpZ ekuk x;k gksA

lk>k ykHkß ß ß ß ls vfHkizsr gS oSlh vkenuh tks lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa ls izkIr dqy vkenuh] ykHk ,oa jktLo ls lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa ls lkewfgd [kpZ ?kVkus ds ckn cph gqbZ 'ks"k vkenuh A

l{ke inkf/kdkjhß ls vfHkizsr gS ,slk inkf/kdkjh ;k izkf/kdkj] tks rFkk ftls jkT; ljdkj }kjk l{ke izkf/kdkjh ds dk;Z ,oa drZO;ksa dk fuoZgu djus rFkk jkT; ljdkj ds lkekU; funs'k] v/kh{k.k ,oa नियंत्रण के अधीन अधिसूचना में यथाविनिर्दिष्ट, ऐसे क्षेत्रों के लिए अधिनियम एवं उसके अधीन बनायी गयी नियमावली के प्रावधानों को लागू करने के लिए, राजपत्र में अधिसूचना द्वारा,

कार्यपालक अधिकारि उनकु फद;क ख;क गक्सA इजुरा जकT; लज्जक ल{के
 इज्जक/कज्जक हस :लक एसा एक से अधिक पदाधिकारी अथवा प्राधिकारी
 को अधिसूचित कर सकेगी। वकसज मूदस चप दक;कसाZ दकस मल जहफर लस
 वकोअवर दज लदख हतलस ओग मि;कडर ले>स A

विकज्जसा ¼यस ½ नलरकस्तल लस वफहकजसर गस ओग
 दकखतर@फयफ[क बंध-पत्र जिसके द्वारा सम्पत्ति, इस अधिनियम के
 प्रावधानों के अधीन बलदस कन ;फकमिअ/क लकसाइ ख;ह गक्स A

लज्जक ;क जकT; लज्जक लस वफहकजसर गस >कज[क.म लज्जकA

लफककुह; फूदक; लस वफहकजसर गस उख जपक;र] उख लक"कज्ज] उख
 फूखे] नगरपालिका तथा अधिसूचित क्षेत्र समिति अथवा क्षेत्रीय
 विकास प्राधिकार;क वU; {कस= वफकोक फूदक;] तक्स ले;≤ इज] ;फक
 ला"कक्स/क जक;पह रीजनल डेवलपमेंट आथॉरिटी एक्ट, 1981, बिहार
 एण्ड उडिसाम्यूनिशिपल एक्ट, 1922, खनिज क्षेत्र विकास प्राधिकार
 अधिनियम (यथा ला"कक्स/क ½] 1986 रफक जक;पह ए;वफुफकीय
 दकवजिक्स'कु ,DV] 2001 ;फक संशोधित के अधीन राज्य सरकार
 द्वारा अधिसूचित अथवा गठित हुआ। गक्स A

इज्जक/कड लस वफहकजसर गस मिफो/क दस व/कुह फु;कडर
 विकज्जसा ¼यस ½ एकफयदकसा दस ,लक्सल,'कु दक इज्जक/क A

कगूकैफतुक हकुल लस वफहकजसर गस इव.कज लोक्फेरो ओकस हकुवे
 इज फूफेजर ,लक भवन जिसमें चार या चार से अधिक अपार्टमेंट(फ्लैट)
 हो या किसी क्षेत्रमें दो या दो से अधिक भवन जिनका ब्लॉक, पार्किंग
 या अन्य ऐसा लूकेदज.क फद;क ख;क गक्स ;फक इजर;द ,लक कयकुद ;क
 इकुवदस एसा नक्स ;क नक्स से अधिक अपार्टमेंट(फ्लैट) हों जिससे इन
 सभी भवनों में अपार्टमेंट(फ्लैट)की कुल संख्या चार या इससे अधिक
 हो और इसमें, ऐसे भवन, जिनमें

6 >कज[क.म खतव ¼वलक/कज.क ½] ओ'गलफ्रोकज 2 कजोह] 2012

कम से कम दो या तीन अपार्टमेंट(फ्लैट) हो और जो इस अधिनियम
 की/कज्जक&2 दस वउरखजर ?कक्स'क गक्स] 'ककफेय गस A

इजोरजद वफकोक फोदकलद्रकजल लस वफहकजसर गस ,लक ओ;फडर तक्स ,लस
 हकुल दक फूकेज.क दजर ;क दजरक गक्स हतलसा विकज्जसा ¼यस ½
 गक्स ;क इगस लस फूफेजर हकुल ;क मलदस फदलह फगललस दकस इव.कज ;क
 वकअकद फओह दस मीस'; लस विकज्जसा ¼यस ½ दस :लक एसा फोदलर

djs blesa mi leuqnsf'krh 'kkfey gS A tdk; ,slk Hkou cukus okyk ;k :ikUrfjr djusokyk vkSj mUgsa fofHkUu O;fDr;ksa dks cspus okyk vyx&vyx nks O;fDr gks ogka उसमें दोनों शामिल है । सरकार द्वारा अधिसूचित कोई विकास izkf/kdj.k rFkk vU; lkoZtfud fudk; dks muds }kjk viuh Hkwfe ;k ljdkj }kjk mUgsa bl dk;Z gsrq vkoafVr Hkwfe ij fuekZ.k fd, x, Hkou ds vkoafVrh ds fy, izkseksVj ekuk tk;sxk A

i"Vhdj.k % ,slk dksbZ O;fDr tks mij of.kZr jhfr ls dk;Z djrk gS rks ml gSfl;r ls Hkh mls izkseksVj le>k tk;sxk ;fn %&

(i) og vius vkidks fcYMj] ubZ cLrh clkus okyk ¼dksyksukbtj½] Bdsnkj] fodklrkZ] lEifÜk izorZd ;k vU; ,sls fdlh uke ls inkfHkfgr djs vFkok

(ii)og ftl Hkwfe ij Hkou dk fuekZ.k gks jgk gks mlds Hkw&Lokheh dk eq[rkjukek /kkjd ds :lk esa dk;Z djus dk nkok djs A

izksijkbVj@ekfydß ls vfHkizsr gS ,slk O;fDr] tks ml Hkwfe dk okLrfod ekfyd gks ftli j vikVZesaV¼ySV½ okys Hkou dk fuekZ.k होना है तथा उसे प्रस्तावित भूमि से संबंधित अधिकार, सक्षमता एवं हित izkIr gks vkSj blesa Hkwfe ds Lokheh dk mÜkjfk/kdkjh ,oa oS/kkfud mÜkjfk/kdkjh Hkh 'kkfey gS A ;fn Hkw&Lokheh jkT; ljdkj@Hkkjr ljdkj@lkoZtfud miØe@dks vkWijsfVo lkslk;Vh@V^aLV bR;kfn gks rks lacaf/kr izkf/kdkj gh izksijkbVj@ekfyd dgk tk;sxk A

fofgrßसे अभिप्रेत है इस अधिनियम के अधीन बनायी गयी नियमावली}kjk fofgr A

lEifÜkÜkÜkÜkß ls vfHkizsr gS lacaf/kr Hkwfe] ml ij fufeZr cgqeaftyk Hkou] mlesa fd, x, fodkl ,oa :ikarj.k vkSj mlls laEc) lHkh lqfo/kk,;] अधिकार एवं उपकरण और उससे संबंधित उपयोग के लिए आशायितO;fDrxr lEifÜk ds lHkh lkeku A

jktLo izkf/kdkjhß ls vfHkizsr gS og izkf/kdkjh tks Hkwfe ekfydksa ;k vikVZesaV¼ySV½ ds IykWV ekfydksa ls Hkwfe] Hkou bR;kfn ds fy, fdjk;k olwyh gsrq l{ke gS A

vkjf{kr ;k lhfer lk>k {ks= vkSj lq[k&lqfo/kk,;ß ls vfHkizsr gS ,slk lk>k {ks= ,oa lqfo/kk;sa ftUgsa fdlh vU;

vikVZesaV¼¶ySV½ ds vkoaVu] fcØh ;k gLrkari.k ls iwoZ
 izarZd }kjk fyf[kr :Ik esa fdllh ,d vikVZesaV¼¶ySV½ ;k dqN
 vikVZesaV¼¶ySVksa½ ds fy, lqjf{kr ;k vkoafVr dj fn;k x;k
 gks rFkk vU; vikVZesaVks dk bu lk>k ;k lqfo/kkvksa ij
 अधिकार न हो ।

>kj[k.M xtV ¼vllk/kkj.k½] o`gLifrokj 2 Qjoh] 2012

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lsok izHkkjß ls vfHkizsr gS ,slk [kpZ tks lqj{kkdehZ vkSj
 Lohij ds osru&HkÙks] lk>k {ks=ksa dh fo|qr&O;oLFkk] ikuh
 dh O;oLFkk] ejEefr ,oa jaxjksxu dk;Z fy¶V lapkyu] tsusjsVj
 pykus ds fy, Mhty] ekschy bR;kfn ,oa tsusjsVj ds okf"kZd
 j[k&j[kko¼,0e0lh0½ bUVjdkWe ,oa tsusjsVj ,oa lk>k dk;Z ij
 fd, tkrs gS rFkk tks ekfld :Ik ls ns; gS A

v/;k;&II

dk LokfeRo] nk;;ksX;rk rFkk gLrkari.kh;rk

4- vikVZesaV¼¶ySV½ ds csukehnkj vikVZesaV¼¶ySV½ dk okLrfod
 ekfyd ekuk tk;sxk A ;fn fdllh vikVZesaV¼¶ySV½ dk gLrkari.k ,d
 O;fDr ds uke fd;k tkrk gS tcfd mlls lacaf/kr vko'd Hkqxrku fdllh
 vU; O;fDr }kjk vius Qk;ns ds fy, fd;k tkrk gS] rks VªkUlQj
 vkWQ izksiVhZ ,sDV] 1882 ;k rRle; izo`Ùk vU; fof/k;ksa esa] fdllh
 ckr ds gksrs gq, Hkh] ftlds uke ls vikVZesa dk gLrkari.k fd;k
 x;k gS ogh O;fDr ml vikVZesaV¼¶ySV½ dk okLrfod ekfyd gksxk
 vkSj dksbZ U;k;ky; bl vikVZesaV¼¶ySV½ ds gLrkari.k ds fy,
 vko'd Hkqxrku djus okys ;k 'krksZa dks iwjk djus okys ds bl nkos
 ij fd ftlds uke ls gLrkari.k gqv k gS mlds ykHk ds fy, Hkqxrku djus
 dk mldk dksbZ vk'k; ugha Fkk ;k varfjrh mldk csukehnkj gS vFkok
 vU; fdllh vk/kkj ij dksbZ lquokbZ ugha djsaxk A

5- fodklrkZ@izkseksVj rFkk ekfyd }kjk gLrkari.k dk nLrkost
 fu"ikfnr djuk vkSj mldk fuca/ku djuk A

(i) tgk; fodklrkZ@izarZd ml Hkw&[k.M dk ekfyd ugha gks ftli
 vikVZesaV¼¶ySV½ dk fuekZ.k gksuk gS rks
 fodklrkZ@izarZd vkSj Hkw&[k.M dk ekfyd ,d
 ,djjukek&nLrkost dk fu"iknu vkSj iathdj.k djk;saxs ftlesa
 fodklrkZ@izarZd ,oa ekfyd dk Hkou vkSj Hkwfe esa
 fgLlsnkjh lfgr lHkh 'krkZsa dk C;ksjk gksxk A

bl ,djkujekek&nLrkost esa ;g Hkh 'kkfey gksxk fd Hkou
 dk fuekZ.k dk;Z iwjk gksus ds Ik'pkr~ lacaf/kr va'k/kkj]d]
 ;Fkk&fodklrZ @izorZd rFkk Hkw&Lokeh vius fgLls ds
 iw.kZ Lokeh gksaxs rFkk mUgsa अपने अंश को अलग से बेचने
 या हस्तांतरित करने का अधिकार प्राप्तgksxk A

(ii)lkewfgd {ks=ksa rFkk lq[k lqfo/kkvksa lfgr]
 vikVZesaV¹/₄¶ySV¹/₂ dh vfUre fcØh@iV~Vk] ;FkkfLFkfr
 fodklrZ@izorZd vFkok ekfyd }kjk mi/kkj¹/₄1¹/₂ ds vuqlkj
 Hkkoh vikVZesaV¹/₄¶ySV¹/₂ Lokeh ds i{k esa fu"ikfnr djsxk
 ,oa iathdj.k dj;k tk;sxk A

6- izlafonkvksa rFkk mifof/k;ksa dk vuqikyu %& izR;sd
 vikVZesaV¹/₄¶ySV¹/₂ ekfyd dks izlafonkvksa ,oa mifof/k;ksa rFkk
 vikVZesaV¹/₄¶ySV¹/₂ nLrkost esa mYysf[kr 'krksZa ,oa izfrc/kks
 dk vuqikyu djuk gksxk rFkk muesa ls fdLh dk Hkh vuqikyu u djus dh
 fLFkfr esa] bls gqbZ gkfu ;k vuqekfur jkgr ds fy, ;k nksuksa ds fy,
 O;fFkr vikVZesaV¹/₄¶ySV¹/₂ ekfyd dks ;k vikVZesaV¹/₄¶ySV¹/₂

ekfydksa ds ,lksf,'ku dh vksj ls] bls izca/kd ;k izca/k lfefr dks]

8 >kj[k.M xtV ¹/₄vlk/kkj.k¹/₂] o`gLifroKj 2 Qjohj] 2012

leqfpr ekeys esa] {kfr dh iwfrZ gsrq jkf'k dh olwyh ds fy, dkjZokbZ
 djus dk vk/kkj gksxk A

7- izorZd ds lkekU; nkf;Ro %& vU; fof/k;ksa esa fdLh ckr ds gksrs
 gq, Hkh] izorZd dks vius }kjk cuk;s tk jgs ;k cuk;s tkus okys
 Hkou ;k CykWd dks ftlesa ls dqN ;k lHkh

vikVZesaV¹/₄¶ySV¹/₂ dk LokfeRo fdLh vkSj dks nsuk gks vFkok
 fn;k x;k gks ;k oSls lHkh O;fDr] ftUgksaus fy;k gks ;k ysus okys gksa]

ds lkFk vius lHkh laO;ogkjksa esa] bl /kkjk esa vkxs mfYyf[kr
 nLrkostksa ,oa lwpukvksa] ftlesa [kjhnus okys dh igpku ls lacaf/kr
 iw.kZ tkudkj ,oa mldk irk Hkh 'kkfey gksuk pkfg,] nsus ;k izLrqr djus
 dk nk;h gksxk vkSj mldh ,d izfr l{ke izkf/kdkjh dks Hkh lwpukFkZ
 miyC/k djkuh gksxh A

fdLh izorZd dks] tks vikVZesaV¹/₄¶ySV¹/₂ okyk ,slk Hkou ;k
 ,slk CykWd@[k.M cukrk gS ;k cukuk pkgrk gS %

¹/₄d¹/₂ml Hkw&[k.M] ftli vikVZesaV¹/₄¶ySV¹/₂ dk fuekZ.k gqv kks
 ;k gksus okyk gks] ij vius ekfydkuk gd dh izd`fr dk iw.kZ ,oa
 lgh C;ksjk izdV djuk gksxk vkSj gdh;r laca/kh bl C;ksjs dks

de ls de lkr वर्ष का अनुभव रखने वाले किसी मुख्तार/एटर्नी या अधिवक्ता सेizekf.kr djuk gksxk A

$\frac{1}{4}[k\frac{1}{2} \text{ bl Hkw\&[k.M ij ds lHkh vojks/kksa] ftlesa Hkwfe ij fdlh vU; } \}$ kjk ekfydkuk gd dk nkok Hkh 'kkfey gS] dk iw.kZ ,oa lgh C;ksjk izdV djuk gksxk A

$\frac{1}{4}x\frac{1}{2}$ viuh ;kstuk vkSj Hkou fuekZ.k laca/kh fo'ks"k fooj.k] ;Fkk&ml Hkwfe ij cuus okys ;k cu jgs Hkou dks] Hkw dai ,oa vkx ls lajpukRed lqj {kk ds mik; ,oa bu mik;ksa ds fy, lacaf/kr izkf/kdkjh] ;fn ,slh dksbZ oS/kkfud vko';drk gks] ls izkIr Lohd`fr laca/kh C;ksjk lkr fnuksa dh lwpuk ;k ekax ij izLrqr djuk gksxk A

$\frac{1}{4}k\frac{1}{2}$ miyC/k dj;k;s tkus okys vko';d lkt& lkeku] mudk lqn`f<+dj.k एवं सुख-सुविधाओं, जिनमें एक या एक से अधिक लिफ्ट की सुविधा भी'kkfey gS] dh izd`fr dk C;ksjk nsuk gksxk A

$\frac{1}{4}M-\frac{1}{2}$;fn izorZd Lo;a Hkou&fuekZrk gks rks mfpr lwpuk vFkok ekax ij mls Hkou dk [kkdk@uD'kk ,oa mlds fuekZ.k esa iz;ksx fd, tkus okys lkefxz;ksa dk fofgr C;ksjk izdV djuk gksxk vkSj ;fn izorZd Lo;a Hkou fuekZrk u gks rks mls ,slh ekax ;k lwpuk ij Hkou ds okLrqdkj rFkk Bsdsnkj ds lkFk gq, Hkou fuekZ.k laca/kh [kkdk rFkk iz;qDr gksusokyh lkefxz;ksa ls lacaf/kr lHkh ,dj;jukes a izdV djus gksaxs A

$\frac{1}{4}p\frac{1}{2}$ fyf[kr :lk esa] ml frfFk dks fofufnZ"V djuk gksxk ftl frfFk rd mls vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ dk gLrkarj.k djuk gks vkSj mls ml frfFk rd LokfeRo dk gLrkarj.k djuk gksxk A

$\frac{1}{4}N\frac{1}{2}$ oSls vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ tks ys fy, x, gks ;k ftUgsa ysus ds ckjs esa lgefr gks pqdh gks] dh lwph ,oa mudh la[;k dk C;ksjk rS;kj djuk ,oa j[kuk gksxk ftlesa ysus okyksa ds uke] irs] muls yh xbZ ;k ysus ds fy, lger gqbZ jkf'k vkSj mu 'krksZa dk mYys[k djuk gksxk

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012

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ftlij vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ fy, x, gks ;k ftUgsa ysus dh lgefr cuh gks A

$\frac{1}{4}t\frac{1}{2}$ fyf[kr :lk esa mYys[k djuk gksxk fd ysus okys O;fDr;ksa dh dSlh izd`fr dk lewg cusxk] bldk D;k uke gksxk] blds D;k gd

gksaxs vkSj ,slh 'krsZa] ;fn dksbZ gks] ftuij vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ yh x;h gks ;k yh tkus okyh gks A

$\frac{1}{4}>\frac{1}{2}$ terd LFkkuh; fudk; }kjk fuekZ.k iw.kZ gksus dk izek.k i=] tgk; ,slk izek.k i= lE;d~:lk ls fn;k tkuk fdlh fof/k ds v/khu visf{kr gks] ugha ns fn;k x;k gks] rerd fdlh Hkh O;fDr dks fjgkb'kh अधिकार हेतु प्रवेश की स्वीकृति नहीं देने (और कोई भी व्यक्ति vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ dk dCtk ugha ysxk terd LFkkuh; fudk; }kjk bl vk'k; dk izek.k i= lE;d~:lk ls u fn;k x;k gks $\frac{1}{2}$ A

$\frac{1}{4}\P\frac{1}{2}$ lHkh [kpksZa dk iw.kZ ,oa lgh C;ksjk nsuk gksxk] ftlesa Hkwfe dh ekyxqtkjh ;k HkkM+k] ;fn dksbZ gks] uxjikydk ;k vU; LFkkuh; dj] vkenuh ij dj] ty izHkkj ,oa fo|qr izHkkj] jktLo ewY;kadu] fdlh ca/kd ij C;kt vFkok fdlh vU; foyaxe O;; 'kkfey gS A

$\frac{1}{4}V\frac{1}{2}$;Fkkfofgr jhfr ls vU; ,slh lwpukvksa vkSj nLrkostksa dk iw.kZ ,oa lgh C;ksjk nsuk gksxk vkSj bl mi/kkj ds [k.Mksa esa ls fdlh esa funsZfkr ,sls nLrkostksa dh lPph izfrfyfi dh ekax ij mlds fy, ;Fkk fu/kkZfjr ;qfDr;qDr izHkkj ij miyC/k djkuh gksxh A

$\frac{1}{4}B\frac{1}{2}$ bl mi/kkj ds [k.M $\frac{1}{4}d\frac{1}{2}$] $\frac{1}{4}[k\frac{1}{2}$,oa $\frac{1}{4}x\frac{1}{2}$ esa funsf'kr lHkh nLrkostksa] ;kstukvksa vkSj fooj.kksa $\frac{1}{4}$;k mudh izfrfyfi;k; $\frac{1}{2}$ fuekZ.k LFky ij प्रदश्ाित करनी या रखनी होगी एवं एक या एक से अधिक vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ ys jgs ;k ysus ds vk'kf;r O;fDr@O;fDr;ksa dks mudk fujh{k.k djus dh vuqKk nsuh gksxh A

$\frac{1}{4}M\frac{1}{2}$ vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ dh fcØh ds fy, foKkiu fudkyrs le; foKkiu esa vU; fooj.kksa ds lkFk fuEufyf[kr fof'kf"V;ksa dks vU; ckrksa ds lkFk&lkFk] foKkiu esa izdV djuk gksxk %&

(i) vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ ds dkjisV ,fj;k dk foLrkj ftlesa ckvdkenuh dk fks= vvx le fnlkk.k tk.sxk A

(ii) vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ ds lkFk miyC/k gksusokys lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa dh lekuqikfrd dher i`Fkd :lk ls iznf'kZr gksuh pkfg, rFkk vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ Øsrk }kjk Hkqxrs; jkf'k ,oa varjky ftlds ckn fdLrksa dk Hkqxrku djuk gS] lfgr vikVZesa $V\frac{1}{4}\P ySV\frac{1}{2}$ dh dher A

(iii)lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa dh izd`fr] foLrkj ,oa
fooj.k A

(iv)lhfer lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa dh izd`fr] foLrkj
,oa fooj.k vkSj

(v)oS/kkfud 'krksZa ds vuqlkj ty lap;u ,oa laj{k.k] rfM+r pkyd
vfXu lqj {kk vkSj Hkwdaijks/kh izko/kku A

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>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifroKj 2 Qjoh] 2012

8- vkoafVrh ds lkekU; nkf;Ro %&

$\frac{1}{4}1\frac{1}{2}$ izorZd izR:sd vkcafVrh ds lkFk fuekZ.k dh fuca/ku vkSi
vuqlwph vkSj /kkjk&7 ds v/khu vU; vis{kkvksa dk mYys[k
djrs gq, ,d ,djjukek djsxk vkSj izR:sd vkoafVrh ftlus
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ysus ds fy, ,djki fd;k gks] mls mfpr le;
,oa LFkku ij ;Fkk fu/kkZfjr dher] uxjikydk dj] ty ,oa fo|qr
izHkkj $\frac{1}{4}$;fn dksbZ gks $\frac{1}{2}$,oa izorZd ds lkFk gq, ,djjukek ds
vuqlkj vU; lkoZtfud izHkkj esa vius fgrksa dh vnk;rh djuh
gksrh vkSj tgi dks&vkWijsfVo lkslk;Vh ;k
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ysus okys O;fDr;ksa dh dEiuh dk xBu
gksuk gks ogki vkoafVrh dks $\frac{1}{4}$;FkkfLFkfr $\frac{1}{2}$,slh lkslkbZVh
;k dEiuh ds xBu esa lg;ksx djuk gksrk A

$\frac{1}{4}2\frac{1}{2}$ dksbZ O;fDr] ftlus vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ysus ds fy, izorZd
ls djki fd;k gks vkSj feuk fdlh mfpr dkj.k ds bldk ikyu ugha djs ;k
mi/kkj $\frac{1}{4}1\frac{1}{2}$ ds fo:) vkpj.k djs] rks ,slk nks"kf) gksus ij ,sls
tqekZus ls nafMr fd;k tk;sxk ftldk foLrkj nks gtkj :lk;s rd
fd;k tk ldsrk A

9- Hk ,oa [kpZ %&

$\frac{1}{4}1\frac{1}{2}$ lk>k {ks=ksa ,oa la[k&lafo/kkvksa esa muds lekuqikfrd fgLls
,slh lEifr ls izkIr lk>k ykHk dks vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa
ds chp caVokj fd;k tk;sxk rFkk muls lk>k [kpZ dh olwyh dh
tk;sxh A

$\frac{1}{4}2\frac{1}{2}$;fn vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd dk vius
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ij n[ky ugha gks] rks ,slh fLFkfr esa
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ij yxusokys lk>k [kpZ dks ml
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ esa fjkB'k dj jgs O;fDr ls olwy fd;k tk;sxk
A

$\frac{1}{4}3\frac{1}{2}$ lk>s ykHk dk mi;ksx lk>s lq[k&lqfo/kkvksa dh
ejEer@Hkfo"; esa mudh {kerk o`f) ds fy, fd;k tk ldrk gS A

10- vikVZesaV^{1/4}¶ySV^{1/2} dk LokfeRo %&

^{1/4}1^{1/2} प्रत्येक व्यक्ति को, जिसे प्रवर्तक द्वारा इस अधिनियम के आरंभ की तिथि dks ;k ckn esa fdlh vikVZesaV^{1/4}¶ySV^{1/2} dk vkoaVu] fcØh vFkok vU; fdlh izdkj ls gLrkarj.k fd;k x;k gks] /kkjk&11 esa izko/kkfur अन्यथा के सिवाय एवं इस अधिनियम के अन्य प्रावधानों के अधीन रहते gq.] ,sls vkoafVr] fcØh fd, x, vFkok vU; izdkj ls gLrkarj.k vikVZesaV^{1/4}¶ySV^{1/2} dk vuU; LokfeRo ,oa dCtk izkIr gksxk A

^{1/4}2^{1/2} प्रत्येक व्यक्ति को जिसे इस अधिनियम के आरंभ के पूर्व प्रवर्तक द्वारा vikVZesaV^{1/4}¶ySV^{1/2} vkoafVr fd;k x;k gks] cspk x;k gks] ;k vU; fdlh izdkj ls gLrkarfjr fd;k x;k gS] /kkjk&11 esa vU;Fkk micaf/kr ds सिवाय तथा इस अधिनियम के अन्य प्रावधानों के अधीन रहते हुए, इस अधिनियम के आरंभ की तिथि से आवंटित, बेचा या हस्तांतरित किया x;k vikVZesaV^{1/4}¶ySV^{1/2} dk vuU; LokfeRo dCtk izkIr gksxk A

^{1/4}3^{1/2} izR;sd O;fDr dks tks mi/kkj ^{1/4}1^{1/2} rFkk ^{1/4}2^{1/2} ds v/khu ceksfte vikVZesaV^{1/4}¶ySV^{1/2} dk vU; LokfeRo ,oa dCtk izkIr djus dk gdnkj gks x;k gks] mls vikVZesaV^{1/4}¶ySV^{1/2} nLrkost esa ;FkkfufnZ"V izfr'kr rd

>kj[k.M xtV ^{1/4}vlk/kkj.k^{1/2}] o`gLifrokj 2 Qjoh] 2012

11

lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa ds vfoHkkftr fgrksa dk gdnkj gksxk rFkk ,slh izfr'krk dk ewY;kadu lEiw.kZ lEifr esa ml vikVZesaV^{1/4}¶ySV^{1/2} ds ewY; ds lekuqikr fd;k tk;sxk A

^{1/4}4^{1/2} ^{1/4}d^{1/2} izR;sd vikVZesaV^{1/4}¶ySV^{1/2} ds ekfyd dk lk>s fgrksa esa izfr'krk dk LFkk;h Lo:Ik gksxk vkSj lHkh vikVZesaV^{1/4}¶ySV^{1/2} ekfydksa dh fyf[kr lgefr ds fcuk mlds Lo:Ik esa ifjorZu ugha fd;k tk;sxk A

^{1/4}[k^{1/2} lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa esa vfoHkkftr fgrksa dh izfr'krk dks lacaf/kr vikVZesaV^{1/4}¶ySV^{1/2} ls i`Fkd ugha fd;k tk ldsxk vkSj mls mi vikVZesaV^{1/4}¶ySV^{1/2} ds lkFk gLrkarfjr ;k Hkkfjr ekuk tk;sxk Hkys gh ,sls fgrksa dk Li"Vr% mYys[k gLrkarj.k i= ;k vU; fyf[kr esa u gks A

^{1/4}5^{1/2} lk>s {k=ksa ,oa lq[k&lqfo/kk,j vfoHkkftr gh jgsxh vkSj dksbZ Hkh vikVZesaV^{1/4}¶ySV^{1/2} ekfyd ;k vU; dksbZ O;fDr bls

fdlh fgLls dk [k.M ;k foHkktu ugha djsxk vkSj bls foijhr dh xbZ dksbZ Hkh izlafonk 'kwU; gksxh A

$\frac{1}{4}\frac{1}{2}$ izR;sd vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd] vU;
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds fof/kiw.kZ vkf/kdkjksa dks ck/kk igq;pk;s vFkok vfrØe.k fd, fcuk] lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa dk muds fufnZ"V mís';ksa ds vuq:lk mi;ksx dj ldsxk A

$\frac{1}{4}\frac{1}{2}$ lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa ds j[k&j[kko] ejEefr ,oa cnyko vkSj उसमें कोई जुड़ाव या सुधार का कार्य सिर्फ इस अधिनियम एवं इसके v/khu cus mifof/k ds izko/kkuksa ds vuqlkj gh fd, tk;saxs A

$\frac{1}{4}\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku dks rdZlaxr le; dk /;ku j[krs gq, lk>k {k=ksa ,oa lq[k&lqfo/kkvksa ds j[k&j[kko] ejEer ;k fdlh cnyko gsrq oSl fdlh Hkh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ esas tgk; ;s vofLFkr gksa ;k tgk; ls gksdj buds ikl igq;pk tk ldrk gks rd tkus ;k lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa vFkok vU; fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$;k vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ksa dks fdlh {kfr ls cpkus ds fy, vkikrdkyhu मरम्मत कराने का अप्रतिसंहार्य अधिकार होगा जिसका प्रयोग प्रबंधन cksMZ }kj fd;k tk;sxk A

11- 'krksZa ds v/khu jgrs gq, vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dk vkoaVu] fcØ; vFkok vU; izdkj ls gLrkari.k mlds izfrQy ds Hkqxrku vFkok va'k Hkqxrku izfrKk ds vuq'kj.k esa pkgs bl अधिनियम के आरंभ के पूर्व या बाद में हुआ हो, प्रतिफल रकम का आवश्यक C;kt $\frac{1}{4}$ dkbZ ns; gks] rks $\frac{1}{2}$ lfgr] iw.kZ Hkqxrku ;k ,slh fdlh 'krZ dk ikyu ugha gksus rd] ;FkkfLFkfr vkoaVrh ;k varfjrh] ml vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds LokfeRo ,oa dCtk vFkok vfoHkkftr lq[k&lqfo/kkvksa ij lekuqikfrd izfr'kr dk gdnkj ugha gksxk vkSj tgka fdlh izdkj ds cdks ds ckotwn ,sls vkoaVrh ;k varjhfr dks ,sls fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$;k mlds fdlh Hkkx ds vuqJo.k esa r; gqbZ jde ds Hkqxrku dh izR;k'kk esa dCtk ns fn;k x;k gks rks iw.kZ Hkqxrku u gksus rd ftu 'krksZa ij mls dCtk dh vuqefr nh

xbZ gks] mUgha 'krkZsa ij og vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$;k mldk dksbZ fgLlk dCts esa j[k ldsxk A

12 >kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012

12- ySV $\frac{1}{2}$ dk nk::ksX: .oa gLrkari.k :ksX: gksuk %&

mfYyf[kr 'krksZa ds v/khu jgrs gq, izR;sd vikVZesaV^{1/4}¶ySV^{1/2} vfoHkkftr lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa esa viuh lekuqikfrd fgLlsnkjh lfgr] le;kuqlkj rRle; izo`r fof/k vfHkizsr ds Hkhrj lHkh mnns';ksa ds fy, nk;;ksX; ,oa gLrkarr.k ;ksX; vpy lEifr ekuh tk;sxh vkSj rnuqlkj izR;sd vikVZesaV^{1/4}¶ySV^{1/2} ekfyd viuk vikVZesaV^{1/4}¶ySV^{1/2}] lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa esa viuh fgLlsnkjh lfgr] fcØh djus] ca/kd j[kus] iV~Vk ij nsus] migkj nsus] vknku&iznku djus ;k vU; fdllh jhfr ls pkgS mlh jhfr ls] ml gn तर्क तथा उसी अधिकार, विशेषाधिकार, बाध्यताओं, दायित्वों, अनुसंधानों, विधिकdk;Zokgh] funku] 'kkfLr] tCrh ;k ltk ds v/khu jgrs gq, gLrkarrfjr dj ldrk gS ftlls og fdllh vU; vpy lEifr ;k olh;r ds :i esa vpy lEifr dk gLrkarr.k ;k mrjkf/kdkj ds varj.k ds fy, ykxw fof/k ds v/khu djrk gS A

ijUrq fdllh vikVZesaV^{1/4}¶ySV^{1/2} dk vkoaVu] fcØh ;k vU; gLrkarr.k fdllh xzqi gkmflax dks&vkWijsfVo lkslk;Vh }kjk mlds fdllh lnL; ds i{k esa fd;k x;k gks] rks ,sls vikVZesaV^{1/4}¶ySV^{1/2} rFkk lHkh vU; fo"ksa dh varj.kh;rk] ml xzqi gkmflax dks&vkWijsfVo lkslkbZVh ds laca/k esa ykxw fof/k }kjk fofu;fer gksxh A

13-

vikVZesaV^{1/4}¶ySV^{1/2} ØsØsØsØsrkvksa ;k (1882 का अधिनियम 4) या तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के अंतर्विष्ट होते हुए भी, किसी अपार्टमेंट मालिक से उपहार, विनियम, क्रय या vU;Fkk }kjk dksbZ vikVZesaV^{1/4}¶ySV^{1/2} vftZr djus ;k rhl o"kkZsa ;k mlls अधिक कालावधि के लिए अपार्टमेंट(फ्लैट) मालिक से अपार्टमेंट(फ्लैट) को iV~Vk ij ysus okyk O;fDr &

(क) उक्त अपार्टमेंट(फ्लैट) के संबंध में इस अधिनियम के प्रावधानों के v;/khu gksxk vkSj

^{1/4}[k^{1/2} ,d fyf[kr] ;Fkkfofgr jhfr ls ,oa ml vof/k ds Hkhrj fu"ikfnr vkSj fucaf/krr djsxk ftlesa izlafonkvksa] 'krksZa ,oa fucZ/kuksa dks iwjk djus gsrq cpuc)rk mDRk vikVZesaV^{1/4}¶ySV^{1/2} Lokheh ds }kjk ftl vikVZesaV^{1/4}¶ySV^{1/2} dk LokfeRo gks A

14- dfri; dk;ksZa dk fu"ks/k %& dksbZ Hkh vikVZesaV^{1/4}¶ySV^{1/2} ekfyd ,slk dqN Hkh dk;Z ugha djsxk tks lEifr dh lqn`<rk ;k lqj{kk ds izfrdwy gks ;k mlds ewY;@egRo esa deh ;k mldh nk;;ksX;rk dks izHkkfor djsa vFkok vU; lHkh vikVZesaV^{1/4}¶ySV^{1/2}

ekfydksa dh lgefz izkIr fd, fcuk fdLh izdkj dk fuekZ.k dk;Z]
 [kqnkbZ ;k vfrfjDr rg[kkuk] cslesaV ;k ry?kj dk fuekZ.k ugha
 dj;sxk A

Li"Vhdj.k% bl /kkjk esa fdLh CykWd] ikWdsV ;k vU; ,sls uke okys
 {ks=ksa ds cgqeaftys Hkou ds vikVZesaV^{1/4}ySV^{1/2} ekfydksa ds izfr
 funZs'k ls lEc) CykWd ;k ikWdsV ;k vU; ,sls inkfeZfgr {ks=ksa ds
 vikVZesaV^{1/4}ySV^{1/2} dk ekfyd vFkZ yxk;k tk;sxk A

>kj[k.M xtV ^{1/4}vlk/kkj.k^{1/2}] o`gLifrokj 2 Qjoh] 2012

13

15- vikVZesaV^{1/4}ySV^{1/2} ij foyxe

^{1/4}^{1/2} izR:sd vikVZesaV^{1/4}ySV^{1/2} dk ekfyd fLOZ vius
 lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa esa vius vfoHkkftr fgrksa
 ds lekuqikfrd fgLls dk foyxe dj ldsxk] fdUrq ;g foyxe ml jhfr
 ls vkSj ml gn rd fd;k tk ldsxk ftrus O;fDrxr LokfeRo ds v/khu
 jgrs gq, lEifÜk ds fdLh vU; i`Fkd Hkkx ds laca/k esa fd;k tk
 lds A

ijUrq tgka ,slk foyxe fd;k x;k gks] ogka
 vikVZesaV^{1/4}ySV^{1/2}] ftlds laca/k esa foyxe fd;k x;k gks]
 ckaVk ;k mifoHkkftr ugha fd;k tk ldsxkA

^{1/4}^{2/2} fdLh vikVZesaV^{1/4}ySV^{1/2} ekfyd ;k mlds izfrfuf/k ;k mlds
 Bsdsnkj ;k mi&Bsdsnkj dh Lohd`fr ls ;k mlds vuqjks/k ij dh x;h
 etnwjh ;k lkeku dh vkiwfrZ] V^akalQj vkWQ izksiVhZ ,DV]
 1882 ^{1/4}1882 dk अधिनियम 4) के अधीन, अन्य अपार्टमेंट(फ्लैट)
 अथवा अपार्टमेंट(फ्लैट) ekfydksa ds fy, fdLh izHkkj ;k foyxe dk
 vk/kkj ugha cu ldrh] ;fn mlds fy, Li"V lgefz ugha nh x;h gks ;k
 vuqjks/k ugha fd;k x;k gks] flok; mlds ;fn ,slk fdLh vkdfLed ejEefr
 ds fy, fd;k x;k gks] rks ,slh fLFkfr esa bl dk;Z ds fy, vU;
 vikVZesaV^{1/4}ySV^{1/2} ekfydksa }kkj Lohd`fr nh x;h eku yh x;h
 gksxh

^{1/4}^{3/2} lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa ds fy, dh xbZ etnwjh ;k
 lkeku dh vkiwfrZ] ;fn vikVZesaV^{1/4}ySV^{1/2} ekfydksa ds
 ,lksfl,'ku }kkj] bl अधिनियम या उपविधि के प्रावधानों के अधीन
 सम्यकरूप से अधिकृत fd;k x;k gks] rks ,slh etnwjh ;k lkeku
 vkiwfrZ dks lHkh vikVZesaV^{1/4}ySV^{1/2} ekfydksa dh lgefz ls fd;k
 x;k ekuk tk;sxk vkSj यह उक्त अधिनियम के अधीन सभी
 अपार्टमेंट मालिकों से प्रभार लेने या foyxe ds fy, vk/kkj gksxk vkSj ,slk
 mi/kkj ^{1/4}^{4/2} esa mfYyf[kr izko/kkuksa ds v/khu gksxk A

$\frac{1}{4}\frac{1}{2}$ दो या दो से अधिक अपार्टमेंट(फ्लैटों) पर प्रभार या कोई विलगम
 izHkkodkjh gksus dh fLFkfr esa i`Fkd vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds
 ekfyd vius mij yxus okys lekuqikfrd vkaf`kd izHkkj ;k foyxe dk
 Hkqxrku dj vius vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dks lk>s {ks=ksa ,oa
 lq[k&lqfo/kkvksa esa bls lekuqikfrd fgLls lfgr izHkkj ;k
 foyxe ls vius dks eqDr dj ldsaxs vkSj bl izdkj ds Hkqxrku dh
 fLFkfr esa vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$,oa lk>k {ks=ksa ,oa
 lq[k&lqfo/kkvksa esa mudk lekuqikfrd fgLlk bls ckn izHkkj
 ;k foyxe ls eqDr gksxk A

ijUrq ,slk vkaf`kd Hkqxrku cdk;k 'ks"k jkf`k dh olwyh ds
 fy, vU; vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$,oa lk>k {ks=ksa ,oa
 lq[k&lqfo/kkvksas esa vfoHkkftr fgrksa ij izHkkj ;k dksbZ
 foyxe j[kus okyk O;fDr] fdlh vU; vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds fo:)
 ml izdkj Hkqxrku u dh x;h jkf`k ds संबंध में अधिकार प्रवृत्त करने
 की कार्यवाही से प्रतिषिद्ध नहीं होगा ।

$\frac{1}{4}\frac{5}{2}$ mi&/kkjk $\frac{1}{4}\frac{1}{2}$ esa lanfHkZRk fdlh ,sls Hkqxrku]
 mUekspu ;k vU; lek/kku gksus ij vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ vkSj mlls
 lacaf/kr vfoHkkftr lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa esa
 lekuqikfrd vfoHkkftr fgLlsnkjh] ml izdkj fd;s

14 >kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifroKj 2 Qjoj] 2012

x, Hkqxrku] lek/kku gksus ij izHkkj ;k foyxe ls lek/kku ;k
 mUekspu ls eqDr gks tk;saxs A

16- dks&vkWijsfVo lkslkbZVh ;k dEiuh ds xBu ds fy, izorZd }kjk
 mBk;s tkus okys dne vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ysus okyksa dh la[;k
 dks&vkWijsfVo lkslkbZVh ;k dEiuh ds xBu ds fy, vko';d U;wure
 la[;k ds ckjcj gksus ds lkFk gh] izorZd funsZf'kr le;≤ ds Hkhrj
 fuca/kd ds ;gkaWa vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ysusokys O;fDr;ksa ds
 lewg dks ;FkkfLFkfr] dks&vkWijsfVo lkslkbZVh ;k dEiuh] ds :i
 esa iathd`r djus ds fy, vkosnu izLrqr djsxk vkSj ftu

vikVZesaV $\frac{1}{4}$ ySVksa $\frac{1}{2}$ dks verd fdlh us fy;k ugh gks] muds
 lanHkZ esa izorZd gh] ;FkkfLFkfr] mDr dks&vkWijsfVo
 lkslkbZVh ;k dEiuh dh lnL;rk ds fy, vkosnu esa 'kkfey gksxxs
 A

17- izorZd ds vijk/k %&

$\frac{1}{4}\frac{1}{2}$ dksbZ izorZd tks /kkjk $\frac{1}{4}\frac{2}{2}$ ds [k.M $\frac{1}{4}$ d $\frac{1}{2}$] $\frac{1}{4}$ [k $\frac{1}{2}$] $\frac{1}{4}$ x $\frac{1}{2}$]
 $\frac{1}{4}$ N $\frac{1}{2}$] $\frac{1}{4}$ > $\frac{1}{2}$;k $\frac{1}{4}$ ¥ $\frac{1}{2}$ esa mfYYkf[kr ekeyksa esa tku&cw>dj xyr

C;ksjk nsrk gS ;k bl अधिनियम की धाराओं के प्रतिकूल आचरण करता है, तो दोष सिद्ध होने ij mls ,slh vof/k ds fy, dkjkokl] tks ,d o"kZ rd c<+kbZ tk ldsxh ;k ,sls tqekZus ls] tks nks gtkj :i;s rd c<;k tk ldsxk] ;k nksuksa ls nafMr fd;k tk;sxk A

$\frac{1}{4}2\frac{1}{2}$ dksbZ izorZd tks /kkjk&10 esa mfYyf[kr ifj;kstukvksa ds fy, mldks nh xbZ ;k mlds ikl tek dh xbZ fdlh jkf'k dk vkijkf/kd U;kl Hkax djs] nks"k fl) gksus ij] ml vof/k ds fy,] tks pkj o"kksZa rd c<+kbZ tk ldsxh ;k tqekZus vFkok nksuksa ls nafMr fd;k tk ldsxk A

$\frac{1}{4}3\frac{1}{2}$ dksbZ izorZd] tks LFkkuh; fudk; ;k vkj0vkj0Mh0,0 ,DV }kjk अधिसूचित स्थानीय निकाय से स्वी d`r Hkou fuekZ.k&;kstuk vkSj fof'kf"V;ksa dk mYya?ku djrs gq, Hkou fuekZ.k djrk gS] rks ,slk lkfer gksus ij mls 10 o"kksaZ rd dh dSn ;k tqekZuk ;k nksuksa ltk gks ldrh gS A

18- राज्य सरकार, हाउसिंग बोर्ड इत्यादि पर इस अधिनियम

:- इस अधिनियम का कोई भी प्रावधान राज्य सरकार या बिहार स्टेट हाउसिंग cksMZ ,DV] 1982 $\frac{1}{4}$ >kj[k.M ljdkj }kjk vaxhd`r $\frac{1}{2}$ ds v/khu xfBr >kj[k.M LVsV gkmflax cksMZ ij ykxw ugha gksxk A

v/;k;&III

vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost ,oa bldk iathdj.k

19- V $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dh fo"k;oLrq %&

$\frac{1}{4}1\frac{1}{2}$ tc dHkh fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dh fcØh :k mldk gLrkari.k tk, rks izorZd &

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012 15

(क) इस अधिनियम के लागू होने के बाद बिक्री या हस्तांतरण की दशाesa mlh fcØh ;k vU; gLrkari.k dh frfFk ls rhu ekl ds Hkhrj ;k

(ख) इस अधिनियम के आरंभ के पूर्व बिक्री या हस्तांतरण की दशा मेंvkjaHk gksus dh frfFk ls N% ekg ds Hkhrj] fuEufyf[kr fof'kf"V;ksa dks varfoZ"V djrs gq, vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost fu"ikfnr djsxk %&

(i) O;fDr ;k O;fDr;ksa ds uke] ftUgs vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ cspk ;k gLrkarfjr fd;k x;k gks A

- (ii) ftl Hkwfe ij Hkou rFkk lk>s {ks= ,oa lq[k&lqfo/kk,; vofLFkr gks] mldk fooj.k vkSj pkgS Hkwfe iw.kZ LokfeRo okyh gks ;k iV~Vs okyh] ml iV~Vs dh vof/k A
- (iii)cgqeafTys Hkou dh eafty laca/kh ;kstukvksa@lajpukRed C;ksjk] ftlesa fuekZ.k dh :i js[kk] mldh vofLFkr] ml eafty ij vikVZesaV^{1/4}ySV^{1/2} dh la[;k rFkk fdLh okLrqdkj@okLrqfon~ ;k fuekZ.k vfHk;ark dh lR;kfir vH;qfDr ftlesa ;g izekf.kr fd;k x;k gks fd ;g ml Hkou&fuekZ.k&;kstuk ds va'k dh ,dne lPph izfrfyfi है, जो स्थानीय निकाय, जिसके अधिकार क्षेत्र में वह भवनvofLFkr gS] ds ;gk; izLrqr dh xbZ gS vkSj ogkWa ls vuqeksfnr gS A
- (iv)cgqeafTys Hkou dh fooj.kh] ftlesa eaftyksa rFkk cslesaVksa dh la[;k] ml Hkou ds vUrxZr dqy vikVZesaVks^{1/4}ySVksa^{1/2} dh la[;k vkSj izeq[k lkefxz;k] ftuls fuekZ.k gqvk gS A
- (v) vikVZesaV^{1/4}ySV^{1/2} la[;k] ;k vikVZesaV^{1/4}ySV^{1/2} dh vofLFkr ds ckjs esa fooj.k] vuqekfur {ks=Qy dejsa dh la[;k ,oa mudk {ks=Qy] mldk igqip dk lcls utnhd okyk lk>k {ks= ,oa mlds lgh igpku ds fy, dksbZ vU; vko';d MkVk A
- (vi)lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa dk fooj.k ,oa lk>k {k=ksa ,oa lq[k&lqfo/kkvksa esa vikVZesaV^{1/4}ySV^{1/2} ls tqM+s vfoHkkftr fgrksa dk izfr'kr A
- (vii)vkjf{kr ;k lhfer {ks=ksa vkSj lq[k&lqfo/kkvksa] ;fn dksbZ gks] dk fooj.k ;g Li"V djrs gq, fd fdu vikVZesaV^{1/4}ySV^{1/2} ds fy, mudk mi;ksx vkjf{kr fd;k x;k gS A
- (viii)lEifÜk ,oa izR;sd vikVZesaV^{1/4}ySV^{1/2} dk ewY; rFkk lkFk esa ;g dFku fd veqd vikVZesaV^{1/4}ySV^{1/2} ,oa mldk vfoHkkftr fgr dk izfr'kr ij] vikVZesaV^{1/4}ySV^{1/2} nLrkost fu"iknu djus dh frFk dks] pkgS tks Hkh gks] fdLh jhfr ls foyxe ugha gS A

(ix)mu izk;kstuksa dk] ftlds fy, Hkou ,oa izR;sd
vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ dk fuekZ.k vk'kf;r gks ,oa
mi;ksx ds lac/ak esa fucaf/kr gks] dk fooj.k A

(x) izksls izkfIr gsrq O;fDr dk uke ds lkFk ml O;fDr dk
fuokl ;k dkckj LFky dh fof'kf"V;kWa A

(xi)vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa ds erksa dk izfr'kr ds
laca/k esa izko/kku] tks fu'pk;d gksxk fd iw.kZ ;k
vkaf'kd lEifÜk ds uqdlku ;k {kfrxzLr gksu dh
fLFkfr esa lEifr dk iqfuzekZ.k fd;k tk,] ejEefr dh
tk,] lq/kkj tk, ;k lEifÜk dks csp nh tk, A

ijUrq l{ke izkf/kdkj] ;fn mldk lek/kku gks tk,
fd izorZd dks fdlh vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ds laca/k
esa vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ & nLrkost dks
;FkkfLFkfr rhu ;k N% ekg ds Hkhrj fu"ikfnr djus ls
fdlh i;kZIr dkj.k ls jksdk x;k Fkk] rks og izorZd
dks vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost fu"ikfnr djus ds
fy, vkxs N% ekg ls vuf/kd] vof/k ds Hkhrj] tks
fofufnZ"V dh tk,] ml vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost
dks fu"ikfnr djus dh vuqKk ns ldsxk A

$\frac{1}{2}$ izorZd /kkjk&20 ds vuqlkj vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost
dks iathd`r dj;sxk vkSj og &

$\frac{1}{4}$ l{ke izkf/kdkj ds dk;kZy; esa nkf[ky djsxk vkSj

$\frac{1}{4}$ [k $\frac{1}{2}$;FkkfLFkfr lacaf/kr vkoafVrh ;k varfjrh dks /kkjk&20
ds v/khu iathd`r vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ nLrkost dh ,d&,d
lR;kfir izfr fuca/ku ds ,d ekg ds Hkhrj nsxk A

$\frac{1}{4}$ tc Hkh fdlh vikVZesasV dk varj.k] mlds vikVZesasV
Lokhe }kj pkgs fcØh ds }kj gks ;k iV~Vs ;k ca/k ds ;k fofue;
;k migkj }kj ;k vU;Fkk fd;k x;k gks] ogk; varj.kdrkZ ml
varfjrh dks og izekf.kr vikVZesasV nLrkost nsxk tks mlus
izorZd ls mi/kkj $\frac{1}{2}$ ds v/khu ik;k Fkk vkSj ml nLrkost ij
varfjrh dk uke] irk ,oa vU; fooj.k vafdr djrs gq, nsxk rkfd
varfjrh /kkjk&20 ds izko/kkuksa ds vuq:i vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$
nLrkost dh izekf.kr izfr ij fd, x, bUMkslZesaV dks iathd`r dj
lds A

$\frac{1}{4}\frac{1}{2}$ tc Hkh fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$;k mlds fdlh fgLls dk mÜkj kf/kdkj fd;k tkrk gks] ogk; mÜkj kf/kdkj dks mÜkjorZu izkIr gksus ds N% ekg ds Hkhrj mDr vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ls lacaf/kr vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dh izekf.kr izfr l{ke izkf/kdkj ds le{k vuqeksnu ds fy, tek djuh gksxh vkSj ;fn vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds mÜkj kf/kdkj dks ysdj dksbZ fookn gks rks l{ke izkf/kdkj bldk fuiVkj djsxk vkSj bl izk;kstufkZ ml izkf/kdkj dks okn dh lquokbZ djrs le;] O;ogkj U;k;ky; dh 'kfDr;k; izkIr gksxh vkSj mlds fofu'p; dks fMØh dk izHkko izkIr होगा और वह इस प्रकार लागू होगा मानो यह मौलिक अधिकारिता के iz/kku O;ogkj U;k;ky; }kj ikfjr fMØh gks A

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012

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$\frac{1}{4}\frac{5}{2}$ tc Hkh mi&/kkik $\frac{1}{4}\frac{1}{2}$ ds v/khu le{k inkf/kdkih }kik vius ;gk; vikVZesasV ds mÜkjorZu dks vfHkfyf[kr fd;k tk,] rks og ,sls vfHkys[k dh lPph izfrfyfi] lacaf/kr jftLV^akj dks /kkjk&20 ds izko/kkuksa ds v/khu mlds fuca/ku gsrq Hkst nsxk A

$\frac{1}{4}\frac{6}{2}$ fdlh Hkh rjg dh 'kadk ds fuokj ds fy, ,rn~ }kj ;g ?kksf"kr fd;k tkrk gS fd bl /kkjk ds izko/kku vpy laifÜk ds gLrkarj.k laca/kh rRl;e izo`Ük vU; fdlh fof/k ds izko/kkuksa ds vfrfjDr u fd mlds vYihdj.k esa gksaxs A

20- vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dk iathdj.k %&

$\frac{1}{4}\frac{1}{2}$ izR;sd vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost ,oa vikVZesasV ds gLrkarj.k ls lacaf/kr प्रत्येक पृष्ठांकन, रजिस्ट्रेशन एक्ट, 1908(1908 का अधिनियम 16) के v/khu vfuok;Z :i ls fuca/ku ;ksX; ekuh tk;sxh vkSj rnuqlkj bldk iathdj.k jftLV^akj ds ;gk; dj;k tk;sxh vkSj bl /kkjk esa प्रत्युक्त शब्द एवं अभिव्यक्तियों का, जिन्हें इस अधिनियम में परिभाषित ugha fd;s x;s gksa] ogh vfHkizsr gksasxs] tks jftLV^as'ku ,DV] 1908 esa muds izfr lekuqnsf'kr fd;s x, gksa A

$\frac{1}{4}\frac{2}{2}$ lHkh jftLV^as'ku dk;kZy;ksa esa >kj[k.M

vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ LokfeRo अधिनियम, 2011 के अधीन

अपार्टमेंट(फ्लैट)-दस्तावेज की पंजी नाकम ,d vfHkys[k vkSj mlls lacaf/kr vuqØef.kdk] ;Fkkfofgr izk:i esa j[kh tk;sxh vkSj mlesa ;Fkkfofgr fof'kf"V;k; varfoZ"V gksaxh A

$\frac{1}{4}\frac{3}{2}$ tc Hkh fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost ij dk i`"Bkadu dks iathd`r fd;k tk;sxk] rks lacaf/kr jftLV^akj mldh izkf.kr izfr l{ke izkf/kdkjh dks mi/kkj $\frac{1}{2}\frac{1}{2}$ ds v/khu nkf[ky fd, x, laca) vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dh izkf.kr izfr esa vko';d izfof'kf"V;k; djus gsrq] ml izkf/kdkjh dks vxzlkfjr dj nsaxs A

$\frac{1}{4}\frac{4}{2}$ fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dks vftZr djus okys ds ckjs esa ;g eku fy;k tk;sxk fd bl /kkjk ds v/khu mlds fuca/ku gksus dh frfFk ls mls vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dh varoZLrqvksa dh lwpuk vkSj mlij i`"Bkadu] ;fn dksbZ gks] dh tkudkj izkIr gks pqdh gS A

21- gLrkarj.k dk izorZu %&

$\frac{1}{4}\frac{1}{2}$;fn vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dk izorZd] vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dk dCtk nsus dh frfFk ls N% ekg ds Hkhrj ;k tgg; l{ke izkf/kdkjh ;k jkT; ljdkj us अवधि विस्तार (छः माह से अधिक नहीं हो) की हो उस अवधि की lekflr ij ;FkkfLFkfr] vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost ;k ml ij fd, x, i`"Bkadu dks fu"ikfnr djus esa pwd djrk gS rks l{ke izkf/kdkjh fdlh f'kd;k;r ;k Loizs"k.k ls $\frac{1}{4}$ Suo moto) प्रति अपार्टमेंट(फ्लैट) अधिकतम ipkl gtkj :lk;s dh 'kkfLr vkSj ;fn O;frØe tkjh jgrk gS rks प्रति अपार्टमेंट(फ्लैट) एक हजार रुपये प्रतिदिन की दर से अधिकतम

18 >kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjohj] 2012

chl gtkj :i;s ds v/khu jgrs gq,] 'kkfLr Hkh dj ldsxk vkSj 'kkfLr dh olwyh Hkw&jktLo ds cdk;s ds :i esa dh tk ldsxh A ;g 'kkfLr LVkEi ,DV ;k jftLV^as'ku ,DV] 1908 ds v/khu dh x;h fdlh dkjZokbZ ds vfrfjDr gksxh A

$\frac{1}{4}\frac{2}{2}$;fn izorZd] mi/kkj $\frac{1}{4}\frac{1}{2}$ esa mfYyf[kr le; ds Hkhrj vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost fu"ikfnr djus esa vlQy jgrk gS] rks vkoafVrh l{ke izkf/kdkjh dks vkosnu ns ldsxk A

$\frac{1}{4}\frac{3}{2}$;fn dksbZ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd lger le; ds Hkhrj vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost ij vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds gLrkarj.k dk i`"Bkadu ugha djuk gS rks izorZd l{ke izkf/kdkjh dks vkosnu ns ldsxk A

$\frac{1}{4}\frac{4}{2}$;FkkfLFkfr mi/kkj $\frac{1}{4}\frac{2}{2}$ vkSj $\frac{1}{4}\frac{3}{2}$ ds v/khu vkosnu fofgr izk:i esa fyf[kr :i esa] {ks= ds l{ke izkf/kdkjh ds dk;kZy; esa fn;k tk;sxk rkfd mDr izkf/kdkjh ls izkIr izek.k&i= dks fuca/ku

dk;kZy; esa izLrqr dj fuca/ku dks ykxw dj;k tk lds A vko';d tk;ip
 iMrky ds ckn tc l{ke izkf/kdkjh dk lek/kku gks tk; fd vkosnd us
 ,djjukek ds eqrkfed mls tks dqN djuk Fkk fd;k gS] rks og
 vkosnu izkIr gksus dh frfFk ls nks ekg ds Hkhrj lacaf/kr
 fuca/ku dk;kZy; ds uke ,d izek.k&i= fuxZr djsxk fd fuca/ku izorZu
 djus ds fy, ;g mi;qDr ekeyk gS vkSj mDr vkosnudrkZ dks nwljh
 ikVhZ ls vfu"ikfnr vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dks ,di{kh;
 fu"iknu ,oa fuca/ku ds fy, izLrqr djus ds fy, funs'k nsxkA iathdj.k
 izkf/kdkjh fyf[kr dks iathd'r djsxk A V^akalQj vkWQ izksiVhZ
 ,DV] 1882 vFkok jftLV^as'ku ,DV esa fdllh ckr ds gksrs gq, Hkh bl
 /kkjk ds v/khu fuca/kr fyf[kr vkosnudrkZ esa lEifÜk dks fufgr
 djus ds fy, i;kZIr gksxk A l{ke inkf/kdkjh }kjk izorZd] ekfyd ;k
 vkoafVrh] tks Hkh O;frØeh gks] ls izfr vkosnu ik;ip gtkj :i;s
 lsok izHkkj izHkkfjr djsxk A

22- mÜkjorZu dk vfHkys[ku %&

$\frac{1}{4}1\frac{1}{2}$ tc dHkh dksbZ mÜkjf/kdkjh fdllh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$;k
 mlds fgLls dks mÜkjorZu esa izkIr djrk gS] rks ,sls mÜkjorZu
 dh frfFk ls N% ekg ds Hkhrj] og LFkkuh; izkf/kdkjh vkSj jktLo
 izkf/kdkjh dks vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost dh izekf.kr izfr ,slk
 mÜkjorZu vfHkfyf[kr djus ds fy, vkosnu nsxk vkSj ;fn
 vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds mÜkjf/kdkj laca/kh dksbZ fookn gks
 rks bldk fuiVkj LFkkuh; izkf/kdkjh djsxk A

$\frac{1}{4}2\frac{1}{2}$ tc Hkh mi/kkjk $\frac{1}{4}1\frac{1}{2}$ ds v/khu fdllh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ds
 mÜkjorZu dks LFkkuh; izkf/kdkjh vkSj jktLo izkf/kdkjh }kjk
 vfHkfyf[kr fd;k tk;sxk] og izkf/kdkjh ml mÜkjorZu ds
 vfHkys[k dh lPph izfr] jftLV^as'ku ,DV ds izko/ku ds vuqlkj
 vfHkys[kksa esa vko';d vfHkys[k ds fy,] lacaf/kr jftLV^as'ku dks
 Hkst nsxk A

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012

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v/;k;&IV

vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku ,oa ,sls
,lksfl,'ku ds

कारबार के विनियमन के लिए उपविधि

23- aV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku ,oa mlls lacaf/kr mifof/k
 $\frac{1}{4}1\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$.oa muls taMh laEifÜk ds dk;Z izlk'ku

क्षेत्रों एवं सुख-सुविधाओं के प्रबंधन हेतु अपार्टमेंट(फ्लैट) मालिकों का, d ,lksfl,'ku gksxk] ijUrq tgk; fdlh {ks= dks cgqeaftys Hkouksa ds fuekZ.k ds fy, fpfUg~r fd;k x;k gks] pkgs bls CykWd] ikWdsV ;k dksbZ vU; uke fn;k x;k gks] ogk; bl fpfUg~r ;k i`Fkd fd, x, {ks= ds fy, vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dk ,dy ,lksfl,'ku gksxk A

$\frac{1}{42\frac{1}{2}}$ सक्षम प्राधिकारी, राजपत्र में अधिसूचना द्वारा आदर्श उपविधि बना सकेगें, जिसके अनुसार उपधारा (1) में निर्देशित सम्पत्ति का प्रबंधन अपार्टमेंट $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku }kjk fd;k tk;sxk vkSj ,slk izR;sd ,lksfl,'ku] viuh igyh cSBd esa] bl vkn'kZ mifof/k ds vuqlkj viuh mifof/k cuk;sxk vkSj mifof/k cukrs le; vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku mDr vkn'kZ mifof/k ls] l{ke izkf/kdkjh ds iwoZ vuqeksnu ds flok; dksbZ fopyu] fHkUurk] tksM+k tkuk ;k foyksiu ugha dj ldsxk vkSj ;fn l{ke izkf/kdkjh dh jk; esa ;fn dksbZ ,slk fopyu] fHkUur] tqM+ko ;k foyksiu] mlds }kjk cuk;s x;s vkn'kZ mifof/k dh ewy ljapuk dks izHkkfor djrk gks] rks og ,sls fdlh ifjorZu dh btktr ugha nsxk A ;fn l{ke izkf/kdkjh us vkn'kZ mifof/k ugha cuk;h gks rks vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku mi/kkj $\frac{1}{43\frac{1}{2}}$ ds vuqlkj viuh mifof/k cuk;sxk A

$\frac{1}{43\frac{1}{2}}$ l{ke izkf/kdkjh }kjk fufeZr vkn'kZ mifof/k ;k vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd ,slkfl,'ku }kjk fufeZr mifof/k] ;fn mi/kkj $\frac{1}{42\frac{1}{2}}$ ds v/khu fufeZr vkn'kZ mifof/k ugha gks] rks fuEufyf[kr vU; fo"ksa ds fy;s ;g mica/k djsxh] ;Fkk &

$\frac{1}{4d\frac{1}{2}}$ og jhfr ftl jhfr ls vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku dk xBu gksuk gks A

$\frac{1}{4}$ [k $\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydks ds chp ls vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds एसोसिएशन के सदस्यों द्वारा एक प्रबंधन बोर्ड का निर्वाचन ।

(ग) प्रबंधन बोर्ड में शामिल होने वाले अपार्टमेंट(फ्लैट) मालिकों कीसंख्या, प्रबंधन बोर्ड की संरचना और कि बोर्ड के एक तिहाईlnL; izfro"kZ cksMZ ls vodk'k izkIr djsaxs A

(घ) बोर्ड के अधिकार एवं कर्तव्य ।

$\frac{1}{4M-\frac{1}{2}}$ cksMZ ds lnL;ksa dk ekuns;] ;fn dksbZ gks A

(च) प्रबंधन बोर्ड के सदस्यों को उनके पद से हटाने की प्रवृत्ति ।

(छ) प्रबंधक की सेवा प्राप्त करने संबंधी बोर्ड के अधिकारी ।

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>kj[k.M xtV ¼vIk/kkj.k½] o`gLifrokj 2 Qjoh] 2012

(ज) बोर्ड के अधिकारों एवं कर्तव्यों का ऐसे प्रबंधक को प्रत्यायोजन ।

¼>½ vikVZesaV¼¶ySV½ ekfydksa ds ,lksfl,'ku dh cSBd
vkgwr djus dh i)fr vkSj ,sls ,lksfl,'ku dh lnL; la[;k] tks
,slh cSBd dh dksje iwjk djsxh A

¼¶½ vikVZesaV¼¶ySV½ ekfydksa ds chp ls
vikVZesaV¼¶ySV½ ekfydksa ds एसोसिएशन के अध्यक्ष
का निर्वाचन, जो प्रबंधन बोर्ड की बैठकों,oa
vikVZesaV¼¶ySV½ ekfydksa ds ,lksfl,'ku dh cSBd dh
v/;{krk djsxk A

¼V½ vikVZesaV¼¶ySV½ ekfydks ds chp ls
vikVZesaV¼¶ySV½ ekfydks ds ,lksfl,'ku ds lfpo dk
fuokZpu] tks lfefr dk insu lnL; gksxk vkSj ,lksfl,'ku rFkk
cksMZ ds fy, nks vyx&vyx dk;Zo`Ùk iqfLrdk j[ksxk]
ftlesa ls ,d vikVZesaV¼¶ySV½ ekfydksa ds ,lksfl,'ku ,oa
nwljh cksMZ ds fy, gksxh] ftlds izR;sd i`Bksa ij Øeokj
la[;k fy[kk jgsxk vkSj ,lksfl,'ku ds v/;{k }kjk
vfHkizekf.kr fd;k tk;sxk vkSj ;FkkfLFkfr]
vikVZesaV¼¶ySV½ ekfyd ,lksfl,'ku ;k cksMZ }kjk
vaxhdjk fd, x, ladYi dks] lacaf/kr dk;Zo`Ùk iqfLrdk esa
vfHkfyf[kr djsxk A

¼B½ vikVZesaV¼¶ySV½ ekfydksas ds chp ls dks"kk/;{k dk
fuokZpu] tks अपार्टमेंट(फ्लैट) मालिकों के एसोसिएशन एवं
प्रबंधन बोर्ड के भीfoRrh; vfHkys[kksa dks j[ksxk A

¼M½ lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa ds j[k&j[kko] ejEefr
,oa cnyko rFkk muds fy, vko';d Hkqxrku A

(ढ) अपार्टमेंट(फ्लैट) मालिक या किसी अन्य अपार्टमेंट(फ्लैट)

अधियोगीls lkekU; O;; dk va'k laxzg djus dh jhfr A

¼.k½ lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa la/kkj.k ds ejEefr ;k
cnyko ds fy, fu;qDr O;fDr;ksa dk in R;kx ;k mUgsa in ls
gVk;k tkuk A

$\frac{1}{4}r\frac{1}{2}$ vikVZesaV $\frac{1}{4}\P ySVksa\frac{1}{2}$ ds mi;ksx ,oa j[k&j[kko rFkk lk>s ,oa lq[k&lqfo/kkvksa ds mik;ks ls lacaf/kr fuca/ku tks izR;sd vikVZesaV $\frac{1}{4}\P ySV\frac{1}{2}$ rFkk lk>s {ks=ksa ,oa lq[k&lqfo/kkvksa ds mi;ksx esa fofHkUu vikVZesaV $\frac{1}{4}\P ySV\frac{1}{2}$ ekfydksa }kjk ;qfDr;qDr gLr{ksi jksdu ds fy, vko';d gks A

(थ) कोई विषय, जो सम्पत्ति के समुचित या बेहतर प्रबंधन के लिए उप
fof/k esa izko/kku djuk l{ke izkf/kdkjh }kjk visf{kr gks]
rFkk A

(द) ऐसे अन्य जो उप-नियमावली द्वारा अपेक्षित हों या जिनके लिए
mifof/k esas izko/kku djuk visf{kr gks A

$\frac{1}{4}4\frac{1}{2}$ उपधारा (2) के अधीन तैयार की गयी उपविधि में इस अधिनियम
से vlaxr izko/kku Hkh fuEufyf[kr ds fy, varfoZ"V gks ldsaxs %&
>kj[k.M xtV $\frac{1}{4}v\text{lk/kkj.k}\frac{1}{2}$] o`gLifrokj 2 Qjojh] 2012 21

$\frac{1}{4}d\frac{1}{2}$ Hkou ds {ks=ksa dks O;olkf;d iz;kstu gsrq jksd j[kus ds fy, cksMZ dks leFkZ cukuk vkSj ,sls j[ks x, dks iV~Vk ij nsus rFkk iV~Vs ds mi;kstu ls Hkou] lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa ds j[k&j[kko ds fy, lk>k O;; dh deh ds fy, vkxe vkSj यदि साझा व्यय को पूरा करने के बाद यदि कुछ अधिशेष हो, तो अपार्टमेंट(फ्लैट) मालिकों के बीच उस अधिशेष को आय के रूप esa forfjr djus A

(ख) अपार्टमेंट(फ्लैट) मालिकों के एसोसिएशन तथा प्रबंधन बोर्ड के
ys[kk ijh{kk vkSj lEifÜk dk iz'kkklu A

$\frac{1}{4}x\frac{1}{2}$ og le; vkSj og jhfr fofufnZ"V djuk] tc vkSj ftl jhfr ls vikVZesaV $\frac{1}{4}\P ySV\frac{1}{2}$ ekfydksa ds ,lksfl,'ku dh okf"kZd vke&lHkk ,oa fo'ks"k vke lHkk dh cSBd cqyk;h vkSj lapkfyr dh tk;sxhA

$\frac{1}{4}?k\frac{1}{2}$ og le; vkSj jhfr] fofufnZ"V djuk] tc vkSj ftl jhfr ls vikVZesaV ekfydksa ds ,lksfl,'ku dh xfrfof/k;ksa ls lacaf/kr okf"kZd izfrosnu izLrq dh tk;sxh A

$\frac{1}{4}M-\frac{1}{2}$ og jhfr fofufnZ"V djuk ftl jhfr ls vikVZesaV $\frac{1}{4}\P ySV\frac{1}{2}$ ekfydksa ds ,lksfl,'ku }kjk izkIr vk; ,oa fd, x, O;;] ;FkkfLFkfr] mixr fd;k tk;sxk ;k mudk ys[kk j[kk tk, A

$\frac{1}{4}1\frac{1}{2}$ cksMZ ;k izca/kd &

$\frac{1}{4}d\frac{1}{2}$ ca/kd }kjk vuqjks/k ij vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ij izFke ca/kd j[kus okyk izkf/kdkj] vkSj

$\frac{1}{4}[k\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa dh cgqer }kjk vFkok mifof/k }kjk ;fn oSlk djuk visf{kr gks] vfXu }kjk ;k ifjladVe; IEifÜk gkfu ;k uqdlku ds fo:)] mu 'krksZa ds v/khu ,oa ,sls jkf'k ds fy,] tSlk vuqjks/k fd;k tk, ;k visf{kr gks] chek izkIr djsxk A

$\frac{1}{4}2\frac{1}{2}$ IEifÜk ij ,slh chek] izR;sd vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfyd ds fy, mifof/k esa izR;sd vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ds fy, mfYyf[kr izfr'kr ds vuqlkj] प्रबंधन-बोर्ड या प्रबंधक के नाम न्यासी के रूप में रहेगा ।

$\frac{1}{4}3\frac{1}{2}$,slh izR;sd chek ds laca/k esa Hkqxrs; izhfe;e lk>k O;; gksxk A

$\frac{1}{4}4\frac{1}{2}$ mi/kkjk $\frac{1}{4}1\frac{1}{2}$ ls $\frac{1}{4}3\frac{1}{2}$ rd ds izko/kku] izR;sd vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfyd dks] अपने लाभ के लिए अपने अपार्टमेंट(फ्लैट) सुनिश्चित करने हेतु अधिकारों ij izfrdwy izHkko Mkys fcuk gksaxs A

25- dk O;;u] /oal ;k uqdlku %& fdlh IEifÜk ds lHkh ;k mlds fdlh fgLls ds uqdlku ;k /oal gksus ds 60 fnuksa ds Hkhrj ;k ml vxys le; ds Hkhrj] ftldh l{ke izkf/kdkjh ekeys dh ifjLFkfr;ksa ;k /ku j[krs gq, Lohd`fr nsa] vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa dk ,lksfl,'ku] IEifÜk dh

22 >kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifroKj 2 Qjoh] 2012

ejEefr ;k iqulajpuk ;k iqufuZekZ.k djus gsrq fu'p; ugha djs] rc ml ifjLFkfr esa &

$\frac{1}{4}d\frac{1}{2}$ IEifÜk vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfydksa dks lk>k LokfeRo dh ekuh tk;sxh A

$\frac{1}{4}[k\frac{1}{2}$ IEifÜk esa izR;sd vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfyd ds vfoHkkftr fgr mlh izfr'kr esas gksxh] ftruk izfr'kr mudk lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa esa gksxk A

$\frac{1}{4}x\frac{1}{2}$ fdlh vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ dk izHkkfor djus okyk dksbZ Hkkj] IEifÜk esa vikVZesaV $\frac{1}{4}$ ¶ySV $\frac{1}{2}$ ekfyd dh vfoHkkftr fgr dk izfr'kr fo|eku izFkfedrk ds vuqlkj varfjr ekuh tk;sxh A

$\frac{1}{4}k\frac{1}{2}$ lEifÜk fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd ds ckn] ftlesa lEifÜk ij chek 'kq) vkxe ds lkFk foØ; dk 'kq) vkxe] ;fn dksbZ gks] esa caVokjs ds fy, dkjZokbZ ds v/khu jgrs gq, gksxh] ,d fu/kh ds :i esa le>k tk;sxx vkSj izR;sd vikVZesa ekfyd dh LokfeRo okyh lEifÜk esa vfoHkkftr fgr ij lHkh izHkkj vkSj ekfydksa }kjk lHkh lacaf/kr fgLls dk ml iz;kstukFkZ izkIr Hkqxrku ds ckn] lEifÜk esa izR;sd vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd }kjk j[kus okys vfoHkkftr fgr ds izfr'kr ds cjkj izfr'kr esa] vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds chp foHkkftr dj fn;k tk,xk A

26- dkjZokbZ %&

$\frac{1}{4}1\frac{1}{2}$ किसी अपार्टमेंट(फ्लैट) मालिक के अधिकारों पर प्रतिकूल प्रभाव डाले बिना, बोर्ड या प्रबंधक, दो या दो से अधिक अपार्टमेंट(फ्लैट) मालिकों की vksj ls] tc muls lacaf/kr fgr izrhr gks] vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd ds fo:) nksuksa gh fLFkfr esa vius Lo&foosd ls] lk>s {ks= ,oa lq[k सुविधाओं या एक से अधिक अपार्टमेंट(फ्लैटों) को लेकर कोई वाद हेतु ds laca/k esa dkjZokbZ dj ldsxk A

$\frac{1}{4}2\frac{1}{2}$ lk>s {k=ksa ,oa lq[k&lqfo/kkvksa ls lacaf/kr fdlh dkjZokbZ esas ,d ;k एक से अधिक अपार्टमेंट(फ्लैट) से संबंधित किसी मामले में दो या दो से अधिक अपार्टमेंट(फ्लैट) मालिकों पर अथवा एक से अधिक पर व्यक्तिगत :i ls] izkslsl rkfey izkfIr gsrq] mifof/k esa inkfHkfgr ij izkslsl rkfey fd;k tk ldsxk A

27- i`Fkd fu/kkZj.k %&

$\frac{1}{4}1\frac{1}{2}$ LFkkhu; izkf/kdkjh ls lacaf/kr rRl; izo`Ük fdlh fof/k esa varfoZ"V fdlh izfrdwy ckr ds gksrs gq, Hkh] izR;sd vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ vkSj ml vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ $\frac{1}{4}$ oSls vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ lfgr ftlds laca/k esa bl अधिनियम के प्रावधान धारा (2) के परंतुक के अधीन लागू हो) से जुड़े lk>k {ks=ksa ,oa lq[k&lqfo/kkvksa esa vfoHkkftr fgr esa mldk izfr'kr]

>kj[k.M xtV $\frac{1}{4}$ vlk/kkj.k $\frac{1}{2}$] o`gLifrokj 2 Qjoh] 2012

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Hkwfe vkSj Hkou ij] ml fof/k ds v/khu mn~xzg.kh; dj fu/kkZj.k ds izk;kstukFkZ i`Fkd lEifÜk ekus tk;sxxa vkSj rn~uqlkj mudk izko/kku gksxk vkSj bl iz;kstukFkZ LFkkuh; izkf/kdkj] bl /kkjk ds izko/kkuksa dks क्रियान्वित करने हेतु उपयुक्त विनियमावली बनायेगा ।

$\frac{1}{4}2\frac{1}{2}$ mi /kkjk $\frac{1}{4}1\frac{1}{2}$ esa funsZf'kr u rks cgqeaftys Hkou vkSj u
lEifÜk ;k lk>s {ks= ,oa lq[k&lqfo/kkvksa] ,sls dj m)xzg.k ds
izk;kstukFkZ i`Fkd ekus tk;asxs A

28- kj %& vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$
ekfydksa dk ,lksfl,'ku }kjk fdlh
vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ij izHkk;kZ lk>s O;;ksa ds va'k ds fy, fu/kkZfjr
lHkh jde] flok; dkuwuh izHkkj ds lHkh vU; izHkkj ds iwoZ uxjikydk dj
ds Hkqxrku ds fy, izFke Hkkj gksxk A

29- dh fcØh gksus ij Hkqxrku ugha fd, x, lk>k O;;ksa ds
fy, nkf;Ro %& fdlh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dk Øsrk foØsrk ds lkFk
la;qDr :i ls ,oa i`Fkd :i ls foØ; ds le; rd lkekU; O;;ksa ds vius
fgLls ds fy, ckn okys ds fo;) Hkqxrku ugha fd, x, lHkh fu/kkZj.k
ds fy, nk;h gksxk A

30- यदि प्रबंधक या प्रबंधक बोर्ड का प्रयोग करनेवाला अधिकार रखने वाला
अपार्टमेंट(फ्लैट) मालिकों का एसोसिएशन इस अधिनियम के अधीन या
इसके अधीन बनायी गयी नियमावली के अधीन अपने कार्यों का निष्पादन करने में
vlQy jgrk gS] rks lacaf/kr izkf/kdkjh ,slk funs'k ns ldsxk tSlk mfpr
le>s A

31- नियम बनाने की शक्ितः- इस अधिनियम के प्रावधानों को क्रियान्वित
करने के लिए राज्य सरकार, राजपत्र में अधिसूचना द्वारा नियमावली बना सकेगी ।

v/;k;&V

इस अधिनियम के अधीन प्राधिकारh

32- सक्षम प्राधिकारी के अधिकार एवं कर्तव्य:-

$\frac{1}{4}1\frac{1}{2}$ समक्ष प्राधिकारी के निम्नलिखित अधिकार एवं कर्तव्य होंगे -

$\frac{1}{4}d\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost fu"ikfnr djus ds fy, izorZd
dks vfrfjDr le; dh vuqefr nsuk A

$\frac{1}{4}[k\frac{1}{2}$ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkost laca/kh fyf[kr] ca/k&i= ;k
iV~Vk संबंधी दस्तावेज, अपार्टमेंट(फ्लैट) तथा प्रबंधन
हस्तांतरण संबंधीnLrkost vkSj mlij i`"Bkadu vkSj
HkkM+k Ø;&,djkujekek dh izekf.kr izfr;k; Lohdkj djuk
A

(ग) निबंधन अधिकारी को प्रमाण पत्र निर्गत करने हेतु विकासdrkZ@izorZd@vikVZesaV¼¶ySV½ ekfyd@vikVZesaV¼¶ySV½ [kjh nus okyksa ds i{k esa fyf[krksa dk fu"ikfnr djus esa fdllh foyac ;k असफल रहने के लिए शास्ति अधिरोपित करना ।

¼?k½ vikVZesaV¼¶ySV½ ekfydksa ds ,lksfl,'ku dks {kfrxzLr lEifÜk dh ejEefr dk funsZ'k nsuk vkSj ,lksfl,'ku dks {kfrxzLr ;k u"V

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>kj[k.M xtV ¼vllk/kkj.k½] o`gLifrokj 2 Qjohj] 2012

lEifÜk dh ejEefr ;k mlds iqufuZekZ.k ds fy, vfrfjDr le; dh vuqefr iznku djuk A

¼M-½ leqfpr funsZ'k tkjh dj] izorZdksa] vikVZesaV¼¶ySV½ ekfydksa ds एसोसिएशन को, इस अधिनियम और उसके अधीन बनीनियमावली और उपविधि के अधीन उनकी बाध्यताओं का अनुपालन सुनिश्चित कराना ।

(च) अपार्टमेंट(फ्लैट) मालिकों के एसोसिएशन को, इस अधिनियम, नियमावली एवं उपविधि के अनुरूप निर्देश देना ।

(छ) ऐसा कोई अन्य कार्य जिसे राज्य सरकार, अधिसूचना द्वारा, सक्षम izkf/kdkjh dks lkSais] vkSj A

¼t½ fuca/ku izHkkj dk rhu izfr'kr lEc) izkf/kdkjh dks ns; gksxk A

¼2½ इस अधिनियम के अधीन अपना कार्य निष्पादन करने हेतु या मामले की lquokbZ djrs le; l{ke izkf/kdkjh dks dksM vkWQ flfoy izksflM~;ksj] 1908 ds v/khu O;ogkj U;k;ky; dh 'kfDr izkIr gksxh A

33- vihy ,oa vihyh; izkf/kdkj %&

¼1½ izeaMyh; vk;qDr] vihyh; izkf/kdkjh gksxk tks l{ke izkf/kdkjh ds vkns'kksa ds fo:) vihy lqusxk &

(क) इस अधिनियम के अधीन सक्षम प्राधिकारी के किसी आदेश सेO;fFkr O;fDr] vkns'k izkIr gksus ds frfFk ls 30 fnukas ds Hkhrj vihy izkf/kdkjh ds ik] ;Fkk fofgr izk:i esa ,oa izfØ;k ds vuqlkj] vihy dj ldsxkA

$\frac{1}{4}[k^{\frac{1}{2}}$ vihyh; izkf/kdkjh] i{kdkjksa dks lquokbZ dk volj nsus ds i'pkr~ ,slk vkns'k] ;k rks l{ke izkf/kdkjh ds vkns'k dks laiq"V djrs gq,] mikarfjr djrs gq, ;k vikLr djrs gq,] ikfjr djsxk] tks mi;qDr le>s vkSj fyf[kr :i esa bldk dkj.k vfHkfyf[kr djsxk A vihyh; izkf/kdkjh dk vkns'k vafre vkSj fu'pk;d gksxk A

$\frac{1}{4}x^{\frac{1}{2}}$ vihyh; izkf/kdkjh dks] vius d'R;ksa dk fuoZgu djrs le;] dksM vkWQ flfoy izksfLM~;ksj] 1908 ds v/khu lHkh 'kfDr;kj izkIr gksxh A

34- fu;a=.k %& ;fn vikVZesaV ekfydksa dk ,lksfl,'ku] izca/kd vkSj izca/kd cksMZ vius d'R;ksa dk vuqikyu ugha dj jgk gks rks l{ke izkf/kdkjh leqfpr funsZ'k ns ldsxk A

35- nsunkjh dk ifjR;kx ugha %& dksbZ vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfyd vius vkidks lk>s O;;ksa dh viuh nsunkjh ls bl vk/kkj ij eqDr ugha dj ldrk fd mlus fdlh lk>k {ks=ksa vkSj lq[k&lqfo/kkvksa dk mi;ksx ;k miHkksx djuk cUn dj fn;k gS ;k mlus vius vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ dks NksM+ fn;k gS A

36- अपार्टमेंट(फ्लैट) मालिकों पर अधिनियम का बाध्यकारी होना:-lHkh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa] muds fdjk;snkjksa] muds lsodksa ;k deZpkfj;ksa ;k vU; O;fDr;ksa] tks fdlh Hkh :i esa lEifÜk ;k mlds fdlh fgLls dk bl

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अधिनियम के अधीन उपयोग करते हो, पर इस अधिनियम और अपार्टमेंट(फ्लैट)दस्तावेज और अपार्टमेंट(फ्लैट) मालिकों के एसोसिएशन के द्वारा इस अधिनियमds izko/kkuksa ds vuq'kj.k esa vaxhdkj dh x;h mifof/k ds v/khu gksaxsA vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa ds ,lksfl,'ku ds }kjk vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ nLrkostksa ds vuqlkj vFkok fof/k iwoZd fd, x, lHkh le>kSrksa] fu.kZ;ksa ,oa ladYiksa dks ekuus dh ck;/rk lHkh vikVZesaV $\frac{1}{4}$ ySV $\frac{1}{2}$ ekfydksa dh gksxh A

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(फ्लैट) स्वामित्व अधिनियम, 2011 का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल

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[JHARKHAND ACT 01 of 2012]

THE JHARKHAND APARTMENT(FLAT) OWNERSHIP ACT, 2011

To provide for the ownership of an individual Apartment(Flat) in a multi-storied building and of an undivided interest in the common areas and facilities appurtenant to such Apartment(Flat) and to make such payment and interest heritable and transferable and for matters connected therewith or incidental thereto.

Preamble : WHEREAS it is expedient to provide for giving ownership of an individual Apartment(Flat) in a building and to make such Apartment(Flat) heritable and transferable property and to provide for the matters connected with the purposes aforesaid;

Be it enacted by the Legislature of the State of Jharkhand in the Sixty Two year of the Republic of India as follows :-

CHAPTER - I **PRELIMINARY**

1. Short title, extent and commencement –

(1) This Act may be called “Jharkhand Apartment(Flat) Ownership Act, 2011.”

(2) It shall extend to the whole of the State of Jharkhand.

(3) This Act shall come into force on the date of publication of notification by the State

2. Application of the Act- The provisions of this act shall apply to every Apartment(Flat) in a multi-storied building which was constructed for residential or commercial or such other purposes such as office, practice of any profession, occupation, trade or business for any other type of independent uses before or after the commencement of this Act and on a free hold land, or a lease hold land, if the lease for such land is for a period of thirty years or more.

Provided that, the condition that he or they shall grant a lease of such land to the Apartment(Flat) where a building constructed, whether before or after the commencement of this Act, on any land contains only two or three Apartment(Flat), the owner of such building may, by a declaration duly executed and registered under the provisions of the Registration Act, 1908 (16 of 1908) and as amended from time to time, indicate his intention to make the provisions of this Act applicable to such building, and on such declaration being made, such owner shall execute and register a Deed of Apartment(Flat) in accordance with the provisions of this Act, as if such owner were the promoter in relation to such building:

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Provided further, that the sole owner or all the owners of the land may submit such land to the provisions of this Act with owners, terms and conditions of the lease being disclosed in the declaration to be made in this regard either by annexing a copy of the instrument of lease to be executed to the declaration or otherwise.

Provided that the state government may exempt by general or special order any such owner from submitting such building to the provisions of this Act.

3. Definition - In this Act unless the context otherwise requires:-

- (a) **“Allottee”** In relation to an Apartment(Flat), means the person to whom such Apartment(Flat) has been allotted, initially by the promoter but not yet sold or transferred.
- (b) **“Apartment(Flat)”** means a part of the property, provided by the promoter/ developer in a multi-storied building intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors or any part or parts thereof, in a multi-storied building to be used for residence or office or for the practice of any profession or for the carrying on of any occupation, trade or for business or such other type of independent use as may be prescribed, and with a direct exit to a public street, road or highway or to a Common area leading to such street, road or highway, and includes basement, cellar, any garage or room (whether or not adjacent to the multi-storied building in which such Apartment(Flat) is located) provided by the promoter for use by the owner of such an Apartment(Flat) for parking any vehicle or as the case may be for the residence of any domestic aide employed in such an Apartment(Flat).
- (c) **“Apartment(Flat) number”** means the number, letter or combination thereof, which is the designation of the Apartment(Flat) in the Deed of Apartment(Flat).
- (d) **“Apartment(Flat) owner”** means an allottee to whom an Apartment(Flat) has been finally transferred or sold by the Promoter and who as a result of which owns the Apartment(Flat) and has an undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat) in the manner/percentage specified in the deed of Apartment(Flat).

Explanation — An allottee becomes an Apartment(Flat) owner only after payment of the entire consideration together with interest thereon, if any due, and the Apartment(Flat) finally transferred or sold to him by the Promoter subject to provision of Section-11. Besides this, the Apartment(Flat) Owner should have a Deed of Apartment(Flat) executed and registered in his favour whereas merely an Allottee is not required to do so.

- (e) **“Approved Bank”** means the State Bank of India constituted under Section 3 of the State Bank of India Act, 1955 (23 of 1955), or a subsidiary bank constituted under Section 3 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), or a corresponding existing bank constituted under Section – 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding existing bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

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- (f) **“Association of Apartment(Flat) owners”** means the association of all the Apartment(Flat) owners of a multi storied building acting as a group and termed as such in accordance with the bye-laws and Deed of Apartment(Flat) and competent to contract in its own name.

Explanation— A member of a co-operative housing society or an allottee under a hire purchase agreement will be deemed to be an owner entitled to membership of the association.

- (g) **“Board”** means the Board of Manager of an Association of Apartment(Flat) Owner selected by its members under the bye-laws.
- (h) **“Bye-laws”** means the bye-laws of an association of Apartment(Flat) owners made

under this Act.

(i) **“Common areas and facilities”** in relation to a building means:-

- (i) The land on which such building is located and all easements, rights and appurtenances belonging to the land and the building.
- (ii) The foundation, columns girders, beams, supports, main wall, roofs, halls, corridors, lobbies, stairs, stair-ways, fire escapes, and entrances and exit of the building.
- (iii) The basements, cellars, yards, gardens, open areas, shopping centers, schools and storage spaces.
- (iv) The premises for the lodging Gatekeeper or the person employed for looking after the property.
- (v) Installation of central services, such as, power, lights, gas, hot and cold water, heating, refrigeration, air conditioning, incinerating, and sewerages.
- (vi) The elevators, tanks, pumps, motors, fans, compressor, ducts and in general, all apparatuses and installations existing for Common use.
- (vii) Such other community and commercial facilities as may be prescribed; and
- (viii) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in Common use.

(j) **“Common expenses”** means.-

- (i) All sums lawfully assessed against the Apartment(Flat) owners by the Association of Apartment(Flat) owners;
- (ii) Expenses of administration maintenance, repair or replacement of Common areas & facilities;
- (iii) Other expenses agreed upon as Common expenses by the Association of Apartment(Flat) owners;
- (iv) Expenses declared as Common expenses by the provisions of this Act, or by the Deed of Apartment(Flat) or the Bye-laws.

(k) **“Common profits”** means the balance of all incomes, rent, profits and revenues from the Common areas and facilities remaining after the deduction of Common expenses.

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(l) **“Competent Authority”** means the officer or authority who or which may be vested by the state Government, by notification in the official gazette with executive powers to perform duties and functions of the competent Authority and for implementing the provisions of the Act and the rules made there under for such areas as may be specified in the notification under the general guidance, superintendence & control of the State Government.

Provided that the State Government may notify more than one officer or Authority as competent authority and distribute the work among them in the manner as it may deem fit.

(m) **“Deed of Apartment(Flat)”** means the instrument by which the property is submitted to the provisions of this Act as hereinafter provided.

(n) **“Government or State Government”** means the Government of the State of Jharkhand.

- (o) **“Local Authority”** means Municipal Panchayat, Municipal Council, Municipal Corporation, Municipality and Notified Area Committee or Regional Development Authority or any other area so notified by the government or constituted under the Ranchi Regional Development Authority Act, 1981; The Bihar & Orissa Municipal Act, 1942; Mineral Area Development Authority Act (As Amended)] 1986 and the Ranchi Municipal Corporation Act-2001; as amended time to time.
- (p) **“Manager”** means the manager of an Association of Apartment(Flat) Owners appointed under the bye-laws.
- (q) **“Multi Storied Building”** means a building constructed containing four or more Apartment(Flat), or two or more buildings in any area designated as block, pocket or otherwise, each containing two or more Apartment(Flat), with a total of four or more Apartment(Flat) in all such buildings and includes a building containing two or three Apartment(Flat) in respect of which a declaration has been made under the proviso to Section 2.
- (r) **“Promoter or Developer”** means - the person who constructs or causes to be constructed a building consisting of Apartment(Flat) or converts an existing building or a part thereof into Apartment(Flat) for the purpose of selling all or some of the Apartment to other persons, and includes his assigns. Where the person who constructs or converts a building and the person who sells are different persons, the terms include both of them. Any development authority and any other public body so notified by Government are deemed to be the Promoters in respect of the allottees in building constructed by them on land owned by them or placed at their disposal by Government :
- Explanation** — Any such person, who acts in the manner described above, will be deemed to be a promoter, in that capacity also if.
- (i) he designates himself as builder, colonizer, contractor, developer, estate promoter or by any other name or
- (ii) he claims to be acting as the holder of a power of attorney of the owner of the land on which the building is constructed.

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- (s) **“Proprietor/ Owner”** means - the person who is the actual owner of the land on which the Apartment(Flat) building is to be constructed and has the right, title and interest over the proposed land and it also includes the successor and legal heirs of the owner of land. If the land owner is State Government/ Government of India/ public undertaking/ Co-operative society/ Trust etc., the concerned authority shall be termed as Proprietors / Owners.
- (t) **“Prescribed”** means prescribed by rules made under this Act.
- (u) **“Property”** means the land, the multi-storied building, all improvement and structure thereon and all easements, right and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith.
- (v) **“Revenue Authority”** means the authority that is competent for collection of rent of land, building etc. from owners of the plot of land/ Apartment(Flats).
- (w) **“Reserved or limited Common areas and facilities”** means those Common areas and facilities which are designated in writing by the Promoter before the allotment, sale or transfer of any other Apartment(Flat), and kept as reserved for use of certain Apartment(Flat) or remain allotted to any Apartment(Flat) and to the exclusion of other Apartment(Flat).

- (x) **“Service charges”** means expenses incurred on salary to guard and sweeper, and energy charges for Common area lighting and pumping of water and operation of lift, cost of diesel/ Mobil etc. for running the generator, and Annual Maintenance Charges (AMC) for lift, intercom and generator repairing and construction and common works etc. payable monthly.

CHAPTER - II

OWNERSHIP, HERITABILITY AND TRANSFERABILITY OF APARTMENT(FLAT)

4. **Benamidar of an Apartment(Flat) shall be deemed to be the real owner there of-** Where an Apartment(Flat) is transferred to one person for consideration paid or provided by any other person for his own benefit, the transferee shall, notwithstanding any thing in the Transfer of Property Act, 1882 or in any other law for the time being in force, be deemed to be the real owner of such Apartment(Flat), and no court shall consider any claim of the person, paying and providing the consideration for title in such Apartment(Flat) on the ground that he/she did not intend to pay or provide such consideration for the benefit of the transferee and that the transferee is his benamidar, or on any other ground.
 5. **The Developer/ Promoter and Owner to execute and get Registered document of transfer-**
 - (1) Where the Developer/ Promoter is not the owner of the land over which the Apartment(Flat) is to be built, the Developer/ Promoter and the Owner shall execute and register an agreement stating all the terms and conditions of the agreement
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- including the portion of the building and land to be shared by the Developer/ Promoter and the Owner.
- The agreement document shall also include that after the completion of construction of the building project the respective share owner i.e.; developer/ promoter and the land owner, shall be absolute owner of their respective shares and they will be entitle to sell/ transfer their shares separately.
 - (2) The final sale/ lease of the Apartment(Flat) along with the Common areas and facilities shall be executed and registered by the Developer/ Promoter or the Owner, as the case may be, as per sub-section 5.1. in favour of the prospective Apartment (Flat) Owner.
 6. **Compliance with the covenants and bye-laws-** Each Apartment(Flat) owner shall comply strictly with the bye-laws and with the covenants, conditions and restrictions set forth in the Deed of Apartment(Flat), and failure to comply with any of them shall be a ground for action to recover sums due for damages, or for inductive relief, or both, by the Manager or Board on behalf of the Association of Apartment(Flat) Owners or, in a proper case, by an aggrieved Apartment(Flat) owner.
 7. **General liabilities of Promoter-**

- (1) Notwithstanding anything in other law, a promoter who intends to construct or constructs a block or building of Apartment(Flat), all or some of which are to be taken or are taken on ownership basis, shall, in all transaction with persons intending to take or taking one or more of such Apartment(Flat), be liable to give or produce, or cause to be given or produced, the information and the documents hereinafter in this section mentioned, a copy of which should also be filed with the Competent Authority for information, including the full particulars about their identity, address etc.
- (2) A Promoter, who constructs or intends to construct such block or building of Apartment(Flat), shall -
- (a) make full and true disclosure of the nature of his title to the land on which the Apartment(Flat) are constructed, or are to be constructed, such title to the land as aforesaid having been duly certified by an Attorney-at-law, or by an Advocate of not less than seven years standing;
 - (b) make full and true disclosure of all encumbrances on such land, including any title, interest or claim of any party in or over such land.
 - (c) give inspection on seven days notice or demand, of the plans and specification of the building, such as specifications relating to structural safety against earthquake and fire safety, built or to be built on the land; such plans and specifications having been approved by the local authority which he is required so to do under any law for the time being in force;
 - (d) disclose the nature of fixtures, fittings and amenities (including the provision for one or more lifts) provided or to be provided;

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- (e) disclose on reasonable notice or demand if the promoter is himself the builder, the prescribed particulars as respects the design and the materials to be used in the construction of the building, and if the promoter is not himself the builder disclose, on such notice or demand, all agreements entered into by him with the architects and contractors regarding the design, materials and construction of the buildings;
- (f) specify in writing the date by which possession of the Apartment(Flat) is to be handed over (and he shall hand over such possession accordingly);
- (g) prepare and maintain a list of Apartment(Flat) with their numbers already taken or agreed to be taken, and the names and addresses of the parties, and the price charged or agreed to be charged therefore, and the terms and conditions if any on which the Apartment(Flat) are taken or agreed to be taken;
- (h) state in writing, the precise nature of the organization of persons to be constituted and to which title is to be passed, and the terms and conditions governing such organization of persons who have taken or are to take the Apartment(Flat);
- (i) not allow persons enter into possession until a completion certificate where such certificate is required to be given under any law, is duly given by the local

- authority (and no person shall take possession of a Apartment(Flat) until such completion certificate has been duly given by the local Authority);
- (j) make a full and true disclosure of all outgoing (including ground rent, if any, municipal or other local taxes, taxes on income, water charges and electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any);
- (k) make a full and true disclosure of such other information and document; in such manner as may be prescribed; and given on demand true copies of such of the documents referred to in any of the clauses of this subsection as may be prescribed at a reasonable charge therefor.
- (l) display or keep all the documents, plans or specifications (or copies thereof) referred to in clauses (a), (b) and (c), at the site and permit inspection thereof to persons intending to take or taking one or more Apartment(Flat).
- (m) when the Apartment(Flat) are advertised for sale, disclose inter alia in the advertisement the following particulars, namely :-
- (i) the extent of the carpet area of the Apartment(Flat) including the area of the balconies which should be shown separately;
 - (ii) the price of the Apartment(Flat) including the proportionate price of the Common areas and facilities which should be shown separately, to be paid by the purchaser of Apartment(Flat) and the intervals at which the installments thereof may be paid;
 - (iii) the nature, extent and description of the Common areas and facilities;
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- (iv) the nature, extent and description of limited Common areas and facilities, and;
 - (v) the Fire Safety & Earthquake resistant, water harvesting and preservation and lighting conductor provisions as per the norms laid down in law;

8. General liabilities of Allottee.-

- (1) The Promoter would execute an agreement withan Allottee setting out the terms and conditions of construction, payment schedules and other requirements under Section 7 of the Act and every Allottee who has executed an agreement to take an Apartment(Flat) shall pay at the proper time and place the price, his proportionate share as amended time to time of the Municipal taxes, water and electricity charges, ground rent (if any) and other public charges in accordance with his agreement with the promoter; and where a co-operative society or a company of persons taking the Apartment(Flat) is to be constituted, co-operate in the formation of such society or company, as the case may be.
- (2) Any person who has executed an agreement to take an Apartment(Flat) and who, without reasonable excuse, fails to comply with or contravenes sub-section 8.1 shall, on conviction, be punished with fine which may extend to two thousand rupees.

9. Common profit and expenses.-

- (1) The Common profits of the property shall be distributed among, and the Common expenses shall be charged to, the Apartment(Flat) owners according to the percentage of the undivided interest of the Apartment(Flat) owners in the Common areas and facilities.
- (2) Where the Apartment(Flat) owner is not in the occupation of the Apartment(Flat) owned by him, the Common expenses payable by such Apartment(Flat) owner may be recovered from the person in the occupation of the Apartment(Flat).
- (3) Common profits can be used for major repair/ up-gradation of Common facilities in future.

10. Ownership of Apartment(Flat)-

- (1) Every person to whom any Apartment(Flat) is allotted, sold or otherwise transferred by the Promoter, on or after the commencement of this Act shall, save as otherwise provided in Section 11, and subject to the other provisions of this Act, be entitled to the exclusive ownership and possession of the Apartment(Flat) so allotted sold or otherwise transferred to him.
- (2) Every person to whom any Apartment(Flat) was allotted, sold or otherwise transferred by the promoter before the commencement of this Act shall, save as otherwise provided under section 11 and subject to the other provisions of this Act, be entitled, on and from such commencement, to the exclusive ownership and possession of the Apartment(Flat) so allotted, sold or otherwise transferred to him.
- (3) Every person who becomes entitled to the exclusive ownership and possession of an Apartment(Flat) under sub-section (1) or sub-section (2) shall be entitled to such percentage of undivided interest in the Common areas and facilities as may be

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specified in the Deed of Apartment(Flat) and such percentage shall be computed by taking, as a basic, the value of the Apartment(Flat) in relation to the value of the property.

- (4) (a) The percentage of the undivided interest of each Apartment(Flat) owner in the Common areas and facilities shall have a permanent character, and shall not be altered without the written consent of all the Apartment(Flat) owners.
(b) The percentage of the undivided interest in the Common areas and facilities shall not be separated from the Apartment(Flat) to which it appertains and shall be deemed to be conveyed or encumbered with the Apartment(Flat), even though such interest is not expressly mentioned in the conveyance or other instrument.
- (5) The Common areas and facilities shall remain undivided and no Apartment(Flat) owner or any other person shall bring any action for partition or division of any part thereof, and any covenant to the contrary shall be void.
- (6) Each Apartment(Flat) owner may use the Common areas and facilities in accordance with the purposes for which they are intended without hindering or encroaching upon the lawful rights of the other Apartment(Flat) owners.
- (7) The necessary work relating to maintenance repair and replacement of the Common areas and facilities and the making of any additions or improvements thereto shall be carried out only in accordance with the provisions of this Act and the byelaws.
- (8) The Association of Apartment(Flat) Owners shall have the irrevocable right, to be exercised by the Board of Manager, to have access to each Apartment(Flat) from time to time during reasonable hours for the maintenance, repairs or replacement of any of the Common areas or facilities therein, or accessible there from, or for

making emergency repairs therein necessary to prevent damage to the Common areas and facilities or to any other Apartment(Flat) or Apartment(Flat).

- 11. Ownership of Apartment(Flat) subject to conditions.-** Where any allotment, sale or other transfer of any Apartment(Flat) has been made, whether before or after the commencement of this Act, in pursuance of any promise of payment, or part payment, of the consideration thereof, the allottee or transferee, as the case may be, shall not become entitled to the ownership and possession of that Apartment(Flat) or to a percentage of undivided interests in the Common areas and facilities appurtenant to such Apartment(Flat), until full payment has been made of the consideration thereof together with interest, if any due thereon, and where any such allottee or transferee has been inducted into the possession of such Apartment(Flat) or any part thereof in pursuance of such allotment or transfer, he shall, until the full payment of the consideration has been made, continue to remain in possession thereof on the same terms and conditions on which he was so inducted into possession of such Apartment(Flat) or part thereof.

- 12. Apartment(Flat) to be heritable and transferable.-** Subject to the provisions of Section 11, each Apartment(Flat), together with the undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat), shall, for all purposes constitute as a heritable and

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transferable immovable property within the meaning of any law for the time being in force, and accordingly, an Apartment(Flat) owner may transfer his Apartment(Flat) and percentage of undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat) by way of sale, mortgage, lease, gift, exchange or in any other manner whatsoever in the same manner, to the same extent and subject to the same rights, privileges obligations, liabilities, investigations, legal proceeding, remedy and to penalty forfeiture or punishment as any other immovable property or make a bequest of the same under the law applicable to the transfer and succession of immovable property;

Provided that where the allotment, sale, or other transfer of any Apartment(Flat) has been made by any group housing co-operative society in favour of any member thereof, the transferability of such Apartment(Flat) and all other matters shall be regulated by the law applicable to such group housing co-operative society.

- 13. Purchasers or persons taking lease of Apartment(Flat) from Apartment(Flat) owners to execute an undertaking-** Notwithstanding anything contained in the Transfer of Property Act, 1982 (4 of 1982), or in any other law of the time being in force, any person acquiring any Apartment(Flat) from any Apartment(Flat) owner by gift, exchange, purchase or otherwise, or taking lease of an Apartment(Flat) from an Apartment(Flat) owner for a period of thirty years or more, shall -

- (a) in respect of the said Apartment(Flat), be subject to the provisions of this Act; and
- (b) execute and register an instrument in such form, in such manner and within such

period, as may be prescribed, giving an undertaking to comply with the covenants, conditions and restrictions, subject to which such Apartment(Flat) is owned by the Apartment(Flat) owner aforesaid.

- 14. Certain works prohibited.** - No Apartment(Flat) owner shall do any work which would be prejudicial to the soundness or safety of the property or reduce the value thereof or impair any easement or hereditament or shall add any material structure or excavate any addition basement or cellar without first obtaining the consent of all the other Apartment(Flat) owners.

Explanation – In this section, reference to Apartment(Flat) owners shall be construed, in relation to a multi-storied building in any block, pocket or other designated area, the Apartment(Flat) owners of the concerned multi-storied building in such block, pocket or other designated area.

15. Encumbrance against Apartment(Flat) -

- (1) The owner of each Apartment(Flat) may create any encumbrance, only against the Apartment(Flat) owned by him and the percentage of the undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat) in the same manner and to the same extent as may be created in relation to any other separate parcel of property subject to individual ownership.

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Provided that where any such encumbrance is created, the Apartment(Flat) in relation to which such encumbrance has been created shall not be partitioned or sub-divided.

- (2) No labour performed or material furnished with the consent, or at the request, of an Apartment(Flat) owner or his agent or his contractor or sub-contractor, shall be the basis for a charge or any encumbrance under the provisions of the Transfer of Property Act, 1882 (4 of 1882), against the Apartment(Flat) or property of any other Apartment(Flat) owner not expressly consenting to, or requesting the same, except that such express consent shall be deemed to be given by the other Apartment(Flat) owner in the case of emergency repairs thereto.
- (3) The labour performed and material furnished for the Common areas and facilities, if duly authorized by the Association of Apartment(Flat) Owner in accordance with the provisions of this Act or the bye-laws, shall be deemed to be performed or furnished with the express consent of each Apartment(Flat) owner and shall be the basis for a charge or encumbrance under the Act aforesaid against each of the Apartment(Flat) and shall be subject to the provisions of sub-section (4).
- (4) In the event of a charge or any encumbrance against two or more Apartment(Flats) becoming effective, the Apartment(Flat) owners of the separate Apartment(Flats) may remove their Apartment(Flats) and the percentage of undivided interest in the Common areas and facilities appurtenant to such Apartment(Flats) from the charge or encumbrance on payment of the fractional or proportional amount attributable to each of the Apartment(Flats) affected and on such payment, the Apartment(Flat) and the percentage of undivided interest in the Common areas and facilities appurtenant thereto shall be free of the charge or encumbrance so removed.

Provided that such partial payment shall not prevent the person having a charge or any of the encumbrances from proceeding to enforce the rights in relation to the amount not so paid, against any other Apartment(Flat) and the percentage or

undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat).

- (5) On any such payment, discharge or other satisfaction, referred to in sub-section the Apartment(Flat) and the percentage of undivided interest in the Common areas and facilities appurtenant thereto shall be free and clear of the charge or encumbrance, so paid, satisfied or discharged.

- 16. Promoter to take steps for formation of Co-operative Society or Company.-** As soon as a minimum number of persons required to form a Co-operative Society or a company have taken Apartment(Flat), the promoter shall within the prescribed period submit an application to the Registrar for registration of the organization of persons who take the Apartment(Flats) as a Co-operative Society, or as the case may be, as a company; and the promoter shall join, in respect of the Apartment(Flats) which have not been taken, in such application for membership of a Co-operative Society or as the case may be, of a company.

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17. Offences by Promoter-

- (1) Any promoter who knowingly makes a false disclosure in respect of any of the matters referred to in clauses (a), (b), (c), (g), (i) or (j) of Section (2) or contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.
- (2) a promoter who commits criminal breach of trust of any amount advanced or deposited with him for the purposes mentioned in Section 10 shall, on conviction be punished with imprisonment for a term which may extend to four years, or with fine, or with both;
- (3) A Promoter who constructs a building in violation of plans and specifications, approved by the Local Authority or RRDA Act notified by the Local Authority shall on conviction be punished with imprisonment for a term which may extend to ten years or with fine, or with both;

- 18. Act not to apply to the State Government, Housing Board, etc.-** Nothing contained in this Act shall apply to the State Government or to *The Jharkhand State Housing Board* constituted under *The Bihar State Housing Board Act, 1982* (Adopted by Jharkhand Govt.).

CHAPTER – III

DEED OF APARTMENT(FLAT) & ITS REGISTRATION

19. Contents of Deed of Apartment(Flat)-

- (1) Whenever any sale or other transfer of any Apartment(Flat) is made, the Promoter shall -
 - (a) in the case of any sale or other transfer made after the commencement of this Act, within three months from the date of such, sale or other transfer, or
 - (b) in the case of any sale or other transfer made before the commencement of this Act, within six months from the date of such commencement, execute a Deed of Apartment(Flat) containing the following particulars, namely-

- (i) the names of the person (s) to whom the Apartment(Flat) has been sold or transferred;
- (ii) description of the land on which the building and the Common areas and facilities are located, and whether the land is freehold or lease-hold, the period of such lease;
- (iii) a set of floor plans/ structural details of the multi-storied building showing the lay-out and location, number of Apartment(Flats) and bearing a certified statement of an Architect/ Structural Engineer certifying that it is an accurate copy of the portions of the plans of the building as filed with, an approved by, the local authority within the jurisdiction of which are building is located;

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- (iv) description of the multi-storied building, stating the number of storeys and basements, the number of Apartment(Flats) in that building and the principal materials of which it is constructed;
- (v) the Apartment(Flat) number, or statement of the location of the Apartment(Flat), its approximate area, number and dimension of rooms, and immediate Common area to which it has access, and any other data necessary for its proper identification;
- (vi) description of the Common areas and facilities and the percentage of undivided interests appertaining to the Apartment(Flat) in the Common areas and facilities;
- (vii) description of the Reserved or limited Common areas and facilities, if any, stating to which Apartment(Flats) their use is reserved;
- (viii) value of the property and of each Apartment(Flat) and a statement that the Apartment(Flat) and such percentage of undivided interest not encumbered in any manner whatsoever on the date of execution of the Deed of Apartment(Flat);
- (ix) statement of the purposes for which the building and each of the Apartment(Flats) are intended and restricted as to use;
- (x) the name of the person to receive Process, together with the particulars of the residence or place of business of such person;
- (xi) provision as to the percentage of votes by the Apartment(Flat) owners which shall be determinative of whether to rebuild, repair, restore, or sell the property in the event of damage or destruction of all or any part of the property;

Provided that the competent authority may, if it is satisfied that the promoter was prevented, by sufficient cause, from executing the Deed of Apartment(Flat) in relation to any Apartment(Flat) within the period of three months, or six months, as the case may be, permit the promoter to execute such Deed of Apartment(Flat) within such further period, not exceeding six months, as it may specify.

- (2) The promoter shall get the Deed of agreement registered in accordance with Section 20 and shall -
 - (a) file in the office of the competent authority; and

- (b) deliver to the concerned allottee or transferee, as the case may be, a certified copy of each Deed of Apartment(Flats) as registered under Section 20 within one month of registration.
- (3) Whenever any transfer of any Apartment(Flat) is made by the Apartment(Flat) owner thereof, whether by sale, lease, mortgage, exchange, gift or otherwise, the transferor shall deliver to the transferee the certified copy of the Deed of Apartment(Flat) delivered to him under sub-section 19.2 after making an endorsement thereon as to the name, address and other particulars of the transferee, to enable the transferee to get the endorsement on the certified copy of the Deed of

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Apartment(Flat) registered in accordance with the provisions of Section 20.

- (4) Whenever any succession takes place to any Apartment(Flat) or part thereof, the successor shall, within a period of six months from the date of such succession on the certified copy of the Deed of Apartment(Flat) in relation to the concerned Apartment(Flat), and if there is any dispute as to the succession to the Apartment(Flat), the Competent Authority shall decide be same, and for this purpose, such authority shall have the powers of a Civil court, while trying a suit, and its decision shall have effect of a degree and shall be appealable as if it were a degree passed by the principal Civil Court of original jurisdiction.
- (5) Whenever any succession to an Apartment(Flat) has been recorded by the competent authority under sub-section 16.4, such authority shall send a true copy of such record, to the concerned Registrar for registration thereof in accordance with the provisions of Section 20.
- (6) For the removal of doubts, it is hereby declared that the provisions of this section shall be in addition to and not in derogation of, the provisions of any other law, for the time being in force, relating to the transfer of immovable property.

20. Registration of Deed of Apartment(Flat)-

- (1) Every Deed of Apartment(Flat) and every endorsement thereon relating to the transfer of the Apartment(Flat) shall be deemed to be a document which is compulsorily registrable under the Registration Act, 1908 (16 of 1908) and shall be registered with the Registrar accordingly, and the words and expressions used in this section but not defined in this Act shall have the meaning respectively assigned to them in the Registration Act, 1908.
- (2) In all registration offices, a book called Register of Deeds of Apartment(Flat) under the “Jharkhand Apartment(Flat) Ownership Act, 2011” and an index relating thereto shall be kept in such form and shall contain such particulars as may be prescribed.
- (3) Whenever any endorsement on a Deed of Apartment(Flat) is registered, the concerned Registrar shall forward a certified copy thereof to the competent authority to enable that authority to make necessary entries in the certified copy of the concerned Deed of Apartment(Flat) filed with it under sub-section (2).
- (4) Any person acquiring any Apartment(Flat) shall be deemed to have notice of the contents of the Deed of Apartment(Flat) and the endorsement, if any, thereon as from the date of its registration under this section.

21. Enforcement of Transfer .-

- (1) If the Promoter of the Apartment(Flat) as the case may be, fails to execute a deed of Apartment(Flat) or an endorsement thereon, within six months of the date on which

possession of the Apartment(Flat) is given or where the competent authority or the State Government has granted extension of period(not more than 06 months), on expiry of such extended period, the competent authority may either on a complaint or suo moto impose a penalty up-to maximum of Fifty thousand per Apartment(Flat) and also may impose minimum penalty for each Apartment(Flat) of thousand rupees for every day and the penalty may be recovered as arrears of

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land revenue. This penalty shall be in addition to any action under the Stamp Act or Registration Act 1908.

- (2) On the failure of the Promoter to execute the Deed of Apartment(Flat) within the time stated above in sub-section (1) the allottee may make an application to the competent Authority.
- (3) On the failure of the Apartment(Flat) owner to make an endorsement of the transfer of an Apartment(Flat) on the Deed of Apartment(Flat) within the time agreed upon, the Promoter may make an application to the competent Authority.
- (4) The application under sub-section (2) and (3) as the case may be, shall be given in prescribed form in writing in the office of the competent authority of the area for certificate to be produced before the Registration officer for enforcing the registration of the transfer. After making such enquiry as may be necessary and satisfying itself that the applicant has done what he is required to do under the agreement, the competent Authority shall issue a certificate to the concerned Registration Officer within a period of two month from the date of application that it is a fit case for enforcing registration and shall further direct the applicant to present the Deed of Apartment(Flat) though not executed by the other party, for unilateral execution & registration. The registering Authority shall register the instrument. Notwithstanding anything contained in The Transfer of Property Act, 1882 or the Registration Act, the registration of the instrument made under this section shall be sufficient to vest the property with the applicant. Service charges of Rs. Five thousand along with each application shall be charged by the competent authority whoever is defaulter i.e., Promoter/ Owner/ Allottee.

22. Recording of Succession -

- (1) Whenever any successor gets an Apartment(Flat) or partthereof, by succession, the successor shall within a period of six months from the date of such succession, make an application to the Local Authority and Revenue Authority for recording such succession on the certified copy of the deed of Apartment(Flat) and if there is a dispute as to the succession of the Apartment(Flat), the local authority shall decide the same.
- (2) Whenever any succession of an Apartment(Flat) shall be recorded by the local Authority and Revenue Authority under sub-section (1) and such authority shall send a true copy of such record to the concerned Registrar for necessary recording in the records according to the provisions of the Registration Act.

CHAPTER - IV

ASSOCIATION OF APARTMENT(FLAT) OWNERS AND BYE-LAWS FOR THE REGULATION OF THE AFFAIRS OF SUCH ASSOCIATION

23. Association of Apartment(Flat) Owners and bye-laws relating thereto:

- (1) There shall be an Association of Apartment(Flat) Owners for the administration of the affairs in relation to the Apartment(Flats) and the property appertaining thereto and for the management of Common areas and facilities.

Provided that where any area has been demarcated for the construction of multistoried buildings, whether such area is called a block or pocket or by any other name, there shall be a single Association of Apartment(Flat) Owners in such demarcated area.

- (2) The Competent authority may, by notification in the Official Gazette, frame model bye-laws in accordance with which the property referred to in sub-section (1) shall be administered by the Association of Apartment(Flat) Owners and every such Association shall, at its first meeting, make its bye-laws in accordance with the model bye-laws so framed, and in making its bye-laws the Association of Apartment(Flat) Owners shall not make any departure from, variation of, addition to, or omission from, the model bye-laws aforesaid except with the prior approval of the Competent Authority and no such approval shall be given if in the opinion of the Competent Authority, such departure, variation, addition or omission will have the effect of altering the basic structure of the model bye laws framed by him. In case the Competent Authority has not framed model bye-laws, the Association of Apartment(Flat) Owners shall frame bye-laws in accordance with Section 23.3.
- (3) The model bye-laws framed by the Competent Authority or the bye-laws framed by Association of Apartment(Flat) Owners in case no model bye-law is framed under sub-section (2) it shall provide for the following, among other matters namely -
 - (a) the manner in which the Association of Apartment(Flat) Owners is to be formed;
 - (b) the election from among Apartment(Flat) owners, of a Board of Management by members of the Association of Apartment(Flat) Owners;
 - (c) the number of Apartment(Flat) owners, constituting of a Board, the composition of the Board and that one-third of members of the Board shall retire annually;
 - (d) the powers and duties of the Board;
 - (e) the honorarium, if any, of the members of the Board;
 - (f) the method of removal from office of the members of the Board;
 - (g) the powers of the Board to engage the services of a Manager;
 - (h) delegation of powers and duties of the Board to such Manager;
 - (i) method of calling meetings of the Association of Apartment(Flat) Owners and the number of members of such Association who shall constitute a quorum for such meanings;
 - (j) election of a President of the Association of Apartment(Flat) Owners from among the Apartment(Flat) owners, who, shall preside over the meetings of the Board and of the Association of Apartment(Flat) Owners;
 - (k) election of a Secretary to the Association of Apartment(Flat) Owners from among the Apartment(Flat) owners, who shall be ex-officio member of the Board and shall keep two separate minutes books, one for the Association of Apartment(Flat) Owners and the other for the Board, pages of each of which shall be consecutively numbered and authenticated by the President of the

Association of Apartment(Flat) Owners, and shall record, in the respective minutes books, the resolutions adopted by the Association of Apartment (Flat) Owners or the Board, as the case may be;

- (l) election of a Treasurer from among the Apartment(Flat) owners, who shall keep the financial records of the Association of Apartment(Flat) Owners as also of the Board;
 - (m) maintenance, repair and replacement of the Common areas and facilities and payment therefore;
 - (n) manner of collecting from the Apartment(Flat) owners or any other occupant of Apartment(Flats), share of the Common expenses;
 - (o) resignation and removal of persons employed for the maintenance, repair and replacement of the Common areas and facilities;
 - (p) restrictions with regard to the use and maintenance of the Apartment(Flats) and the use of the Common areas and facilities, as may be necessary to prevent unreasonable interference in the use of each Apartment(Flat) and of the Common areas and facilities by the several Apartment(Flat) owners;
 - (q) any matter which may be required by the Competent Authority to be provided for in bye-laws for the proper or better administration of the property;
 - (r) such other, matters as are required to be, or may be provided for in the bye-laws;
- (4) The bye-laws framed under sub-section (2) may also contain provisions not inconsistent with this Act for the following:-
- (a) enabling the Board to retain areas of the building for commercial purpose and to grant lease of the areas so retained, and to apply the proceeds of such lease for the reduction of the Common expenses for maintaining the building, Common areas and facilities, and if any surplus is left after meeting such expenses, to distribute such surplus to the Apartment(Flat) owners as income;
 - (b) relating to the audit of the accounts of the Association of Apartment(Flat) Owners and of the Board, and of the administration of the property;
 - (c) specifying the times at which and the manner in which annual general meetings and special general meetings of the Association of Apartment (Flat) Owners shall be held and conducted;
 - (d) to specify the time at which and the manner in which, the annual report relating to the activities of the Association of Apartment(Flat) Owners shall be submitted;
 - (e) to specify the manner in which the income derived and expenditure incurred by the Association of Apartment(Flat) Owners shall be dealt with, or as the case may be, accounted for.

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24. Insurance.-

- (1) The Board or Manager -
 - (a) shall have, if requested so to do by a mortgages having a first mortgage covering an Apartment(Flat), the authority to, and
 - (b) shall, if required so to do by the bye-laws or by a majority of the Apartment(Flat) owners, obtain insurance for the property against loss or damages by fire or other hazards under such terms and for such amounts as shall be so requested or required.

- (2) Such insurance coverage shall be written on the property in the name of such Board or Manager as trustee for each of the Apartment(Flat) owners in the percentages specified in the bye-laws.
- (3) The premium payable in respect of every such insurance shall be Common expenses.
- (4) The provisions of sub-section (1) to (3) shall be without prejudice to the right of each of the Apartment(Flat) owner to insure his own Apartment(Flat) for his benefit.

25. Disposition of property, destruction or damage- If within sixty days of the date of damage or destruction to all, or part of any property, or within such further times as the competent authority may, having regard to the circumstances of the case, allow, the Association of Apartment(Flat) Owners does not determine to repair, reconstruct or re-build property, then, and in that event.

- (a) the property shall be deemed to be owned in Common by the Apartment(Flat) owners;
- (b) the undivided interest in the property owned in Common which shall appertain to each Apartment(Flat) owner, shall be the percentage of the undivided interest previously owned by such owner in the Common areas and facilities;
- (c) any incumbrances affecting any of the Apartment(Flats) shall be deemed to be transferred in accordance with the existing priority to the percentage of the undivided interest of the Apartment(Flat) owner in the property;
- (d) the property shall be subject to an action for partition at the suit of any Apartment(Flat) owner in which event the net proceeds of sale together with the net proceeds of the insurance on the property, if any, shall be considered as one fund and shall be divided amongst all the Apartment(Flat) owners in the percentages equal to the percentage of undivided interest owned by each Apartment(Flat) owner in the property after paying out, all the respective shares of the payment by the owners to the extent sufficient for the purpose and all charge on the undivided interest in the property owned by each Apartment(Flat) owner.

26. Action -

- (1) Without prejudice to the rights of any Apartment(Flat) owner, action may be brought by the Board or Manager, in either case in the discretion of the Board on behalf of two or more of the Apartment(Flat) owners as their respective interest

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may appear, with respect to any cause of action relating to the Common areas and facilities or more than one Apartment(Flat).

- (2) The service of process on two or more Apartment(Flat) owners in any action relating to the Common areas and facilities or more than one Apartment(Flat) may be made on the person, designated in the bye-laws to receive service of process.

27. Separate Assessments.-

- (1) Notwithstanding anything to the contrary contained in any law relating to local

authorities, each Apartment(Flat) and its percentage of undivided interest in the common areas and facilities appurtenant to such Apartment(Flat) (including an Apartment(Flat) in respect of which the provisions of this Act were applied under the proviso to Section-2) shall be deemed to be separate property for the purpose of assessment of tax on lands and building livable under such law and shall be assessed and taxed accordingly, and for this purpose a Local Authority shall make suitable regulations to carry out the provisions of this section.

- (2) Neither the multi-storey building nor the property nor the common areas and facilities referred to in sub-section 27.1, shall be deemed to be separate properties for the purpose of the levy of such taxes.

28. Charges on property for Common expenses. - All sums assessed by the Association of Apartment(Flat) Owners for the share of the Common expenses chargeable on any Apartment(Flat) shall be first charge on such Apartment(Flat) for the payment of Municipal rates and taxes prior to all other charges, except other statutory charges.

29. Liability for unpaid Common expenses on the sale of an Apartment(Flat). - The purchaser of the Apartment(Flat) shall be jointly and severally liable with the vendor for all unpaid assessment against the latter for his share of the Common expenses up to the time of sale.

30. If the Association of Apartment(Flat) Owners, having right to be exercised by the Manager or the Board of Managers fails to perform its functions under this Act or the Rules made there under, the Competent Authority may give such direction as he may consider proper.

31. Power to make Rules- The State Government by notification in Official

CHAPTER - V

AUTHORITIES UNDER THE ACT

32. Powers and duties of the Competent Authority.-

- (1) The competent authority shall have the following powers and duties:
- (a) to permit further time to the promoter to execute Deed of Apartment(Flat);
 - (b) to receive the certified copies relating to Deed of Apartment(Flat) instruments or undertaking, deeds of lease, document of transfer of Apartment
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 - (Flat) and management and endorsements thereon and hire purchase agreement;
 - (c) to impose penalty upon developers, promoters, Apartment(Flat) owners for any delay or failure to execute instruments in favour of purchasers of Apartment(Flats), to issue certificate to Registration officer;
 - (d) to direct association of Apartment(Flat) owners repair damaged property and to, allow further time to an association of Apartment(Flat) owners to repair, reconstruct or rebuild a property which is damaged/ destroyed;
 - (e) to ensure compliance, by the promoters, Association of Apartment(Flat)

Owners of the obligations under the Act, Rules or Bye-Laws, by issuance of proper directions;

- (f) to issue directions consistent with the Act, Rules and bye-laws to the Associations of Apartment(Flat) owners;
- (g) any other function which the government may by notification entrust to the competent authority; and
- (h) Three percent in registration charge would be payable to concerned authority.

- (2) In discharging his function under the Act, the competent Authority will have the powers of a Civil Court under the Code of Civil procedure 1908 while trying a suit.

33. Appellate Authority and Appeals.- (1) The Commissioner of the Division will be the Appellate Authority who will hear appeals against the orders of the Competent Authority.

- (a) Any person aggrieved by any order of the Competent Authority under this Act, may, within a period of thirty days of the Communication of the order to him, prefer an appeal to the Appellate Authority in such form and manner as may be prescribed.
- (b) The Appellate Authority, after giving opportunity to be heard to the parties, may pass such order, as Appellate Authority shall deem fit, either confirming, modifying or setting aside the order of the Competent Authority, and shall record its reasons in writing. The order of the Appellate Authority shall be final and conclusive.
- (c) In discharging its functions, the Appellate Authority shall have all the powers under the Code of Civil Procedure 1908 while deciding an appeal.

34. Control. - If an association of Apartment(Flat) owners, Manager or Board of Managers is not performing its function, the Competent Authority may give suitable directions.

35. No Waiver of Liability. - No Apartment(Flat) owner may exempt himself/ herself from liability for his/ her contribution towards the Common expenses, by waiver of use or enjoyment of any of the Common areas and facilities or by the abandonment of his/ her Apartment(Flat).

36. Act to be binding on Apartment(Flat) owners.- All Apartment(Flat) owners, tenants of such owners, employees of owners and tenants or any other person who may in any manner use property or any part thereof

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submitted under the provisions of this Act, shall be subject to this Act and to the Deed of Apartment(Flat) and the bye-laws of the Association of Apartment(Flat) owners adapted pursuant to the provisions of this Act. All agreements decision and determination law-fully made by the Association of Apartment(Flat) owners in accordance with the Deed of Apartment(Flat) or bye-laws shall be deemed to be binding on all Apartment(Flat) owners.

37. Removal of Doubts- For the removal of doubts it is hereby declared that the provisions of the Transfer of property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to every Apartment(Flat) and its undivided interest in the Common areas and facilities appurtenant to such Apartment(Flat) as those provisions apply in relation to any immovable property, and notwithstanding anything contrary to any contract the provisions of this Act shall take effect.

38. Repeal and Savings-

- (1) The Jharkhand Apartment(Property Regulation and Ownership) Act, 2005 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said “The Jharkhand Apartment(Property Regulation and Ownership) Act, 2005” shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act was in force on the day on which such things was done or action taken.

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