

उत्तर प्रदेश फ्लैटों का स्वामित्व अधिनियम, 1975

{उत्तर प्रदेश अधिनियम संख्या 50, 1975}

THE UTTAR PRADESH OWNERSHIP OF FLATS ACT, 1975

[U.P. Act No. 50 of 1975]

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{उत्तर प्रदेश अधिनियम संख्या 50, 1975}

{tSlk mUkj izns" k fo/kku e.My }kjk ikfjr gqvkA

चार या उससे अधिक फ्लैटों वाले भवनों में अलग-अलग फ्लैटों के स्वामित्व और उपयोग।s lEc) fo'k;ksa dh O;oLFkk djus ds fy;s

अधिनियम

भारत गणराज्य के छब्बीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-

1-- (1) यह अधिनियम उत्तर प्रदेश फ्लैटों का स्वामित्व अधिनियम, 1975 कहलायेगा। laf{kIr uke rFkk foLrkj

$\frac{1}{2}$ bldk foLrkj lEiw.kZ mUkj izns" k esa gksxkA

2-- यह अधिनियम केवल उस सम्पत्ति पर लागू होगा, जिसका एक मात्र स्वामी या अधिनियम का लागू होना

ftlds lHkh Lokeh lE;d~ i ls ,slh ?kks'k.kk fu'ikfnr rFkk jftLV^ah djkdj
ftlesa /kkjk 10 में निर्दिष्ट विष्िष्टियां दी हुई हों, उसे इस अधिनियम के उपबन्धों के अधीन कर दें:

परन्तु कोई भी सम्पत्ति इस अधिनियम के उपबन्धों के अधीन नहीं की जायगी, जबrd fd bldk vkokfld iz;kstu ds fy;s okLro esa mi;ksx u fd;k tkrk gks ;k mi;ksx fd;k tkuk izLFkkfir u gks %

ijUrq ;g vkSj fd ,slh Hkwfe dk ftl ij dksbZ Hkou fLFkr gks]
,dek= Lokeh ;k उसके सभी स्वामी उस भूमि को इस शर्त के साथ इस अधिनियम के उपबन्धों के अधीन कर।dsaxs fd og ;k os ,slh Hkwfe dk iV~Vk ¶ySV ds Lokfe;ksa dks djsaxs vkSj ,slh n"kk esa iV~Vs dh "krsZa rFkk fucU/ku fu'ikfnr fd;s tkus okys iV~Vs dh fy[kr dh ,d izfirfyfi ,slh ?kks'k.kk esa yxk dj ;k vU;Fkk] ?kks'k.kk esa izdV fd;s tk;saxsA

3-- इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-

ifjHkk'kk,a

$\frac{1}{2}$ d $\frac{1}{2}$ ^¶jySV** dk rkRi;Z fdllh lEifÜk ds ,sls Hkkx ls gS] ftlls fdllh lM+d] ekxZ ;k jkt&ekxZ ij vFkok ,slh lM+d ekxZ ;k jkt&ekxZ rd tkus okyh fdllh lkekU; {ks= ij lh/kk fudkl gks rFkk tks lkekU; {ks=ksa vkSj lqfo/kkvksa esa vius vfoHkkftr fgr lfgr ,d Lora= vkokfld bdkbZ gks(

$\frac{1}{4}$ k $\frac{1}{2}$ ^¶Hkou** dk rkRi;Z ,d gh ifj {ks= esa fLFkr ,sls fdllh Hkou ;k ,dkf/kd Hkouksa से है जिनमें कुल मिलाकर चार या उससे अधिक फ्लैट हो ;

(ग) "उपविधियों" का तात्पर्य इस अधिनियम के अधीन बनाई गई उपविधियों से है ;

$\frac{1}{4}$ k $\frac{1}{2}$ ^¶lkekU; {ks=ksa vkSj lqfo/kkvksa** ds vUrxZr fuEufyf[kr Hkh gS %&

(1) भूमि जिस पर भवन स्थित हो और भूमि तथा भवन के सभी सुखाचार, अधिकारvkSj mikax (

¼²/₂ Hkou dh uhao] LrEHk] xMZj] /kju] vkyEc] eq[; nhokysa]
Nrsa] gky] xfy;kjs] ykfc;ka] lhf<+;k] lksiku] vfXu&lksiku] izos"r Fkk
fudkl }kj (

¼³/₂ rg[kkus] v/k%dk'sB] izkax.k] m[ku] xkM+h [kM+h djus ds
LFkku vkSj HkaMkj dj.k ds LFkku(

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¼/kkj 4&5A

¼⁴/₂ lEifÜk ds izcU/k ds fy;s lsok;ksftr izfrgkjksa ;k O;fDr;ksa ds
okl ds fy;s iflj (

¼⁵/₂ lkekU; lsok;sa tSls "kfDr] izdk"r] xSl] xeZ ;k BaMk ikuh]
rkui] iz"khru] okrkudwyu rFkk lhoj O;oLFkk(

¼⁶/₂ ,yhosVj] VSad] iai] eksVj] dEizslj] ikbi rFkk ukyh vkSj
lk/kkj.kr% lkekU; mi;ksx ds fy;s fo|eku lHkh lkf/k= rFkk laLFkkiu (

¼⁷/₂ ,slh vU; lqfo/kk;sa ftuds fy;s ?kks'k.kk esa fo"ks'kr% O;oLFkk dh tk; (

¼⁸/₂ lEifÜk ds ,sls vU; lHkh Hkkx tks mlds vfLrRo] vuqj {k.k rFkk
lqj {kk ds fy, vko";d ;k lqfo/kktud gksa ;k lk/kkj.kr% lkekU; mi;ksx esa
gksa(

¼³/₂ ^^lkekU; O;;** dk rkRi;Z lkekU; {ks=ksa vkSj lqfo/kkvksa
ds iz"kklu] vuqj {k.k] ejEer ;k izfrLFkkiu ds O;;ksa rFkk ¶ySVksa ds
Lokfe;ksa ds laxe }kj ¶ySVksa ds Lokfe;ksa ds izfr fu/kkZfjr lHkh vU;
jkt'k;ksa ls gS (

¼^p/₂ ^^lkekU; ykHk** dk rkRi;Z lkekU; {ks=ksa vkSj
lqfo/kkvksa ls leLr vk;] fdjk;k] ykHk rFkk jktLo ds ml vfr"ks'k ls gS tks
lkekU; O;; dks dkVus ds i"pkr~ cps(

(छ) "सक्षम प्राधिकारी" का तात्पर्य उत्तर प्रदेश आवास एवं विकास परिषद्
अधिनियम, 1965 ds v/khu fu;qDr vkokl vk;qDr ls gS (

¼^t/₂ ^^?kks'k.kk** dk rkRi;Z ,slh fy[kr ls gS] ftlds }kj dksbZ
lEifÜk ,m~i"pkr~ उपबन्धित रीति से इस अधिनियम के उपबन्धों के अधीन की
जाय;

¼[>]/₂ ^^lhfer lkekU; {ks=ksa vkSj lqfo/kkvksa** dk rkRi;Z mu
lkekU; {ks=ksa vkSj lqfo/kkvksa ls gS ftUgsa ?kks'k.kk esa vU; ¶ySVksa
dks vioftZr djds fdlh ¶ySV ;k fdUgha ¶ySVksa ds mi;ksx ds fy, vkjf{kr
vfHkfgr fd;k tk; (

(') "विहित" का तात्पर्य इस अधिनियम के अधीन बनाये गये नियमों द्वारा विहित से है;

¼^V/₂ ^^lEifÜk** esa dksbZ Hkwfe] ml ij fufeZr ;k fuekZ.k ds fy,
izLFkkfir dksbZ Hkou rFkk lkekU; {ks= vkSj lqfo/kk;sa lekfo'V gSA

4&& ¼¹/₂ izR;sd ¶ySV dk Lokeh ?kks'k.kk ds vuqlkj vius ¶ySV ds ¶ySVksa dk vUrj.kh;
.dy LokfeRo rFkk dCts dk gdnkj gksxkA rFkk nk; ;ksX; lEifÜk

¼²/₂ /kkj 2 ds f}rh; ijUrqd ds micU/kksa ds v/khu jgrs gq.]
dksbZ ¶ySV lkekU; {ks=ksa vkSj lqfo/kkvksa esa vius vfoHkkftr fgr lfr]
rRle; izo`Ük fdlh fof/k ds vFkkZURxZr nk; ;ksX; rFkk vUrj.kh; LFkkoj
lEifÜk gksxk %

ijUrq fdlh ¶ySV dk vkSj ,sls ¶ySV ls vuqyXu lkekU; {ks=ksa vkSj lqfo/kkvksa esa vfoHkkftr fgr ds izfr"kr dk] fdlh Hkh iz;kstu ds fy, foHkkktu ;k vUrfoZHkkktu ugha fd;k tk;xA

5&& ¼1½ izR;sd ¶ySV dk Lokeh lkekU; {ks=ksa vkSj lqfo/kkvksa esa] ?kks'k.kk esa lkekU; {ks= vkSj

lqfo/kk;sa

vfHkO;Dr izfr"kr ds vuqlkj] vfoHkkftr fgr dk gdnkj gksxA

¼2½ lkekU; {ks=ksa vkSj lqfo/kkvksa esa izR;sd ¶ySV ds Lokeh ds vfoHkkftr fgr ds izfr"kr esa] tSlk fd og ?kks'k.kk esa vfHkO;Dr gks] leLr ¶ySVksa ds Lokfe;ksa dh lgeftr ds बिना जो इस अधिनियम की अपेक्षानुसार सम्यक रूप से निष्पादित तथा रजिस्ट्रीकृत की गई।"kksf/kr ?kks'k.kk esa vfHkO;Dr gks] dksbZ ifjorZu ugha fd;k tk;xA

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¼/kkjk 6&8Å

¼3½ lkekU; {ks=ksa vkSj lqfo/kkvksa esa vfoHkkftr fgr ds izfr"kr dks ml ¶ySV ls] ftlls og vuqyXu gks] i`Fkd ugha fd;k tk;xA vkSj og ¶ySV ds lkFk gLrkarfjr vFkok foYyaxfer le>k tk;xA Hkys gh gLrkarfj.k&i= ;k vU; fy[kr esa ,slk fgr vfHkO;Drr% mfYyf[kr u gksA

¼4½ lkekU; {ks= vkSj lqfo/kk;sa vfoHkkftr jgsaxs] vkSj mlds foHkkktu ;k izfoHkkktu ds fy;s fdlh ¶ySV ds Lokeh ;k vU; O;fDRk ds vuqjks/k ij dksbZ okn ugha yk;k tk;xA tc तक कि सम्पत्ति, इस अधिनियम के उपबन्धों से प्रत्याहृत न कर ली गई हो।

¼5½ izR;sd ¶ySV dk Lokeh lkekU; {ks=ksa vkSj lqfo/kkvksa dk mi;ksx mu iz;kstuksa ds लिए जिनके लिये वे आशयित हों, अन्य फ्लैटों के स्वामियों के विधिपूर्ण अधिकारों को प्रतिबाधितया अधिक्रमित किये बिना कर सकेगा।

¼6½ lkekU; {ks=ksa vkSj lqfo/kkvksa ds vuqj{k.k} ejEer rFkk izfrLFkku vkSj muesa dksbZ परिवर्द्धन या सुधार करने से संबंधित कार्य इस अधिनियम और उपविधियों के उपबन्धों केvuqlkj fd;k tk;xA

¼7½ ¶ySV ds Lokfe;ksa ds laxe dks izR;sd ¶ySV esa fdUgha Hkh lkekU; {ks=ksa vkSj lqfo/kkvksa ds tks ogak gksa ;k tks ogak ls lqxe gksa] vuqj{k.k} ejEer rFkk izfrLFkku ds fy, vFkok lkekU; {ks=ksa vkSj lqfo/kkvksa dks vFkok vU; ¶ySVksa dks gksus okys fdlh uqdlku dks jksdus ds fy, muesa vkikrh ejEEkr ds fy,] ;qfDr&qDr le; ds nkSjku] le; ij पहुंच का अप्रतिसंहरणीय अधिकार होगा जिसका प्रयोग संगम की ओर से प्रबन्धक या प्रबन्धकcksMZ }kjk ,slh lgk;rk ls tks] ;FkkfLFkfr] izcU/kd ;k izcU/kd cksMZ vko";d le>s] fd;k tk;xA

6&& izR;sd ¶ySV dk Lokeh mifof/k;ksa rFkk ?kks'k.kk es mifof.kZr izlafonkvksa "krkeZa rFkk fucZIU/kuksa dk dM+kbZ ls vuqikyu dks vuqikyu u fd;k tkuk ¶ySVksa ds Lokfe;ksa ds laxe dh vksj ls izcU/kd ;k izcU/kd cksMZ ds vuqjks/k ij] ;k leqfpr ekeys esa fdlh ¶ySV ds O;fFkr Lokeh }kjk] uqdlkuh dh olwyh ds fy;s ;k vU; vuqrks'k vFkok vuqrks'kksa ds fy;s dk;Zokgh djus dk vk/kkj gksxA

mifof/k;ksa izlafonkvksa vkfn dk vuqikyu

7&& fdlh ¶ySV dk Lokeh dksbZ ,slk dk;Z ugha djsxk tks lEifUk lqn`<+rk ;k lqj{kk ij izfrdwy izHkko Mkyus okyk gks vkSj og u rks dksbZ djsxk vkSj u dksbZ vfrfjDr rg[kkuk ;k v/k%dkS'B [kksnsxA

dfri; dk;Z dk izfrfl) gksuk

8-- (1) उस कालावधि के दौरान जब सम्पत्ति इस अधिनियम के अधीन रहे, सम्पत्ति यस्य स्वत्वात् यस्य स्वत्वात्

ij fdlh izdkj dk dksbZ foYyaxe l'ftr ugha fd;k tk;xk %

ijUrq ,slh dkykof/k ds nkSjku izR;sd यस्य स्वत्वात् ij rFkk ,sls यस्य स्वत्वात् ls vuqyXu lkekU; {ks=ksa vkSj lqfo/kkvksa esa vfoHkkftr fgr ds izfr"kr ij] mlh jhfr ls dksbZ foYyaxe l'ftr fd;k tk ldsxk ftl jhfr ls O;fDrxr LokfeRo ds v/khu fdlh vU; i'Fkd lEifÜk [k.M ds laca/k esa foYyaxe l'ftr fd;k tkrk gSA

$\frac{1}{2}$ lkekU; {ks=ksa vkSj lqfo/kkvksa ds fy, fd;s x;s Je rFkk nh xbZ lkekzh ds ckjs esa] यदि वह इस अधिनियम, घोषणा या उपविधियों के अनुसार फ्लैटों के स्वामियों के संगम, प्रबन्धक; k izcU/kd cksMZ }kjk lE;d~ :i ls izkf/kd'r gks] ;g le>k tk;xk fd mls izR;sd यस्य स्वत्वात् ds स्वामी की अभिव्यक्त सम्मति से किया गया या दिया गया है और वह सम्पत्ति अन्तरण अधिनियम, 1882 ds v/khu izR;sd यस्य स्वत्वात् ij Hkkj ;k foYyaxe ds fy;s vk/kkj gksxh rFkk mi/kkj $\frac{1}{2}$ ds micU/kksa ds v/khu gksxhA

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;/kkjk 9&11A

(3) (क) दो या उससे अधिक फ्लैटों पर संयुक्त रूप से किसी भार या विलिंगम के यस्य स्वत्वात् gksus dh n"kk esa] i'Fkd&i'Fkd यस्य स्वत्वात् ds Lokhe vius&vius यस्य स्वत्वात् dh rFkk ,sls यस्य स्वत्वात् ls vuqyXu lkekU; {ks=ksa vkSj lqfo/kkvksa esa vfoHkkftr fgr ds izfr"kr dh ?kks'k.kk es afn;s x;s izfr"kr ds vuqlkj] izR;sd izHkkfor यस्य स्वत्वात् ij vkjksl; fHkUu ;k vuqikrh /kujkf"kr dk Hkqxrku djds Hkkj ;k foYyaxe ls gVl ldsaxsA

$\frac{1}{4}$ [$\frac{1}{2}$,slh fdlh lank;] mUekspu vFkok vU; rqf'V ds i"pkr~ यस्य स्वत्वात् vkSj mlls vuqyXu lkekU; {ks=ksa vkSj lqfo/kkvksa esa vfoHkkftr fgr dk izfr"kr] bl izdkj iznÜk] rq'V vFkok mUeksfpr Hkkj ;k foYyaxe ls rRi"pkr~ eqDr vkSj cjh gks tk;saxsA

$\frac{1}{4}$ x $\frac{1}{2}$,slk vkaf"kd lank;] rqf'V ;k mUekspu ,sls O;fDr dks ftldk dksbZ Hkkj ;k dksbZ vU; foYyaxe gks] vlnÜk] vrq'V ;k vuueksfpr fdlh यस्य स्वत्वात् vkSj mlls vuqyXu lkekU; क्षेत्रों और सुविधाओं में अविभाजित हित के प्रतिशत पर, उसके अधिकार को प्रवर्तित कराने की यस्य स्वत्वात् Zokgh djkus ls fuokfjr ugha djsxkA

9&& lkekU; {ks=ksa vkSj lqfo/kkvksa esa यस्य स्वत्वात् ds Lokfe;ksa ds vfoHkkftr izfr"kr ds lkekU; ykHk rFkk O;;

vuqlkj muds chp lEifÜk dk lkekU; ykHk ckaVl tk;xk vkSj lkekU; O;; Hkkfjr fd;k tk;xkA

10&& $\frac{1}{4}$ $\frac{1}{2}$ /kkjk 2 esa fufnZ'V ?kks'k.kk ,sls izi= esa vkSj ,slh jhfr ls tks fofgr dh ?kks'k.kk dh fo'k; oLrq

tk;] izLrq dh tk;xh vkSj mlesa fuEufyf[kr fof"kf'V;ka gksaxh] vFkkZr~ %&

$\frac{1}{4}$ d $\frac{1}{2}$ lEifÜk dk o.kZu vFkkZr~ ml Hkwfe dk o.kZu ftl ij Hkou fLFkr gS ;k fLFkr fd;k tkus okyk gS vkSj D;k og Hkwfe ekQh dh gS ;k iV~Vl/k'r gS vkSj D;k Hkwfe dk dksbZ iV~Vl /kkjk 2 ds f}rh; ijUrqd ds vuqlkj fn;k tkuk gS] vkSj Hkou ;k izLFkkfir Hkou dk o.kZu] ftlesa eaftyksa rFkk rg[kkuksa dh la;k rFkk यस्य स्वत्वात् dh la;k mfYyf[kr dh tk;xh (

$\frac{1}{4}[k^{\frac{1}{2}} \text{IEifÜk esa Lokhe; ;k Lokfe;ksa ds fgr dk Lo:i (}$

$\frac{1}{4}x^{\frac{1}{2}} \text{orZeku foYyaxe] ;fn dksbZ gks] flls IEifÜk ij izHkko iM+rk gks (}$

$\frac{1}{4}k^{\frac{1}{2}} \text{izR;sd } \llbracket ySV \text{ dk o.kZu ftlesa mldh vofLFkfr] yxHkx } \{ks=Qy\} \text{ dejksa dh la[;k] fudVLFk lkekU; } \{ks= \text{ftl ij mldk fudkl gks rFkk mldh leqfpr igpku ds fy, vko"}; \text{d dksbZ Hkh vU; vk/kkj\&rF; (}$

$\frac{1}{4}^{\frac{3}{2}} \text{lhfer lkekU; } \{ks=ksa vkSj lqfo/kkvksa dk o.kZu (}$

$\frac{1}{4}p^{\frac{1}{2}} \text{lhfer lkekU; } \{ks=ksa vkSj lqfo/kkvksa] ;fn dksbZ gksa] dk o.kZu ftlesa ;g mfYyf[kr fd;k tk;xk fd fdu \llbracket ySVksa ds fy, mudk mi;ksx vkj f[kr gS (}$

$\frac{1}{4}N^{\frac{1}{2}} \text{IEifÜk vkSj izR;sd } \llbracket ySV \text{ dk ewY; rFkk IHkh iz;kstuksa ds fy;s ftuds vUrxZr ernku Hkh gS izR;sd } \llbracket ySV \text{ ls vuqyXu vkSj mlds Lokhe dk lkekU; } \{ks=ksa vkSj lqfo/kkvksa esa vfoHkkfr fgr dk izfr"}krA$

11&& $\frac{1}{4}1^{\frac{1}{2}} \text{leLr } \llbracket ySVksa ds Lokhe rnFkZ fu'ikfnr fd;s x;s fy[kr]kjk \text{IEifÜk dks इस अधिनियम के उपबन्धों से प्रत्याहत कर सकेंगे।}$

अधिनियम के उपबन्धों से
iseizR;kgj.k

(2) इस अधिनियम के उपबन्धों से सम्पत्ति को प्रत्याहत कर दिये जाने पर यह $le>k \text{ tk;xk fd og } \llbracket ySVksa \text{ ds Lokfe;ksa ds lkekU; LokfeRo esa gS vkSj ml IEifÜk esa ,sls izR;sd Lokhe dk va"}k \text{ og izfr"}kr \text{ gksxk] tks lkekU; } \{ks=ksa vkSj lqfo/kkvksa esa ,sls Lokhe ds LokfeRo esa gksA$

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;/kkjk 12&15A

$\frac{1}{4}3^{\frac{1}{2}} \text{fdlh Hkh } \llbracket ySV \text{ dks izHkkfor djus okyk dksbZ foYyaxe IEifÜk esa } \llbracket ySV \text{ ds Lokhe ds vfoHkkfr fgr ds izfr"}kr \text{ esa] orZeku iwfoZdrk ds vuqlkj tSlk fd blesa O;ofLFkr gS] vUrfjr }le>k \text{ tk;xkA}$

(4) उपधारा (1) में व्यवस्थित प्रत्याहरण बाद में सम्पत्ति का इस अधिनियम के उपबन्धों $ds \text{ v/khu } iqu\% \text{ dj fn;k tkuk fdlh izdkj ls ofZr u djsxkA}$

12&& /kkjk 10 esa fufZnZ'V ?kks'k.kk ;k mldk dksbZ la"kks/ku ;k /kkjk 11 esa fufnZ'V इस अधिनियम के उपबन्धों से किसी सम्पत्ति के $vfuok;Zr\% \text{ jftLV}^{\text{h}} \text{dj.kh; fy[krsa } le>h \text{ tk;sxA}$

?kks'k.kk vkfn ds
fy[krksa dk vfuok;Zr%
jftLV^h& dj.kh; gksuk

13&& $\frac{1}{4}1^{\frac{1}{2}} \text{izR;sd IEifÜk dk izcU/k ,slh mifof/k;ksa ds vuqlkj fd;k tk;xk] tks}$

mifof/k;ka

$jkt; \text{ ljdkj ds iwokZuqeksnu ls l\{ke izkf/kdkjh } \}kjk \text{ cukbZ tk;sA}$

$\frac{1}{4}2^{\frac{1}{2}} \text{mifof/k;ksa esa vU; fo'k;ksa ds lkFk\&lkFk fuEufyf[kr dh Hkh O;ofLFk dh tk;xh] vFkkZr~ \%}$

$\frac{1}{4}d^{\frac{1}{2}} \text{og jhfr ftlds vuqlkj } \llbracket ySVksa \text{ ds Lokfe;ksa dk laxe cuk;k tk;xk] } \llbracket ySVksa \text{ ds Lokfe;ksa esa ls izcU/kd cksMZ dk fuokZpu] cksMZ xfBr djus okys O;fDr;ksa dh la[;k] ,sls cksMZ ds mu lnL;ksa dh la;k tks izfr o'kZ fuo`Ük gksaxs] cksMZ dh "kfDr;ka rFkk mlds drZO;] cksMZ ds lnL;ksa dks in ls gVkus dk <ax] lfpo ;k izcU/kd dks fu;qDRk djus dh cksMZ dh "kfDr] ,sls lfpo ;k izcU/kd dks "kfDr;ksa rFkk drZO;ksa dk izR;k;kstu(}$

(ख) फ्लैटों के स्वामियों के अधिवेशन बुलाने का ढंग और गणपूर्ति के लिये उनकी $la[;k(}$

¼?k½ fdlh ¶ySV ds Lokhe ds okn ij lEifÜk ds laca/k esa foHkktu dh dk;Zokgh dh tk ldsxh vkSj ml n"kk esa lEifÜk ds chek ds "kq) vkxe lfgr] ;fn dksbZ gks] foØ; ds "kq) vkxe dks ,d fuf/k le>k tk;xk rFkk mls] ¶ySVksa ds Lokfe;ksa ds leLr lacaf/kr va"kkksa dk ml lhek rd tks bl iz;kstu ds fy;s i;kZIr gks] rFkk lEifÜk esa izR;sd ¶ySV ds Lokhe ds LokfeRo esa mlds vfoHkkftr fgr ij leLr Hkkjksa dk] igys Hkqxrku djus ds i"pkr~ leLr ¶ySVksa ds Lokfe;ksa esa mlh izfr"kr ds vuqlkj foHkDr fd;k tk;xk] tks lEifÜk esa izR;sd Lokhe ds LokfeRo ds vfoHkkftr fgr ds izfr"kr ds cjkj gksA

18-- (1) किसी फ्लैट के स्वामी के अधिकारों को परिसीमित किये बिना दो या अधिक

fof/kd

dk;Zokfg;ka

फ्लैटों के स्वामियों की ओर से सामान्य क्षेत्रों और सुविधाओं से अथवा एक से अधिक फ्लैटों से lacaf/kr fdlh okn gsrqd ds laca/k esa tSlS muds vius&vius fgr izrhr gksa] izcU/kd ;k izcU/kd cksMZ }kjk] nksuksa esa ls fdlh Hkh n"kk esa izcU/kd cksMZ ds foosdkuqlkj okn yk;k tk ldsxk rFkk fof/kd dk;Zokfg;ka dh tk ldsaxhA

(2) सामान्य क्षेत्रों और सुविधाओं या एक से अधिक फ्लैटों से सम्बद्ध किसी वाद या अन्य विधिक कार्यवाहियों में, दो या अधिक फ्लैट के स्वामियों पर आदेशिका की तामील उसO;fDr ij dh tk ldsxh] ftls vknsf"kd dh rkehy izkIr djus ds fy;s ?kks'k.kk eas inkfHkfgr fd;k x;k gksA

{उत्तर प्रदेश फ्लैटों का स्वामित्व अधिनियम, 1975}

; /kkjk 19&22A

19&& ¼1½ leLr ¶ySVksa ds Lokhe] ,sls Lokfe;ksa ds fdjk;snkj] Lokfe;ksa rFkk किरायेदारों के कर्मचारी या कोई अन्य व्यक्ति, जो इस अधिनियम के उपबन्धों के अधीन की गई सम्पत्ति या उसके किसी भाग का ?kks'k.kk vkSj mifof/k;ksa ds v/khu gksaxsA

¶ySVksa ds Lokfe;ksa fdjk;snkj vkfn ij अधिनियम आबद्ध कर होगा

(2) इस अधिनियम, घोषणा या उपविधियों के अधीन नियत मतदान प्रतिशत के अनुसार ¶ySVksa ds Lokfe;ksa ds laxe }kjk fof/k iwoZd fd;s x;s leLr djkj] fofu"p; rFkk vo/kkj.k leLr ¶ySVksa ds Lokfe;ksa ij vkc) dj le>s tk;saxsA

20&& ¼1½ fdlh ¶ySV ds foØ; ;k vU; vuqnku ij] ml ¶ySV dk Øsrk ;k vuqnkux`ghrk ,sls foØ; ;k vuqnku ds le; rd ds lkekU; O;ksa esa ls lkFk la;qDr% vkSj i'Fkd% nk;h gksxk fdUrq bls Øsrk ;k vuqnkux`ghrk }kjk mlds fy;s lanÜk dh xbZ /kujkf"kd dks foØsrk ;k vuqnkrk ls olwy djus ds Øsrk ;k vuqnkux`ghrk ds अधिकार पर प्रतिकूल प्रभाव नहीं पड़ेगा।

vlanÜk lkekU; O;ksa ds fy;s foØsrk vkfn dk la;qDr vkSj i'Fkd~

¼2½ ,slk dksbZ Hkh Øsrk ;k vuqnkux`ghrk lfpo ;k izcU/kd cksMZ ls ,slk fooj.k ikus dk gdnkj gksxk] ftlesa foØsrk ;k vuqnkrk ds laca/k esa vlanÜk fu/kkZj.k dh /kujkf"kd nh gqbZ gks vkSj ,sls ¶ySV ds laca/k esa lkekU; O;ksa ds fdlh ,sls vlanÜk va"kd ds fy;s tks mlesa nh गई धनराशि से अधिक हो, न तो क्रेता या अनुदानगृहीता दायी होगा और न विक्रय या अनुदत्तfd;k x;k ¶ySV fdlh Hkkj ds v/khu gksxkA

21&& "kadkvksa dks nwj djus ds fy;s ,rn~}kjk ?kksf"kr fd;k tkrk gS एन एच.सी.ए. अधिनियम 1975 के तहत नए नए अधिनियम के

"kadkvksa dk nwj fd;k tkuk

gksa] izR;sd ¶lySV ij ftlds lkFk mlds lkekU; {ks=ksa vkSj lqfo/kkvksa
esa mldk vfoHkkftr fgr Hkh gS] mlh izdkj ykxw gksaxs] ftl izdkj os
micU/k fdllh vU; LFkkoj lEifÜk ij ykxw gksrs gSaA

22-- (1) राज्य सरकार, गजट में अधिसूचना द्वारा, इस अधिनियम के प्रयोजनों को नियम बनाने की शक्ति

कार्यान्वित करने के लिये नियम बना सकेगी।

(2) इस अधिनियम के अधीन बनाये गये सभी नियम बनाये जाने के पश्चात्;Fkk"KD;"kh?kz] jkT; fo/kku eaMy ds izR;sd lnu ds le{k tc fd mldk l= gks jgk gks कुल तीस दिन की कालावधि पर्यन्त जो एक सत्र या एक से अधिक आनुक्रमिक सत्रों मेंfoLrkfjr gks ldsxh] j[ks tk;saxs] vkSj tc rd fd dksbZ ckn dk fnukad fu;r u fd;k tk;] xtV esa izdkf"kr gksus ds fnukad ls ,sls ifj'dkjksa ;k vfHk"kwU;uksa ds v/khu jgrs gq;s izHkkoh gksaxs] tks fo/kku eaMy ds nksuksa lnu mDr dkykof/k esa djus ds fy;s lger gksa] fdUrq bl izdkj dk ifj'dkj ;k vfHk"kwU;u rn~/khu igys dh xbZ fdllh ckr dh oS/krk ij izfrdwy izHkko u MkysxkA

THE UTTAR PRADESH OWNERSHIP OF FLATS ACT, 1975

[U.P. Act No. 50 of 1975]

[As passed by the Uttar Pradesh Legislative]

AN

ACT

to provide for matters connected with the ownership and use of individual flats in buildings consisting of four or more flats.

IT IS HEREBY enacted in the Twenty-sixth Year of the Republic of India as follows:-

- | | | |
|------------------------|----|---|
| Short title and extent | 1- | (1) This Act may be called the Uttar Pradesh Ownership of Flats Act, 1975.
(2) It extends to the whole of Uttar Pradesh. |
| Application of the Act | 2- | This Act applies only to property, the sole owner or all the owners of which submit the same to the provisions of this Act by duly executing and registering a Declaration setting out the particulars referred to in section 10: |

Provided that no property shall be submitted to the provisions of this Act, unless it is actually used or is proposed to be used for residential purposes:

Provided further that the sole owner or all the owners of the land on which building is situated may submit such land to the provisions of this Act with a condition that he or they shall grant a lease of such land to the owners of the flats, the terms and conditions of the lease being disclosed in the declaration either by annexing a copy of the instrument of lease to be executed to the declaration or otherwise.

- | | | |
|-------------|----|---|
| Definitions | 3- | In this Act, unless the context otherwise requires--- |
|-------------|----|---|

(a) "flat" means part of a property having a direct exit to a road, street or highway or to a common area leading to such road, street or highway which together with its undivided interest in the common areas and facilities forms an independent residential unit;

(b)“building” means a building or more than one buildings situated in the same locality containing, in all four or more flats;

(c)“bye-laws” means bye-laws made under this Act;

(d)“common areas and facilities” includes—

(1) the land on which the building is located and all easements, rights and appurtenances belonging to the land and the building;

(2) the foundations, columns, girders, beams, supports, main wall, roofs, halls, corridors, lobbies, stairs, stair-way, fire-escapes and entrances and exits of the building;

(3) the basements, cellars, yards, gardens, parking areas and storage spaces;

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 4-5]

(4)the premises for the lodging of janitors or persons employed for the management of the property;

(5)installations of common services, such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and sewerage; (6)the elevators, tanks, pumps, motors, expressors, pipes and ducts and in general all apparatus and installations existing for common use; (7)such other common facilities as may be specially provided for in the Declaration;

(8)all other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use;

(e)“common expenses” means expenses of administration, maintenance, repair, or replacement of the common areas and facilities and all other sums assessed against the owners of flats by the Association of owners of the flats;

(f)“common profits” means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses;

(g)“competent authority” means the Housing Commissioner appointed under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam,1965;

(h)“Declaration” means the instrument by which a property is submitted to the provisions of this Act as hereinafter provided;

(i)“limited common areas and facilities” means those common areas and facilities which may be designated in the Declaration as reserved for use of certain flat or flats to the exclusion of the other flats;

(j)“prescribed’ means prescribed by rules made under this Act;

(k)“property” comprises any land, any building built or proposed to be built thereon, and the common areas and facilities.

Flat to be transferable and heritable property

4-

(1)Each owner of a flat shall be entitled to the exclusive ownership and possession of his flat in accordance with the Declaration.

(2)Subject to the provisions of the second proviso to section 2, a flat, together with its undivided interest in the common areas and facilities, shall constitute heritable and transferable immovable property within the meaning of any law for the time being in force :

Provided that no flat and the percentage of undivided interest in the common areas and facilities appurtenant to such flat shall be partitioned or sub-divided for any purpose whatsoever.

Common areas and facilities

5-

(1)Each owner of a flat shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the Declaration.

(2)The percentage of the undivided interest of each owner of a flat in the common areas and facilities as expressed in the Declaration shall not be

altered without the consent of all the owners of the flats expressed in an amended Declaration duly executed and registered as required by this Act.

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 6-8]

- (3) The percentage of the undivided interest in the common areas and facilities shall not be separated from the flat to which it appertains, and shall be deemed to be conveyed or encumbered with the flat even though such interest is not expressly mentioned in the conveyance or other instrument.
- (4) The common areas and facilities shall remain undivided, and no suit shall lie at the instance of any owner of the flat or other person for partition or division of any part thereof, unless the property have been withdrawn from the provisions of this Act.
- (5) Each owner of a flat may use the common areas and facilities for the purpose for which they are intended without hindering or encroaching upon the lawful rights of the owners of other flats.
- (6) The work relating to the maintenance, repair and replacement of the common areas and facilities and the making of any additions or improvement thereto shall be carried out in accordance with the provisions of this Act and the bye-laws.
- (7) The Association of Owners of flats shall have irrevocable right to be exercised by the Manager or the Board of Managers on behalf of the Association with such assistance as the Manager or the Board of Managers, as the case may be, considers necessary to have access to each flat from time to time during reasonable hours, for the maintenance, repair and replacement of any of the common areas and facilities therein or accessible therefrom or for making emergency repairs therein to prevent any damage to the common areas and facilities or to other flats.

Compliance
with bye-laws,
covenants etc.

- 6- Each owner of flat shall comply strictly with the bye-laws and with the covenants, conditions and restrictions set forth in the Declaration, and his failure to comply with any of the same shall be a ground for an action to recover damages or for other relief or reliefs at the instance of the Manager or the Board of Managers on behalf of the Association of Owners of flats or, in a proper case, by an aggrieved owner of a flat.

Certain work
prohibited

- 7- No owner of a flat shall do any work which would be prejudicial to the soundness or safety of the property or hereditament or shall add any material structure or excavate any additional basement or cellar.

Encumbrances
against flats

- 8- (1) During the period the property remains subject to this Act, no encumbrance of any nature shall be created against the property :

Provided that during such period an encumbrance may be created against each flat and the percentage of undivided interest in the common areas and facilities appurtenant to such flat, in the same manner as in relation to any other separate parcel of property subject to individual ownership.

- (2) Labour performed and material furnished for the common areas and facilities, if duly authorized by the Association of Owner of flats, the Manager or Board of Manager in accordance with this Act, the Declaration or bye-laws, shall be deemed to be performed or furnished with the express consent of each owner of a flat and shall be the basis for a charge or encumbrance under the Transfer of Property Act, 1882, against each of the flats and shall be subject to the provisions of sub-section (3).

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 9-11]

(3)(a) In the event of a charge or any encumbrance jointly against two or more flats becoming effective, the owners of the separate flats may remove their flats and the percentage of undivided interest in the common areas and facilities appurtenant to such flats from the charge or encumbrance by payment of the fractional or proportional amounts attributable to each of the flats affected in accordance with the percentages appearing in the Declaration.

(b) Subsequent to any such payment, discharge or other satisfaction, the flat and the percentage of undivided interest in the common areas and facilities appurtenant thereto shall thereafter be free and clear of the charge or encumbrance so paid, satisfied or discharged.

(c) Such partial payment, satisfaction or discharge shall not prevent the person having a charge or any other encumbrance from proceeding to enforce his rights against any flat and the percentage of undivided interest in the common areas and facilities appurtenant thereto not so paid, satisfied or discharged.

Common
profits and
expenses

9- The common profits of the property shall be distributed among, and the common expenses shall be charged to, the owners of flats according to the respective percentages of their undivided interest in the common areas and facilities.

Contents of
Declaration

10- (1) The declaration referred to in section 2 shall be submitted in such form and in such manner as may be prescribed and shall contain the following particulars, namely:--

(a) description of the property, namely the description of the land on which the building is or is to be located, whether the land is freehold or leasehold and whether any lease of the land is to be granted in accordance with the second proviso to section 2, and description of the building or proposed building stating the number of storeys and basements and the number of flats;

(b) nature of interest of the owner or owners in the property;

(c) existing encumbrance, if any, affecting the property;

(d) description of each flat containing its location, approximate area, number of rooms, immediate common area to which it has access, and any other data necessary for its proper identification;

(e) description of the common areas and facilities;

(f) description of the limited common areas and facilities, if any, stating to which flats their use is reserved;

(g) value of the property and of each flat, and the percentage of undivided interest in the common areas and facilities appertaining to each flat and its owner for all purposes, including voting.

Withdrawal
from the
provisions of
the Act

11- (1) All the owners of flats may withdraw a property from the provisions of this Act by an instrument executed to that effect.

(2) Upon the property being withdrawn from the provisions of this Act, it shall be deemed to be owned in common by the owners of flats and the share of each such owner in the property shall be the percentage of

undivided interest previously owned by such owner in the common areas and facilities.

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 12-15]

(3) Any encumbrance affecting any of the flats shall be deemed to be transferred in accordance with the existing priority to the percentage of the undivided interest of the owner of the flat in the property as provided therein.

(4) The withdrawal provided for in sub-section (1) shall in no way bar the subsequent resubmission of the property to the provisions of this Act.

Instrument of
Declaration
etc.
compulsorily
registerable
Bye-laws

12- All instruments relating to the Declaration or any amendment thereto referred to in section 10 or the withdrawal of a property from the provisions of this Act referred to in section 11 shall be deemed to be instruments compulsorily registerable within the meaning of clause (b) of sub-section (1) of section 17 of the Registration Act, 1908.

13- (1) Every property shall be administered in accordance with such bye-laws as may be framed by the competent authority with the prior approval of the State Government.

(2) The bye-laws shall provide for the following amongst other matters; namely:-

(a) the manner in which the Association of Owners of flats is to be formed, the election of a Board of Managers from amongst the owners of flats, the number of persons constituting the Board, the number of members of such Board to retire annually, the powers and duties of the Board, the method of removal from office of members of the Board, the powers of the Board to engage the services of a Secretary or Manager, the delegation of powers and duties to such Secretary or Manager;

(b) the method of calling meetings of the owners of flats and the number to constitute a quorum;

(c) the election of a President who shall preside over the meetings of the Board and of the Association of Owners of flats;

(d) the maintenance, repair and replacement of the common areas and facilities and payments therefor;

(e) the manner of collecting the share of the common expenses from the owners of flats;

(f) any other matter considered to be necessary for the administration of the property.

Separate
Assessment

14- Notwithstanding anything to the contrary contained in any law for the time being in force, each flat and its percentage of undivided interest in the common areas and facilities shall be deemed to be a separate property for the purpose of assessment of rates and taxes leviable by a local

authority under any law for the time being in force.

Charge of
property for

15- All sums assessed by the Association of Owners of flats for the share of the common expenses chargeable to any flat shall constitute a charge on

common
expenses

such flat prior to all other charges, except charge, if any, on the flat for payment of taxes due to the Central Government or the State Government or to any local authority under any law for the time being in force.

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 16-18]

Insurance

16- (1) the Manager or Board of Managers, if required by the Declaration or the bye-laws or by a majority of the owners of flats, or at the request of a mortgagee having a first mortgage covering a flat, shall have the authority to, and shall, obtain insurance for the property against loss or damage by fire, and such other hazards, under such terms and for such amounts as shall be required or requested.

(2) Such insurance coverage shall be written on the property in the name of such Manager or of the Board of Managers of the Association of the owners of flats as trustee for each owner of flats in the percentage established in the Declaration.

(3) Premium relating to such insurance shall be common expense.

(4) The foregoing provisions for such insurance shall be without prejudice to the right of each owner of a flat to insure his own flat for his benefit.

Disposition of
property or
destruction or
damage

17-

If within sixty days of the date of damage or destruction to all part of the property, it is not determined by the Association of owners of flats to repair, reconstruct or rebuild, then and in that event—

(a) the property shall be deemed to be owned in common by the owners of flats;

(b) the undivided interest in the property owned in common which shall appertain to each owner of a flat shall be the percentage of the undivided interest previously owned by such owner in the common areas and facilities;

(c) any encumbrances affecting any of the flats shall be deemed to be transferred in accordance with the existing property to the percentage of the undivided interest of the owner of the flat in the property as provided herein;

(d) the property shall be subject to an action for partition at the suit of any owner of a flat 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 among all the owners of the flats in percentages equal to the percentage of undivided interest owned by each owner in the property after first paying out all the respective shares of the owners of the flats to the extent sufficient for the purpose

and all charges on the undivided interest in the property owned by each owner of flat.

Legal
Proceedings

18-

(1) without limiting the rights of any owner of a flat suits and other legal proceedings may be brought by the Manager or Board of Managers, in either case at the discretion of the Board of Managers, on behalf of two or more of the owners of flats as their respective interest may

appear, with respect to any cause of action relating to the common areas and facilities or more than one flat.

- (2) Service of process on two or more owners of flats in any suit or other legal proceeding relating to the common areas and facilities or more than one flat may be made on the person designated in the Declaration to receive service of process.

[The Uttar Pradesh Ownership of Flats Act, 1975]

[Section 19-22]

Act to be binding on owners of flat, tenants, etc. 19- (1) All owners of flats, tenants of such owners, employees of owners and tenants or any other person who may in any manner use the property or any part thereof submitted to the provisions of this Act shall be subject to this Act and to the Declaration and the bye-laws.

- (2) All agreements, decisions and determinations lawfully made by the Association of Owners of flats in accordance with the voting percentage established under this Act, the Declaration or the bye-laws, shall be deemed to be binding on all owners of flats.

Joint and several liability of vender, etc. for unpaid common expenses 20- (1) Upon the sale or other grant of a flat, the purchaser or grantee of the flat shall be jointly and severally and severally liable with the vendor or grantor for all unpaid assessments against the latter for his share of the common expenses up to the time of such sale or grant without prejudice to the purchaser's or grantees right to recover from the vendor or grantor the amount paid by the purchaser or grantee therefor.

- (2) Any such purchaser or grantee shall be entitled to a statement from the Secretary or Board of Managers, setting forth the amount of the unpaid assessment against the vendor or grantor and such purchaser or grantee shall into be liable for, nor shall the flat sold or granted be subject to a charge for any unpaid share of common expenses against such flat in excess of the amount therein set forth.

Removal of doubts 21- 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 flat together with its undivided interest in the common areas and facilities as those provisions apply in relation to any other immovable property.

Power to make rules 22- (1) The State Government may by notification in the *Gazette* make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of thirty days, extending in its one session or more than one successive sessions and shall unless some later date is appointed take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.