

L. A. BILL No. XLVII OF 2023.

A BILL

further to amend the Maharashtra Apartment Ownership Act, 1970.

WHEREAS both Houses of the State Legislature were not in session ;

5 AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take immediate
action further to amend the Maharashtra Apartment Ownership Act, 1970
for the purposes hereinafter appearing ; and, therefore, promulgated the
Mah. Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 on the
Ord. IX10 23rd October 2023 ;

Mah. XV
of 1971.

Mah.
Ord. IX10
of 2023.

(G.C.P.) HB 2063-1 (1045-11-2023)

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Apartment Ownership (Amendment) Act, 2023. 5

(2) It shall be deemed to have come into force on the 23rd October 2023.

Insertion of new section 6B in Mah. XV of 1971.

2. After section 6A of the Maharashtra Apartment Ownership Act, 1970 Mah. XV (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely :— of 1971.

Summary eviction of apartment owners in certain cases.

"6B. (1) Where the Association of Apartment Owners, after 10 obtaining the consent of the majority of apartment owners, submits the proposal to the concerned Planning Authority for redevelopment of the building as per section 6A, and if the said proposal is approved by the Planning Authority, then it shall be binding on all the apartment owners to vacate the apartment : 15

Provided that, it shall be binding upon the concerned Association of Apartment Owners or developer responsible for the redevelopment, as the case may be, to make available to all the apartment owners of such apartment or building, alternate temporary accommodation or rent in lieu of such accommodation. 20

(2) If the apartment owner refuses to vacate the apartment as per provisions of sub-section (1), then the Association of Apartment Owners or developer may request in writing to the Planning Authority to evict such apartment owner.

(3) The Planning Authority may, after receipt of such a request under 25 sub-section (2), by a written notice, order any apartment owner to vacate the apartment forthwith or within the time specified in such notice.

(4) In every such notice the Planning Authority shall clearly specify the reasons for requiring such apartment owner to vacate the apartment.

(5) The affixing of such written notice on any part of such 30 apartment or building shall be deemed a sufficient intimation to the occupiers of such apartment or building or portion thereof.

(6) On the issue of a notice under sub-section (3), every person in occupation of the apartment thereof to which the notice relates shall vacate such apartment as directed in the notice and no person shall so long as the notice is not withdrawn, enter the apartment.

5 (7) The Planning Authority may direct that any person who acts in contravention of this section shall be evicted from such apartment or building by any police officer and may also use such force as is reasonably necessary to effect entry in the said apartment or building.”

Mah.
Ord. IX 10
of 2023.

3. (1) The Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 is hereby repealed.

Repeal of
Mah. Ord. IX
of 2023 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the
15 corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971) has been enacted to provide for the ownership of an individual apartment in a building and to make such apartment heritable and transferable property and to provide for matters connected therewith.

2. As there was no provision in the said Act for redevelopment of apartments which have completed thirty years or are in ruinous condition or dangerous for occupying or likely to fall, section 6A, containing provisions for redevelopment of such apartments, was inserted therein by Maharashtra Act No. XLI of 2018.

However, in absence of the provision for eviction or removal of non-consenting members or members opposing redevelopment, the process of redevelopment could not be carried out even after consent of majority of apartment owners. This was causing danger to the life and property of persons residing in such apartments.

3. Therefore, it was necessary to amend the said Act to incorporate the provision for binding the apartment owners to vacate the apartment after approval by the Planning Authority to the proposal of redevelopment, subject to providing alternate temporary accommodation or rent in lieu of such accommodation by the Association of Apartment Owners or developer responsible for the redevelopment. It was also necessary to provide for summary eviction of apartment owners who refuses to vacate the apartment after approval by the Planning Authority to such redevelopment proposal.

It was, therefore, considered expedient to amend the Maharashtra Apartment Ownership Act, 1970, suitably, by inserting a new section 6B therein.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Apartment Ownership Act, 1970, for the purposes aforesaid, the Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 (Mah. Ord. IX of 2023), was promulgated by the Governor of Maharashtra on the 23rd October 2023.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 3rd November, 2023.

ATUL SAVE,
Minister for Housing.

MAHARASHTRA LEGISLATURE SECRETARIAT

[L. A. BILL No. XLVII OF 2023.]

**[A Bill further to amend the Maharashtra
Apartment Ownership Act, 1970.]**

**[SHRI ATUL SAVE,
Minister for Housing.]**

**JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.**