Contents

Certificate

Preface

Acknowledgement

Acknowledgement

Chapter – I

INTRODUCTION

1.0 : Need of Group Housing
1

1.1 : Need of Residence in Towns or Agglomerated Areas
7

1.2 : Government Land for Residential Accommodation
10

1.3 : Relation among members of a Group
14

1.4 : Problems in Housing Project
18

1.5 : Problems in allotment of Garage
23

1.6 : Service and Maintenance Charges
26

1.7 : Letting out
31

1.8 : Transfer of Flat
34

1.9 : Summing up and Objectives
34
Chapter – II

HISTORY OF CO-OPERATIVE HOUSING SOCIETIES AND GROUP HOUSING IN INDIA

2.0 : Genesis of Group Housing Projects 39

2.1: Establishment of National Co-operative Housing Federation 42

2.2 : State Level Co-operative Housing Federation 48

2.3 : District Co-operative Housing Federation 51

2.4 : Housing Schemes for Economically Weaker Sections 53

2.5 : Indira Awas Yojana 54

2.6 : Credit-cum-Subsidy Scheme for Rural Housing 58

2.7 : Samagra Awas Yojana 59

2.8 : Pradhan Mantri Gramodaya Yojana – Gramin Awas 62

2.9 : Housing Institutions 65

Chapter – III

GROUP HOUSING LAWS OF SOME STATES IN INDIA – A REVIEW

3.1 The Maharashtra Co-operative Societies Act, 1960 and its Rules, 1961 73

3.1.1 Definition of Co-operative Housing Society 73
3.1.2 Criteria for Registration of a Co-operative Society including a Co-operative Housing Society
3.1.3 Transfer of Share or Interest on Death of Member
3.1.4 Transfer of Share and Interest of a Member
3.1.5 Who may become members in a Co-operative Society?
3.1.6 Expulsion of Members
3.1.7 Annual General Meeting
3.1.8 Special General Meeting
3.1.9 Dissolution of a Committee and Appointment of Administrator
3.1.10 Removal of Committee or any Member thereof
3.1.11 Appointment, suspension and removal of members of the Committee and other officers
3.1.12 Different notifications under Maharashtra Co-operative Societies Act, 1960 in respect of Co-operative Housing Societies
3.2 The Andhra Pradesh Co-operative Societies Act, 1964 and its Rules, 1964
3.2.1 Types of Co-operative Housing Societies
3.2.2 Criteria for registration of a Co-operative society including a Co-operative Housing Society
3.2.3 Transfer of share or interest vis-à-vis the flat or house of a member
3.2.4 Expulsion of a member of a Co-operative House Building Society
3.2.5 Transfer of share or interest on the death of a member
3.2.6 General Meeting and Committee Meetings
3.2.7 Disqualification for membership of Committee
3.2.8 Super session (dissolution) of the Committee
3.2.9 Directions for the effective and proper functioning of Co-operative Housing Societies in Andhra Pradesh
3.3 Summing up of the Maharashtra Co-operative Societies Act, 1960 and the Andhra Pradesh Co-operative Societies Act, 1964 and Rules under the two Acts and other Co-operative laws in India
3.4 Main Thrust of Model Co-operative Act
3.5 The Tamil Nadu Apartment Ownership Act, 1994
3.5.1 Definitions of Apartment, Flat, Ownership in Apartment Ownership Act
3.5.2 Applicability and Definitions of some important terms in the Tamil Nadu Apartment Ownership Act, 1994
3.5.3 Formation of Society or Association
3.5.4 Administration of the property
3.5.5  Common profits, common expenses etc. 155
3.5.6  Exemption of Stamp Duty and Registration Fee 157
3.5.7  Comments on The Tamil Nadu Apartment Ownership Act, 1994 157
3.6  The Orissa Apartment Ownership Act, 1982 159
3.6.1  Definition of some terms in the Act 160
3.6.2  An Apartment to be transferable and heritable 161
3.6.3  Benamdar treated as real owner 162
3.6.4  Declaration of an instrument, its registration and action of the Competent Authority 163
3.6.5  Formation of Association of Apartment Owners, constitution of bye-laws and functions of Competent Authority 166
3.6.6  Penalties for contravention of provisions of the Act 169
3.6.7  Comments on The Orissa Apartment Ownership Act, 1982 170
3.7  The Kerala Apartment Ownership Act, 1983 173
3.7.1  Objects 173
3.7.2  Definitions of some words 173
3.7.3  Declaration, deed of apartment and copies of floor plans to be registered. 175
3.8  Summing up of Apartment Ownership Acts of several States 177
Chapter – IV

LAWS RELATING TO GROUP HOUSING IN WEST BENGAL: A CASE STUDY

4.1 Introduction

4.2 Laws regarding Group Housing in the West Bengal Cooperative Societies Act, 1983 and the West Bengal Cooperative Societies Rules, 1987

4.2.1 Eligibility for Membership

4.2.2 Functions of Promoters

4.2.3 Procedure of filing application for registration of a Cooperative Housing Society

4.2.4 Contents of the Bye-laws

4.2.5 Duties of the First Board just after registration of a Cooperative Housing Society

4.2.6 Annual General Meeting and Special General Meeting

4.2.7 Allotment of Plots or Houses or Apartments and cost of construction

4.2.8 Conveyance of deed of title in favour of every member

4.2.9 Cessation of Membership

4.2.10 Powers and duties of the Board of Directors of a Cooperative Housing Society
4.2.11 Maintenance, repair and service charge 232
4.2.12 Transfer of ownership of house or flat by a member 239
4.2.13 Letting out of House or Apartment 249
4.2.14 Disposal of land or apartment or house of a member in the event of his death 253
4.2.15 Alteration, addition or repair 265
4.3 Laws regarding Group Housing in the West Bengal Apartment Ownership Act, 1972, Rules 1974 thereunder, Bye-laws, 1974 270
4.3.1 Important terms in the W.B. Apartment Ownership Act, 1972 271
4.3.2 Declaration 282
4.3.3 Amendment of Declaration 286
4.3.4 Constitution of a Board 289
4.3.5 Disqualification for being Manager 293
4.3.6 Officers of Apartment Owners’ Association 295
4.3.7 Control and Supersession 299
4.3.8 Common Expenses 303
4.4 Salient Features of W. B. Building (Regulation of Promotion of Construction and Transfer by Promoters) Act, 1993 308
4.4.1 Adjudication of Disputes 313
4.4.2 Restriction of a Promoter 315

4.5 Summing up of Co-operative Law and Apartment Ownership Law 316

Chapter – V

HOUSING LAWS AND JUDICIARY – AN APPRAISAL

5.1 The High Courts and the Supreme Court in Housing disputes 327

5.2 Some important decisions of the Supreme Court and various High Courts 329

5.3 Consumer Disputes Redressal Agencies and the Supreme Court in housing disputes 350

5.3.1 Consumer court cases in housing disputes 352

5.4 Monopolies and Restrictive Trade Practices Commission and Consumer Court 361

5.4.1 M. R. T. P. Commission cases and Housing disputes 363

5.5 Summing up of forgoing clauses. 366

Chapter – VI

CONCLUDING REMARKS AND OBSERVATIONS

6.1 Proposed amendment is West Bengal Co-operative Societies Act, 1983 and West Bengal Co-operative Societies Rules, 1987 373
6.2 Proposed amendment of West Bengal Apartment Ownership Act, 1972, Rules, 1974 and Bye-Laws, 1974

6.3 Proposed amendment in W.B. Building (Regulation of Promotion of Construction and Transfer by Promoters) Act, 1993 and Rules, 1995

6.4 Summing up

Bibliography