

L. A. BILL No. XLVII OF 2023.

A BILL

further to amend the Maharashtra Apartment Ownership Act, 1970.

(As Passed by the Legislative Assembly on the 8th December, 2023)

(As Passed by the Legislative Council on the 12th December, 2023)

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

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 Maharashtra Apartment Ownership (Amendment) Ordinance, 2023 on the 23rd October 2023 ;

Mah. XV
of 1971.

Mah.
Ord. IX
of 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.

(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 (hereinafter referred to as “ the principal Act ”), the following section shall be inserted, namely :— Mah. XV of 1971.

Summary eviction of apartment owners in certain cases.

“6B. (1) Where the Association of Apartment Owners, after 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 :

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.

(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 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 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.

(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
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 corresponding provisions of the principal Act, as amended by this Act.

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.]

**[As Passed by the Legislative Assembly
on the 8th December, 2023]**

**[As Passed by the Legislative Council
on the 12th December, 2023]**

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