

L. A. BILL No. CVIII OF 2025.

A BILL

further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

(As passed by the Legislative Assembly on the 13th December, 2025.)

(As passed by the Legislative Council on the 13th December, 2025.)

WHEREAS it is expedient further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows :-

1. This Act may be called the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Amendment and Validation) Act, 2025. Short title.

2. After section 1 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (hereinafter referred to as "the principal Act"), the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st May 2016, namely :- Insertion of new section 1A in Mah. XLV of 1963.

Application of
Act.

“1A. This Act shall not apply to the real estate projects to which the Real Estate (Regulation and Development) Act, 2016 is applicable, except 16 of sections 5A, 11A, 13B, 13C, 13D and other provisions relating to the 2016. Competent Authority.”.

Amendment
of section 5A
of Mah. XLV
of 1963.

3. In section 5A of the principal Act, for the word and figures “and 11” the figures, word and letter “, 11 and 11A” shall be substituted and shall be deemed to have been substituted with effect from the 1st May 2016.

Insertion of
new section
11A in Mah.
XLV of 1963.

4. After section 11 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st May 2016, namely :-

Deemed
conveyance.

“11A.(1) Where the promoter of a real estate project which is registered under the Real Estate (Regulation and Development) Act, 2016 16 of fails to execute a registered conveyance deed in favour of the allottee or 2016. the association of allottees under section 17 thereof and sub-rules (2) and (3) of rule 9 of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosure on website) Rules, 2017, then, the allottee or the association of allottees shall be entitled to have a unilateral deemed conveyance executed in their favour similar to the conveyance as provided under the said section 17 and to have it registered and for that purpose, may apply alongwith relevant documents to the Competent Authority as per the procedure specified in sub-section (3) of section 11 of this Act.

(2) The provisions of sub-sections (4) and (5) of section 11 and relevant provisions of unilateral deemed conveyance under this Act shall *mutatis mutandis* apply to such applications for grant of deemed conveyance.”.

Validation
and
savings.

5. Notwithstanding anything contained in any judgement, decree or order of any court or authority to the contrary or anything done or purporting to have been done or any action taken or purporting to have been taken or any proceedings instituted under any provision of the principal Act, before the commencement of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Amendment and Validation) Act, 2025, including any notification, order, notice or circular issued or rules made or deemed conveyance executed and registered, decisions taken, any proceedings instituted or orders passed or directions issued by the Competent Authority or the concerned Registration Officer as per the provisions of the principal Act, shall be deemed to be and shall be deemed always to have been duly and validly issued, made, executed, registered, taken, done or instituted, in accordance with the law as if the provisions of the principal Act, as amended by this Act, had been continuously in force at all material times and accordingly, no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the said principal Act prior to such commencement did not provide for unilateral deemed conveyance in respect of real estate projects registered under the Real Estate (Regulation and Development) Act, 2016.

16 of
2016.

6. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of the principal Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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Maharashtra Ownership Flats
(Regulation of the promotion
of construction, Sale Management
and Transfer) Act, 1963.]**

**[SHRI EKNATH SHINDE,
Deputy Chief Minister (Housing).]**

**[As passed by the Legislative Assembly
on the 13th December, 2025.]**

**[As passed by the Legislative Council on
the 13th December, 2025.]**

**Dr. VILAS ATHAWALE,
Secretary-3,
Maharashtra Legislative Council.**