

AMENDMENT TO MAHARASHTRA APARTMENT OWNERSHIP ACT, 1970

In a move to provide the end consumer a higher level of protection and a better complain redressal system, the Government of Maharashtra, through its Law and Judiciary Department, passed a Resolution which was published in the Government Gazette on 15th September, 2020, whereby it has sought to amend certain provisions of the Maharashtra Apartment Ownership Act, 1970 (“MAOA”).

Key provisions of the Maharashtra Apartment Ownership (Amendment) Act, 2020, are set out below:

- (i) The definitions of “Co-operative Court” and “Registrar” under section 3 of the MAOA, now include within their scope, a Co-Operative Court and Registrar as appointed under the Maharashtra Co-operative Societies Act, 1960, respectively.
- (ii) A new Section 12A has been inserted, which permits the apartment owners to change or amend the contents of the Declaration or Deed of Apartments, by a majority resolution that may be passed in a special meeting of the Association of Apartment Owners.
- (iii) New Section 16A provides for an aggrieved apartment owner to file a complaint with the Registrar (definition changed as mentioned above), with respect to any violation or contravention of the provisions of MAOA or the rules made thereunder. This Section further requires the Registrar to dispose of such complaint within a period of 30 (thirty) days from the date of receipt thereof.
- (iv) New Section 16B (and the sub-sections thereof), permit any person aggrieved by the direction or order or decision of the Registrar, to file an appeal before the Co-operative Court, within 60 (sixty) days of receipt of such direction or order. It requires the appellate authority to give the parties a reasonable opportunity of being heard and dispose of the appeal within 90 (ninety) days from the date of receipt of such appeal.

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