
***UTTAR PRADESH APARTMENT
(PROMOTION OF CONSTRUCTION,
OWNERSHIP & MAINTENANCE) ACT, 2010***

***INTRODUCTION & RELEVANT PROVISIONS
FOR REAL ESTATE AGENTS***

CONTENTS

- 01. Apartment - Definition**
- 02. U.P. Apartment Act, 2010: Objectives**
- 03. Duties of Promoters**
- 04. Rights of Apartment Owners**
- 05. Ownership & Transfer of Apartments**
- 06. Maintenance of Apartment and Common Areas**
- 07. Role of Real Estate Agents**



“APARTMENT”

Section 9. Registration of real estate agents.— (1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, **APARTMENT** or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.

Section 10. Functions of real estate agents.— Every real estate agent registered under section 9 shall—

...

(d) facilitate the possession of all the information and documents, as the allottee, is entitled to, at the time of booking of any plot, **APARTMENT** or building, as the case may be;

Definition as per RERA Act

“**Apartment**” whether called block, chamber, dwelling unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified; (**Section 2 (e)**)

UTTAR PRADESH APARTMENT (PROMOTION OF CONSTRUCTION, OWNERSHIP & MAINTENANCE) ACT, 2010

- Regulates the construction, sale, and maintenance of apartments and buildings in Uttar Pradesh.
- Aims to protect the rights of apartment buyers, ensure transparency in real estate transactions, and outline the responsibilities of developers, promoters, and real estate agents.
- Applies to all buildings having four or more apartments in any building constructed or converted into apartment and land attached to the apartment, whether freehold or held on lease **excluding shopping malls and multiplexes and commercial complexes which are being maintained as a single unit by promoter/maintenance agency.**

(Section 2)

OBJECTIVES OF THE ACT

- To solve the problem of rising urban population and cater to its housing needs
 - Regulate land use properly for agricultural and residential purposes
 - Promotion of Group Housing Projects
-

Definition as per U.P. Apartment Act

‘Apartment’ means a part of any property, intended for any type of independent use, including enclosed spaces located on one or more floors or any part or parts thereof, in a building to be used for residential or official purposes or for the purpose of practicing any profession, or for carrying on any occupation, trade or business (excluding shopping malls, multiplexes and commercial complexes which are maintained as single unit by the promoter or the maintenance agency) or for such other use as may be prescribed, and with a direct exit to a public street, road or to a common area leading to such street, road and includes any Parking space, or room (whether or not adjacent to the building in which such apartment is located) provided by the promoter for use by the owner of such apartment for parking or, as the case may be, for the residence of any domestic aide employed in such apartment]; **(Section 3 (b))**

**U.P.
APARTMENT
ACT**

```
graph TD; A((U.P. APARTMENT ACT)) --> B[DUTIES & LIABILITIES OF PROMOTERS (SECTION-4)]; A --> C[RIGHTS OF APARTMENT OWNERS (SECTION-5)];
```

**DUTIES &
LIABILITIES OF
PROMOTERS
(SECTION-4)**

**RIGHTS OF
APARTMENT
OWNERS
(SECTION-5)**

DUTIES OF PROMOTERS

- To register the real-estate project with RERA before selling or advertising it
 - To make full disclosure regarding:
 - Title documents
 - Approved plans
 - Details of common areas & facilities as per layout plans
 - Other amenities
-

DUTIES OF PROMOTERS (contd.)

- To execute a formal Agreement for Sale (BBA) with the allottee/purchaser
 - To specify:
 - Proposed completion date
 - Penalty to be paid for delay (both by promoter and purchaser)
-

DUTIES OF PROMOTERS (contd.)

- Transfer apartment only after obtaining Completion Certificate (C.C.)
 - To not make any alteration in structure without permission on sanctioning Authority
 - Maintain common areas and facilities till Association of Apartment Owners is formed.
-



RIGHTS OF APARTMENT OWNERS

- Timely possession
 - Share in common areas and facilities
 - Common to remain undivided
 - Right to project information such as layout plans & completion schedules
 - Compensation for delayed possession
-

OWNERSHIP & TRANSFER OF APARTMENT

- Through Registered conveyance deed only
(sale-deed/lease-deed)
 - Only after Completion Certificate / Occupancy Certificate is obtained
 - Promoters must facilitate formation of Apartment Owners' Association (AOA)
-



MAINTENANCE OF APARTMENT & COMMON AREAS

- To be done by promoter until AOA takes over
 - Maintenance must be handed over to AOA only after a majority of apartments are sold
-

MAINTENANCE OF APARTMENT & COMMON AREAS (contd.)

- Promoter to charge maintenance charges as per rules
 - Promoter must pay all outgoings (taxes, charges, etc.) before handing over
-



ROLE OF REAL ESTATE AGENTS

- Title verification of apartments
 - Due diligence (Encumbrance, Mortgage, etc.)
 - Facilitate in execution of BBA / Agreement for Sale
 - Ensure that the project they are involved in meets compliances
 - Ensure that buyers' rights are protected
-

CONCLUSION

Real estate agents are the link between the promoters and allottees, they ensure that transparency is maintained throughout the transaction and also ensure that the compliances are done.



THANK YOU!
