

**To determined the documents in
view of to remove the difficulties
in Deemed Conveyance**

**Government of Maharashtra
Housing Department
Government Resolution No. Misc. 2016/Pra.Kra.1/Du & Pu-2
Mantralaya, Mumbai - 400 032
Date:-14th June, 2016**

Read:-

- 1) Govt. Resolution No: Maharashtra Act No. 4 published on dt. 25-02-2016
- 2) Govt. Resolution No: Mahas 2008/Pra.Kra. 24/Part-2/Du & Pu-2, dt. 25-02-2011
- 3) Govt. Resolution No: Circular of Revenue and Forest Department No. Mudrank 2012/1046/Pra Kra 294/M-1

Introduction:-

It is binding on the developer to execute Conveyance Deed of title, ownership rights and interest in the land and building on it in the name of Concerned Co-operative Society under section 11 of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963. Despite this large number of Co-operative Housing Societies did not get conveyance letter after so many years. While seeing the evading tendency of the developer regarding giving conveyance of ownership rights and interest in the name of the society, the Government has decided to implement the concept of Deemed Conveyance. In view of to give impetus to the Deemed Conveyance, the act suggesting the amendment to the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, management and Transfer) Act, 1963 was published in the Gazette dt. 25-02-2008. In view of effective implementation of the amendments made in the Act, collateral amendments made in the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Rules, 1964. Incidental to the amendments made in the said Act, the Government Resolution was issued on dt. 25th February, 2011. To remove the difficulties in Deemed Conveyance, a Committee under the Chairmanship of Principle Secretary (Housing) and Comprising Secretaries of Urban Development, Revenue, Assistance & Rehabilitation and Co-operation Department was formed under the Government Resolution dt. 29-03-2016. The said committee has approved the report with some amendments submitted by the Committee appointed on 23-07-2015 under the Commissioner, Co-operation and Registrar. Incidental to the recommendation related to the Housing Department of the said committee, the revised order is issued as below.

Government Resolution:-

Hereinbefore the list of documents to be attached with the application of Deemed Conveyance was fixed under Government Resolution No. Mahas-2008/Pra. Kra. 24/Part-2/Du & Pu-2, dt. 25-02-2011. The number of documents to be submitted by the applicant society with application was 12 in this Government Resolution. And it was mentioned in the

Government Resolution that out of it as far as possible documents should be submitted. Instead of that the decision has been taken that following documents shall be necessary with the Deemed Conveyance Application.

1. Application in Form 7 of the Rules of MOFA Law for Deemed Conveyance.
2. Copy of the Co-operative Housing Society's Registration Certificate/Company Registration Certificate/Deed of Declaration.
3. Extract Copy of Survey, 7/12 of the sanctioned layout or copies of the property card within three months.
4. A Copy of the Sale Agreement of every member or Index 2 or proof of the ownership right of the flat e.g. Succession Certificate, Decree of the Court or Will etc.
5. Legal Notice Serve to the Promoter under the Maharashtra Apartments Act 1970 by the Co-operative Housing Society for giving conveyance.
6. List of all legal flat owners in the society.
7. Construction Completion Certificate Certified by the Planning Authority.
8. If there are entries like type of controlled power, new indivisible condition or occupant class 2 on 7/12 extract or on property card then the copy of the permission order for land transfer or for Non-agriculture purposes issued by the Competent Authority (If applicable).

Similarly while submitting Deemed Conveyance application to the Dy. Registrar, Co-operative Societies, One Copy of the application should be submitted to the Stamp and Registration Office, so that, the process of Deemed Conveyance will be faster.

The concerned department like Revenue and Forest Department, Urban Development Department and Co-operation, Marketing and Textile Department should issue the Government Resolution related to their department immediately incidental to the recommendations submitted by the committee appointed on dt. 23-07-2015 regarding Deemed Conveyance under the Commissioner, Co-operation and Registration.

The said Govt. Resolution is available on Govt. Website www.maharashtra.gov.in its code is 201606141510258609. This order is issued by digital sign.

In the name and order of the Governor of Maharashtra.

Sd/-
(Jayant Wani)
Section Officer, Govt. of Maharashtra