



htestates

LAW BOOK

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I have invested in an under-construction apartment in a project in Gurgaon. At the time the builder handed over possession to me, I discovered that the super area of the apartment was reduced from what was agreed. I have already paid the total consideration towards the flat. What legal help do I need?

— Shantanu

If the sale price charged from you was on the basis of super area and admittedly the super area has been reduced, then you are entitled to excess consideration that you have paid. If the developer refuses to refund, you can approach consumer forum or civil court for recovery.

My friend and I have mutually agreed to exchange property in Delhi. We shall be executing an exchange deed in respect of the same. Does the deed have to be registered? What is the stamp value for the same?

— Ruchi

As per the applicable law, since exchange of properties through an exchange deed results in transfer of rights, title and interest in property by one party in favour of the other party, an exchange deed should be duly stamped and registered.

The stamp duty payable on the deed is the same duty as conveyance for a consideration, equal to the value of the property of the greatest value or circle rate of the property of the greatest value as set forth in exchange deed.

Is it mandatory to obtain NOC from my co-operative housing

society in Delhi to sell a flat? The president of my society says I have to do so.

— Jatin

As per the applicable law, a notice of your intention to sell the flat should be given to the management committee of the co-operative housing society in the requisite form. On receipt of such notice the committee of the co-operative housing society shall give its consent to you within 15 days, failing which the consent is deemed to have been granted.

I am a member residing in a cooperative group housing society. What is the procedure for calling a special general body meeting by a member residing in a such a society in Delhi, a person who is not a member of the managing committee?

— Rakesh

As per the Delhi Cooperative Societies Act, 2003, in order to convene a special general body meeting a requisition in writing may be made to the management committee of the cooperative housing society by one-fifth members out of the total members in a cooperative housing society. The management committee shall thereafter call the meeting within 30 days from the receipt of requisition in writing.

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