

Troubled by leakage from your neighbour's apartment?

Delhi Co-op Societies Act requires housing society managements to inspect, within 15 days, the units from where problems have been reported

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In the previous two columns, we have discussed issues such as transfer of membership in a cooperative housing society, duties and responsibilities of the management committee of a housing society towards maintenance of common areas, and facilities in a housing society complex. This week, we will discuss the remedial measures available to a member if he is facing problems due to his neighbours.

Many times, the occupants of flats in a housing society face problems relating to maintenance, seepage, damage or other problems due to construction/renovation carried out by other members in their flat which may obstruct their right to freely enjoy and inhabit their property.

Often, these issues escalate into disputes which lead to the affected parties approaching the courts for a resolution. Not many people know that the Delhi Cooperative Societies Act, 2003 (Act) and Delhi Cooperative Rule, 2007 (Rules) framed thereunder provides solution to these problems faced by occupants.

The occupant affected by

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water seepage can make a representation of the problem to the management committee of the housing society, which then is required to carry out inspection of the apartment within 15 days from the receipt of the complaint.

In cases where the management committee thinks that the complaint by the affected member is verified, it has to advise the concerned member against whom the complaint has been made, to immediately take corrective steps.

In case no action is taken by the concerned member within seven days to rectify such a problem and remedy the defect, the management committee is required to initiate appropriate action for getting the defect removed, and if necessary, seek police assistance for the same.

The management committee can approach the concerned registrar for recovery of the amount incurred thereon as arrears of land revenue from the concerned member who has carried out internal changes.

A similar problem came

up before the High Court of Delhi in the matter of Parwana Cooperative Group Housing Society Vs the registrar, Delhi Cooperative Tribunal. In this case the complainant had approached the management committee seeking rectification of seepage in his flat emanating from the unit located above his apartment.

The management committee did not take any steps to resolve the problem. The complainant approached the concerned registrar for adjudication. The arbitrator allowed the claim of the complainant and passed an award against the management committee of the society, directing it to fulfill its obligation and get the terrace repaired, with costs paid by the society. The award of the arbitrator also provided that costs incurred by the affected member due to the problem be paid by the management committee and the member in default. The award of the arbitrator was upheld by the High Court of Delhi.

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