

Don't go in for risky investments

Before investing in an unauthorised property you must find out if the building has been regularised and if it complies with byelaws and safety norms

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Delhi has numerous unauthorised buildings/projects. Buyers looking to invest their hard-earned money in immovable property located in Delhi should stay away from such projects.

Ideally, construction of any immovable property should be carried out as per the Delhi Building byelaws, sanctioned building plans, structural safety norms and fire safety norms. Any portion of a property which has been constructed in deviation of sanctioned building plans is treated as unauthorised construction by the municipal corporations. As per the terms of the Delhi Building byelaws, certain limits are prescribed wherein unauthorised construction may be regularised by paying an appropriate fee. If the construction is not regularised by payment of an appropriate charge, the unauthorised portion may be demolished or sealed by the corporation.

It is a common misconception that registration of document or

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instrument pertaining to transfer of an immovable property means that the unauthorised construction (if any) in the building is regularised. In this regard, the Department of Revenue, Government of NCT of Delhi in April issued a clarification order dated March 13 this year. Prior to the latest clarification by virtue of order dated March 30, 2011, the department banned the registration of all transactions in respect of structures that were unsupported with sanctioned building plans or where such sanctioned plans revealed major structural deviations. The vendor and vendee were also required to furnish a certificate of structural safety issued by the competent authority.

Subsequently, the department vide order dated April 26, 2011, clarified that transactions in respect of properties that were declared and booked as unauthorised construction with effect

from April 26, 2011, would not be registered and details of such properties would be put on the websites of MCD, DDA, NDMC and Delhi Cantonment Board.

Now the department has withdrawn both the earlier orders dated April 26, 2011, and March 30, 2011 and ordered the municipal corporations to continue to take necessary action under building byelaws and structural safety norms against unauthorised construction and unsafe buildings. It has also put an obligation on the sub-registrars to use the details of all booked properties provided by the municipal corporations of Delhi and to mention the fact wherever applicable that the building is unsafe or has unauthorised construction at the time of registration of transactions relating to immovable property. The department also clarified that registration of transactions relating to immovable property per se, shall not debar any action by the corporation to enforce provisions of any law, such as building byelaws / structural safety norms, and that timely action against unauthorised construction/ unsafe buildings shall continue to



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be taken by the law enforcement agencies/authorities as per law.

Therefore, registration of document/instrument contemplating a transaction pertaining to the immovable property does not give any sanction with regard to its construction and does not automatically mean that the property has been regularised. It is upon the buyers to

check and confirm before they go for execution and registration of the sale deed, if the building or structure being purchased has been regularised, is unauthorised and whether it complies with the building byelaws and structural safety norms.

The buyers have to be alert before making the purchase of the immovable property bear-

ing in mind all the risks associated with the property.

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