

Long wait ahead for homebuyers

Despite the eco-sensitive zone around Noida's Okhla Bird Sanctuary getting notified, homebuyers are still waiting to get possession as developers of many projects have not acquired completion certificates

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LEGAL REMEDIES

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The notification of ministry of environment, forest and climate change (MoEFCC) on August 19, 2015, notified that the eco-sensitive zone around Okhla Bird Sanctuary was to be 100 metres from the eastern, western and southern boundary of the Okhla Bird Sanctuary and 1.27 kilometres from the northern boundary of the Sanctuary.

Earlier, the National Green Tribunal (NGT) had directed authorities not to issue completion certificates for construction projects within a 10-kilometre radius around the sanctuary even where construction was complete, till the boundary of the eco-sensitive zone was noti-

fied by the government. Due to this, apartments located within 10-kilometre radius of the Okhla bird sanctuary have not yet been handed over to allottees due to non-issuance of completion certificates, despite construction of these apartments being complete. This notification gave respite to many flat owners who had booked apartments in these residential complexes and were waiting to receive possession.

As per the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010, in order to transfer an apartment, a completion certificate has to be obtained by the builder/developer and further possession cannot be handed over without executing an appropriate transfer deed which has to be duly registered.

In furtherance of this legal requirement, Noida Authority in its recent statement had clarified that the builders/developers had to comply with the provisions of the Act and the rules framed

thereunder before handing over possession to the allottees.

Since the land in Noida had been allotted to builders/ developers on perpetual lease or long-term lease basis, they needed to comply with the terms of their respective lease deeds. As per the statements of the Noida Authority, in order to receive a completion certificate, the builders/developers had to clear all their dues pertaining to their respective land parcel. Further, in case the builders had made any changes or deviated from the project's layout plans, they would have to obtain a no-objection/ consent from the allottees. Therefore, to apply for a completion certificate, the builders should have cleared all dues pertaining to their land parcels and obtained no objections from each of the allottees, if applicable.

Thus, completion certificate would be issued by the appropriate authority only after the builders/developers, whose residential complexes are located



Builders should focus on clearing all their dues for getting completion certificates

outside the eco sensitive zone, have complied with the above stated conditions.

Upon obtaining the requisite completion certificates, the builders/developers can proceed with executing transfer/conveyance deeds and handing over possession to the allottees.

After the MoEFCC notification, the general public assumed that the possession of their

apartments will be handed over.

However, even if the residential complex is no longer within the purview of the eco-sensitive zone around Okhla Bird Sanctuary, due legal process is required to be followed by the builders/developers.

Prior to handing over possession, a completion certificate for the project is a legal necessity and for that the requirements

under the Act need to be complied with.

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