



## LAW BOOK

Sunil Tyagi

I have booked an apartment in a project in Noida developed by a reputed builder. We came to know that the builder is planning to build additional floors/towers in the same project. Can he do so?

– Ankit Sharma

As per the Uttar Pradesh Apartment Ownership Act, 2010 and rules framed thereunder, the builder/developer cannot make changes to the building plan of the project without taking prior consent of the allottees of the apartment units. For the additional floors/towers to be built/constructed, prior consent is required from you and all the other allottees.

I have purchased a flat of 1,100 sq ft in a residential complex being constructed in Greater Noida. The builder has included lease rent payable to the authority in the basic selling price under the construction-linked payment plan. Can he charge the lease rent amount from the allottees?

– Ritesh Singh

Generally, as per the lease deed executed between the authority and builder, the builder is required to pay a certain lease rent to the authority for the entire plot on which the group housing project is being developed. This lease rent

is an expense incurred by the builder and he may recover it pro-rata from the allottees.

My son and daughter in-law recently separated and are going through divorce proceedings. As a married couple they did not stay with us (my wife and me) in my house. Now, our daughter-in-law is claiming that she has a right in my house and she wants to live here after the divorce. Can she claim a right to live in my house after divorcing my son?

– Arun Sethi

The daughter-in-law is only entitled to claim a right to residence in a shared household from your son. A 'shared household' would mean the house belonging to or taken on rent by the husband or the joint properties in which the husband has a share. Your daughter-in-law cannot assert her rights in your property wherein your son, ie her husband has no rights, title or interest.

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