



htestates

LAW BOOK

Sunil Tyagi

I own an apartment in Ghaziabad. I was unable to pay the common expenses for my apartment to the Association of Apartments for about two months and they have now (after giving me a notice) passed a resolution in the general body meeting threatening to cut water supply to my apartment. What remedy do I have?

—Shagun Makhija

Under the Uttar Pradesh Apartment Ownership Act, 2010, the General Body of the Association of Apartments can pass a resolution to curtail or reduce any essential supply to an apartment only if the common expenses remain unpaid for a period of six months or more. To ensure your water supply is not curtailed you need to make sure that the payment of common expenses does not remain pending for more than six months.

I purchased a house in which already some tenants reside. I want the tenancy to continue and to collect rent from the tenant as the new landlord. However, the seller is the previous landlord refuses to let me collect the rent and has asked the tenants to make the rent to him directly. What right do I have?

—Shobhit Phukan

Under the Transfer of Property Act, 1882, upon execution of a sale, the

rights of the seller get transferred to the buyer. Assuming the sale deed between the seller and you does not stipulate to the contrary, you should have all the rights towards the house, including the right to collect the rents from the period since you became the owner of the house. In case the tenant and the previous owner create some hindrance, you can approach the appropriate court to enforce your rights.

I am a non-resident Indian and want to purchase a flat in Noida with my friend who is an Australian citizen as a second holder, can I do so?

—Smita Byas

A non-resident Indian/person of Indian origin (NRI/PIO) cannot purchase property in India wherein the second holder is a foreign national not being a PIO. In case your friend is a PIO then he/she can be the second holder in the property.

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