

**htestates****LAW BOOK**

Sunil Tyagi

My son is a Person of Indian Origin (PIO) and is married to a foreign national of non-Indian origin. Both are currently residing in USA. Can I gift an apartment in India to both of them?

- Sharad Kapoor

As per the circular issued by the Reserve Bank of India, and relevant FEMA (Foreign Exchange Management Act) regulations, you may gift an immoveable property in India (not being agricultural land, plantation property or a farm house) in favour of a PIO. However, it is not permissible for you to make a gift of an immoveable property, in part or whole, in favour of a foreign national residing outside India unless you obtain a prior permission from the RBI.

I am an allottee of an apartment in a project which is situated in the vicinity of the Okhla Bird Sanctuary. The construction of the building is complete but completion certificate has not been obtained by the developer. By when will completion certificates of projects situated in this area be issued?

- Sunil Nautiyal

It is difficult to predict the timelines for issuance of completion certificates for projects that are situated within a 10-kilometre radius of the Okhla Bird Sanctuary, as the matter

of demarcation of the eco-sensitive zone around Okhla Bird Sanctuary is sub-judice. As per orders passed by the National Green Tribunal (NGT), till such time clearance of the National Board of Wildlife is obtained for projects falling within the eco-sensitive zone as may be prescribed in the notification issued by the Ministry of Environment and Forest (MoEF), completion certificates to such projects would not be issued.

I had purchased a flat last year, but wish to challenge the validity of the sale deed on grounds of fraud by the seller. What legal recourse do I have? How will court fees be computed?

- Arunava Chatterjee

You may seek the relief of cancellation and annulment of the sale deed in a civil court under whose jurisdiction this particular property is situated. The amount of court fee will depend on the total value of the immoveable property set out in the sale deed.

The author is a senior partner at Zeus Law, a corporate commercial law firm. One of its areas of specialisations is real estate transactional and litigation work. If you have any queries, email us at h-testates@hindustantimes.com or ht@zeusfirm.in

