

**htestates****LAW BOOK**

Sunil Tyagi

I am a member in a cooperative group housing society in Delhi where the apartments are yet to be allotted. Recently, my father passed away and I have inherited his residential property located in Delhi measuring 200 square metres. The society is threatening to disqualify me from membership as I own another residential property in Delhi. Can I be disqualified from membership?

—Jagan Mishra

In your case, you cannot be disqualified from the membership, since Section 87 of the Delhi Cooperative Societies Act 2003 provides an exception that if the property in question is inherited during the pendency of the allotment of flat/apartment in the cooperative group housing society, such a member cannot be disqualified.

I own a plot of land in Ghaziabad and have entered into discussions with a builder for construction, wherein he will keep one flat as consideration and I will retain the three other flats. The builder wants to enter into a collaboration agreement and is saying that there is no stamp duty requirement on the same. Please advise.

—Snehil Gupta

For agreements such as yours, relating to the construction of a building on a land by a person other than the owner, ie a builder and providing that after construction, such a building shall be held jointly or severally by the builder and the owner or that it or a part thereof, shall be sold jointly or severally by them, the stamp duty is applicable in Uttar Pradesh as per Article 5 of the Uttar Pradesh Stamp Act on the amount of consideration, as set forth in the agreement or the market value of the immovable property which is the subject of such agreement,

whichever is greater.

I am residing in Delhi and have entered into an agreement for sale of my flat in a group housing society in Delhi. I want to get this agreement registered. What documents will be required to be presented along with the agreement, to the sub-registrar?

—Harish Sharma

You need to take the following documents along with two copies of the agreement:

- Two passport sized photographs each of seller and purchaser.
- Two witnesses.
- Proof of identification of seller, purchaser and witnesses i.e. AADHAR card, election identity card, passport, identity card issued by government of India, semi-government, and autonomous bodies or an identification by a gazetted officer.
- In case the flat is/was under a lease from DDA, L&DO, MCD, industrial department, labour department of Delhi Government etc., permission of lessor for registration of document is required.

Pursuant to the clarification issued by the revenue department of Delhi, you are required to annex a site plan of the property with the agreement and the sub-registrar may also demand AADHAR card/enrollment slip for the purpose of identification of the parties.

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