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**Un-starred Question No.89**

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**REGULATIONS TO TRANSFER MAINTENANCE TO RWAs**

**89. SH. RAKESH DAULTABAD, MLA (BADSHAHPUR).**

Will the Chief Minister be pleased to state:-

1. Whether there is any plan to introduce regulation that compels the builder to transfer maintenance of the property to RWAs of Societies;
2. The regulations under which the RWAs in the Gurugram district are registered and recognized?
3. Whether the RWAs are recognized by the Haryana Government as representatives of residents of the Society; and
4. Whether there is any provision to permit only one RWA to one Society?

**Reply:-**

**Dushyant Chautala, Deputy Chief Minister, Haryana.**

1. Sir, there is no separate plan to introduce regulation compelling builders to transfer maintenance of property to RWAs of Societies and colonies. Regarding the plan and date to introduce regulation that compels the builder to transfer maintenance of the property to RWAs of Societies/Colonies, it is submitted that such a provision is in-built in the Haryana Apartment Ownership Act, 1983 and Bilateral Agreement of Group Housing Colonies and Residential Plotted colonies respectively.

As per Clause 10 of Bilateral Agreement *i.e.* LC-IV-B for Residential Plotted Colonies, *“the owner shall be responsible for the maintenance and up-keep of all roads, open spaces, public parks, public health services for five years from the date of issue of the completion certificate under Rule 16 unless earlier relieved of this responsibility, at which the owner shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be.”*

Further, in case of Residential Group Housing Colonies, Integrated Commercial Complexes, Flatted Factories, Information Technology Industrial Unit, Cyber Park and Cyber City, the owner of such property/building shall execute and get registered a Deed of Declaration (DoD) within a period of ninety days as required under Section 2 of the Haryana Apartment Ownership Act, 1983 after obtaining part completion/completion certificate under the provisions of Haryana Development and Regulation of Urban Areas Act, 1975 (Act No. 8 of 1975) and Rules framed thereunder, or occupation certificate under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 ( Act No. 41 of 1963) and Rules framed thereunder, whichever is earlier.

In this regard, instructions regarding constitution of condominium Association stand issued vide Director General, Town and Country Planning, Haryana, Chandigarh memo No.PF-40B/ JE (BR)/ 2012/20310-311 dated 10.10.2012 that the Colonizer, as defined in Haryana Development and Regulation of Urban Areas Act, 1975, shall transfer the Administration of the Condominium to the Association immediately after the grant of Part Occupation Certificate/ Occupation Certificate/Part Completion Certificate/ Completion Certificate for that part of Group Housing Colony and Common Areas for which the Occupation Certificate stands granted by the Department even though the case of completion certificate is pending with the Department.

1. RWAs are registered in terms of section 6(x) of the Haryana Registration and Regulation of Societies Act, 2012 with the District Registrar in the concerned district. Section 6(x) of the HRRS Act, 2012 is reproduced below:-

***“6(x). formation of associations of flats or tenement or condominium or floor space owners pursuant to the requirements as laid down under the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983) or a welfare organization formed for housing projects or a resident welfare organization for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area.”***

1. Yes, the RWAs are registered at the level of concerned District Registrar in the district under section 6(x) of the Haryana Registration and Regulation of Societies Act, 2012. Section 6(x) of the HRRS Act, 2012 is reproduced below:-

***“6(x). formation of associations of flats or tenement or condominium or floor space owners pursuant to the requirements as laid down under the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983) or a welfare organization formed for housing projects or a resident welfare organization for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area.”***

1. No, there is no such provision in the Haryana Registration and Regulation of Societies Act, 2012. However, it is defined in section 6(x) of the HRRS Act, 2012, which is reproduced as under:-

 ***“6(x). formation of associations of flats or tenement or condominium or floor space owners pursuant to the requirements as laid down under the Haryana Apartment Ownership Act, 1983 (Act 10 of 1983) or a welfare organization formed for housing projects or a resident welfare organization for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area.”***

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