

Estate Management, Sale, Transfer and Exchange of Tenements regulations, 1981.

Important Regulations

TRANSFER OF TENEMENTS

Transfer of tenements: - If any allottee dies, or, in the course of his service or employment, is transferred, or secures or intends to secure another accommodation or leaves the place within the jurisdiction of the local Authority in which the tenement is located for reasons not known to him or anticipated by him [prior to the allotment of the tenement or desires to transfer the tenement to any other member of his family,] his tenement during the currency of the tenancy under regulation 20, may be permitted by the Chief Officer to be transferred in the name of any other member of his family: provided that such member

*[-----] undertakes to abide by the provisions of these regulations.

+Submitted for the words "prior to the allotment" by notification no. MH/EMR/1089/1641/EM-# dated 15/06/1989.

*The words "is eligible for allotment of the tenement under the scheme and" deleted by notification no. MH/EMR/1080/11808/EM-9 dated 20/11/1982.

Prohibition against transfer of tenement

1. No allottee shall, during the currency of the tenancy under Regulation 20, transfer any tenement

allotted to him except with the previous permission in writing of the Board and also of the housing society or the company, if such a society or company has already been formed and registered.

+ [It shall be open to the Board to refuse the permission or to grant the same subject to such condition including a condition regarding the payment of portion of the unearned increase in the value of the tenement not exceeding fifty per cent of such increase as the Authority may, in its absolute discretion but subject to the other provisions of this Regulation, think fit.]

2. The housing society or the company may give permission to transfer any tenement, if-

(a) 1. A period of five years has elapsed from the date of allotment of tenement under Regulation 20 to the allottee;

2. in the case of tenements falling in the housing schemes formulated for

persons belonging to the Economically Weaker Section or the Low Income Group

or the Middle Income Group, the transferee falls within any of the
aforementioned groups;

3. in the case of tenements falling in the housing schemes formulated for
persons belonging to High Income Group, the transferee falls within the
same income group;

(b) the transferee has paid all the dues to the Board on behalf of the Authority.

3. If any allottee transfers any tenements in contravention of the provisions of clause (1)
or clause (2)

(a) the Board may declare such transfer to be invalid and to be of no effect, and the
transfer

made in favour of the transferee shall stand cancelled;

(b) the transferee shall be deemed to be in unauthorised occupation of the tenement
and may be evicted therefrom under Chapter VI of the Act Provided that no such
declaration shall be made unless the transferee has been given an opportunity to
submit his explanation in writing to the Board; and

(c) the Authority shall refund the amount paid by the allottee without any interest after
deducting an amount equal to rent for the period during which the tenement
was occupied by the allottee.

Explanation: -

In this clause "rent" means "economic rent" as determined by the Board.

*Substituted by notification no. MH/EMR/1083/8474/EM-9 dated 27/11/1984.

+Added by above notification.

+ [25-A Part not to apply to commercial tenements:- The provisions of this part shall not
apply to commercial tenements.]

+Inserted by notification no. MH/EMR/1080/11808/EM-9 dated 20/11/1982.