

FORMS

Form A

Declaration under section 2, read with section 10 of the West Bengal Apartment Ownership Act, 1972.

[See sub-rule (1) of rule 3 and sub-rule (1) of rule 5]

1. In pursuance of section 2 of the West Bengal Apartment Ownership Act, 1972, read with sub-section (1) of section 10 of the Act, I/We..... hereby declare that I/We am/ are the owner/owners of the property situated at..... city /town/village..... in the district..... and do hereby further declare that I/We submit the said property comprising a building or buildings..... containing apartment, together with the common areas and facilities, mainly meant for residential purpose to the provisions of the West Bengal Apartment Ownership Act, 1972 (West Bengal Act XVI of 1972) and all amendments thereto.

Authenticated copies of the building plan and site plan, prepared by..... and sanctioned by..... are appended herewith and marked respectively as Annexure "A" and "B". The relevant title deed is also appended herewith and marked Annexure "C".

2. I/We.....do hereby furnish further the following particulars as required under sub-section (1) of section 10 of the said Act :—

A. Description of the property—

- (i) Area and description of the land upon which the building/buildings is/are constructed :
- (ii) Area and description of the building/buildings : Building No.....
 - (a) Total plinth area :
 - (b) Number of storeys :
 - (c) Number of apartments :
 - (d) Other particulars, if any :
- (iii) Area and description of common areas and facilities :
 - (a) Lawn, Parks, etc.
 - (b) Road, Pathways :
 - (c) Other common areas, if any :
 - (d) Water supply arrangements :
 - (e) Street light within the property :
 - (f) Internal drainage :
 - (g) Other common facilities, if any :
- (iv) Description of the limited common areas and facilities, if any stating to which apartments their use is reserved :
- (v) Value of the property :
- (vi) Nature of interest of the owner/owners in the property :
- (vii) Existing encumbrances, if any, affecting the property :

(B) Description of common areas and facilities in respect of each building—

- (a) Foundation and main wall of the building/buildings :
- (b) Stairway :
- (c) Water Tank :
- (d) Plumbing network :
- (e) Electric wiring network :
- (f) Other common areas :

(C) Description of each apartment or each building — Apartment No..... or Building No.....

- (a) Location :
- (b) Approximate area :
- (c) Number of rooms :
- (d) Immediate common area to which it has access :
- (e) Any other information necessary for its proper identification:
- (f) Value of the apartment :

(D) Percentage of individual interest in the common areas and facilities appertaining to each apartment and its owner for all purposes including voting :

(E) Other particulars, if any :

3. I/Wedo hereby further declare, covenant and undertake as follows—

- (i) that each apartment constitutes a single residential unit, transferable and heritable as such, but shall not be partitioned or subdivided for any purpose, whatsoever;
- (ii) that each apartment owner, present or future, shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the Declaration and appurtenant to such apartment;
- (iii) that the common areas and facilities, general or restricted, shall remain undivided and that no owner shall bring any action for partition or division thereof so long as the property remains submitted to the provisions of the said Act ;
- (iv) that the percentage of the undivided interest in the general or restricted common areas and facilities, as expressed in the Declaration, shall not be altered except with the consent of all the apartment owners expressed in an amended Declaration duly executed and registered as provided in the said Act ;
- (v) that during the period the property remains subject to the said Act, no encumbrance of any nature shall be created against the property, though such an encumbrance may be created only against each apartment and the percentage of undivided interest in the common areas and facilities appurtenant to such apartment, in the same manner as in relation to any other separate parcel of property subject to individual ownership ;
- (vi) that the percentage of the undivided interest in the common areas and facilities shall not be separated from the apartment to which it appertains and shall be deemed to be conveyed or encumbered with the apartment even though such interest is not expressly mentioned in the conveyance or other instrument;
- (vii) that no apartment owner shall do anything which would be prejudicial to the soundness and safety of the property or reduce the value thereof or impair any easement or hereditament or shall add any material structure or excavate any additional basement or cellar ;
- (viii) that no apartment owner shall sell, otherwise transfer or rent out his apartment for any purpose other than residential ; and
- (ix) that for the proper and effective administration of the property and for the due maintenance, repair and replacement of the common areas and facilities the apartment owners shall strictly comply with the provisions of the said Act and the bye-laws made thereunder and shall pay their share or common expenses as assessed by the Association of Apartment Owners, and that the failure to comply with any such requirement shall be a ground for action for damages or for other relief or reliefs at the instance of the Manager or the Board of Managers on behalf of the

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Association of Apartment Owners or in a proper case, by an aggrieved apartment owner.

In witness I/We have set our hands this day of 19..... and solemnly declare that what is stated in is true to my/our knowledge and what is stated in is to my/our information received from.....

- (1) Shri/Smt..... Sole owner/or all the
- (2) Shri/Smt..... owners of the property
- (3) Shri/Smt.....

and so on,

in the presence of—

(1).....

and

(2).....

solemnly affirmed before me this..... day of..... 19.....

(Signature of the Magistrate/or person competent to administer Oath.)