

I/150036/2021

Government of West Bengal
Housing Department
Law & Apartment Cell
New Secretariat Buildings
1, Kiran Shankar Roy Road
Kolkata 700001

HO-23011(11)/3/2021-APARTT CELL 13/09/2021

Circular

In order to form an Association under the West Bengal Apartment Ownership Act, 1972 (the Act) and get it registered under the Act three things are required to be done:- (1) Making online application, (2) Declaring the details of the property in Form A by the apartment owners and (3) making an application for registering the Association formed under the Act in Form 1.

It is felt necessary to frame a guideline regarding procedure for making online application , drawing up FORM A and FORM 1 for formation and registration of Association of Apartment Owners under the Act so that any person who intends to form an Association of Apartment Owners under the said Act may find it helpful.

Now, therefore a Guideline is issued hereby in supersession of all guidelines issued earlier as annexure of this circular for the aforesaid purpose.



(Debasis Ghosh)
Competent Authority
under the West Bengal Apartment Ownership Act, 1972

ANNEXURE**Guideline regarding procedure for making online application and drawing up Form A and Form 1 for formation and registration of Association of Apartment Owners.**

For formation of an Association of Apartment Owners and getting the said Association registered under the West Bengal Apartment Ownership Act, 1972 (the said Act) an application needs to be made in **hybrid mode**, both online and offline, in various phases of the application. The details of which are discussed herein below

A. How to make application in the portal

For making an application for **formation and registration of Association of Apartment Owners** a citizen has to visit first the portal edistrict.wb.gov.in and register himself/herself at that portal. Thereafter he/she shall login to the portal and will find four menus--- (1) District, (2) Development Authority, (3) Development Corporation and (4) Department. He/she has to choose Department. Under the Department menu he/she will find Housing Department and click on the Housing Department. Five(5) services will be found there. Choose the service Registration of Apartment Owners Association. Click it. There it will be found:-

(a) Eligibility Criteria for submitting Form A

(b) Documents Required, and

(c) Fee Details:

The fees details are stated below

Value of the Apartment/Flat	Amount of Fees/Charges
Up to Rs. 25 lakhs	Rs, 1,000/-
Above Rs. 25 lakhs up to Rs. 50 lacs	Rs, 2,000/-
Above Rs. 50 lakhs up to Rs. 1Crore	Rs, 4,000/-
Above Rs. 1 Crore up to Rs. 5 Crore	Rs, 5,000/-
Above Rs. 5 Crore	Rs 10,000/-

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A print out of the instruction may be taken, if required, by clicking the 'Print' button. Download the excel sheets. Thereafter click the "Apply" button and proceed filing up Form A in the system. fill up all the required data there and upload copy of required documents. Fill up the Downloaded Excel sheets and after filing up the same convert it into PDF document and upload the same at the place prompted by the system. He/she has to make online payment of requisite fees which the system will prompt him/her. After making payment and completing the application in all respect submit the same to the Competent Authority.

Competent Authority after examining the same in the system will approve the application, if found it correct, and immediately an auto-generated information of such approval of application and a request for submitting **Hardcopy of Form A** to his office be sent through s.m.s. and email to the registered mobile no. and email id of the applicant. If any other comment made by Competent Authority regarding the application during the examination of the same, the same will be updated in the system in real-time and auto-generated information of such comment will be received by the applicant through s.m.s and email.

B. How to submit Hard Copy of Form A

(a) Whom to submit Form A: To the Competent Authority under the West Bengal Apartment Ownership Act, 1972.

(b) Where to submit Form A: Housing Department, Law and Statutory Cell, 1st Floor, 'A' Block, New Secretariat Buildings, 1, Kiran Shankar Roy Road, Kolkata 700 001.

(c) Documents and papers to be submitted with Form A:

(i) Forwarding letter addressed to the Competent Authority under the West Bengal Apartment Ownership Act, 1972 stating the **AIN No. of the application** and the **date of approval of the application** in the system . A format of the same is enclosed herewith.

(ii) A summary Sheet of the declaration. A format of the same is enclosed herewith.

(iii) Declaration in Form A (**2 sets in original**) executed and **solemnly affirmed before a Magistrate or a Notary** in a **Non-Judicial Stamp Paper of Rs. 10 (ten)** along with the documents as annexure A to E. A format of Form A is enclosed herewith.

Annexure A- Authenticated copies (that is signed by some declarants or signed by the notary) of building plan;

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Annexure B- Authenticated copies (that is signed by some declarants or signed by the notary) of site plan;

Annexure C- Copy of relevant completion certificate;

Annexure D - Copies of Voter card/Pan Card of the declarants for identification;

Annexure E- Copies of receipt of letter in Form-E served to all the apartment owners.

If declaration in Form A is made by a constituted attorney, duly authorized by the apartment owners executing an instrument of Power of Attorney, then an affidavit of the Attorney is to be annexed along with the Form A. A format of the same is enclosed herewith.

C. Disposal of Form A by the Competent Authority:

After receiving the hard copy of solemnly affirmed Form A in his office the Competent Authority will send notice to the applicant under sub-section (2) of section 10A of the Act for a hearing. Notice shall be sent to the applicant through email to the registered email id of the applicant. In the hearing before the Competent Authority two declarants of Form A need to be present for confirmation of the facts, figures stated in the Form A and the correctness of the documents submitted along with Form A. If after examination of the Form A it is found that the property concerned comes within the purview of the Act and the declaration is in order the Competent Authority shall **accept** the Form A by making an endorsement of such acceptance on the body of Form A . A **Digitally Signed Acceptance Order (DSAO)** will be generated in the system which the applicant may download from the portal. Thereafter the Competent Authority shall return one set of Form A duly endorsed as **“Accepted”** on the body of the Form A to the declarants or authorized person of them after obtaining an acknowledgement from him. Other set of Form A will be retained by the Competent Authority for office record.

D. How to upload Form-1 in the portal

Form 1 is application for registration of Association formed under clause (2) of Bye-law 3 of the West Bengal Apartment Ownership Bye-laws, 1974. Within **forty-five days** from the date of acceptance of Form A or within such further period as the Competent Authority may allow, the

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apartment owners of each property shall in a general meeting **form an Association** under some **specific name and style**, and the apartment owner presiding over such meeting shall immediately communicate the formation of such an Association along with the names of the members thereof, in **Form No. 1** to the Competent Authority. Form 1 under clause (2) of Bye-law 3 is to be drawn up in statutory format.

The names of all apartment owners irrespective of whether he/she has made declaration in Form A or not shall be stated in Form 1 as members of the Association as per the provisions of bye-law 3 of the West Bengal Apartment Ownership Bye-Laws, 1974. Where an apartment is owned by more than one person any one person of their choice will be member of that Association from that particular apartment.

The Competent authority **shall not receive any hard copy of Form 1**. Coloured scanned PDF copy of Form 1 shall be uploaded in the portal along with coloured scanned PDF copy of **Resolution of the General Meeting** and the **Attendance Sheet** of such meeting by the applicant. At the same time the applicant shall upload a coloured scanned PDF of **Accepted Form A** along with a coloured scanned PDF of Affidavit of the Attorney and a self-signed Identification document of the Attorney if Form A is executed through power of attorney. There are some fields in the system related to Form 1 which is required to be filled up by the applicant before submitting the same in the portal.

Format of Form 1, Resolution of the General Meeting and the Attendance Sheet are enclosed herewith.

E. Issuance of Certificate of Registration of an Association of Apartment Owners

The competent Authority shall approve Form-1 if it is drawn up in accordance with law and thereafter a **Digitally Signed Certificate of Registration (DSCR)** of the association with the date of formation of the

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Association mentioned therein shall be generated. The applicant may download the same from the portal.



(Debasis Ghosh)

Competent Authority
Under the West Bengal Apartment Ownership Act, 1972

To,
 The Competent Authority
 Under West Bengal Apartment Ownership Act, 1972
 Housing Department
 New Secretariat Building
 Kolkata- 700001

Sub-Submission of Form-A

Reference No :- AIN -----

Sir,

In pursuance of your direction dated -----in the edistrict portal for submission of **Form A** I on behalf of the declarants with respect to the (I, -----, *the Attorney/ one of the Attorneys of the apartment owner's with respect to the*) Housing Estate namely, ----- situated at ----- submit herewith 2 sets of Form-A solemnly affirmed before----- dated ----- along with all annexure for your acceptance.

The following documents are the annexures:-

1. Authenticated copy of Building plan and site plan
2. Copy of Completion Certificate
3. KYCs documents of the apartment owners
4. Postal receipt of Form-e
5. Affidavit of the Attorney
6. GRIPS Challan
7. Summary Sheet

Kindly accept the same and oblige.

Date:-----

Yours faithfully

Place: -----

Mobile No-----

**Summary Sheet with respect to the property situated
at-----**

Sl No	Subject	Number
1	Total Number of Apartments	
2.	Total No of Apartment Owners	
3.	No of Declarants	
4.	No of persons on whom Form E is served	
5.	Amount of Fees paid (online/offline mode)	
5.	If Form A is declared by Attorney, No of POA executed	
7.	No of copy of Voter Card/Pan Card submitted	

Affidavit of the Attorney solemnly affirmed before----- on ---
------(date) with respect to the POA.(If Form A is declared by
Attorney)

Name, Signature and Mobile No. of the declarants
/ any one of the declarants

Format of Form A

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 said Act, I/we hereby declare that I am the sole owner/ we are all the owners/we are majority of the owners of the property situated at Premises No./Dag No.-----in the city/town/village of ----
----- having its full postal address ----- and do further declare that hereby we submit the said property comprising a building having residential units/ both residential and commercial units together with common areas and facilities to the provisions of the West Bengal Apartment Ownership Act, 1972(West Bengal Act XVI of 1972).

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 copy of relevant Completion Certificate is also appended herewith and marked as Annexure “C”. The copies of Voter Card/Pan Card of the declarants for identification as Annexure ‘D’ collectively.

The copies of receipt of letter in Form E served to all the apartment owners are appended herewith as Annexure ‘E’ collectively.

2. 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. 1

(a) Total Built up 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:

There are limited common areas as car parking spaces. The details of which are stated below in a tabular form.

Sl No.	Apartment No	Car parking space no.	Car parking area

(v) Value of the property:

Rs. -----/-

(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:

(E) Other particulars, if any: -----

3. We-----do hereby further declare, covenant and undertake as follows:-

(i) *Omitted*

(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 the 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 excavated any additional basement or cellar;

(viii) *Omitted*

(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

--	--	--	--

In the presence of –

(1)

and

(2)

Solemnly affirmed before me this day of
..... 20.....

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

FORMAT OF AFFIDAVIT OF THE ATTORNEY

I _____ son of _____, by faith _____, at present working at _____, do solemnly affirm and state as under:-

1. That I have been appointed as /one of the/ attorney(s) by nos. of apartment owners of Housing Complex situated at, for formation of Association of Apartment Owners under the West Bengal Apartment Ownership Act, 1972 read together with rules and bye-laws made thereunder to do, *inter alia*, any one or all of the following acts, deeds, matters and things, namely:-

(a) _____

(b) _____

(c) _____

****(Write the acts, deeds, matters and things to be done on the basis of Power of attorney)**

2. That the names and the apartment numbers of the apartment owners

who have appointed me as the attorney for the said purpose and the date of execution of POA are detailed herein below:-

Sl. No.	Name of the Apartment Owner	Apartment No.	Date of Execution

I solemnly state that the contents of this affidavit are true to the best of my knowledge and belief and that it conceals nothing and that no part of it is false

[DEPONENT]

Date

Place

Form 1
[See Bye-law 3(2)]

To,
The Competent Authority,
Under The West Bengal Apartment Ownership Act, 1972

Sir,

I hereby communicate that in a general meeting duly held on -----
-----, presided over by the undersigned, the Association of Apartment Owners
under the name and style of ----- Association of Apartment Owners for our
property at -----, already submitted to the provisions of the West
Bengal Apartment Ownership Act, 1972, has been formed under the bye-laws
framed under the said Act with the following as members thereof:

Sl No	Name of the Members	No. of the apartments in the building owned by him/ her

Yours Faithfully,

Date: -----

Place: -----

(Signature of the apartment owner
presiding over the general meeting)

NAME IN BLOCK LETTERS

Apartment No-----

Mobile No-----

Email id-----

EXTRACT OF THE RESOLUTION

**from minutes of the General Meeting of the Apartment Owners
of Housing Complex,**

held on(Date and Time) ,

at.....(Place)

Mr./Mrs , one of the apartment owners being apartment No..... , was unanimously elected by the apartment owners present in the meeting as **CHAIRMAN** of today's meeting and to conduct the meeting.

RESOLVED

That the apartment owners present at the meeting were informed that their **Declaration in Form A** to the Competent Authority towards formation of the Apartment Owners Association under the West Bengal Apartment Ownership Act ,1972 had been accepted by the Competent Authority on

The apartment owners hereby formally convey their thanks to the Competent Authority for such acceptance of the Declaration contained in Form A submitted by the apartment owners of this Housing Complex.

IT IS FURTHER RESOLVED

That in view of the acceptance of our **Declaration in Form A** by the Competent Authority, we hereby form an association in accordance with clause (2) of bye-law 3 of the West Bengal

Apartment Ownership Bye-laws, 1974 **today** being -----day of ----- two thousand twenty----- . The name of the Association for our housing complex shall be ‘----- **ASSOCIATION OF APARTMENT OWNERS**’.

IT IS FURTHER RESOLVED

That the Chairman of today’s meeting, is hereby authorized to sign & communicate the extract of the Resolution adopted in today’s meeting along with the copy of Attendance Sheet to the Competent Authority along with the **Form 1**.

CERTIFIED TO BE TRUE

.....
(Signature of the Chairman of the Meeting)

Name:-
Address:-
Mobile No:-
Email id:-

Attendance sheet of the General Meeting of the Apartment Owners of.....(name of the housing complex with full postal address) held on (date)

Sl No	Apartment No.	Name of the Apartment Owner	Signature