

# ಕರ್ನಾಟಕ ಮನೆ ಗ್ರಾಹಕರ ವೇದಿಕೆ Karnataka Home Buyers Forum

## FAQ's with respect to Apartment Owners Association Registration

Following are the primary questions that are being asked by the flat owners across Karnataka in multiple forums.

SI No	FAQs	Answers
1	What are the different acts under which the apartment owners associations can be registered?	As per Karnataka Ownerships Flats Act 1972, the apartments owner's association can be registered under Karnataka Co-Operative Societies Act 1959 (KCSA 1959) or under Company's Act.
2	Who is the competent authority whom flat owners need to approach for getting their association registered?	Registrar of Co-Operative Societies if association is getting registered under Karnataka Co-Operative Societies Act 1959 or Registrar of Companies if the association is getting registered under Company's Act.
3	How the land rights protection happens to flat owners?	The promoters need to execute and register conveyance deed to transfer the title to association of allottees as per section 17 of RERA. Once the Title gets transferred, the land rights protection happens.
4	Is the association registered under KCSA 1959 a body corporate association?	Yes.
5	Is the association registered under KCSA 1959 represent flat owners in the court of law?	Yes
6	Is the association registered under KCSA 1959 a legal body?	Yes
7	Is the association registered under KCSA 1959 will have Certificate of Registration?	Yes



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8	If the FAR increases in future, who gets the benefits of additional construction?	Whoever owns the land when the FAR increases get the benefits.
9	Who owns the land after the sale deed is executed individually to home buyers?	Until section 17 of RERA is complied, the land ownership continues to be with the promoters (builder/landowner). It's the responsibility of the promoters to execute conveyance deed in favour of owner's association and register it.
10	How some builders continued to mortgage the land where the apartment is constructed even after the sale deed executed in home buyers name along with UDI?	Until section 17 of RERA is complied, the land ownership continues to be with the promoters (builder/landowner). Hence the promoters take advantage of the situation and due to lack of banks validation, this mortgage has become very common risking property of the home buyers.
11	How can we prevent promoters to mortgage the land where apartment is constructed?	File a complaint in RERA to make the promoters comply with section 17 of RERA to transfer the title to association of allottees.
12	If our association is registered under Karnataka Societies Registration Act 1960 (KSRA 1960), what should we do to protect our land rights?	As per High court orders and directions issued by the Registrar of Co-Operative Societies, the KSRA 1960 associations cannot collect maintenance. Please file a complaint in RERA against the promoters to comply with section 17 of RERA 2016 to transfer the title. Let the promoters find ways to transfer title.
13	Can we register apartment owners' association at sub registrar office?	No. Sub Registrars are not authorized to register apartment owners' association.



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14	Some promoters claim that they have registered the association under KAOA 1972 at Sub Registrar office and how should we protect our land?	Please file a complaint in RERA against the promoters to comply with section 17 of RERA and let the promoters find a way to transfer the title to association of allottees.
15	Can an unregistered association collect maintenance?	No. Any association which is not registered under the competent authority cannot collect maintenance and it is illegal to collect maintenance.
16	Who is the competent authority to register apartment owners' association as per KAOA 1972/KOFA 1972?	Registrar of Co-Operative Societies.
17	Is it mandatory to register the Agreement for Sale in Sub Registrar office?	Yes, as per RERA, its mandatory to register Agreement for Sale in Sub Registrar office.
18	Is Occupancy Certificate being mandatory before registering sale deed and taking over Possession of home?	Yes. Please ensure Occupancy Certificate (OC) is obtained by the promoters before taking Possession and executing Sale Deed.
19	When is the ideal time to take over maintenance from the promoters?	After the promoters comply with section 17 of RERA 2016.
20	Who must pay for obtaining NoC from the Govt department before handover of the property to registered association of allottees?	The promoters (Landowners/Builder).
21	Who must pay for Insurance of the property before handover of the property to registered association of allottees?	The promoters (Landowners/Builder).



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22	Who must pay for Property tax before handover of the property to registered association of allottees?	The Promoters (Landowners/Builder)
23	Who should maintain the apartment before obtaining OC?	The Promoters (Landowners/Builder).
24	Who should pay maintenance for unsold flats?	For all the unsold inventory, the promoters (Landowners/Builders) must pay the maintenance to registered association of allottees.
25	If a home buyer purchased a flat after OC is obtained and who should pay maintenance for the period until Possession of the flat?	Until the Possession is being given to the home buyers, it's the responsibility of the promoters to maintain the apartment and pay the maintenance fees.
26	Is Car parking allocation amounts to allocation of land share in the apartment?	No. Car parking is a space reserved for parking cars only and does not guarantee land share in the apartment. The land title needs to be transferred to association of allottees as per section 17 of RERA 2016.

Thanks, and Best Regards  
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