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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 25th April, 2019 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2019.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 21st May, 2019).

AN ACT

further to amend the Gujarat Ownership Flats Act, 1973.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Ownership Flats (Amendment) Act, Short title, 2018.

Amendment
of section 26
of Guj.13 of
1973.

2. In the Gujarat Ownership Flats Act, 1973 (hereinafter referred to as "the principal Act"), in section 26, in sub-section (1), in clause (i), for the words "percentage of votes", the words "percentage of not less than 75 per cent. of votes" shall be substituted.

Guj. 13 of
1973.

Amendment
of section 37
of Guj. 13 of
1973.

3. In the principal Act, in section 37, for the words "the association of apartment owners", the words "the association of apartment owners by not less than 75 per cent. of such owners" shall be substituted.

Insertion of
new PART
in Guj. 13 of
1973.

4. In the principal Act, after PART II, the following PART shall be inserted, namely:-

“PART IIA

PROVISIONS OF RE-DEVELOPMENT OF FLATS AND APPARTMENTS

Re-development
of flats and
apartments.

41A. Notwithstanding anything contained in this Act, any work in relation to the re-development of a building can be carried out on such terms and conditions as may be prescribed, after obtaining the consent of not less than 75 per cent. of the flat owners of such building:

Provided that, in respect of such building,-

- (i) a period of twenty- five years must have been completed, from the date of issuance of permission for development by the concerned Authority; or
- (ii) the concerned Authority has declared that such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof.

Explanation:- For the purpose of this section, the expression “re-development” shall have the meaning as assigned to it in relevant Development Control Regulations.”.