

THE ANDHRA PRADESH APARTMENTS
(PROMOTION OF CONSTRUCTION AND
OWNERSHIP) ACT, 1987

Statement of Objects and Reasons

In order to meet the increasing pressure on the urban land resources due to rapid urbanization and to secure effective mortgage able title to individual buyers of flats, the Government of India have suggested to the State Government to undertake legislation somewhat on the line of the Maharashtra Apartment Ownership Act, 1970. This Government have therefore referred the matter to the then Andhra Pradesh State Law Commission which in its Eighteenth Act with suitable modifications in order to regulate the promotion of construction and sale of apartments in multistoried buildings on ownership basis and to provide for the transferability and heritability by the individual purchaser of not only the particular apartment but also the fractional interest to it in the common areas and facilities. The Government have examined the said report of the Law Commission and decide to undertake legislation.

(Act No. 29 of 1987)

An Act to regulate in the State of Andhra Pradesh the Promotion of Construction and transfer of Ownership of Apartments.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the thirty eight year of Republic of India as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement:-

- (1) This Act may be called the Andhra Pradesh Apartment (Promotion of Construction and Ownership) Act, 1987.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) This section shall come into force at once, and the remaining provision of this Act shall come into force in such areas and on such dates as the Government may, by notification, appoint, and different areas.

2. Application of the Act:-

The provisions of this Act, excepting Chapter-III shall apply to every property and the provisions of Chapter-III shall not apply to any property unless the sole owner or all the owners thereof submit the same to the provision of the Chapter by duly executing and registering a declaration as hereafter provided.

3. Definitions:-

In this Act, unless the context otherwise requires,-

- (a) “*apartment*” means a part of the property, including one or more rooms or enclosed spaces located on any one of the floors consisting of a unit in a building, intended to be used for residence, office, practice of any profession or for carrying on any occupation, trade or business or for any other independent use and with a direct exit to a public street,, road or highway or to a common area leading to such street, road or highway.
- (b) “*Association of apartment owners*” mean all the apartment owners acting as a group in accordance with the provisions made by it in the bye-laws.
- (c) “*Building*” means a building contained five or more apartments, or two or more buildings, each containing two or more apartments, or with a total of five or more apartments for all such buildings and comprising a part of the property.
- (d) “*Common areas and facilities*” unless otherwise provided in the declaration, means:
 - (i) The land on which the building is located;
 - (ii) Foundation, columns, girders, beams, supporters, main walls, roofs including terraces, halls, corridors, stairs, stair-ways, fire-escapes and entrances and exits of the building;
 - (iii) Basements, cellars, yards, gardens, parking areas, children’s playground and storage spaces;
 - (iv) The premises for the lodging of janitors or caretakers or persons employed for the management of the property;
 - (v) Installations of general services, such as power, light, gas, hot and cold water, heating refrigeration, air-conditioning and incinerating;
 - (vi) Elevators, tanks, wells and bore-wells, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
 - (vii) Such other community and commercial facilities as may be provided for in the building plan and declarations;
 - (viii) all other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use;
- (e) “*Common expenses*” means:-
 - (i) all sums lawfully assessed against the apartment owners by the association of apartment owners;
 - (ii) expenses of administration, maintenance, repairs or replacement of the common areas and facilities;

- (iii) expenses agreed upon as common expenses by the association of apartment owners;
 - (iv) Expenses declared as common expenses by the provisions of this Act or by the declaration or the bye-laws.
 - (v) Premium for insurance coverage of the property.
- (f) “*Common profits*” means the balance of all income, rents, profits and other Income from the common areas and facilities remaining after the deduction of the common expenses;
- (g) “*Competent authority*” means any person or authority authorized by the Government by notification, to perform the functions of the competent authority under this Act for such areas as may be specified in the notification.
- (h) “*Declaration*” means the instruction by which the property is submitted to the provisions of Chapter III, as provided by Section 2 and such declaration as may be lawfully amended, from time to time;
- (i) “*Government*” means the State Government;
- (j) “*Limited common areas and facilities*” means those common areas and facilities designated in the declaration as reserved for the use of certain apartments to the exclusion of the other apartment;
- (k) “*Notification*” means a notification published in the Andhra Pradesh Gazette and the word “notified” shall be construed accordingly;
- (l) “*Prescribed*” means prescribed by rules made by the Government under this Act;
- (m) “*Promoter*” means a person who has already constructed or constructs a building of apartments for the purpose of selling some or all of them to other persons:
- (n) “*Property*” comprises the land, the building and the common area and facilities.

Supply in writing a list of all the apartments which have already been taken or agreed to be taken, together with their distinctive numbers, names and addresses of the transferees, either actual or intended, the prices paid or agreed to be paid therefore and any other particulars as may be prescribed.

Transfer the open spaces earmarked for parks, playgrounds, market places and for other common use free of cost to the Government through a registered gift deed.

The promoter shall give on demand by the intending transferee true copies of the document referred to in this section.

An apartment may be transferred by the promoters to any person only after obtaining the required certificate of completion and the certificate of fitness for occupation from local authority concerned.

The water works Department and the Electricity Board may supply water and electricity respectively on a temporary basis on production of the plan approved by the local authority or the Urban Development Authority concerned as the case may be:

Provided that if the promoters proceed with the construction of the building contrary to the sanctioned plan, the supply of water and electricity may be cut off on an intimation from the local authority or the Urban Development Authority, as the case may be, to the water works Department or to the authorities of the Electricity board.

The promoter and the apartment owners are responsible for the provision and fixation of fire prevention devices, ground and overhead water tank hydrants and wet risers etc, as may be prescribed.

5. Agreement to precede advance payment:-

A promoter who intends to transfer any apartment shall before, accepting any sum of money as advance payment or deposit, which shall not exceed twenty percent of the price, enter into a written agreement of sale with the intending transferee and the same shall be registered as a document compulsorily register able under Clause (b) of sub-section (1) of Section 17 of the Registration Act, 1908.

6. No alterations after disclosure of plans etc:-

After the plans, specifications and the nature of fixtures, fittings, amenities and common areas as sanctioned by the local authorities or Urban Development Authority concerned are disclosed to an intending transferee under Section 4, and a written agreement, of sale is entered into under section 5, the promoter shall not make any additions and alterations therein;

- (i) If it affects any apartment without the previous consent in writing of the transferee who intends to take that apartment; and
- (ii) If it affects more than none apartment, without the previous consent in writing of all the transferees who intend to take those apartments

Any of the additions or alterations referred to above shall be carried out only with prior approval of the local authority or the Urban Development Authority concerned.

7. Promoter to convey title according to agreement:-

A promoter shall, on payment or tender of the amount due in respect of the price, execute a proper conveyance of the apartment in accordance with the agreement executed under Section 5 and give possession of the apartment to the transferee after discharging all encumbrances unless the apartment is sold subject to encumbrances.

8. An apartment to be transferable and heritable property:-

- (1) Each apartment owner shall be entitled to exclusive ownership and possession of his apartment.
- (2) Each apartment, together with its undivided interest in the common areas and facilities, shall for all purposes constitute heritable and transferable immovable property:

Provided that the percentage of undivided interest in the common areas and facilities appurtenant to the apartment shall not be partitioned or subdivided for any purpose whatsoever unless the property is withdrawn from the provisions of this Chapter.

9. Common areas and facilities:-

- (1) Each apartment owner shall be entitled to the percentage of undivided interest in the common areas facilities as expressed in the declaration. Such percentage shall be computed by taking as basic, the value of the apartment in relation to the value of the property, and such percentage shall also reflect the limited common areas and facilities.
- (2) The percentage of undivided interest of each apartment owner in the common areas and facilities as expressed in the declaration shall not be altered without the consent of all the apartment owners expressed in an amended declaration duly executed and registered as provided in this Act. The percentage of undivided interests 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 either instrument.
- (3) Each apartment owner may use the common areas and facilities for the purpose for which they are intended without hindering or encroaching upon the lawful right of the other apartment owners.
- (4) The work relations to the maintenance repair and replacement of the common areas and facilities and the making of any additions or improvements thereto shall be carried out in accordance with the provision of this Chapter and by-laws.
- (5) The association of apartment owners shall have an irrevocable right to be exercised by the manager or the Board of Manager on behalf of the association, with such assistance as the manager or the Board of Managers as the case may be consider necessary, to have access to any apartment from time to time during reasonable hours, for the maintenance, repair and replacement of any of the common areas and facilities therein or accessible therefore or far making emergency repairs therein to prevent any damage to the common areas and facilities or to other apartment

10. Compliance with bye-laws and covenants:-

Each apartment owner shall comply with the covenants, conditions and restrictions set forth in the Declaration and the bye-law. Failure to comply with any of the same shall be a ground for action to recover sums due, for damages or other relief at the instance of the Manager or Board of Managers on behalf of the association of apartment owners or in a proper case, by an aggrieved apartment owner.

11. Certain works prohibited:-

No apartment owner shall add any material structure or excavate any additional basement or cellar or do any other work which would be prejudicial to the soundness or safety of the property or would reduce the value thereof or impair any easement or hereditament.

12. Encumbrances against apartments:-

During the period the property remains subject to this Chapter an encumbrance may be created against any apartment and the percentage of undivided interest in the common areas and facilities appurtenant thereof but not against the property as such.

13. Common profits and expenses:-

The common profits of the property shall be distributed among and the common expenses shall be charged to, the apartment owners according to their percentage of undivided interest in the common areas and facilities.

14. Content of Declaration:-

- (1) The Declaration referred to in Section 2 shall be submitted in the office of the competent authority in such form and in such manner as may be prescribed and shall contain full and true particulars of the following namely:-
 - (a) Description of the land on which the building and improvement are, or are to be located, and whether the land is free hold or lease hold:
 - (b) Description of the building stating the number of storeys and basements, the number of apartments and the principal materials of which it is or to be constructed
 - (c) The number of each apartment and statement and a statement of its locations, approximate area, number of rooms and the immediate common area to which it has access and any other data necessary for its proper identification:

- (d) Description of the common areas and facilities :
- (e) Description of the common areas and facilities if any, stating to which apartments, their use is reserved:
- (f) Value of the property and of each apartment and the percentage of undivided interest in the common areas and the facilities appertaining to each apartment and it's a owner for all purposes, including voting.
- (g) Particulars of encumbrances, if any, on the property of apartment and its undivided interest at the date of the Declaration:
- (h) Such other particulars as May be prescribed.

15. Withdrawal from the provisions of this Chapter:-

(1) All the apartment owners acting together may withdraw a property from the provisions of this chapter by an instrument to that effect duly executed:

Provided that the holders of all charges and other encumbrances, affecting any of the apartments, consent thereto and agree, by instrument duly executed, that their charges or encumbrances be transferred to the percentages of undivided interest of the apartment owners in the property as hereinafter provided.

Upon withdrawal of the property from the provisions of this Chapter, the property shall be deemed to be owned in common by the apartment owners and the undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities.

16. Withdrawal no bar to subsequent submission of property to Chapter 3:-

The withdrawal provided for in Section 15 shall in no way bar the subsequent submission of the property to the provisions of this Chapter.

17. Instrument of declarations etc., compulsorily register able:

All instruments relating to the Declaration or any amendment thereto referred to in section 14 or the withdrawal of a property from the provisions of this Chapter referred to in Section 15 shall be deemed to be instruments compulsorily register able within the meaning of clause (b) sub-section (1) of section 17 of the Registration Act, 1908.

18. Bye-Laws:-

- (1) The administration of every property shall be governed by bye-laws as amended from time to time and a true copy of the bye-laws and the amendments thereto, if any shall, as soon as they are made be filed with the competent authority and be annexed to the Declaration, provided that no such bye-laws or amendments thereto shall take effect until copies thereof duly filed with the competent authority.
- (2) The bye-laws shall provide for the following matters, namely:-
 - (a) The manner in which the association of apartment owners is to be formed, the election of a Board of Managers from among the apartment owners, the number of persons constituting the board, the number of members of such Board to retire annually, the powers and duties of the Board,. The honorarium, if any of members of the Board. The method of removal from the office of members of the Board. The powers of a Board to engage the services of Manager and delegation of powers and duties to such managers.
 - (b) Method of calling meetings of the apartment owners and the quorum for such meetings;
 - (c) Election of a President and who shall preside over the meetings of the Board and of the association or apartment owners ;
 - (d) Election of a Secretary who shall keep a minutes book wherein resolution shall be recorded;
 - (e) Election of a Treasurer who shall keep the financial records and books of accounts;
 - (f) Manner of collecting from the apartment owners their share of the common expenses;
 - (g) Maintenance, repair and replacements of the common areas and facilities and payment therefore;
 - (h) Any other matter considered to be necessary for the administration of the property.

19. Separate assessment:-

Each apartment and its percentage of undivided interest in the common areas and facilities shall be a separate property for the purpose of assessment of tax on lands building under any law for the time being in force.

20. Charge on property for common expenses:-

All sums assessed by the association of apartment owners for the share of the common expenses chargeable on any apartment shall constitute charge on such apartment with precedence over other charges, if any, for payment of Government and Municipal Taxes and all sums all sums remaining unpaid on a first mortgage of the apartment.

Explanation: - For the purposes of this diction, 'Government' shall include the Central Government.

21. Manager to cut off, withhold, curtail or reduce essential supply or service:-

The Manager or Board of Managers of an association of apartment owner may, after due notice of not less than seven days, for just and sufficient cause, cut off, withhold, or in any manner curtail or reduce, any essential supply or service enjoyed by an apartment owner.

Explanation: -- In this section essential supply or service includes the supply of water, electricity, lights in passages and on stair cases, and lifts, and conservancy of sanitary service.

22. Joint and several liability of vendor, etc., for unpaid common expenses:-

Upon the sale of any apartment, the purchaser or the apartment shall be jointly and severally liable with the vendor for all unpaid assessment against the later for his share of the common expenses upon the time of the sale without prejudice to the purchaser's right to recover the vendor the amount paid by him.

23. Insurance:-

The Manager or Board of Managers of an association of apartment owners if required by the declaration or the bye-laws or by a majority of the apartment owners, shall have authority to, and shall obtain insurance coverage for the property against loss or damage by fire and such other hazards under such terms and for such amounts as shall be required. Such insurance shall be in the name of the Manager or the Board of Managers of the association of the apartment owners as trustee for each of the apartment owners in the percentage established in the declaration.

24. Prohibition of selling, leasing and misuse of common areas and facilities:-

The promoters or the owners of apartment shall not sell or lease out or misuse any common areas and facilities.

25. Owner of apartment to provide fire preventive devices:-

Every owner of an apartment in a building consisting of a ground floor, together with three or more floors on it shall be required to provide all the fire preventive device in consultation with the Director General of Fire Services in the manner prescribed.

26. Electricity, water and drainage connection only after completion of Apartment:-

Every owner of an apartment shall be entitle to have electricity, water and drainage connection on a permanent basis only on payment of such fee as may be prescribed and on production of a certificate from the competent authority to the effect that the apartment has been constructed in accordance with the sanctioned plan.

27. Provision of over head tanks:-

Every owner of the apartment shall provide an over head tank in the manner prescribed.

**CHAPTER IV
Miscellaneous**

28. Offences:-

Any promoter or owner of the apartment who without reasonable excuse fails to comply with or contravenes any provision of Section 4, Section 5, Section 6, Section 7, Section 24, Section 25, Section 27, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

29. Offence committed by Companies:-

(1) Where an offence under this Act has been committed by a company, -every person who, at the time the offence was committed was in charges of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2). Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by company and it is proved that the offence has been committed with the consent or connivance of, is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: - For the purpose of this section,-

- (a) “ Company” means anybody corporate and includes a firm or other association of individuals: and –
- (b) “Director”, in relation to a firm, means a partner in the firm.

30. Indemnity:-

No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the government in respect of anything which is in good faith done or intended to be done by or under this Act.

31. Act to be binding on apartment owners, tenants, etc:-

(1) All apartment owners, their tenants and employees or any other person that may in any manner use the property or any part thereof submitted to the provision of Chapter III shall be subject to this Act, and to the Declaration and bye-laws of the association of the apartment owners.

(2) All agreements, decisions and determinations lawfully made by the association of apartment owner in according with the voting percentage specified in the Declaration or bye-laws shall be deemed to be binding on all the apartment owners.

32. Act to override other laws:-

The provisions of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to every apartment together with its undivided interest in the common areas and facilities appurtenant to such apartment as those provision apply in relation to any immovable property, and the provision of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

33. Power to make rules:-

(1) The Government may, by notification, make rules for carrying out all or any of the purpose of this Act.

(2) Every rule made under this Act shall immediately after it is made be laid before the Legislative Assembly of the state if it is in sessions and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule, or in the annulment of the rule, the rule shall, from the date on which the modification or annulments is notified, have effect only in such modified form or shall stand annulled, as the case may be: so however, that any such modification or annulment shall be without prejudice the validity of anything previously done under that rule.

34. Power to remove difficulties:-

If any difficulty arises in giving effect to the provision of this Act, the Government may, by general or special order, published in the Andhra Pradesh Gazette, make such provision not inconsistent with the provision of this Act as appear to them to be necessary or expedients for the removal of the difficulty.

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

35. Act not to apply to Housing Board:-

Nothing in this Act shall apply to the Andhra Pradesh Housing Board constituted under the Andhra Pradesh Housing Board Act, 1956 (Act 46 of 1956)

**THE ANDHRA PRADESH APARTMENTS
(PROMOTION OF CONSTRUCTION AND OWNERSHIP)
(AMENDMENT) ACT, 1993**

STATEMENT OF OBJECT AND REASONS

In Cities like Hyderabad, Visakhapatnam, Vijayawada and Tirupathi etc., several multi-storeyed buildings are coming up. The contractor/Builder after entering into an agreement with landlord, constructs multi-storeyed apartments and sells away the flats to perspective purchasers, that the original landlord then executes documents in favour of the purchasers., transferring their respective undivided share in the land depending upon the number of flats in the building and in such cases stamp duty has to be collected on the market value of the land to the extent of the right transferred. If a flat is transferred, it also attracts the stamp duty on the value of the construction also, and that the parties are conveniently avoiding payment of stamp duty on the value of the flat, With a view to checking this evasion Government have decided to amend the Andhra Pradesh Apartments (Promotion of Construction and Ownership Act, 1987, suitably.

As the Legislative Assembly of the State was not in session having been prorogued and it was decided to give effect to the above decision immediately the Andhra Pradesh Apartment (Promotion of Construction and Ownership) (Amendment) Ordinance 1993 (Ordinance 7 of 1993) was promulgated by the Government on the 31st October 1993.

This Bill seeks to replace the said Ordinance.

L.A. Bill No. 18 of 1993

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-

1. Short title and commencement:-

- (1) This Act may be called the Andhra Pradesh Apartment (Promotion of Construction and Ownership) (Amendment) Act, 1993.
- (2) It shall be deemed to have come into force on the 31st October, 1993.

2. Amendment of Section 2, Act 29 of 1987:-

- (1) In the Andhra Pradesh Apartment (Promotion of Construction and Ownership) Act, 1987 (hereinafter referred to as the principal Act, for Section 2, the following section shall be substituted, namely:
- (2) “Application of the Act- The provisions of this Act shall apply to every property and the sole owner or all the owners thereof shall duly execute and register a Declaration as hereinafter provided”,

3. Amendment of section 3:-

In section 3 of the principal Act, -

- (i) For clause (h), the following clause shall be substituted , namely:-
‘(h) ‘ declaration ‘ means the instrument to be submitted under Section 14, containing full and true particulars mentioned therein and such declaration as may be lawfully amended, from time to time’
- (ii) For clause (m), the following clause shall be substituted, namely:-
“(m) ‘promoter’ means a person, including the owner of the land, who construct or cause to be constructed a block or building of apartment for the purpose of selling some or all of them to other persons, and includes his assignees; and where the person who develops or builds and the person who sells are different persons, the term includes both”
- (iv) For clause (n), the following clause be substituted, namely:-
“(n) ‘Property’ means the land, the building and the common areas and facilities, including the land proposed for construction of one or more building of apartments.”

4. Amendment of Section 4:-

In Section 4 of the Principal Act-

- (j) In sub-section (1), for the words “Any promoter, who intends to sell an apartment, shall on being so required by an intending transferee make a full and true disclosure in writing of, the words “Any promoter who intends to sell and apartment, shall make full and true disclosure in writing of“ shall be substituted;
- (k) For sub-section (4), the following sub-section shall be substituted, namely:

“(4) (a) The promoter shall not transfer an apartment except,-

- (i) after filing a declaration referred to in Section 2 before the competent authority duly enclosing the approved plan for construction of the building of apartments;
- (ii) after obtaining the required certificate of completion and the certificate of fitness for occupation from the local authority concerned; and
- (iii) along with the undivided share in the land and other common areas and facilities;

Explanation: - For the removal of doubts it is hereby declared that for purposes of stamp duty and registration fee the value of the apartment, the value of the undivided share in the land and the proportionate value of all other common areas and facilities shall be taken into consideration by the registering officer.

(b) No promoter shall transfer merely the undivided share in the land, in exclusion of the apartment and all other common area and facilities appurtenant thereto.”

5. Amendment of section 7:-

Section 7 of the Principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in any other laws for the time being in force, no right or title shall accrue to any person in respect of any apartment unless the right or the title is properly conveyed in accordance with the provisions of this Act by means of executing an agreement referred to in Section 5 a conveyance referred to in sub-section (1) of this section”.

6. Amendment of Section 14 :-
In Section 14 of the principal Act,

- (i) In such sub-section (1) for the opening paragraph, the following shall be substituted, namely:-
- (j) “Every sole owner of a property or all the owners thereof shall submit the declaration referred to in clause (h) of Section 3 in the office of the competent authority in such form and in such manner as may be prescribed containing full and true particulars of the following, namely:-

“Every sole owner of a property or all the owner thereof shall submit the declaration referred to in clause (h) of Section 3 in the office of the competent authority in such form and in such manner as may be prescribed containing full and true particulars of the following, namely:-

(ii) for clause (h), the following clauses shall be substituted, namely:-

“(h) an undertaking by the promoter to the effect that he will abide by the provisions of this Act and the Rules made there under and that he will transfer undivided share in the land along with apartment to any person;

(i) Such other particulars as may be prescribed.”

7. Amendment of Section 15:-

For Section 15 of the Principal Act, the following shall be substituted, namely:-

15. “Common ownership, After due compliance with the provisions of Section 5 and 7, the property shall be deemed to be owned in common by the apartment owners and the undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities.”

8. Omission of Section 16:-

Section 16 of the Principal Act shall be omitted.

9. Amendment of Section 17:-

In Section 17 of the principal Act, the words “or the withdrawal of a property from the provisions of this Chapter referred to in Section 15” shall be omitted and at the end, the words “and shall accordingly be registered” shall be added.

10. Amendment of Section 28:-

In Section 28 of the Principal Act, for the expression ‘Section 4, Section 5, section 6, Section 7, Section 24, Section 25 or Section 27’, the expression ‘ Section 2, Section 4, Section 6, Section 7, Section 14, Section 17, Section 24, Section 25 or Section 27’ shall be substituted.

11. Amendment of Section 31:-

In Section 31 of the principal Act, in sub-section (1), the words” submitted to the provision of Chapter III” shall be omitted.

12. Repeal of Ordinance 7 of 1993:-

The Andhra Pradesh Apartments (Promotion of Construction and Ownership) (Amendment) Ordinance, 1993 is hereby repealed.

**THE ANDHRA PRADESH APARTMENTS (PROMOTION OF
CONSTRUCTION AND OWNERSHIP) RULES, 1987**

RULES

1. Short title and Commencement:-

- (1) These rules may be called the Andhra Pradesh Apartments (Promotion of Construction and Ownership) Rules, 1987.
- (2) They shall come into force on the 17th August, 1987.

2. Definitions:-

- (1) In these rules, unless the context otherwise requires:-
 - (a) “Act” means the Andhra Pradesh Apartment (Promotions of Construction and Ownership) Act, 1987 (Act No. 29 of 1987);
 - (b) “Form means a form appended to these rules;
 - (c) “Section” means a section of the Act.
- (2) Words and expressions used in these rules but not defined herein shall have the meaning respectively assigned to them in the Act.

3. Manner of making disclosure:-

- (1) A promoter for the purpose of making disclosure of any document referred to in section 4 shall produce the original of such document before the person intending to take or taking one or more flats or apartment. Such person may ask the promoter all relevant questions for seeking further information or clarification in respect of any document or matter required to be disclosed, produced or furnished by or under the provisions of the Act and the promoter shall be legally bound to answer all such questions to the best of his knowledge and belief.
- (2) The promoter while making disclosure of the outgoings as required by clause (f) of sub-section (1) of Section 4 shall state the basis on which any estimated figures or other information is given.
- (3) The promoter shall display or keep all documents, plans, specifications, (or copies thereof) referred to in clauses (a), (b), (c), and (d) or sub-section (1) of Section 4 of the site and permit inspection thereof.
- (4) The promoter shall, when the flats are advertised for sale disclose inter alia, in the advertisement the particulars as required by Clauses (a), (b), (c) and (d) of Sub-section (1) of section 4 and also the following particulars;
 - (i) the extent of the carpet area of the flat or apartment including the area of the Balconies which should be shown separately;
 - (ii) The price of the flat or apartment including the proportionate price of the common areas and facilities which should be shown separately to be paid by the purchaser of the flat or apartment and the intervals at which the installment thereof may be paid.
 - (iii) The nature, the extent and the description of limited common areas and facilities; and
 - (iv) The nature extent and description of limited common areas and facilities if any.

4. Copies of certain documents to be given:-

A promoter shall on demand and payment of a reasonable charge there for, give to any person intending to take or taking one nor more flats or apartments, true copies of the following documents, namely:-

- (a) All documents of the title relating to the land on which the flats or apartment are constructed, or are to be constructed, which are in the promoter's possession or power;
- (b) The certificate by an Attorney-at-law or Advocate as indicated in Annexure-A under Form-1;
- (c) All documents relating to encumbrance (if any) on such land, including any right, title, interest or claim, of any part in or over such land;
- (d) The plans and specifications of the building built or to be built on the land referred to in clause © of sub-section (1) of Section 4;
- (e) A list of fixtures, fittings and amenities (including the provision for one or more lifts) provided or to be provided for flat or apartments;

- (f) A list of flats or apartment with their member already taken or agreed to be taken, and the name and addresses of the parties and the price charged or agreed to be charged therefor, and the terms and conditions if any on which the flats or apartments are taken or agreed to be taken;
- (g) Full and true disclosure in writing of all outgoings, including grounds rent if any, municipal or other local taxes, on income, water and electricity charges, revenue assessment, interest on any mortgage or others encumbrances, if any, and the basis on which any estimated figures or other information is given to the person intending to take or taking the flat or apartment

5. Particulars to be contained in the agreement:-

- (1) The agreement prescribed in Section 5 of the Act shall contain interlaid the particulars referred to in sub-rule (2) and to such agreement there shall be attached copies of the documents specified in sub-rule (3) of this rule.
- (2) Particulars:-
 - (i) If the building is to be constructed, the liability of the promoter to construct it according to the plans and specifications approved by the local authority or Urban Development Authority where such approval is required under any law for the time being in force;
 - (ii) The date by which the procession of the flat or apartment is to be handed over to the purchaser;
 - (iii) the extent of the carpet area of the flat or apartment including the of the area balconies which should be shown separately;
 - (iv) the price of flat including the proportionate price of the common area and facilities which should be shown separately to be paid by the purchaser of flat or apartment, and the intervals at which installment thereof may be paid;
 - (v) the precise nature, of the organization to be constituted of the persons who have taken or to take the flats or apartment;
 - (vi) the nature, extent and description of the common areas and facilities;
 - (vii) the nature, extent and description of limited common areas and facilities if any;
 - (ix) percentage of undivided interest in the common area and facilities appertaining to the flat or apartment agreed to be sold;
 - (x) Statement of the use for which the flat or apartment agreed to be sold;
 - (xi) Statement of the use for which the flat or apartment is intended and restriction on its use, if any;
- (3) Copies of document to be attached to the agreement:-
 - (i) The certificate by an Attorney-at-Law or Advocate as indicated in Annexure-A of Form I.
 - (ii) The extent of the village surveys, or any other relevant revenue and Municipal records showing the nature of the title of promoter to the land on which flats or apartments are constructed or are to be constructed;
 - (iii) the plans and specifications of the flat or apartment as approved by the local authority or Urban Development Authority.

6. The manner of executing the agreement deed:-

The promoter shall, before accepting any advance payment or deposit, enter into an agreement with the flat or apartment purchaser in Form-I containing particulars specified, in sub-rule (2) of Rule 5 and shall attach thereto the copies of the documents specified in sub-rule (3) of Rule 5.

7. Period of submission of application for registration of Co-operative Society or company of flat or apartment purchasers:-

- (a) Where a Co-operative society or a company of the persons taking the flats or apartment is to be constituted, the promoter shall submit an application to the registrar of Co-operative Societies or companies for registration of the Co-operative societies or the company, as the case may be, within four months from the date on which the minimum number of persons required to form such organization have taken flats.
- (b) Where the flat or apartment takers propose to submit the flats or apartments to the provision of Section 2 and Chapter III of the Andhra Pradesh Apartment (Promotion of Construction and Ownership) Act, 1987, by executing and registering declarations of Apartments or flats as required under the Act, the promoters shall inform the Registrar of Co-operative Societies or Registrar of Companies as the case may be, as soon as possible after the date on which all the flat or apartment owners of required number have executed such declarations of Apartments.

8. Period of conveyance of title promoter to organization of flat or apartment purchasers:-

If no period for conveying the title of the promoter to the organization of the flat or apartment purchasers is agreed upon, the promoter shall (subject to his right to dispose of the remaining flats apartment, if any) execute the conveyance within four months from the date on which the Co-operative Society or the Company is registered or, as the case may be, the association of flat or apartment takers is duly constituted. When a promoter has submitted his property to the provisions of the Andhra Pradesh Apartments (Promotion of Construction and Ownership) Act, 1987 by executing and registering a declaration as required in Section 2 and Chapter III of the Act, and no period of conveying the title of the promoter in respect of any flat or apartment to each flat or apartment taker is agreed upon, the promoter shall execute the conveyance deed of flat or apartment in favour of each flat or apartment taker within four months from the date the flat or apartment taker has entered into possession of his flat or apartment.

9. Promoter to maintain separate account of sums taken as advance or deposit and to be trustee therefor and disburse them for purpose for which given:-

The promoter shall maintain a separate account in any scheduled bank of sums taken by him, from persons intending to take or who have taken flats or apartments, as advance or deposit, including any sum so taken towards the outgoing (including the ground rent if any, municipal or other local taxes, taxes on income, water charges, electricity charges, revenue assessment, interest on any mortgage or other encumbrances, if any) and he shall hold the said moneys for those purpose and shall on demand by the competent authority or any officer authorized by him or by a special order by the Government for the purpose, make full and true disclosure of all transaction in respect of the account.

10. Manner of making disclosures:-

(1) For the purpose of making disclosure of all transactions in respect of the account referred to in Rule 9 or for making disclosure of information and documents in the manner prescribed in these rules, a promoter shall produce before the competent authority by him the following documents in relation to such account within such time as that competent authority or authorized officer may fix in that behalf namely:-

1. The Cash Book
2. The General Ledger
3. The Personal ledger,
4. The nominal Accounts,
5. The Receipts of Advances and Deposits,
6. The Vouchers of Expenditure,
7. Bank pass Book,
8. The Register of Flat purchasers or apartment takers,
9. The Register of Flat purchasers or apartment takers,
10. The Statement indicating Receipt and Disbursement (General),
11. The Statement indicating Receipts and Disbursement of Individual

(2)The Register of Flats purchasers or Apartment Takers and the Register of Flats or Apartments shall be in Form Nos. II and III respectively and the statements at Serial numbers 10 and 11 in sub-rule (1) may be maintained according to the trade practice.

11. Responsibility for payment of outgoings till property is transferable:-

A promoter shall while he is in possession and where he collects from persons who have taken over flats or apartments or are to be taken over flats or apartments or are to be taken over flats or apartments for payments of outgoings even thereafter, pay all outgoings (including ground rents, Municipal or other local taxes, taxes on income, water charges, Electricity charges, Revenue assessment, interest on any mortgage or other encumbrances if any) until he transfers the property to the persons taking over the flats or apartment, or to the organizations of any such persons.

12. The Form of declaration to be filed before competent authority by the promoter or the Manager or Board of Managers of the Association of apartment owners:-

The memorandum of declaration required to be filed by the sole owner or all the owners thereof for the purpose of section 2 and section 14 of the Act shall be in Form IV.

13. Bye-law for the Association of Apartment Owners:-

The Bye-laws for the formation and functioning of the Association of Apartment owners and the Administration and maintenance of every property shall be indicated in Form V.

14. Declaration, deeds of Apartment and Copies of floor plans to be registered:-

- (1) As required by Section 17 of the Act, all instruments relating to the Declaration and all amendments thereto and the Deeds of Apartment in respect of each apartment and the floor plans of the building referred to in sub-rule (2) shall be registered under the [* * *] Registration Act, 1980.
- (2) Simultaneously with the registration of the instrument of Declaration there shall be filed along with it a set of the floor plans of the building showing the Layout, location, apartment numbers and dimensions of the apartments, stating the name of the building or that it has no name, and bearing the verified statement of the Commissioner of the Municipal Corporation or the Vice-Chairman of the Urban Development Authority concerned certify that it is an accurate copy of portions of the plans of the building as filed with and approved by the local authority or the Urban Development Authority within whose jurisdiction the building is located.

(3) In all registration offices a book called "Register of Declaration and Deeds of Apartments under the Andhra Pradesh Apartments (promotions of Construction and Ownership) Act, 1987" and Index relating thereto shall be kept. The book and the Index shall be kept in such form and shall contain such particulars as indicated in Form Nos. VI, VII, and VIII

- (3) In all registration offices a book called "Register of Declaration and Deeds of Apartments under the Andhra Pradesh Apartments (promotion of Construction and Ownership) Act, 1987" and Index thereto and be kept. The book and the Index shall be kept in such form and shall contain such particulars as indicated in Form Nos. VI, VII and VIII.

- (4) It shall be the duty of every Manager or Board of Manager to send to the Sub-Registrar of the area concerned in which the property containing the

apartment is situated, or if there is no Sub-Registrar for the area the apartment is situated, or if there is no Sub-Registrar for the area, to the Registrar of the District in which such property is situated, a certified copy of the Declaration and Deed of Apartment made in respect of every apartment contained in the building forming part of the property together with a memorandum contained such particulars as are indicated in Form No. IV.

- (5) The Sub-Registrar, or as the case may be, the Registrar shall register the Declaration along with floor plans of the building and the Deed of Apartment in the Register of Declaration and Deeds of Apartments under the Andhra Pradesh Apartments(Promotion of Construction and Ownership) Act, 1987, and shall also enter particulars in the Index kept under sub-rule (3). Any person acquiring any apartment or any apartment owner shall be deemed to have notice of the Declaration and of the Deed of Apartment from the date of its registration under this section.

15. **Fire protection requirements for apartment buildings or buildings with Flats more than 15 M. in Height:-**

(1) *General:-*In addition to the provision of Part IV Fire Protection National Building Code of India, Chief Fire Officer of the area, may insist on suitable provisions in building from fire safety and fire fighting point of view depending on the occupancy and height of buildings.

(2) *Construction Building Materials* (a) Load bearing element of construction and elements of construction for which the required fire resistance in one hour or more shall be of non-combustible material interior finish materials (wall, Panellings, Floor coverings, etc.) may be permitted of materials having their rating for flames spread and smoke developed not exceeding a very low flame spread limit in accordance with IS: 1642-1960 (Class I) ceiling limits shall be of non-combustible or of plaster board.

(b) Stairways and corridors shall not contain combustible materials, structural members such as support and bearing walls shall have fire resistance rating of 3 hours transom and ceilings 2 hours to hours.

(c) Internal walls and partitions separating corridors from areas of floors that are used for any purpose other than calculation shall have a fire resistance of not less than one hour. There shall be no opening in such walls other for door or delivery hatches with fire resistance of not less than half an hour to one hour, Fire sections (fire walls) sub-dividing the building the building to prevent fire spread shall have a fire resistance rating of not less than two hours.

(d) Facades shall consist of non-combustible during materials. A fire must bridge a distance of at least 0.9 metres between storeys.

(3) Staircase Enclosures for building more 15 M in height:

(a) The internal enclosing walls of staircase shall be of brick or R.C.C Construction having fire resistance of not less than two hours. All enclosing staircases shall be reached via ventilated lobby and shall have access through self closing doors of at least half an hour fire resistance. There shall be single swing doors opening in the direction of the escape, the door shall be fitted with check action door closures.

(b) The staircase enclosure on external wall of the building shall be ventilated to atmosphere at each landing.

(c) Permanent vent at the top equal to 5% of the cross sectional area of the enclosure and open able sashes at each floor level with area equal to 15% of the cross sectional area of the enclosure on the external wall shall be provided. The roof of the shaft shall be at least 1m above the surrounding roof. There shall be no glazing or glass bricks in core of the buildings and cannot be ventilated at each landing a positive pressure of 5 MM w. g by an electrically operated blower/blowers shall be maintained.

(d) The mechanism for pressurizing as staircase shaft shall be so installed that the same shall operate automatically and also with manual operation facilities, when the automatic fire alarm operates.

(4) Lift Enclosures:-

(a) The wall enclosing lift shaft shall have a fire resistance of not less than two hours. Shafts shall have permanent vent at the top not less than 1800 Sq.m (0.2 sq.M) in clear area. Lift motor rooms shall preferably be sited at the top of the shaft and shall be separated from lift/shafts by the enclosing wall of the shaft or by the floor of the motor rooms.

(b) Landing doors in lift enclosures shall open in the ventilated or pressurized corridor/lobby.

(c) The number of lifts in one lift bank shall not exceed four shaft for fire lift in a lift bank shall be separated from each other by a brick masonry of R.C.C wall of fire resistance of not less than two hours.

(d) If the lift shafts and lift lobby are in the core of the building a positive pressure of not less than 2.5 MM and not more than 3 MM w.g by an electrically operated blower/shall be maintained in the

lift lobby and positive pressure of not less than 5 MM w.g. shall be maintained in the lift shaft. The mechanism for pressurizing the lift shaft and lift lobby shall be so installed that they shall operate automatically when the automatic fire alarm operates.

(e)Exit from the lift lobby if located in the core building shall be through a self closing smoke stop door of half hour fire resistance.

(f)The lift machine room shall be separate and no other machinery shall be installed therein.

(g)Lifts shall not normally communicate with the basement. However one of the lifts may be permitted to reach the basement level provided the lift lobby at each basement level is pressurized and separated from the rest of the basement areas by smoke actuated fire resisting door of two hours fire resistance. These doors can also be kept in hold open position by an electro-magnet device to be linked with smoke detector.

(5)*External windows*:-Areas of the open able external window on floors shall be not less than 2 ½% of the floor area. The locks for these windows shall be fitted with budget lock of the floor carriage day type (which can be opened with the point of firemen's axe)

(a)Each basement shall be separately ventilated. Vents with cross sectional area (aggregate) not less than 2.5% of floor area spread evenly round the perimeter of the basement shall be provided in the form of grills or breakable stall boards lights or pavement light or by way of shafts. Alternatively, a system of air inlets shall be provided at basement floor level and smoke outlets at basements ceiling level. Inlets and extracts may be terminate at ground level with stall boards or pavement lights as before but ducts to convey fresh air to the basement floor level have to be laid stall boards and pavement lift should be in position easily accessible to the Fire bridge and clearly marked Smoke Outlet or Air Inlet with an indication of areas served at or near the opening.

(b)The staircase of basement shall be of enclosed type having fire resistance of not less that two hours and shall be situated at the periphery of the basement to be entered at ground level only from the open air and in such position that smoke from any fire in the storeys of the building and shall communicate with basement through a lobby provided with fire resisting self closing doors of one hour fire resistance. If the travel distance exceed 18.50m. additional staircase at proper places shall be provided.

(c)In multi-storeys basements intake ducts may serve all basement levels but each basement and compartment shall have separate smoke outlet duct or ducts.

(d) Mechanical extractors for smoke venting system from lower basement levels shall also be provided: the system shall be a such design as to operate on actuation of heat sensitive detectors or speinkers if instated and shall have considerably higher performance than the standard units. It should also have and an arrangement to start it mutually and shall be designed to foundation at a temperature not less than 55oC.

(e) Kitchen working on gas fuel, departmental stores and shops shall not be permitted in basement/sub-basement.

(6) *Compartmentation* (Fire Sections):- If the uncompartmented floor space on a floor exceed 750. Sq.m by it shall be separate in compartments each not exceeds 750 Sq.m by means of fire walls of not less than two hours fire resistance. IN extended buildings, fire walls should be erected as distances not exceeding 40 metres. For floors with sprinklers the area also has a fire resistance by 50 percent.

(7) *Service Ducts*:- (a) Service ducts shall be enclosed by walls having a fire resistance of not less than two hours. Doors for inspection of access shall also have a fire resistance not less than two hours.

(b) If the cross sectional area exceeds 1 Sq.m. it shall be sealed where it passes a floor by carrying the floor through the duct. The floor within the duct shall be pieced for any service pipe or ventilation trunk and shall fit as closely as possible around any such pipe or trunk.

(c) A permanent vent shall be provided at the top of the service shaft or cross sectional area of not less than 460 Sq.cm. or 6.25 Sq.m for each 900 Sq/.m of the area of the shaft whichever is more.

(8) *Refuse chutes and Refuse Chambers*:- (a) hoppers to refuse chutes shall be situated in well ventilated position and chutes shall be continued upwards with an outlet above roof level and with an enclosure wall of no-combustible material with fire resistance not less than two hours. The hoppers shall not be located within the staircase enclosure.

(b) Inspection pane and hopper (charging station) opening shall be fitted with tight fittings metal doors, covers, having a fire resistance of not less than one hour.

(c) Refuse chutes shall not be provided in staircase walls, air conditioning shafts etc.

(d) Refuse chambers shall have walls and floors or roofs constructed of non-combustible and impervious material and shall have a fire resistance of not less than two hours. They shall be located at a safe distance from exit routes.

(9) Building Service:-

(a) Electrical Service

(i) The electric distribution cables/wiring shall be laid in separate duct. The duct shall be sealed at every alternative floor with non-combustible material having the same fire resistance as that of the duct.

(ii) Water mains, telephone lines, inter-com-lines, gas pipes or any other service line shall not be laid in the duct for electric cables.

(iii) Separate circuits for water pumps lifts, staircases and corridor lighting and blowers for pressurizing system shall be provided directly from the main switch gear panel and these circuits shall be laid in separate conduct pipes so that fire in one circuit will not affect the other. Master switches controlling essential services circuits shall be clearly labeled.

(iv) The inspection panel doors and any other opening in the shaft shall be provided with air tight fire doors having the fire resistance of not less than two hours.

(v) Medium and low voltage wiring running shafts, and within false ceiling shall run in metal conduct.

(vi) An independent and well ventilated service room shall be provided on the ground floor with direct access from outside or from the corridor for the purpose of termination of electric supply from the licensee's service and alternate supply cables. The door provided for the service room shall have fire resistance of not less than two hours.

(vii) If the licensee agrees to provide meters on upper floors, the licensee's cables shall be segregated from consumer's cable by providing partition in the duct. Meter rooms on upper floors shall not open into staircase enclosure and shall be ventilated directly to open air outside.

(viii) PVC cables should have an additional sheathing or protection provided by compounds sprayed on after installation because of the notorious secondary damage in case of fire.

(b) Rown GAS/LP Gas Supply Pipes

Where gas pipes are run in the building the same shall be run in separate shafts exclusively for this purpose and these shall be on external walls away from the staircases.

There shall be no interconnection of this shaft within the rest of the floors Gas meters shall be housed in a suitably constructed metal cupboard located at well ventilated space at ground level.

(c) Staircase and Corridor Lightings

(i) The staircase and corridor lighting shall be on separate circuit and shall be independently connected so as it would be operated by one switch installation on the ground floor easily accessible to fire fighting staff at any time irrespective of the position of the individual control of light points if any.

(ii) For assembly, institution building, the alternative source of supply may be provided by battery continuously trickle charged from the electric means.

(iii) Suitable arrangements shall be made by installing double throw switches to ensure that the lighting installed in the staircase and the corridor do not get connected to two sources of supply simultaneously. Double throw switch shall be installed in the service room for terminating the stand by supply.

(iv) Emergency lights shall be provided in the staircase/corridor for assembly, and institutional buildings.

(d) Alternative Source of Electric Supply

A stand-by electric generator shall be installed to supply power to staircase and corridor lighting circuit, fire lifts, the standby fire pumps, Pressurization fans and blowers smoke extraction and damper system in case of failure of normal electric supply. The generator shall be capable of taking starting current of all the machines and circuits stated above simultaneously. If the stand-by pump is driven by diesel engine, the generator supply need not be connected to the standby pump. Where parallel/HV/LV supply from a separate sub-stations provided with appropriate transformer for emergency the provisions of generator may be waived in consultation with the Chief Fire Officer of the area.

(e) Transformers

(i) If transformers are housed in the building below the ground level it shall be necessarily in the first basement in separate fire resisting room of 4 hours of rating. The room shall necessarily be at the periphery of the basement, The entrance to the room shall be provided with a steel door of 2 hours fire rating kerb (sill) of a suitable height shall be provided at the entrance in order to prevent the flow of oil from ruptured transformer into other parts of the basement. The direct access to the transformer be housed in a separate room separated from the transformer bays by a fire resisting wall resistance not less than four hours.

(ii) Transformers, if housed in basement shall be protected by an automatic high pressure water spray system (multifire system).

(iii) In case the transformers house in the basement are totally segregated from the other areas of the basement by 4 hours fire resisting wall/walls with an access directly from outside it may be protected by carbon dioxide or B.C.F., fixed installation system.

(iv) When housed at ground floor level it/they shall be cut off from the other portion of premises by fire resisting walls of 4 hours fire resistance.

(v) They shall not be housed on upper floors.

(vi) A tank of RCC construction of capacity capable of accommodating entire oil of the transformers shall be provided a lower level, collect the oil from the catch-pit in the case of emergency. The pipe connecting the catch-pit to the tank shall be of non-combustible construction shall be provided with flame arrester.

(f) Air-conditioning

(i) Escape routes like staircase, common corridors, lifts, lobbies etc., shall not be used as return air passage.

(ii) The ducting shall be constructed of substantial gauge metal in accordance with IS : 655-1963 Metal Air DUCT (Revised).

(iii) Wherever the ducts pass through fire resisting materials such as asbestos rope, vermiculite concrete glass wool etc.

(iv) As far as possible metallic ducts shall be used even for the return air instead of space above the false ceiling.

(v) The material used for insulating duct system (inside or outside) shall be of non-combustible materials such as glass wool, sunglass with neoprene facing.

(vi) Area more than 750 Sq. m. on individual floor shall be segregated by a fire wall and automatic fire dampers for isolation shall be provided where the ducts pass through fire walls. The fire dampers shall be capable of operating manually.

(vii) Air ducts serving main floor areas, corridors etc., shall not pass through the staircase manually.

(viii) The air handling units shall, as far as possible, be separated for each floor and air ducts for every floor shall be separated and in no way interconnected with the ducting of any other floor.

(ix) If the air handling unit serves more than one floor, the recommendations given above shall be complied with, in additions to the condition given below.

(x) Proper arrangement by way of automatic fire dampers working on smoke detectors for insulating all ducting at every floor from the main riser shall be made.

(xi) When the automatic fire alarm operates the respective air handling units of the air conditioning system shall automatically be switched off.

(xii) Automatic fire damper shall be provided at the inlet of the fresh air duct and the return air duct of each compartment on every floor.

(xiii) Automatic fire dampers shall be arranged as to close by gravity in the direction of the air movement and to remain tightly closed upon operation of a smoke detector.

(xiv) The air handling unit room shall not be used for storage of any combustible materials.

(xvi) Inspection panels shall be provided in main trucking to facilitate the cleaning of ducts of accumulated duct and to obtain access for maintenance of fire dampers.

(xvii) No combustible materials shall be fixed nearer than 15 cm. to any duct unless such duct is properly enclosed and protected with non-combustible material (glass wool or sunglass with neoprene facing enclosed and wrapped with aluminum sheathing) at least 3.2 m. thick and which would not readily conduct heat.

(g) Boiler Room

Provisions of Boiler Room shall conform to Indian Boiler Act. Further, the following additional aspects may be taken into account in the location of Boiler/Boiler Room.

(i) The boilers shall not be allowed in sub-basement but may be allowed in the basement the escape routes.

(ii) The boilers shall be installed in a fire resisting room of 4 hours fire resistance rating, and this shall be situated on the periphery of the basement. Catch pits shall be provided at low level.

(iii) Entry to this room shall be provided with composite door of 2 hours fire resistance.

(iv) The boiler room shall be provided with fresh air inlets and smoke exhausts directly to the atmosphere.

(v) The furnace oil tank for the Boiler if located in the adjoining room shall be separated by fire resisting wall of 4 hours rating. The entrance to this room shall be provided with double composite doors. A curb of suitable height shall be provided at the entrance in order to prevent the flow of oil into the boiler room in case of tank rupture.

(vi) Foam inlets shall be provided on the external walls of the building near the ground level to enable the fire services to use foam in case of fire.

(h) Provision of First Aid Fire Fighting Appliances

Building above 15 M in height depending upon the occupancy use shall be protected by wet riser, wet riser-cum-down comer, automatic sprinkler installation, high pressure water spray or foam generating system etc., as per details given in Rule 4(b) to 14(f) and as indicated in Table in Annexure-I9 (See Fig.2 in Annexure-III)

(j)Static Water storage Tank

A satisfactory supply of water for the purpose of fire fighting shall always be available in the form of underground static storage tank with capacity specified in Appendix “A” for each building by the local fire Authority with arrangements of replenishment by grounds main or alternative source of supply at 1000 liters per minute. The static storage water supply required for the above mentioned purpose should entirely be accessible to the fire engines of the local Fire Service. Provision of suitable number of manholes shall be made available for inspection, repairs and inspection of suction house etc. The covering slab shall be able to withstand the vehicular load of 18 tons.

The domestic suction tank connected to the static water storage tank shall have an over flow capable of discharging 2250 liters per minute to a visible drain point from which by separate conduits, the overflow shall be conveyed to a storm water drain.

To prevent stagnation of water in the static water storage tank the suction tank of the domestic water supply shall be fed only through an over flow arrangement to maintain the level therein at a the minimum specified capacity (See Annexure-III)

The static water storage tank shall be provided with a fire brigade collecting breaching with 4 Nos.63 mm dia (2 Nos. 63 mm dia. For pump with capacity of 1400 liters per minute) instantaneous male inlets arranged in a valve box at a suitable point at a Street level and connected to the static tank by a suitable fixed pipe not less than 15 cm. dia to discharge water into the tank when required at a rate of 2250 liters per minute.

(k) Automatic Sprinklers

Automatic Sprinklers shall be installed:-

- (i)In basement use d as car parks, if the area exceeds 500 Sq.m.
- (ii)In multi-storeyed basement used as car parks, and for housing essential services ancillary to a particular occupancy.
- (iii)Any room or other compartment of a building exceeding 500 Sq.m
- (iv)Departmental stores or stores or shops that totally exceed 750 Sq.m
- (v)All non-domestic floor of mixed occupancy considered to constitute a hazard and not provided with staircases independent of the remainder of a building.
- (vi)Godown and warehouses as considered necessary .

(vii) On the floors of the buildings, other than apartment buildings if the height of the buildings exceeds 60 m.

(viii) Dressing rooms, scenery docks, stage basement of theatres.

(l) Automatic High Pressure Water Spray (Multifire) System

This system shall be provided for protection of indoor transformers of a substation in a basement area.

(m) Foam Generating System

This system shall be provided for protection of boiler rooms with its ancillary storage of furnace oils in basement.

(n) Carbon-dioxide Fire Extinguishing System

Fixed Co₂ fire extinguishing installation shall be provided as per IS: 6382-1971 Code of Practice for design and installation of fixed Co₂ fire extinguishing system premises where water or foam cannot be used for fire extinguishment because of the special nature of the contents of the building areas to be protected where possible BCF (Bromo chloro fluoro methane) installation may be provided instead of Co₂ installation.

(o) House Deeping

To eliminate fire hazards a good house deeping inside the building and outside the building shall be strictly maintained by the occupants and/or the owner of the building.

(p) Fire Drills and Fire orders

Fire notices/orders shall be prepared to fulfill the requirement of the fire fighting and evacuation from the building in the event to fire and other emergency. The occupants shall be made thoroughly conversant with their action in the event of the emergency by displayed prominently in broad lettering.