

## **Form D**

**Declaration under Section 2, read with section 10 of the  
West Bengal Apartment Ownership Act, 1972 by the owners  
who did not execute Form A**

[See sub-rule (3) of rule 3]

1. In pursuance of sub-rule (1) of rule 3 of the West Bengal Apartment Ownership Act, 1972, I/we.....hereby declare that I/we could not execute Form A with respect to the property situated at .....though I/we am/are owner/owners of apartment situated within that property.

2. I/We-----do hereby further declare, covenant and undertake as follows:-

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) 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;

(vi) 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;

(vii) that for the proper and effective administration of the property and for the due maintenance, repair and replacement of the common areas and facilities the apartment owners shall strictly comply with the provisions of the said Act and the by-laws made thereunder and shall pay their share or common expenses as assessed by the Association of Apartment Owners, and that the failure to comply with any such requirement shall be a ground for action for damages or for other relief or reliefs at the instance of the Manager or the Board of Managers on behalf of the Association of Apartment Owners or in a proper case, by an aggrieved apartment owner.

In witness we have set our hands this .....day  
of.....20..... and solemnly declare that what is stated in  
..... is true to my/our knowledge and what is stated in ----- is  
to my/our information received from -----.