

The Conveyance Recovery Kit

Keyword: SOCIETY

For: Anyone who owns a flat in a housing society or apartment association in India where the builder has handed over the flats but the land has never been formally transferred to the society.

“Flat tumhara, zameen promoter ki.”

You own your flat. You have the registered sale deed for it. But the land underneath the whole building — and the terrace, the open spaces, the parking, the club — may still legally sit with the promoter, because one document was never executed. This kit tells you exactly which document, how to check tonight whether it exists, what the law says the promoter owes you, and gives you four complete letters you can send this week.

General information, not legal advice — confirm your specific case with an independent property lawyer.

The 30-second version

What was taken. Buying your flat and owning your share of the land under it are two separate legal events. The first happened — your sale deed. The second, called **conveyance** (the registered transfer of the land and the common areas from the promoter to your society or association), very often never happens at all. Until it does, the promoter remains the owner on paper of the ground your home stands on.

What the law says. Under the Real Estate (Regulation and Development) Act, 2016, the promoter must execute a registered conveyance in favour of the allottees and hand over the undivided proportionate title in the common areas to the association — within the period the local law specifies, and where no local law specifies one, within three months of the occupancy certificate. He must also hand over the documents and plans for the common areas.

What you can do. Ask your society secretary one question tonight: *“Do we have a REGISTERED conveyance deed?”* If the answer is “process mein hai”, the answer is no. Then verify it yourself at the sub-registrar, send the association’s demand letter with a 30-day deadline, and if that lapses, file a complaint with your state’s Real Estate Regulatory Authority.

The receipt: the paper to find tonight

TONIGHT: FIND THIS PAPER

The document: the **registered conveyance deed** (in some states called the deed of conveyance, deed of assignment, or in a co-operative context the transfer of land and building to the society). It is *not* your flat's sale deed. It is a separate registered instrument between the promoter/landowner and your society or association.

Where it lives: the society's own document file, held by the secretary along with the society's registration certificate. Ask for it by name.

The exact question to ask the secretary: "Do we have a *registered* conveyance deed for the land and common areas — and can I see the copy with the sub-registrar's registration number and date on it?"

What a good answer looks like: a photocopy with a registration number, a date, the sub-registrar's office name, and the society named as the party receiving the land. **What a bad answer looks like:** "process mein hai", "builder is doing it", "we have the possession letter", "we have the OC", or an *unregistered* draft. None of those is a conveyance.

How to verify it independently (do not rely only on the secretary)

1. **Search the sub-registrar's index for the land parcel.** Go to the sub-registrar's office in whose jurisdiction the project falls, with the survey number / plot number / CTS number of the land. Ask at the counter for a **search of the index of registered documents** for that property, and for a **certified copy** of any conveyance registered in favour of the society. Certified-copy and search fees are fixed by state rules and are modest — ask the counter for the current fee rather than relying on any figure quoted online.
2. **Pull an encumbrance certificate** (the sub-registrar's list of every transaction, loan or claim recorded against the property) for the land parcel, covering the period from the project's launch to today. A conveyance to the society, if it happened, is a registered transaction and should appear.
3. **Open the project on your state's RERA portal** and read the documents section — the declaration, the sanctioned layout, and the promoter's stated timelines. Many state portals also show the project's land title documents.
4. **Read your own agreement for sale.** Find the clause that deals with formation of the society and execution of the conveyance, and the clause that says who bears stamp duty and registration charges on it.

The law in plain words

1. The promoter must execute a registered conveyance — and there is a deadline

The promoter must execute a registered conveyance deed in favour of the allottee, along with the undivided proportionate title in the common areas to the association of allottees, and hand over the physical possession and the title documents — within the period specified under the local law. Where

no local law specifies a period, the conveyance must be carried out within **three months from the date of issue of the occupancy certificate**.

SOURCE

Real Estate (Regulation and Development) Act, 2016 — **Section 17(1)** and its proviso (three months from the occupancy certificate, in the absence of a local-law period).

THE FINE PRINT

This applies to **RERA-registered projects**. The deadline is set by **your state's local law first** — the three-month rule is the fallback where local law is silent, so check your own state's apartment-ownership or ownership-flats legislation and RERA rules before you quote a date. The clock in the fallback runs from the **occupancy certificate** (the local authority's certificate that the building is legally fit to occupy), not from possession, not from your registry.

2. He must also hand over the documents and plans for the common areas

After obtaining the occupancy certificate and handing over physical possession, it is the promoter's responsibility to hand over the necessary documents and plans, including those for the common areas, to the association of allottees.

SOURCE

Real Estate (Regulation and Development) Act, 2016 — **Section 17(2)**.

THE FINE PRINT

"Necessary documents and plans" is not itemised in the section itself. Ask for what you can actually name: the sanctioned layout and building plans, the completion/occupancy certificate, the structural drawings and services drawings, the land title documents, and the accounts of the maintenance corpus. List them explicitly in your letter — a demand for "all documents" is easy to ignore.

3. Until conveyance, the promoter still carries the obligations

The promoter is responsible for the obligations, responsibilities and functions owed to the allottees and to the association — under the Act, the rules, and the agreement for sale — **until the conveyance** of all the apartments to the allottees and of the common areas to the association. He is separately obliged to enable the formation of the association, to execute the registered conveyance as provided in Section 17, and to provide and maintain essential services on reasonable charges until the association takes over the maintenance.

SOURCE

Real Estate (Regulation and Development) Act, 2016 — **Section 11(4)**: the promoter's obligations until conveyance; enabling formation of the association; execution of the conveyance as provided in Section 17; and maintaining essential services on reasonable charges until the association takes over.

THE FINE PRINT

This is stated here at the level of the section, not sub-clause letters, because sub-clause lettering is easy to get wrong and a wrong citation is worse than none. In your complaint, plead the obligation in words and cite **Section 11(4)** and **Section 17** — the Authority will locate the sub-clause.

4. Where you go, and where you cannot go

An aggrieved person may file a complaint with the Real Estate Regulatory Authority for a violation of the Act or the rules. Civil courts are barred from entertaining suits in respect of matters that the Authority (or the adjudicating officer, or the appellate tribunal) is empowered to determine.

SOURCE

Real Estate (Regulation and Development) Act, 2016 — **Section 31** (complaint to the Authority) and **Section 79** (bar of jurisdiction of civil courts).

THE FINE PRINT

The bar on civil courts is not a bar on *every* forum — complaints about deficiency in service can in appropriate cases still go to a consumer commission, and the Maharashtra deemed-conveyance route below is a separate statutory mechanism. Which forum fits your facts is exactly the question to put to a lawyer before you file.

Why the missing paper actually costs you

Stated carefully: these are the things the **absence of conveyance enables**. They are not an accusation about any particular project.

- **The land stays the promoter's to deal with.** While title has not moved, the promoter remains the recorded owner of the land and can continue to deal with it.
- **Unused development rights stay with him.** Any remaining or future development potential on the plot — additional floor space, additional construction rights — sits on land that is still his on paper.
- **Redevelopment becomes something decided without you.** A society that does not own its land cannot control the terms of its own redevelopment.
- **Open spaces, terraces and parking stay allottable by him.** If the common areas were never conveyed, the promoter can keep treating them as his to allot or licence.
- **Clean municipal and utility assessments get harder.** Property-tax and utility records that should sit with the society keep pointing at the promoter.
- **Your resale story gets harder to tell.** A careful buyer's lawyer will ask whether the society holds conveyance. "No" is a question you then have to answer.

THE FINE PRINT

None of this makes your *flat* less yours. Your registered sale deed is what gives you title to your apartment, where the seller had clear title to give. What is outstanding is the land and the common areas — a separate transfer, owed to the society as a body. Do not let anyone tell you your flat is unsafe because conveyance is pending; that is a different question from the one on this page.

State variance — read this before you copy anyone else's advice

The **period** for conveyance is set by local law and varies from state to state. So does the procedure, and so does the stamp duty payable on the instrument. Advice that worked for a society in one state may not describe your rights at all.

MAHARASHTRA ONLY

Maharashtra has a distinct statutory regime under the **Maharashtra Ownership Flats Act, 1963 (MOFA)**, which places a duty on the promoter to convey title to the society and provides a **deemed conveyance** mechanism: where the promoter fails or refuses, the society may apply to the **Competent Authority (the District Deputy Registrar of Co-operative Societies)** for a unilateral deemed conveyance, and on that order the instrument can be registered without the promoter's signature.

Do not assume this exists in your state. Some other states have analogous provisions under their apartment-ownership legislation; many do not, or provide a different route. Check your own state's law before you promise your members a deemed conveyance.

Who pays the stamp duty and registration charges on the conveyance? This is governed by your agreement for sale and by your state's stamp law. Do not accept a number from a WhatsApp group. Read the clause in your own agreement, then confirm the current rate with the sub-registrar's office or a lawyer. Quoting a wrong figure in a demand letter weakens an otherwise strong letter.

Does this apply to me? Seven honest questions

Question	What the answer means
Is there a registered society, association of allottees, or condominium?	Conveyance runs to a <i>body</i> . If no body has been formed, forming it is step one — and enabling that is itself the promoter's obligation.
Is the project registered under RERA?	If yes, the Section 17 route and the Authority are open to you. If the project predates RERA registration entirely, your route is your state's ownership-flats/apartment law and the civil or consumer forum — take advice.
Has the occupancy certificate been issued?	In the fallback three-month rule, the clock runs from the OC. No OC yet means the conveyance clock may not have started — but the <i>absence</i> of an OC is its own serious problem to raise.
Does your state's local law set a different period?	If it does, that period governs, not three months. Quote your state's period in the letter.
Is the land freehold or leasehold?	If leasehold, this is NOT straightforwardly your case. What can be conveyed is the leasehold interest, and the lease deed and the lessor's consent govern. Read the lease before you send anything.
Is this a plotted development rather than a building?	If you bought a plot and registered it, you already hold that land. What remains is the transfer of the <i>common</i> areas and internal infrastructure — a narrower demand.
Has a conveyance already been registered that nobody told the members about?	It happens. That is why the sub-registrar search comes before the letter. Check first, write second.

The play — five steps, five pieces of paper

1. **Ask the secretary, in writing.** Tonight's question, put on paper or email so there is a record and a date. Use Template B. *Paper produced: your dated query and their reply (or their silence).*
2. **Verify at the sub-registrar.** Search the index for the land parcel and pull an encumbrance certificate. *Paper produced: the search result or certified copy — independent proof, not the builder's word.*
3. **Pass a resolution and send the association's demand.** Use Template A, with a **30-day deadline**, listing the documents to be handed over. Send by email *and* registered post with acknowledgement due. *Paper produced: the demand + the postal acknowledgement.*
4. **When the 30 days lapse, file with the Authority.** Use Template C on your state RERA portal or in the prescribed form. *Paper produced: the complaint and its diary number.*
5. **Maharashtra societies only: run the deemed-conveyance application in parallel.** Use Template D. *Paper produced: the application to the Competent Authority.*

THE FINE PRINT

Every step here is a paper step. Do not stop paying maintenance, do not occupy or lock any common area, and do not take physical control of anything to make a point. That converts a strong documentary case into a dispute about your conduct.

Ready-to-send templates

A. Association → promoter: demand to execute the registered conveyance

COPY, FILL THE [BRACKETS], SEND

To,

The Managing Director / Authorised Signatory

[PROMOTER'S REGISTERED NAME]

[REGISTERED OFFICE ADDRESS]

Date: [DD/MM/YYYY]

Sent by: Email + Registered Post AD

Subject: Demand for execution of the registered conveyance of land and common areas in favour of [SOCIETY / ASSOCIATION NAME], [PROJECT NAME] — Section 17, Real Estate (Regulation and Development) Act, 2016

Dear Sir/Madam,

1. We are the [registered co-operative housing society / association of allottees] of [PROJECT NAME], situated at [FULL ADDRESS], constructed on land bearing [SURVEY / PLOT / CTS NUMBER], registered under registration no. [SOCIETY REGISTRATION NUMBER] dated [DD/MM/YYYY]. The project is registered under RERA vide registration no. [RERA REGISTRATION NUMBER].
2. Possession of the apartments was handed over to allottees from [DD/MM/YYYY]. The occupancy certificate for [the project / phase / tower] was issued on [DD/MM/YYYY].
3. To date, no registered conveyance of the land and the common areas has been executed in favour of the [society / association]. Our search of the sub-registrar's records dated [DD/MM/YYYY] discloses no such registered instrument.
4. Under Section 17(1) of the Real Estate (Regulation and Development) Act, 2016, you are required to execute a registered conveyance and hand over the undivided proportionate title in the common areas to the association of allottees within the period specified under the applicable local law, and in the absence of such a period, within three months from the date of issue of the occupancy certificate. Under Section 17(2) you are required to hand over the necessary documents and plans, including for the common areas. Under Section 11(4) you remain responsible for the obligations owed to the allottees and to the association until such conveyance.
5. We accordingly call upon you, within **30 (thirty) days** of receipt of this letter, to:
 - (a) execute and register the conveyance of the land admeasuring [AREA] bearing [SURVEY / PLOT / CTS NUMBER], together with the undivided proportionate title in the common areas, in favour of the [society / association];
 - (b) hand over the sanctioned layout and building plans, the structural and services drawings, the occupancy/completion certificate, the land title documents, and the statement and balance of the maintenance corpus and any interest-free maintenance security held;
 - (c) confirm in writing the date, time and sub-registrar's office at which the instrument will be presented for registration.
6. The incidence of stamp duty and registration charges shall be borne as provided in the agreement(s) for sale and the applicable state stamp law; we are ready and willing to perform our part accordingly.
7. Please treat this as a notice. Should the above not be complied with within 30 days, we shall file a complaint before the [STATE] Real Estate Regulatory Authority under Section 31 of the Act seeking, among other reliefs, a direction to execute the conveyance and hand over the documents, together with interest, compensation and costs, entirely at your risk as to costs and consequences.

Yours faithfully,

[NAME]

[Secretary / Chairman / Authorised Signatory], [SOCIETY / ASSOCIATION NAME]

[PHONE] | [EMAIL]

Enclosures: (1) copy of society registration certificate; (2) copy of sub-registrar search / encumbrance certificate dated [DD/MM/YYYY]; (3) copy of occupancy certificate; (4) copy of the managing committee resolution dated [DD/MM/YYYY].

B. Individual allottee → society secretary and promoter: the written query

COPY, FILL THE [BRACKETS], SEND

To,

The Secretary, [SOCIETY / ASSOCIATION NAME]

[ADDRESS]

Copy to: [PROMOTER'S REGISTERED NAME], [ADDRESS]

Date: [DD/MM/YYYY]

Sent by: Email + Registered Post AD

Subject: Request for information and a copy of the registered conveyance deed for the land and common areas — Flat No. [FLAT NO.], [PROJECT NAME]

Dear Sir/Madam,

1. I am the owner of Flat No. [FLAT NO.], [TOWER/WING], [PROJECT NAME], holding a registered sale deed dated [DD/MM/YYYY] bearing registration no. [REGISTRATION NUMBER].

2. I request the following information in writing:

- (a) Has a **registered** conveyance deed for the land and the common areas been executed in favour of the [society / association]? If yes, please provide its date, the registration number, and the sub-registrar's office, together with a copy.
- (b) If no, what steps has the [society / association] taken with the promoter to obtain it, and on what dates?
- (c) The date of issue of the occupancy certificate for [the project / my tower].
- (d) Whether the documents and plans referred to in Section 17(2) of the Real Estate (Regulation and Development) Act, 2016 have been handed over, and if so, a list of what was received.

3. I request a written reply within **15 (fifteen) days**. I am raising this as a member seeking clarity, and I am willing to assist the committee in pursuing the conveyance.

Yours faithfully,

[NAME] — Flat No. [FLAT NO.], [PROJECT NAME]

[PHONE] | [EMAIL]

C. Complaint to the State Real Estate Regulatory Authority (skeleton)

COPY, FILL THE [BRACKETS], SEND

BEFORE THE [STATE] REAL ESTATE REGULATORY AUTHORITY

Complaint No. _____ of [YEAR] (to be filled by the registry)

Filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016

Complainant: [SOCIETY / ASSOCIATION NAME], through [NAME], [designation], [ADDRESS], [EMAIL], [PHONE]

Respondent: [PROMOTER'S REGISTERED NAME], [REGISTERED OFFICE ADDRESS]

Project: [PROJECT NAME], RERA Registration No. [NUMBER]

I. Facts

1. The complainant is the [registered society / association of allottees] of the said project, comprising [NUMBER] allottees.
2. The respondent is the promoter of the said project.
3. Possession of apartments commenced on [DD/MM/YYYY]. The occupancy certificate was issued on [DD/MM/YYYY].
4. No registered conveyance of the land and common areas has been executed in favour of the complainant. A search of the sub-registrar's records dated [DD/MM/YYYY] discloses no such instrument.
5. The complainant issued a written demand dated [DD/MM/YYYY], delivered on [DD/MM/YYYY]. The respondent [did not reply / replied on [DATE] stating [SUMMARY]].

II. Provisions breached

Section 17(1) — failure to execute the registered conveyance and hand over the undivided proportionate title in the common areas within the specified period.

Section 17(2) — failure to hand over the necessary documents and plans, including for the common areas.

Section 11(4) — failure to discharge the obligations owed to the allottees and the association pending conveyance.

[Add any state-specific rule or model-agreement clause your state prescribes.]

III. Reliefs sought

- (a) Direct the respondent to execute and register the conveyance of the land and the undivided proportionate title in the common areas in favour of the complainant within a time fixed by this Authority;
- (b) Direct the respondent to hand over the documents and plans, including the sanctioned plans, the occupancy/completion certificate and the land title documents;
- (c) Direct the respondent to render accounts of and hand over the maintenance corpus and any interest-free maintenance security, with interest as applicable;
- (d) Award interest and compensation as the Authority/adjudicating officer deems fit;
- (e) Award the costs of this complaint;
- (f) Any other relief this Authority deems just.

IV. Documents annexed

1. Society registration certificate.
2. Sample agreement for sale and sale deed.
3. Occupancy certificate.
4. Sub-registrar search / encumbrance certificate.
5. Demand letter dated [DATE] with postal acknowledgement.
6. Managing committee resolution.
7. Authority letter in favour of the signatory.

Verification: I, [NAME], [designation] of the complainant, verify that the contents of paragraphs 1 to [N] are true to my knowledge and belief, and that nothing material has been concealed. Verified at [PLACE] on [DD/MM/YYYY].

[SIGNATURE] — [NAME], [designation]

D. Deemed conveyance application — Maharashtra only

COPY, FILL THE [BRACKETS], SEND — MAHARASHTRA SOCIETIES ONLY

To,

The Competent Authority (District Deputy Registrar of Co-operative Societies)
[DISTRICT], Maharashtra

Date: [DD/MM/YYYY] | Sent by: In person / Registered Post AD

Subject: Application for unilateral deemed conveyance in favour of [SOCIETY NAME], [PROJECT NAME], under the Maharashtra Ownership Flats Act, 1963

The applicant society respectfully states that the promoter has failed to execute the conveyance of the land and building in its favour despite demand, and applies for a deemed conveyance and for the issue of the requisite certificate enabling unilateral registration of the instrument.

Standard document list to accompany the application (confirm the current checklist with the Competent Authority's office, as it is periodically revised):

- ☐ Application in the prescribed form, with the prescribed fee
- ☐ Society registration certificate and list of members
- ☐ Managing committee resolution authorising the application and the signatory
- ☐ Copies of agreements for sale / sale deeds of the members
- ☐ 7/12 extract or property card of the land, and the city survey / CTS plan
- ☐ Sanctioned layout and building plans; commencement certificate; occupancy certificate
- ☐ Non-agricultural order, where applicable
- ☐ Title search report and the promoter's title documents, where available
- ☐ Copy of the demand letter to the promoter with proof of delivery
- ☐ Latest property-tax receipt / municipal assessment
- ☐ Draft of the proposed conveyance deed and the stamp duty adjudication, where required

[NAME], [designation], [SOCIETY NAME] — [PHONE] | [EMAIL]

What to expect — and the honest cautions

The likely first response. Silence, or a short letter saying the conveyance is “under process”, that a title issue or an approval is pending, or that members must first pay a demand. Treat “under process” as a non-answer and ask for the specific step, the specific date, and the specific officer.

Timelines. A demand letter answered at all is usually answered within the 30 days you set. A complaint before the Authority moves in hearings over months, not weeks; a contested matter with a title complication can run considerably longer. The Maharashtra deemed-conveyance route is designed to be quicker than litigation but still runs in months and turns heavily on whether your document set is complete.

Rough cost. Sub-registrar search and certified-copy fees are small and fixed by state rules. Filing fees before the Authority are modest and prescribed by your state's rules. The real costs are professional: a title search report, a lawyer to draft and appear, and — the big one — the **stamp duty and registration charges on the conveyance itself**, which are governed by your agreement and state stamp law. Budget for that before you start, because a society that wins an order and cannot fund the stamp duty has not finished the job.

What makes a weak case weak. No formed society or association. A leasehold plot whose lease terms nobody has read. No occupancy certificate, in a state where the clock runs from the OC. A demand that was never actually delivered, or delivered only on WhatsApp. Members who will not fund the stamp duty. And internal disagreement — a promoter's strongest defence is often a divided society.

When a lawyer stops being optional. The moment (a) the land is leasehold, (b) there is any dispute or litigation about the promoter's own title to the land, (c) the promoter claims unsold inventory or additional development rights on the plot, (d) you are drafting the conveyance instrument itself or dealing with stamp duty adjudication, or (e) you are filing the complaint and want the reliefs framed so they are actually enforceable. Steps 1 and 2 of the play you can genuinely do yourself. Step 3 onward is better with a lawyer who has done a conveyance before.

The one line to remember

Your flat is yours. The land under it is a second document — and until it is registered in the society's name, nobody has finished the job.

Forward this to the one person in your building who sits on the committee. This is not a complaint about anyone's neighbour. It is a standard gap in how projects are closed out across the country, and it stays open only because nobody in the building asks the question in writing.

Related kits: comment **CHECK** for the maintenance-bill audit and the pre-purchase document checklist · **DELAY** for possession delay, holding charges and the paper they hand you with the keys · **RIGHTS** for the five-year defect liability and inheritance rights.

General information, not legal advice — confirm your specific case with an independent property lawyer.

Fact-check notes

- Promoter must execute a registered conveyance and hand over undivided proportionate title in the common areas to the association; within the local-law period, and in its absence within three months of the occupancy certificate — RERA 2016, Section 17(1) and proviso.
- Promoter must hand over necessary documents and plans, including for common areas, after OC and possession — RERA 2016, Section 17(2).
- Promoter responsible for obligations to allottees and the association until conveyance; enabling formation of the association; executing the conveyance as provided in Section 17; maintaining essential services on reasonable charges until the association takes over — RERA 2016, Section 11(4). Cited at section level deliberately; sub-clause letters not asserted.
- Complaint to the Authority — RERA 2016, Section 31. Civil courts barred for matters the Authority is empowered to determine — RERA 2016, Section 79.
- Deemed conveyance through the Competent Authority (District Deputy Registrar of Co-operative Societies) — Maharashtra Ownership Flats Act, 1963. Stated as a Maharashtra mechanism only; not asserted as national.
- Conveyance period, procedure, stamp duty incidence and the deemed-conveyance document checklist vary by state and are periodically revised — reader directed to their own state's law and the relevant office. No figure asserted.
- No monetary amount is stated anywhere in this kit, because no defensible national figure exists for search fees, filing fees or stamp duty. All are state-set.

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