



## INTERNAL LEAKAGE PROBLEMS IN HOUSING SOCIETY

In case there is leakage from above flat, the responsibility to carry out repairs lies with the owner of the above flat. This is because the source of leakage is located inside their property.

The first thing you need to do is talk to the owner of the flat above and ask them to fix the issue in a polite manner. In case the owner of above flat refuses to fix the leakage, you can approach the housing society or the builder to find a solution to the problem. Water leakage will eventually cause structural damage, so such problems cannot be ignored by the building's management committee.

For not fixing leakage issue from above flat, under Bye-Law No. 172, make a written complaint against the flat-owner to the managing committee of the Society. In this complaint, mention that within 15 days of your complaint to the Society, if they do not take any action against that flat-owner to get fix his leakage issue, then under Bye-law No. 174(B)(iii) you will make a civil suit in the cooperative court and you will make the Society party to that civil suit.

Within 3 days of such application the Secretary or any of the authorized person should visit the flat and affected portion, submit the report, and take necessary corrective measures and the expenses within 7 days, the expenses incurred for the same should be shared between upper and lower floor member equally.

In case, the leakages is due to the repairs and renovation carried out by the upper flat owner prior to 3 months of leakages, 100 % cost to be bear by the upper floor member.

If the member does not co-operate with the society for repairs then society by taking the help of police protection should complete the repairs and carry out the necessary repairs and in such case the expenses cost of police protection shall be charged upon such non-cooperative member.

Further, all the above share of repairing cost and police protection shall be treated as regular dues of the society.

If such amount is not paid within specified period, the interest as applicable to other dues will be charged on such defaulted amount and also can be recovered by filling recovery proceedings under section 154 B (29) or 91 of MCS Act as the case may be.

In case after 15 days of your complaint to the Society, if you do not get any reply or the amount that you spent on repairs from the erring flat-owner, then find some honest and intelligent advocate working for cooperative court in such type of matters and make a civil suit in the cooperative court against that flat-owner, by making your Society a party to that suit.

**There have been cases in the past where courts have ruled in favor of home owners facing water leakage issues. In such cases, the owners of flat above were asked to carry out the repairs at their own expense and reimbursement of the expenses incurred by affected member.**

