



## LEAVE - LICENSE

— Adv. Avinash Chaphekar

### What is License?

1. License is a permission for restricted use of immovable property.
2. The owner of the property grants to another person or a definite number of persons, a right to do or continue to do, in or upon the immovable property of the grantor. Such a right does not amount to an easement or any kind of interest in the property, and is called a license.
3. A License to use an immovable property does not mean or include the possession of the property. Possession and control remain with the grantor.
4. A right to use the property is restricted to a specific period of time, space and in a particular way, and under certain conditions.
5. License can be created by permission only, whether express or implied. The owners, therefore should remember that their behaviour may create a license even without a format agreement.
6. Licensee cannot transfer his

license, i.e. his right to us the property.

7. To grant a license, the grantor should have lawful possession or ownership or any kind of lawful interest in the property.

### Land on Leave-License — Land for Godown

1. Before you sign the leave-license agreement for a piece of land, you must have taken into consideration some points, as to the location and other aspects. The legal aspect is equally important and has to be given a thought too.
2. You should check the title papers to confirm that the licensor is the owner of the land and he has got every right to give the land on leave-license basis.
3. If the owner and the person who is to sign the agreement are two different persons, then you have to see that the person who is going to sign the agreement has with him the power of attorney to sign the agreement on behalf of the owner.



## Editorial...

Dear Readers,

We are extremely glad to handover this very first issue of Anulom Newsletter. We, at Anulom are extremely grateful to all of our patrons for using our Services and giving us an opportunity to serve you better at all times. In this Newsletter, we intend to publish useful articles on various subjects. We will also be publishing FAQs of our readers. We also invite the topics on which our readers would like to have information, in this Newsletter. Thank you all and stay with us....

4. Again, you should go through the power of attorney to see whether the attorney has right to sign the agreement only or he is to act as an agent for the owner / licensor and has a right to collect / accept the license fee and to look into the day-to-day problems that may arise.
5. It is necessary to see that the land concerned is non-agricultural (NA) and if it is not, then your godown may come into trouble.

# FIVE TIPS TO RENT YOUR HOUSE...



Renting out your house requires a lot more work than just painting and fixing appliances. We give you 5 tips for handing your house over to a tenant.

You've bought your property and invested in making it a comfortable and safe space to live in. But if you want to rent it out, there is more that needs to be done.

If you live in a fast-paced urban centre in India, you might easily find a tenant for your house. However, that tenant is still a stranger and your property needs to get you a good Return on Investment (ROI) without it becoming a liability. And with property appreciation rates staying stable over the last few years, the best option out there for you to get your just returns, is to rent it out and get a steady source of income.

## 1. Protect your investment

First and foremost, you need to get your Landlord's Insurance of property done. Your property is an asset whose value should increase over time. The best way to protect yourself from any damage to it and a decrease in value is to get insurance. Landlord's insurance of property covers everything from damage to property, loss of income and liabilities. It's important because you are covered while paying for repairs if any and you also get an income when you face a loss of rent.

## 2. Determine the correct rent

A lot of factors go into deciding the right amount of rent you need to charge for your property. You need to keep the age of your property, the location, the amenities you're offering and the maintenance fees in mind before deciding on an amount that is not so low that you don't get the right ROI, or so high that tenants can't afford it.

## 3. Choose the right tenant

An important rule of thumb to follow here would be to personally meet the tenants while they see your property. Have a conversation with them to judge whether they seem trustworthy and interested. Ask for information so you can do a background check on them. If all this seems like too much work, you can always invest in a reliable property management service that will handle everything – from putting out advertisements, screening tenants and collecting rent – for you.

## 4. Get a rent agreement and register it

The government of Maharashtra has made it mandatory for all landlords and tenants to enter into a rent agreement for the period of tenancy and get it registered at a Sub-Registrar's Office. The rent agreement is a document that details all of the conditions for renting out the house agreed upon by both the landlord and the tenant. It is a vital document because it can protect your interests in all legal matters. Choose a government-approved doorstep service provider to make the process of getting it registered hassle-free and quick.

## 5. Do regular checks

Once you find a tenant, register a rent agreement with them and they move in, you can't wash your hands off the matter. You need to perform periodic checks to ensure your property is being kept in good shape. One way to be able to do regular checks is to make it a pre-existing condition in your rental agreement. Another way is to hire a property manager who can step in for you to conduct the checks and keep you updated on all the progress. In case of any repairs to be made, the property manager can handle it on your behalf.

There may be parodies and stories on popular media about evil landlords, but they don't reveal the whole picture. The truth is that you need to protect your property as an important investment and going about tenancy the right way is key.

Log in to [www.anulom.com](http://www.anulom.com) or call +91 9595380945 to find out more about how you can get returns on your property and take care of it the right way.

# Want to rent a house?

## No tension for Owner and the Tenant

There are many questions in the mind of the landlord, whether to rent the house or not, whether the tenant will pay the rent on time or not. So also, the landlord will not bother you, will not take extra money from you, are the many questions bothering the tenant. However, the government has enacted the Model Tenancy Act which suggests a solution to all these.

### What is the Model Tenancy Act?

1. At present, the Rent Control Act, 1948 is applicable throughout the country.
2. States have made their own laws based on this law.
3. According to the Model Tenancy Act, a single rent law will be implemented across the country.
4. It is expected that the states will make their own rules according to this law.

### What were the flaws in the Rent Control Act?

1. The purpose of this law was to ensure that no one was charged arbitrarily.
2. However, undue advantage of this law was been taken.
3. In many places, the tenants occupied the house and were reluctant to leave in spite of requests from landlord. So, the landlord was reluctant to keep the new tenants in future.
4. Agreements on rent were also unilateral. The landlord was accepting year-round rent as a deposit.
5. Landlords would not rent a house to tenants who knew the law.

### Responsibility for expenses

1. The tenant will have to pay for cleaning of drainage, repair of switches and sockets, minor repairs in the kitchen, maintenance of the garden, etc.
2. The owner will now have to bear the cost of repairing the house, painting the wall, or painting, repairing the doors, electrical work, etc.

### What are the provisions in the new law?

1. A copy of the rent agreement between owner and tenant must be submitted to the district rent authority.
2. The rent and the duration of the stay will be agreed upon by the landlord and the tenant. All will be in written form.
3. If there is a dispute between the landlord and the tenant, they can appeal to the rent authority.

4. If there is no solution, you can go to rent court. The decision of the rent tribunal will be final.
5. It will be mandatory to give a decision within 60 days at each stage.
6. Landlords must give three months' notice of the rent increase.
7. If the landlord is unable to pay back the deposit amount to tenant at the end of tenure, the tenant will receive interest on the amount.
8. Homeowners and property managers will not be able to cut off electricity and water supplies.
9. If this is to be done, the tenant must be notified in advance.
10. The tenant will not be able to move out of the house within the term of the lease.



### What is the purpose of the law?

1. Rental housing should be made available to people of every income group by creating a framework of rules in all matters relating to rent.
2. The law seeks to institutionalize the process of renting a house.
3. The law is expected to boost the rental market and allow for more efficient use of vacant homes.
4. According to the 2011 census, there are currently one crore vacant houses in the country.

### What care should be taken when renting a house?

1. Everything should be mentioned beforehand when signing a lease.
2. You should also have the photo ID of the person to whom you are renting the house.
3. Tenants must be registered with the nearest police station.

## What if the home loan is not repaid?

### What if EMI is not paid?

1. A very valid and true reason should be given, as to why the EMI could not be paid. And if you have a good history of paying your loan installments on time earlier, the bank may grant you an extension to pay your installments.
2. If you miss one or two monthly installments (EMI) of the home loan, the bank just gives a warning.
3. If the borrower is unable to repay three consecutive EMIs, the bank will proceed further to take action.
4. The concerned bank sends a notice to the borrower who is defaulting on the installments, to declare him bankrupt and pay him the arrears of the loan.
5. Failure to pay the loan installments affects the CIBIL score. If the CIBIL score is low, there will be difficulties in getting a loan in the future.

### What options does the bank have for action?

1. Under the Securitization and Restriction of Financial Assets and Enforcement of Security Act,



the bank sends 60 days' notice to the insolvent applicant.

2. During these 60 days, the borrower is given one last chance to pay the arrears. However, if the borrower does not pay the installments, the bank and the concerned financial institution can bring about a foreclosure on the house. After foreclosure, the bank and financial institution can auction the home and recover the loan.

### What are the other options?

The borrower has another option to avoid foreclosure on your home. The borrower can sell the house and repay the bank loan. In a post-foreclosure auction, the borrower receives very little money from the price of the house. So, it is a good idea to sell the house already and repay the loan.

## FEEDBACK FROM OUR SATISFIED CUSTOMERS...

The whole process of registering the rental agreement and police verification was quick and hassle free with Anulom.

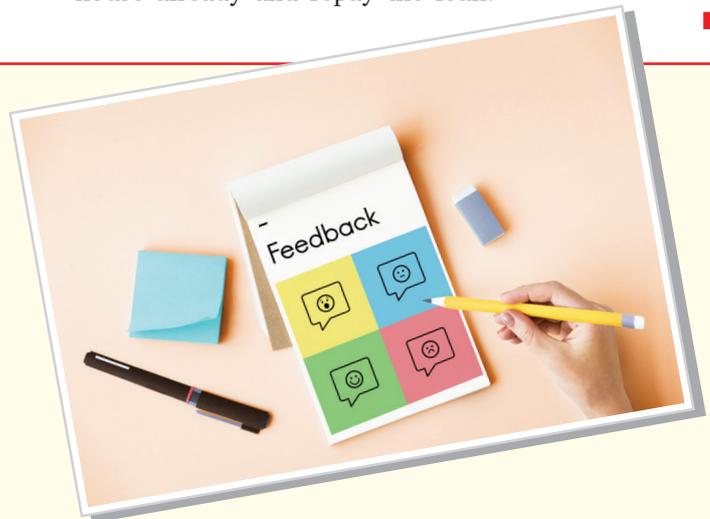
- LEONS ANTONY

I have used Distant Rent Registration service and really worked well. The Tenant was in my property in India and I am out of India. Anulom Staff is really professional, helps on any blockers, well planned process and hassle-free service. Only concern is initially we have to update all details and documents carefully. I will surely suggest to use service for registration from home. Thanks.

- SHASHI AUSEKAR

My experience was truly great. That you are dedicated towards building up customer relationship was proved beyond doubt when you personally approached me. I was indeed very pleased with your inputs on the agreement. Your know-how of the whole process was laudable. It relieved me greatly of my difficulties.

Late PT. SHARAD SATHE  
(Eminent Musicologist)



I have been using Anulom services to get rental agreement registered for last 3 yrs. This year I used distant registration option and it went very smooth, connecting from USA. Aprosa S. assisted me with technical support getting biometric done. Overall process was handled well, setting up appt and getting registration done on time.

- BIPIN MULICK

Home-delivery of registration documents given me a more convenient option in this fast-paced world. Will definitely recommend everyone to try it.

- JAYANT DAVE

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