CHECKLIST · PROPERTY

Leave and Licence Agreement Checklist

For owners and occupants of residential premises in Maharashtra. Use it before signing, at registration, and when the licence ends.

THE LAW IN ONE PARAGRAPH

Section 55 of the Maharashtra Rent Control Act, 1999 requires a leave and licence agreement to be **in writing and registered** under the Registration Act, 1908. The landlord is responsible for getting it registered. If it is not, the occupant's version of the terms prevails unless the landlord proves otherwise, and the landlord can be punished with imprisonment of up to three months, a fine of up to Rs 5,000, or both.

1. Before signing

☐	**Owner's proof of title**	Sale deed or allotment letter, share certificate, latest maintenance bill or property tax bill.
☐	**Identity of both sides**	Identity and address proof of the owner and the occupant, and photographs.
☐	**Housing society**	Inform the society as its bye-laws require, and check any society rules for occupants.
☐	**Inspect the premises**	Note the condition, fittings, furniture and meter readings; take dated photographs.

2. What the agreement should record

- ☐ Names and addresses of the owner (licensor) and occupant (licensee), and a description of the premises
- ☐ Period of the licence (most are 11 months; the stamp duty rate shown below applies up to 60 months) and any lock-in period
- ☐ Monthly licence fee, due date and increase, if any
- ☐ Security deposit: amount, whether refundable, and when and how it will be returned
- ☐ Who pays maintenance, society charges, electricity, water and gas
- ☐ Conditions of use, and whether sub-licensing is allowed
- ☐ Notice period, how either side can end the licence, and the condition in which the premises are to be returned
- ☐ An inventory of furniture and fittings, signed by both sides

3. Stamp duty and registration

Stamp duty (Article 36A)	0.25% of: total licence fee for the period + any non-refundable deposit or advance + 10% a year of the refundable deposit, for the period
Registration fee	Rs 1,000 in a municipal corporation area; Rs 500 elsewhere
Example	Rs 25,000 a month for 11 months with a Rs 1 lakh refundable deposit: stamp duty about **Rs 711**, plus the registration fee and document handling charges

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☐	**Where to register**	At the Sub-Registrar's office, or through the State's online registration service.
☐	**Who must take part**	Owner, occupant and two witnesses, with identity proof; online registration uses Aadhaar authentication.
☐	**After registration**	Keep the registered copy (PDF or scanned), the stamp duty and fee receipts.
☐	**Police intimation**	In Mumbai, give the occupant's details to the local police station; check the current process, including online, at the time of letting.

4. When the licence ends

- ☐ Give notice as the agreement says, in writing
- ☐ Joint inspection against the inventory and the photographs taken at the start; note final meter readings
- ☐ Clear dues: licence fee, society charges and utility bills, with receipts
- ☐ Return of keys, and return of the deposit as agreed, by bank transfer for a clear record
- ☐ If the occupant does not leave, the owner should go through the competent court; cutting water or electricity can create liability for the owner

WARNING

A notarised, unregistered agreement does not meet Section 55, and is often not accepted as residence proof (for example, for school admissions).

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