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DEFINITION OF CARPET AREA & ITS INTERPRETATION

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Definition of Carpet Area & its Interpretation

Typically, carpet area would mean such area of an apartment that could actually be used by the occupier of the premises. Until RERA, there was no statutory definition of "carpet area". Of course, the vacuum meant that developers would generally include areas such as shafts, lift-wells, etc. within carpet area, which were not usable by an apartment owner. Section 2(k) of RERA defines carpet area as the "net usable area of an apartment *excluding* the area covered by **external walls**, areas under services shafts, exclusive balcony… area…but *includes* the areas covered by the **internal partition walls** of the apartment." Cometh July 2018, the National Commission has awarded compensation to an apartment owner on the basis that *internal* and external walls of the apartment and area under respective door jams shall *not* be part of carpet area of the apartment, and because the developer had included them in carpet area, it was held liable for deficiency in carpet area.

PSA view: National Commission's verdict is a welcome step, especially as developers continue to use terms such as "super area", "saleable area", etc. to describe the total area of an apartment in their contracts with owners/allottees. Post-RERA, though developers still use these terms, they also tend to mention the "carpet area" of an apartment in the contract. However, while defining "carpet area", they typically include unusable areas such as lift-wells, external walls and shafts within its scope. It is pertinent to note that though the National Commission granted relief to the apartment owner, it did not consider the definition of "carpet area" under RERA, which, in fact, *includes* internal walls. Therefore, ambiguity remains and time will tell if the matter is put to rest by bringing in much needed uniformity in interpretation and computation of "carpet area".

By:

Varun Kalsi