

Can housing societies stop Amazon, Zomato, Swiggy and other online apps from delivering to residents for non-payment of society maintenance dues? - The Economic Times

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Recently a resident of an upscale housing society in Gurgaon posted on social media about an incident where the society members have warned that those who fail to clear society maintenance dues will lose access to daily services like online app deliveries. The management of the housing society mentioned that residents with unpaid dues could face temporary suspension of non-essential services such as food deliveries, car washing, and entry of domestic helpers. According to an NDTV report, online delivery services like Zomato and Swiggy could also be restricted for these households.

This brings up an interesting question: can [housing societies](#) really stop Amazon, Zomato, Swiggy and other online apps from delivering to residents for non-payment of society maintenance dues?

What does the law say?

Heena Chheda, Partner, Economic Laws Practice explained to *ET Wealth Online* that **housing societies cannot block deliveries from Amazon, Zomato, Swiggy, or similar platforms to enforce maintenance dues.**

According to Chheda, **recovery must follow lawful statutory procedures** and the society's registered bye-laws and societies cannot interfere with essential services including food, grocery, or medicine deliveries. Societies may charge interest on arrears and/or fixed penalties if authorised by bye-laws and restrict non-essential amenities.

Apurva Agarwal, Founder, Universal Legal, says that blocking deliveries from Amazon, Zomato or similar apps may seem like a minor restriction, but legally it crosses a line because it interferes with your normal use of your home.

Most society's bye-laws don't allow such measures, and courts have also made it clear that recovery of dues has to follow a proper legal route.

Agarwal says: **"Even if you are a defaulter, society cannot start acting like a gatekeeper to your personal services. These kinds of restrictions are often seen as excessive and can be challenged in court."**

What action can housing societies take if a resident does not pay its maintenance dues?

According to Agarwal, if dues remain unpaid, the society can charge interest, sometimes quite high, depending on the bye-laws. The next move is to take this to court. That means reaching out to the right people to kick off the recovery process. Usually, this results in a recovery order. Think of it as a court order, but it's specifically for getting back the money that's owed.

Agarwal says: "So, societies are not without options; they have a clear path to recover money. But that path is legal and procedural. They are not allowed to create pressure by restricting access, stopping deliveries, or making everyday living inconvenient."

What happens in Maharashtra?

According to Chheda, a housing society can recover unpaid maintenance strictly under the law and its registered bye-laws. It may levy interest and/or late fees on arrears and issue formal demand notices.

In Maharashtra, for undisputed dues, the society can approach the Registrar under Section 101 of the Maharashtra Co-operative Societies Act, 1960 to obtain a Recovery Certificate, allowing dues to be recovered as arrears of land revenue.

Chheda says: "For disputed dues, the society may file a claim under Section 91 before the Co-operative Court. Additionally, societies may legally restrict access to non-essential amenities such as gyms, swimming pools, or clubhouses."

Chheda points out that though there is no specific statutory waiting period for acting on maintenance default, societies are expected to issue formal demand notices to defaulters as per their bye-laws.

Can housing societies stop sale of the apartment for unpaid dues?

According to Chheda from Economic Laws Practice, societies cannot block the sale deed itself, as transfer of property is governed by transfer of property act. However, they can withhold admission of the new owner as a member and delay transfer of share certificates or society records until all outstanding dues, interest, and transfer charges are cleared.

Chheda says: "This ensures arrears are settled at the time of sale without preventing the transaction."
