



MSWA'S HOUSING SOCIETIES REVIEW

DECEMBER 2011

Vol. 05 Issue 09

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Proposal for digitization of Cable TV services cleared!

■ The Cabinet Committee of Economic Affairs (CCEA) has cleared the proposal for digitization of Cable TV services that will cover all urban areas by digital TV by 2014. Addressing the media after the cabinet meeting, **I&B Minister Ambika Soni** said, "Cable operators will have to abandon analog in the four metros by June 30, 2012. Cities with a population of one million will be covered by March 31, 2013. All urban areas would be covered by September 30, 2014. The entire country will be covered by December 31, 2014."

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Pages
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Mr. Ramesh Tank, Sr. Manager, BDD, Mobile: +91 98202 10019, Landline: +91 22 6723 2362, Email: ramesh@mayfairhousing.com
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EDITORIAL & PUBLICATION OFFICE

A-2/302, Laram Center,
Above Golden Gate Hotel,
Opp. Andheri Railway Station,
Andheri (W), Mumbai - 400 058.

EDITOR & PUBLISHER

Ramesh S. Prabhu
Off : 26248589 / 65 / 26705482 / 5682
Mob.: 9820106766

MANAGING EDITOR

Mr. V. Viswanathan 9890187344

DESIGNED BY

Mr. Vishal Bamane 9823911027

EDITORIAL BOARD

Mr. G. G. Shanbaug 9870205677
Adv. Pramod Kumar 9224768008
Mr. Naresh Pai 9850822472
CA. Vijay Rao 9819432765
Adv. Vijay Thilakan 9869051947

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EDITORIAL



CA RAMESH PRABHU
Chairman, MSWA

Dear Members,

Much awaited Draft Real Estate (Regulation & Development) Bill 2011 is published by Union government for Comments to be received. The Same is already uploaded on the website of Ministry of Housing & Urban Poverty alleviation.

Another Landmark initiative taken by Co-operative is to publish Housing Manual under Section 79A of MCS Act, 1960.

The Co-operative Department also has published 409 frequently Asked Question & answers related to Co-operative Housing Societies.

The above publication is available in your Association office.

With warm Regards
CA RAMESH PRABHU

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Is your building digitized yet??????

If not you may face black out in near future.

Do you still watch your television programs on cable??

The cable operators transmit the channels in analog signal mode which is very hazy. The common problems associated with the Analog transmission include ghosting of images, hazy and noisy signal. You will notice that after a particular number, the quality of channels become very poor. In the high end televisions, the cable is more distorted and one will not be able to watch his programs clearly. You need to switch over to the Digital signals provided by a DTH service provider to reap the full benefits of a high end television and its superior features.

What is a Digital Signal? How are they superior than Analog signal?

In the Digital signal, the signal receptivity is clear and all the channels have the same reception quality. As both the signals are received at the same time, there are no issues with the synchronization of sound with video.

Are Cable Operators ready to beam digital signals?

Cable operators are currently providing analog signals. There is a huge cost involved in digitization of cable signals and many cable operators are shying away from this kind of investment, barring few organized and large scale cable operators.

Govt. of India has passed an ordinance mandating the digitization of Services? What does this mean?

The recent ordinance passed by the Govt. of India on the mandatory digitization of the Cable Services. According to the amendment made in the section 9 of the Cable Television Networks (Regulation) Amendment Ordinance, 1995, the I & B ministry will make digital addressable system mandatory. The measure will empower

consumers to an increased number of channels and high quality viewing. There will be no prime band after introduction of digitization. Viewers will be able to access digital services through a set top box. Thus you will be facing the black out of the signals in major metros like Mumbai, Delhi, Kolkata, Chennai by June 30, 2012. The cities with more than one million populations like Pune, Ahmedabad and Bangalore will have to mandatorily shift to digitization by March 31, 2013. The deadline for complete digitization in urban areas is September 30, 2014 while the entire country is expected to achieve digitization by December 31, 2014.

Why do you need to switch to DTH today?

DTH means, Direct to Home Service. In this the person will receive the signals directly from the satellite on his set top box. They can watch programs of their own choice, with the wide range of channels and packages available. The picture is of superior quality and they will have a crystal clear sound. The viewers have been able to watch high definition content on their high end televisions. High definition channels are one of the major advantages that DTH service subscriber gets over the others. He can now watch his favorite sports action or travel & adventure series in high definition; he can now also see all the movie action more clearly. They have 5 times picture quality over normal or standard definition picture quality. These images have 16:9 aspect ratio.

What are a Common Antenna / Single Antenna service offered by DTH Players?

Common Antenna or Single Antenna is a customized solution for connecting multiple houses within the same multi storied building with a single Antenna to receive Direct-to-Home services. Households do not need to install individual antennas, as their individual set-top boxes will be linked to a large common antenna installed on the terrace of the multi storied building which is connected to TV sets in multiple homes in the building through a DTH cable. The



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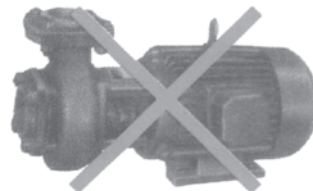
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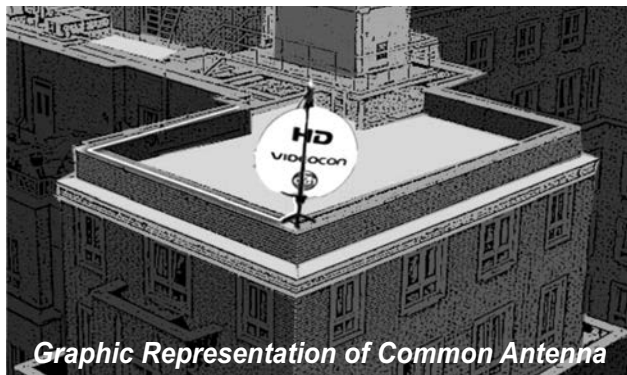


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size of individual DTH connection antenna is 60 cm, Common antennas come in size, 90 cm. This service is applicable to high rise buildings and corporate.



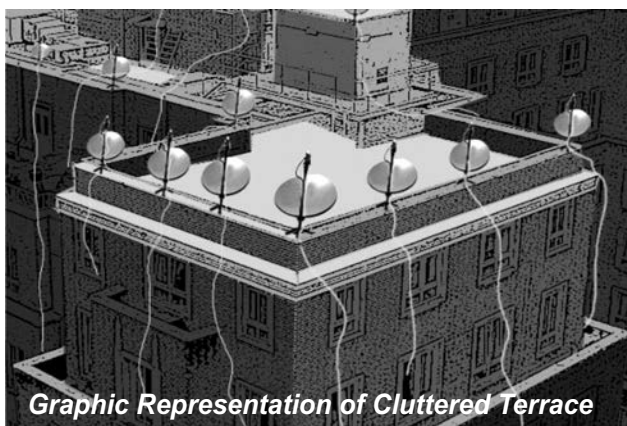
Graphic Representation of Common Antenna

Do services get disrupted during rains?

It's a general perception that DTH services lose signals during rains which is totally false. In case of normal rains, it doesn't fade and will function normally. But in case of heavy downpour, the signal might be lost for a few seconds but then it automatically gets normal. In case of Common Antenna, bigger size of the antenna leads to stronger receptivity. This stronger receptivity by the Common antenna helps in getting uninterrupted signals even during the rains.

What are the other advantages of Common Antenna?

A single antenna keeps the terrace beautiful and Clutter free thus helping in maintaining the surroundings. Several antennas would mean several wires, which in effect leads to a lot of disorder. A bigger antenna would enable you to receive stronger signals which will mean greater clarity while viewing.



Graphic Representation of Cluttered Terrace

Why Videocon d2h?

Videocon d2h is the fastest growing DTH player today with 330 Channels and services. It offers highest number of 12 Asli "HD" channels to its customers which includes Colors HD, Star Plus HD, Star Gold HD, Star World HD, Star Movies HD, ESPN HD, Star Cricket HD, Movies Now HD, Discovery HD World, NGC HD, Travel XP HD and 3D Active. Apart from these, it brings you highest number of sports channels, highest number of regional channels in Marathi, Bengali, Odiya, North East. Videocon d2h offers Common Antenna services and has been a front runner in the same. Videocon d2h Common Antenna service offers advantages like Clutter Free Terrace, Good Signal Strength and Normal Rain Proof.

Extensive Customer Service Network:

Videocon d2h has set up customer call centers in Pune, Dehradun, Noida and Bangalore to cater to customer queries in **ten different languages**. In addition to all popular television channels, Videocon d2h platform offers many new features and exciting interactive services, thus becoming a one-stop shop for all the television entertainment needs of customers. The strength that Videocon d2h service offers makes it a natural choice for the subscribers.

How can I opt for Common Antenna services of Videocon d2h?

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DEEMED CONVEYANCE FOR SOCIETIES

It is a crucial requirement for housing societies planning redevelopment

Ramesh Prabhu

To have future benefits attached with the land like additional FSI, development rights etc., some builders delay the conveyance of land and building in favour of the societies. Some times due to ignorance of the proper procedure and legal remedies office bearers also delay in taking appropriate legal action to have early conveyance and proper title of the property for which the full and final payments have been made. There are legal remedies provided in Maharashtra Ownership Flats Act, 1963(MOFA) to get the conveyance of land and building such as filing a case in the consumer court, civil court or criminal court. Since the litigation was taking more time, on the representations received from many societies, the Government has made a provision of deemed conveyance and accordingly amended the MOFA and also framed the required rules to give effect to the provisions of deemed conveyance.

OBJECTIVES OF CONVEYANCE

To become legal owners: Any movable / immovable property ownership is identified on the basis of title documents for example; immovable properties are recorded and identified on the basis of Survey No., Hissa No. and such other identity marks in Government Records like 7/12 extract, property card etc in favour of purchasers, then only, the purchaser become the legal owner.

To make entries in government records: When the property transactions are recorded in Government records, it becomes conclusive evidence of ownership of property. To make entries in Government records, a Conveyance Deed has to be executed as explained above.

To have free and marketable title: When a particular person/Society has paid full consideration and is in possession of the property

but the title documents are continued in the original owners' name, the purchaser will not have a free and marketable title on the said property. It is only after proper conveyance that the purchaser will derive free and marketable title over the property.



✶ RAMESH PRABHU
Chairman, MSWA

ADVANTAGES OF CONVEYANCE:

Following are the advantages of getting the conveyance of land and building in the name of the legal bodies.

- ✶ Getting the proper title
- ✶ Retaining Additional F.S.I which has been granted by change of regulations.
- ✶ Property will be free and marketable from any encumbrances/ charges
- ✶ Loan can be raised by Mortgage for repairing of the buildings.
- ✶ Permission for reconstruction will be given by the planning authorities.
- ✶ Construct new building by using TDR or give the redevelopment rights to the builder and get the additional area and the corpus with new amenities.
- ✶ Receive Compensation on Development like Hoarding rents, telecommunication tower rent etc.

TYPES OF DOCUMENTS

There are basically two types of rights attached to the land on which building is constructed and then the society is formed of the flat/shop takers. First is the Freehold property and the other is leasehold property. The documents to be prepared to get the title in favour of the society depends upon the type of property on which the building is constructed. Normally the type of document whether lease rights or freehold of the land will be conveyed to the legal body will be mentioned in the agreement for sale executed by the builder with the individual flat purchasers.

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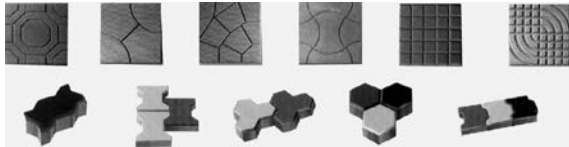
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DEEMED CONVEYANCE

After the expiry of 4 months of formation of the legal body, the land and building is deemed to have been conveyed to the legal body. In order to bring the name of the society/ legal body in the revenue record, a Competent Authority has been designated i.e District Deputy Registrar, who will hear the parties on the basis of applications received from the aggrieved party and decide the matter. In case the Competent Authority is satisfied that the society/legal body is entitled to get the conveyance of land and building, an appropriate order in favour of the society/legal body will be passed. After getting the favourable order from the Competent Authority, the society/legal body should prepare an unilateral conveyance deed along with deemed conveyance order and get the same registered with the sub-registrar of assurance after paying appropriate stamp duty. Getting the title of land and building by adopting the above procedure is known as deemed conveyance.

THE PROCEDURE

Deemed Conveyance is one of the legal processes to get the conveyance of land and building in favour of the legal bodies. Once the Deemed conveyance is passed by the Competent Authority, unilateral conveyance deed as provided in MOFA will be executed by the society/legal body as per the order received from the competent Authority. Further, the same will be registered by paying appropriate stamp duty and registration charges. There is no appeal against the deemed conveyance order passed by the competent Authority. However, the aggrieved parties can file a writ petition in the High court or in the Supreme Court under Article 226 of the constitution. Once the deemed conveyance order with Unilateral conveyance deed is executed, the index II has to be obtained and submitted to the Talati office or City Survey office to incorporate the name of the legal body in the 7/12 extracts or in the property card.

PAYMENT OF STAMP DUTY

The stamp duty will be only Rs.100, if all the flat owners have paid the stamp duty and have done

the registration of their respective flats including on all the transactions (Chain of Agreements) done in those flats. In case there are some flat owners who have not paid the stamp duty or has escaped the duty, the same will have to be paid at the time of registration of the deemed conveyance deed by the legal bodies and the same can be recovered from such flat owners.

CONSTRUCTION IN PHASES

In case of layout plot, the provision for part conveyance is already in existence on proportionate basis. There are many complexes where the conveyance has been done for one of the societies in a layout plot. There are many judgments to provide part conveyance to one of the societies in layout plot. It has been clearly pointed out that in case of layout plot, the legal body will be entitled to get the proportionate undivided rights, title and interest in the layout plot based on the FSI/TDR used for the respective building out of the total development potential of the entire layout plot as on the date of conveyance of the land and the building and as per the disclosure made by the builder. In case the builder has not disclosed the same, the entire balance FSI/TDR will be transferred to the legal bodies proportionately otherwise it will be available to the builder.

DEEMED CONVEYANCE ORDER

Normally, the aggrieved party has to make the application to the competent Authority in the prescribed form with documents available against the builder, if he fails to convey the land and building to the legal body within 4 months of its formation. The Competent Authority shall scrutinize the application, collect the documents from the promoter/ builder or from the authorised officer appointed by him and get the application admitted. After the admission of the application, the competent Authority shall conduct the hearing and then take the appropriate decision, whether the applicant or the legal body is a fit case for granting the deemed conveyance. If he passes a favourable order, then he appoints an authorised officer, who shall execute the conveyance deed.

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Email:arvindsingh.consultant@gmail.com

For more details : www.arvindsinghconsultants.com

[FAST FACT]

REGISTERED MEMBERS
OF A SOCIETY CAN
INSPECT THE REQUIRED
INFORMATION, WITH
PRIOR PERMISSION,
IN THE SOCIETY'S OFFICE

Source : Times of India - Mumbai, September 10, 2011 - Times Property

A cooperative society member has certain rights, and it is wise to know them

GET YOUR DUE

Disputes with managing committee members can be handled effectively, with some advice from **J B PATEL**



Be polite and avoid accusations and references to previous incidents. Don't use harsh words like 'corrupt', 'arbitrary', 'misbehavior' etc.



Please write in a neutral and official tone. Stick to the point.

J B PATEL
M - 9820538570

Sometimes, the managing committee of your co-operative housing society refuses to give you crucial documents or information. This happens when you have a dispute with the society. How to get those documents? I recommend four steps:

MAKE AN APPLICATION TO THE SOCIETY U/S.32 (1) & (2) OF MAHARASHTRA COOPERATIVE SOCIETIES (MCS) ACT, 1960 (GR NO.1095 / 15165 / PK 36 / 14C DATED 10.03.1995)

? 32(1) of MCS Act says that registered member of the society can inspect the required information, with prior permission, in the society's office during office hours.

? 32(2) of MCS Act says that the member can make an application in writing to Chairman / Secretary for obtaining information about the society's affairs. Your society is bound to give you the required information within 30 days of the application on payment of legitimate charges prescribed in the bye-law -- Rs.5/- per page. So, make an application to your society and endorse a copy to the Deputy Registrar of Cooperative Societies in your ward office.

FILE A COMPLAINT AGAINST THE SOCIETY UNDER MCSACT.

? If the managing committee refuses to give information in response to your applications and/or Dy Registrar's notices, they are committing breach of law and willful neglect of law. The members of the managing committee are "jointly and severally responsible for acts and omissions detrimental to the interests of the society" as per Sec 73(1AB). Such actions will attract both fines and imprisonment. If they do not give you information even 30 days after the above-mentioned application, you may appeal to the Dy Registrar to impose penalties and punishments on the managing committee under Section 146(j) and section 147 of the MCS Act.

? Under Section 89 A of the MCS Act, you can petition the registrar to inspect the affairs of the society, specifically for violations of Section 73. If they have signed the M-20 Bond (as per MCS Act Section 73(1ab) and Rule 58) within 45 days of assuming office, they are legally liable. And if they have not furnished the M- 20 bond within the time limit, all their actions and decisions stand null and void.

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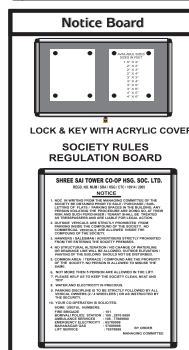
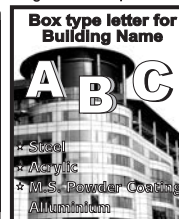
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FOLLOW THESE STEPS:

? First file a complaint with the Deputy Registrar of Co-operative Housing Societies (at your ward office). Mumbai residents, to find the address of your Deputy Registrar by ward, name of locality and pin code number, download this: <http://tinyurl.com/Mumbai-CHS-Dy-Registrar-Wards>

? Second, if this fails to have the desired effect within a month or so, escalate the complaint to the District Deputy Registrar. People of Mumbai, Navi Mumbai & Thane, to know the address of your District Deputy Registrar, download this: <http://tinyurl.com/MMR-DISTRICT-Dy-Registrars>

? Finally, in case you don't get any relief from the above two steps within a couple of months, escalate it further to Maharashtra level higher authorities i.e. Commissioner, Registrar,

Chief Secretary and Minister of Cooperatives & Housing. Contact details are here: <http://tinyurl.com/Maharashtra-CHSHigher-Ups>

HOW TO COMPLAIN:

? Send original complaints to each authority. Don't send any letter as CC, as this dilutes the responsibility of both recipients.

? Each time you escalate the complaint to a higher level, begin by giving reference to your previous complaints at the lower levels, and also enclose copies of previous complaints.

? Please let your complaint be clean and clear in language. Keep it short - not over two pages. State your matter clearly and point wise. Give references to the rules and laws that were broken by the opposite party. Avoid anger, sarcasm and other emotions, because they will only muddy the waters.

.....(to be continued Next Issue)

PROVISIONS OF THE BYE-LAWS FOR PARKING SPACES

After purchasing and becoming the owner of a house, the next thing that a person longs for is a car. A brand new car is the first choice or dream for probably any man. But many cannot afford a new car due to budget constraints. As such, they usually settle for a second-hand car.

Many fortunate individuals with a fat salary package are somewhat forced to purchase flats or houses even if they already own one. The main driving force behind such purchases is the tax deduction available. When it comes to purchase of vehicles there is no such pressure. In such cases it is only the pleasure that matters.

Nowadays in big cities and metros almost every other house owner also owns a vehicle. There are households in metros and cities which invariably own more than one vehicle. So the immediate effect that vehicles add up to is the ever-increasing traffic congestion and parking scarcity.

Most car owners do not get the facility of garages or even a space in the Society compound and are hence forced to park on roads. This further puts a huge pressure on the Housing Society and on the Society Committee in turn.



Adv. Rajlaxmi Pujari

Probably the day is not far when separate parking complexes have to be constructed near residential buildings just to park vehicles.

In cities it is often seen rows of vehicles are being parked outside the society complexes or the roads inside the complex particularly during the night. The Society office bearers are further put into parking problems when some members park vehicles used for commercial purposes, e.g., hiring out to agencies on contract basis or renting out on daily basis for tourists.

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Therefore, it is necessary for every individual to know clearly about the provisions in the Bye-laws and make up their mind as to where to park the vehicle before actually purchasing it. Bye-law Nos. 78 to 85 of the Bye-laws of the Society specifically deals with the parking of vehicles.

Policy of Allotment of Parking Spaces and Stilts [Bye-law No. 78]

Members who have been allotted parking spaces or stilts may hold them. They can also sell such allotted parking spaces or stilts to new members or other eligible member of the same Society. The stilts are normally allotted by the Builders independently to the flat purchasers and are properly marked by the owner.

The Committee of the Society can make the allotment of available parking spaces on the basis of "First Come First Served". Where any parking space/stilt is allotted to the member by the Society, such member will have no right to sell or transfer the same to anybody.

Restriction on Parking Spaces and Stilts [Bye-law No. 79]

A member to whom parking space/stilt has been allotted by the Committee or Builder cannot occupy more space than what is allotted to him.

Marking of Parking Spaces and Stilts [Bye-law No. 80]

Usually stilts or open spaces of the Society are available for parking of cars. The Society should number the parking spaces and stilts in such a way that it does not cause any inconvenience to the members. Also the Committee of the Society should ensure that such space is used only for the parking of cars and not for any other purpose.

Eligibility for Allotment of Parking Spaces / Stilts [Bye-law No. 81 & 82]

- ? Only a member having a motor vehicle is allowed to have parking spaces or stilts.
- ? A member shall be allowed to have only ONE parking space/stilt for parking the vehicle:
 - (a) Owned by him;
 - (b) Allotted to him by-

- (i) his employer;
- (ii) the firm of which he is the partner;
- (iii) the company of which he is the director.

- ? A member can be allotted more than one parking space or stilt if the applicants are less than the parking spaces or stilts available.
- ? The allotment of extra parking spaces or stilts are mentioned in the above point should be on year-to-year basis. However, such allotment can be made only if there is no member left who has not been allotted even a single parking space/stilt.
- ? It may so happen that the number of eligible members is more than the parking spaces/stilts available. In such cases, the Managing Committee should allot the parking spaces/ stilts by "LOT" on yearly basis.

Application for Allotment of Parking Spaces / Stilts [Bye-law No. 83]

An eligible member should make an application to the Secretary of the Society for allotment of a parking space/stilt. In the application the relevant details like - the name of the member, flat number, number of vehicles, vehicle number, etc. should be clearly stated. On receiving such application, the Secretary and the Committee of the Society should follow the procedure as laid down in Bye-law No. 65 for disposal of applications.

Payment of Charges for Parking of Vehicles [Bye-law No. 84]

The General Body of the Society should fix the rate for parking charges in its meeting. Members who have been allotted parking space/stilt should pay such charges even if such members actually park their vehicle or not. Where more than one parking space/stilt is allotted to a member, he should pay parking charges for each such space/stilt.

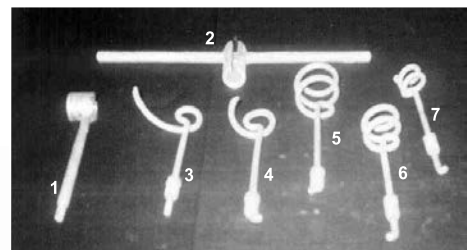
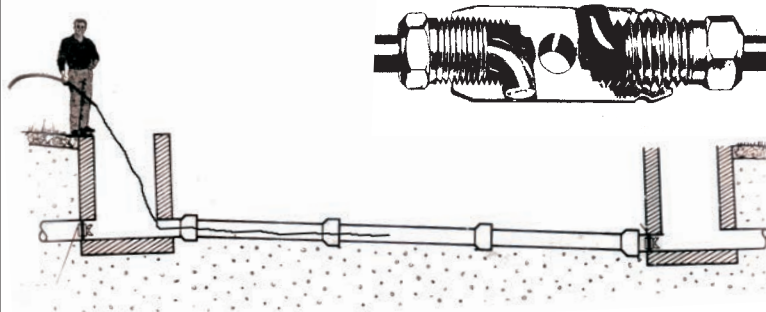
Parking of Other Vehicles [Bye-law No. 85]

Members who own other vehicles like – scooter, motorcycle or auto-rickshaw, should obtain the prior permission of the Society for parking them. They also have to pay the charges for the same as fixed by the General Body at its meeting.

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ROLE OF PROJECT MANAGEMENT CONSULTANT AND ITS SCOPE OF WORK

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1. Preparing feasibility report with respect to present government policy about utilization of T.D.R.
2. Recommending the list of amenities, extra area corpus fund etc and preparing rough designs of the building as per utilization of TDR and preparing a detail report to the society before inviting Tender from builder/developer.
3. Preparing draft tender documents and discussing the same with the committee and finally obtaining a go ahead from the committee for floating the same.
4. Inviting the tenders (Technical and Commercial) from various approved builders/developers, doing the technical evaluation, preparing comparison statement and submitting the same to committee members.
5. Conducting joint meeting with the short listed Builders / Developer along with the committee members and finalizing the most suitable developer.

B. Before Construction Stage (Phase II) :-

1. Drafting Letter of Intent based on terms negotiated with the selected Developer.
2. Ascertaining measurement of each flat and finalizing the carpet area of each member.
3. Listing down the requirement of each member and coordinating with the design architect for the final drawing.
4. Ascertaining of detail plane table survey in order to work out the area of entire plot precisely and accurately.
5. Approving the plans prepared by the developer keeping in mind the interest of the society only.
6. Assisting the society in selecting upon Solicitors/Legal Consultants and Tax Consultants.

7. Preparing Bar charts/CPM- PERT Networks so as to ensure timely completion.

8. Ascertaining preparation of all detailed Electrical and Plumbing layouts by Architect of Builder/ Developer.

9. Ascertaining Preparation of all working drawings and Structural drawings by Architect of Builder/Developer.

10. Ascertaining and conducting of various Soil Investigation, so as to decide and select the required material or construction techniques at the time of actual work of foundation.

11. Ascertaining Submission layout proposed and its approval.

12. Ascertaining Layout approval.

13. Ascertaining Submission Building files.

14. Ascertaining Obtaining of I.O.D./ C.C. etc.



Shri. S. R. Desai
M - 9820687418

C. Construction Stage (Phase III) :-

1. Overall co-ordination with the society on technical and financial matter and co-ordination with Builders/Developers as may be required and between various engineering disciplines.

2. Maintaining complete co-ordination on entire project.

3. Preparation and issue of a project co-ordination procedure documents.

4. Programming the overall projects and following progress of all aspect of the work. Updating Bar charts and expediting and preparation and issue of monthly Project Reports to the Society indicating the status and progress of work.

5. Preparation and issue of change notices, indicating any change in project which will affect costs, planning etc.

6. To have overall co-ordination with the Society, Design Architects, Developers with respect to the Municipal Drawings so as to

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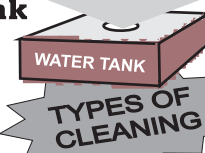
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ensure smooth progress of the Municipal follow up.

7. Monitoring Work Progress as per the Agreed Construction Schedule.

The above is further explained in detail as under:-

(A) MATERIAL MANAGEMENT:-

Strict supervision of work in interest of society and in accordance with Tender/Quotations received and approved between Society and Builder/ Developer. This will include the following: -

- i) Ensuring quality control and adherence to specification.
- ii) Carrying out periodical test of the various construction materials received prior and /or during its use.
- iii) Conducting laboratory test of material used as well of the final product and certifying the work carried out by the Builder / developers.
- iv) Ascertaining upon the quantum of various materials required for different constructional activities, checking their order placements and their timely procurement along with quality.
- v) Ascertaining of timely receiving and storing of the materials in their safe places as per the job layout.
- vi) Maintaining up to date stock register.
- vii) Checking the materials received on site for quantity and quality as per tender specification.

(B) DAY TO DAY SITE SUPERVISION & QUALITY CONTROL:

This includes —

- i) Full Time Supervision by Your Engineers.
- ii) Periodical site visit in connection with works by yourself (at least once in a week) or your project Engineers at least 3 times a week and Providing Corrective Supervision.
- iii) Giving instruction regarding method of carrying out the construction from the workmanship and materials consideration.

Issue written orders for rectification of defective works (if any).

(C) CONTROLLING UPON THE WORK PROGRESS

This includes —

- i) Preparation of bar chart PERT/CPM Networks and strictly implementing the same. Updating the activities in case of delay to meet the target completion time.
- ii) Periodical meeting with the concerned contractors so as to have a first-hand report about their practical difficulties if any and suggestion them an alternatives procedure to solve the same in the best interests of the society.
- iii) To ensure that builder/developer incorporates a penalty clause in the works with each sub-contractor.

(D) OVERALL CO-ORDINATION WITH OTHER AGENCIES INVOLVED SUCH AS:

- i) Builders/Developers/Solicitors/Contractors
- ii) Piling contractors and geo technical consultants.
- iii) R.C.C. Consultants/Electrical Consultant /Plumbing Consultant
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‘PMC cannot take decision’

Ramesh S Prabhu answers specific queries on redevelopment and society matters, which were submitted by participants at the third DNA Property Redevelopment Conference-cum-Exhibition held at Nehru Centre, Worli, on August 27-28, 2011

In a co-operative housing society majority of members are going for outright sale, minority who are opting for redevelopment has no voice in the society. In this situation how can the interest of minority who is opting for redevelopment can be protected? What is the role and responsibility of PMC and advocate who are selected by the majority to protect the views and interest of minority who is opting for redevelopment? In the Bid Process XYZ builder was selected. Is the builder selected transferable to another builder or any another name? Do family members of the bonafide members have the right to give consent to fill up the 2/3 rd majority requirement? Is email/ phone consent valid for filling up the 2/3rd majority? Can resolution of selection of builder "Name of builder / future Joint venture name be valid?

—Members, Shivram CHS, Mulund west

The society has no right to transfer the ownership rights of individual flat owners to any developers for redevelopment. The society can only pass a resolution for redevelopment as per the direction dated 3rd January, 2009 given by the government. If the developer has given option to outright purchase of flat, which has been exercised by majority members, remaining minority members can still compel the builder for redevelopment as per agreed terms. The minority should not vacate their flats or give consent for redevelopment till their demands are heard and accepted by the developer or the same is directed by appropriate court/authority after hearing both the parties.

Normally PMC understands requirement of members and accordingly prepares tender documents to invite bid for redevelopment. If majority have shown interest in outright sale, it will be mentioned in the tender. PMC only guides and cannot take decision for members. General body is supreme and PMC advises it on many commercial and legal options and helps to implement the decision taken in general body by maximum members.

Regarding transfer of development rights by one builder to another, the same is normally mentioned in the development agreement. Normally such transfer is allowed only with the consent of society. In such cases, you may not require to repeat the process. However, if the appointed developer withdraws for any reasons or society terminates the appointed developer due to some breaches of conditions, then the society will have to repeat the process from beginning and appoint a new developer.

The number of members required to be present in General Body meeting is 3/4 of total members. The resolution should be passed by majority of 3/4 of members present and not 2/3 as stated by you. If family members are having separate flats and separate share certificate, in such cases, those family members will be considered to be separate members and accordingly will be accounted for counting of majority.

Personal participation is the principle of co-operation. Therefore, members should personally attend the meeting and give their consent. Phone/ email consent received by secretary may be

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informed in general body and recorded in the minutes. Those consents cannot be treated as present in the meeting for counting votes to pass resolution.

Normally resolution should name the selected developer. In case the society permits, any future joint venture by the appointed developer same may be recorded in the minutes. Such resolutions are valid, if majority members approve the same.

My building is going for redevelopment and has submitted an application to MHADA for converting our building from de-cessed to cessed. What are the realistic chances of it being approved and what is the approval procedure for it? If it is not approved, what FSI can we get and any suggestions on how the redevelopment can be profitable for all parties?

–Rohit

Presently, there are no set guidelines to convert de-cessed to cess building. You are entitled to get 1.33 FSI or presently legally constructed area as per approved plan whichever is more. You should explore the possibility of merging with other cessed property to get 3 FSI or amalgamating plot area exceeding 4000 sq meters to get 4 FSI. There is no immediate chance of getting any rules for converting decessed building to cess building.

I am staying in the 7th floor (top floor) of a co-operative housing society at Nerul, Navi Mumbai. During last rainy season, there was heavy seepage in the bedroom walls and main hall. This was reported to the society in writing and verbally. No action was taken by the society. Once again this year it was repeated. I am paying the maintenance charges to the society regularly. What course of action is available to me to force the society to undertake the repairs? Can I stop

paying maintenance charges to the society until and unless they do the repairs and solve my problem with due intimation to the society in writing? Incidentally, the maintenance bill includes repairs fund.

Under no circumstances should you stop paying maintenance and repair fund to society. If you do so, it amounts to taking law in your hand and not discharging your duty as a member. To get your leakage problem resolved, complaint to Navi Mumbai Municipal Corporation (NMMC). You can also file a case in consumer court or co-operative court against the society for not discharging their duties.

Ramesh Prabhu is Chairman, Maharashtra Societies Welfare Association (MSWA). Please email your redevelopment related queries to dnapropertyredevelopment@gmail.com along with full contact details in case any clarification is required. We look forward to resolving your problems through this interactive format

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यामधील संभ्रम

महारा ट्रशासनाच्या सहकार, पणन व वस्त्रोद्योग विभागाने नुकत्याच प्रकाशित केलेल्या ‘सहकारी गृहनिर्माण संस्थांकरिता कामकाज संहिता’ या पुस्तिकेत प्रकरण ३ मधील मुद्दा क्र. ३.१ मध्ये सहयोगी सभासद/सहसभासद यांचे अधिकार या शी गिखाली एके ठिकाणी म्हटले आहे की, “सभासदाच्या संमतीने खरेदीखतात मालक म्हणून नाव नसले तरी केवळ प्रवेश फी भरूनसुध्दा सहयोगी/सहसभासद होता येते. सभासदाच्या गेरहजेरीत व त्यांच्या परवानगीने संयुक्तपणे भाग धारण केलेला सहयोगी /सहसभासद संस्थेच्या सर्वसाधारण सभेत हजर राहू शकतो आणि संस्थेच्या निवडणुकात मतदार/उमेदवार म्हणून भाग घेऊ शकतो. सहयोगी/सहसभासद निवडून आल्यास पदाधिकारी सुध्दा होऊ शकतो.

परंतु लगेचच दुसऱ्या मुद्द्यात म्हटले आहे की, फक्त प्रवेश-फीने सहयोगी/सहसभासद झालेल्या व्यक्तीला त्या सभासदांच्यावतीने मतदान अथवा निवडणूकीचे कोणतेही अधिकार प्राप्त होणार नाहीत. संयुक्तपणे भाग धारण करणेसाठी सहयोगी सभासदांस मालमत्तेच्या मालकीत हिस्सा/ नाव असणे आवश्यक आहे.”

महारा ट्रसहकारी संस्था अधिनियम, १९६० च्या कलम २७(२) अन्वये “संस्थेचा एखादा भाग एकाहून अधिक व्यक्तींनी संयुक्तपणे धारण केला असल्यास ज्या व्यक्तीचे नाव भागपत्रात प्रथम असेल, त्या व्यक्तीस ती उपस्थित असल्यास मत देण्याचा हक्क असेल, परंतु तिच्या अनुपस्थितीत जिचे नाव भागपत्रात दुसरे असेल त्या व्यक्तीस आणि त्या दोन्ही व्यक्तींच्या अनुपस्थितीत जिचे नाव त्यानंतर असेल त्या व्यक्तीस आणि त्याप्रमाणे आधीच्या व्यक्तीच्या अनुपस्थितीत जिचे नाव भागपत्रात नंतर असेल, अशा उपस्थित असणाऱ्या आणि अज्ञान नसणाऱ्या व्यक्तीस मत देण्याचा अधिकार असेल.”

याचाच अर्थ केवळ प्रवेश फी भरून सहयोगी /सहसभासद होता येत नाही त्यासाठी त्याने संयुक्तपणे भाग धारण करणे आवश्यक आहे.

✍ एखाद्या व्यक्तीला गृहनिर्माण सहकारी संस्थेचा सभासद व्हायचे असेल तर त्याने त्या संस्थेच्या मालमत्तेत मालकी अधिकार प्राप्त करून घेणे आवश्यक आहे अशी तरतूद सहकार कायदा, उपविधी मध्ये आहे.

✍ तसेच एखाद्या व्यक्तीला सहयोगी सभासद/सहसभासद व्हायचे असेल तर त्या व्यक्तीने मुळ सभासदाबरोबर त्या संस्थेच्या मालमत्तेत मालकी अधिकार प्राप्त करून घेणे आवश्यक आहे.

✍ सहकार अपील न्यायालयाने असा निर्णय दिला होता की, सहयोगी/सहसभासद यांना मतदानाचा अधिकार किंवा निवडणूक लढविण्याचा अधिकार संस्थेच्या मालमत्तेत मालकी अधिकार प्राप्त करून घेतल्यावरच मिळू शकतो.

✍ मूळ मालकाच्या संमतीने संस्थेची प्रवेश फी भरून केवळ नाममात्र सहयोगी सभासद/सहसभासद होता येते. सहयोगी सभासद /सहसभासद कोण होऊ शकतो आणि कधी होता येईल याचे स्प टीकरणाणे आवश्यक आहे.

सहयोगी सभासद करून घेण्यासाठी अनेक सोसायट्या मूळ सदस्यांच्या संमतीने व फक्त प्रवेश फी भरून एखाद्या व्यक्तीला सहयोगी सभासद करून घेतात. गृहनिर्माण संस्थेमध्ये सहयोगी सभासद होण्यासाठी संयुक्तपणे भाग धारण करणे तसेच संस्थेच्या मालमत्तेत मालकी अधिकार असणे आवश्यक आहे असे स्प टीकरण कुठेही उपविधीमध्ये नसल्यामुळे सहकारी गृहनिर्माण संस्थांमध्ये मूळ सभासदाच्या संमतीने व प्रवेश फी भरून अनेक व्यक्ती सहयोगी सभासद होतात व संस्थेची निवडणूक लढवून समिती सदस्यही होतात. त्यामुळे यासंबंधीचा संभ्रम दूर करण्यासाठी हौसिंग मॅन्युअल तयार करताना याबाबत चर्चा झाली होती. जेणेकरून ज्या व्यक्तीच्या नावे सोसायटीच्या मालमत्तेत मालकी अधिकार असतील अशाच व्यक्तीला सहयोगी सभासद करून घेतले जाईल. पण असे न होता हौसिंग मॅन्युअलमध्ये सहयोगी सभासदाचे वरील प्रमाणे दोन प्रकार करण्यात आलेले आहेत.

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याबाबत अनेकांच्या मनातील संभ्रम कमी होण्यापेक्षा वाढत आहे. तरी हा संभ्रम दूर होण्यासाठी याबाबत सहकारी गृहनिर्माण संस्थांकरीता कामकाज संहिता यामधील सहयोगी सभासद/ सहसभासद याची स्पष्ट व्याख्या आणि त्यांचे अधिकार याबाबत स्पष्ट उल्लेख व्हायला हवा.

सहकारी गृहनिर्माण संस्थांकरीता कामकाज संहिता या पुस्तिकेत वरील प्रमाणे योग्य ती दुरुस्ती करून

याबाबत शासनाने खालीलप्रमाणे वेगळा आदेश काढण्याची आवश्यकता आहे.

सहकारी गृहनिर्माण संस्थेत सहयोगी सभासद/ सहसभासद व्हायचे असेल तर संस्थेच्या मालमत्तेत त्यांनी मालकी अधिकार प्राप्त करून घेणे आवश्यक आहे तरच त्यांना सहयोगी सभासद/ सहसभासद होता येईल.

मॉल्स सेलेबलर्स टॉवर्स होतात आधी ! घरांच्या बदल्यात घरे कधी?



अनंत (आनंद) शितकर
९८२१०९११९१

मुंबईकर नागरिकांना गलीच्छ झोपडपट्टीतून काढून चांगल्या सुसज्ज अशा मोफतघरांच्या सोसायटीत राहता यावे यासाठी युती सरकारने चांगली योजना सुरू केली. विकासकांनी (बिल्डरांनी) मन लावून कामाला सुरुवात केली पण थोड्याच दिवसात त्यांनी जात दाखवायला हातमायांच्या नादात सुरुवात केली. झोपडपट्टीतील प्रवर्तक सोसायटी अध्यक्ष सेक्रेटरी आणि कोणत्या क्षेत्रात कसा भ्रष्टार कसा करायचा ते मास्टर त्यापैकी एस.आर. ए.चे काही संबंधित अधिकारी पासून योजना चांगलीच रहस्यमय बनायला लागली आहे. परिणामी ५ ते ८ वर्षे अनेक झोपडीधारक बिल्डरचा संक्रमण शिबिरात (ट्रान्झिट कॅम्प) सजा भोगत आहेत.

सर्वसामान्य माणसे म्हणजे मेंदरे कुठेही कोंबुन ठेवा ती राहतात अशी समज करून त्या झोपडीधारकांनी दिलेल्या जागेत इमारती बांधल्या ज्याच्यासमोर मोकळी जागा नाही. बिल्डरने सेलेबल टॉवर्स बांधले तेथे स्वर्गिय सोयी आणि ज्याची हक्काची घरे होती त्यांच्या समोर अनेक अडचणी 'मिळतय' रहायला ना म्हणून रहायचे, भाणगडी हव्या कशाला ह्या एक विचाराने लोक चुपचाप असतात. ज्यांना येथे राहणे जमत नाही ते घर विकून निघून जातात. निवडणुकांच्यावेळी दोन्ही हात जोडून मते मागायला येणारे मतलबी उमेदवार पक्षीय स्थानिक पुढारी सात मजली आश्वासने देऊन निघून जातात. पुन्हा ते लोकप्रतिनिधी म्हणून तोंड दाखवायला येत नाहीत त्याचा परिणाम बिल्डर घेताना दिसतात.

अंधेरीत १२ मजली इमारत उभी राहिली. त्या इमारतीत ८० घरे आहेत ती सर्वच्या सर्व सव्वा दोनशे फुटांच्या आतील आहेत. सरकारला योजनेनुसार एस.आर.ए.च्या

निरिक्षणाखाली निकासकाने अशी छोटी घरे बांधलीच कशी? एस.आर. ए.च्या इजिनियरांनी सुरुवाती पासून शेवटपर्यंत मोजमाप घेतला असताना ही त्रुटी आढळली नाही का? इतके सर्व होऊन (OC) कशी दिली गेली? याबाबतीत लोकप्रतिनिधी म्हणून आमदाराने आणि नगरसेवकाने त्या इमारतीतील घराचा मोज माप केला काय? काय करत होते ते प्रवर्तक अध्यक्ष आणि सेक्रेटरी बिल्डर आमचा मालक नाही हे लक्षात कधी घेणार येथे ज्याची सोडत लागली तेच ह्या इमारतीत रहायला आलेत की अन्यंकुणी ती घरे खरेदी करून मोफतचा माल आपल्याच बापाचा माल म्हणून कब्जा घेतला आहे हे पहायला सरकारला वेळ आहे की नाही? गरीबांच्या घरांचा घोटाळा करणाऱ्यास कायदा कानून काही आहे की नाही.

सोसायटीची इमारती झाल्यानंतर त्या ज्यात ज्यांचा नंबर लागतो ते आपापली घरे ताब्यात घेतात. त्यानंतर सोसायटी मंडळाची निर्मिती होते. मग मानपानवाले पुढे होतात. अध्यक्ष-सेक्रेटरी-खजिनदार अशी पदे प्राप्त करून मोकळे होतात. त्यांच्याच सोसायटीतील अनेक घरे विकली जातात. दलालांची चांदी होते. १० वर्षे घर विकता येत नाही असा म्हणे नियम आहे पण त्या नियमांना दलाल फाट्यावर मारतात. बरेच असे रती महारती आहेत त्यांची ह्या. एस.आर.ए. योजनेत ४, ४ घरे असतात ही घरे मिळवून देण्यासाठी बिल्डरचे पाळीवप्राणी म्हणे कागदपत्रे तयार करतात ते कुणाला गाळे देतात यासाठी एस.आर.ए. मध्ये कागदपत्रात नोंद (एन.एक्स.एल.-२) करण्याचे काम संबंधितांकडून होतो.

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आश्चर्याची बाब म्हणजे झोपडपट्टी असणारा क्लासवाला किती नशिबवान बघा. इमारत पूर्ण झाल्यानंतर सोडत झाली त्या सोडतीत एकाच मजल्यावर ५-६ रुम (घरे) त्याला प्राप्त झाले. त्याने त्यात आता क्लासेसचा जोरदार धंदा चालविला आहे. या वरून या योजनेती राज-रंग आहेत ते स्पष्ट असताना कुणालाही काही करता येत नाही म्हणण्यापेक्षा कुणी येथे काहीही करू शकतो त्यामुळे स्वच्छ मुंबई सुंदर मुंबई बरोबर मुंबईचा विकास होणार तरी कसा?

माहितीचा अधिकारात विचारलेल्या माहितीला अधुरे अपुरे उत्तर असते लोकांनी तक्रार केलीच पाहिजे असा काही नियम आहे का? त्यापेक्षा योजनेच्या जबाबदार अधिकार्यांनी ३, ६ महिन्यातून अथवा वषातून एखादी फेरी मारून सोसायटी अध्यक्ष, सेक्रेटरी यांच्या कडून सोसायटीची पूर्ण माहिती घेऊन पुढे काय करायचे ते ठराविता येण्यासारखे आहे. पण अधिकारी तसे करण्यास का करतात ह्या प्रश्नाचे उत्तर सर्वांच्या तोंडून मिळणारे आहे. ज्या घरमालकांची ३, ४ घरे दोन, तीन गाळे

असतात. अशाच्या घरांना गाळांना एस.आर.ए.ने सरकारने ताब्यात घेऊन त्यावर मालकी हक्क असणाऱ्यांच्या पुर्नपुराव्याची माहिती मिळवून योग्य असल्यास सोडून द्यावे आणि अयोग्य असण्यास कारवाई करावी हे लोकांचे म्हणणे चुकीचे नाही.

सुरुवातीला गाजावाजा केली, इमारतीच्या पुढे बागीचा, मौकळ्या जागेत, गाडेन, प्ले ग्राऊंड, सार्वजनिक हॉल, दवाखाना, पोलीस चौकी, आज पहाता काय आहे? चारचाकी वाहनांना जाण्यासाठी रस्ते नाहीत तेथे अन्य सोयी कुठून असणार?

आता तर म.न.पा.च्या निवडणुकांचे वातावरण तापत आहे पक्ष म्हटला की त्याला देणगीची गरज असल्याने पक्षीय नेते बिल्डरांकडे हात जोडणार फंड घेणार नंतर मतदारांकडे येणार कारण मतांची गरज आहे म्हणून मतदारांकडे उमेदवार पक्षीय नेते हात जोडणार मते मिळविणार आणि सर्व जेसे थे होणार. मतदार म्हणून दारी आलेल्या उमेदवारांना एकच प्रश्न करावा आम्हाला आमच्या हक्काचे घर मिळवून द्या त्यानंतर तुमच्या हक्काचे मत घ्या असे सर्वजन बोलण्याचे धाडस दाखवतील तरच रेंगाळत चाललेली घरांच्या बदल्यात घर ही योजना वेगवान होईल. दोन वर्षांच्या आत सर्वांना घरे मिळतील आता काय करायचे काय बोलायचे ते प्रत्येक नागरिकाने ठरवावे.

To
Dear Our Readers,

It gives me immense pleasure to announce that upon the circular from the Commissioner of Co-operation, Pune to form **ward wise federation, Vasai Taluka Co-operative Housing Federation Ltd.**, is registered on 25th of August 2011. You must be aware that as per bye-law no. 5 of the housing societies, every housing society has to become the member of the local area federation or the district federation. The job of the federation is to guide, educate and propagate the co-operation movement in Maharashtra. The year of 2012 is commensurate as co-operative movement year in Maharashtra.

Under the able, valuable and priceless leadership of CA. Ramesh Prabhu, who is also the founder Chairman of the federation, we intend to take the co-operative movement further in Vasai Taluka There are about 5000 co-operative housing societies in Vasai Taluka i.e. between Naigaon and Virar and the disputes are many.

All the housing societies in Vasai Taluka are requested to

enroll themselves as the member of the Vasai taluka Federation having its registered address at Swagat Bhawan, Near Indian Oil, Opp : MSEB colony, Station Road, Vasai Road (E) Dist. Thane 401 202 having Tel no. 0250 – 2390170 / 71 / 239 377 3 / 74 / 645 75 85 / 95 by filling up a application form, passing a resolution in the managing committee meeting and paying a sum of Rs. 1600/- (rupees One Thousand Six Hundred Only) being Rs. 1000/- towards share money, Rs. 100/- Towards entrance fees, Rs. 500/- Towards Annual subscription.

The federation is also intends to start a branch office in Royal Shopping Centre, Ambadi Road, Vasai Road (W). For more details and to avail the benefit please contact the Vasai Taluka federation office at the registered address or send email

Thanking you.

V.Viswanathan
Secretary – MSWA
Secretary – Vasai Taluka Co-operative Housing Federation Ltd.,



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