



# MSWA'S HOUSING SOCIETIES REVIEW

AUGUST 2011

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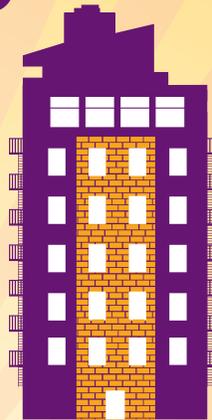
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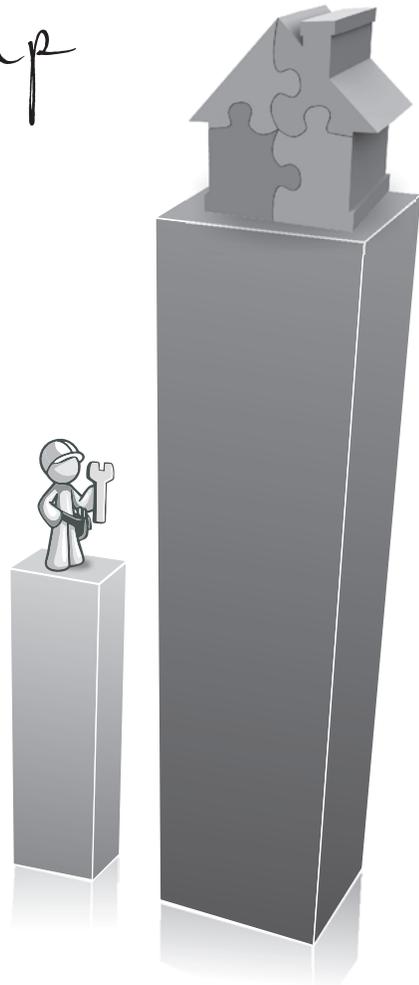


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**Views Express in this Magazine are of the authors & MSWA is not Responsible for its Contents. Circulate among Friends and other members of the Society**

## EDITORIAL



☞ RAMESH PRABHU  
Chairman, MSWA

Dear Members,

We wish all of you, a happy Independence Day. We have become an independent country but still we have to become free from different social issues like corruption, exploitation, dishonesty, unemployment, inflation, sky rocketing real estate prices, red tapism etc.

Knowledge is power. With the knowledge and the experience of others, each one of you can achieve the success. The Mumbai face is changing and the buzz word in MUMBAI is redevelopment. With the active participation of DNA, a leading news paper, we could arrange many redevelopment seminars, exhibitions and conferences.

There was a overwhelming appreciation and a great response from different corners for arranging DNA Property Redevelopment Exhibitions cum Conference. Beginning from 2011, we are now heading for 3<sup>rd</sup> Mega exhibition on 27<sup>th</sup> & 28<sup>th</sup> August, 2011 at the heart of the City. We have planned to invite Hon'ble Chief Minister, Co-operative Minister, Housing Minister, BMC Commissioner, MMRDA Commissioner, Co-operative Secretary, Housing Secretary and other ministers and important officers to guide us in this Mega Redevelopment Conference. The entire, conference will be interactive with a panel discussion on each subject. The detailed program is given elsewhere in this magazine. Further, the center page has details about the entire event, all are invited to take part in this program and also display the same in the notice board of your society/ office for the benefit of all.

In order to have better redevelopment process there has been a demand for full knowledge, guidance and support to initiate Self Redevelopment by the Housing Societies. Starting from this month, we will dedicate one article on Self Redevelopment to empower you to have redevelopment done by your society itself and all the issues, fear related to the builder will be done away with.

We appeal all the members to pay their subscription in time to run the association smoothly and also request to take the benefit of the courses conducted by your association and increase your knowledge.

With warm Regards  
☞ RAMESH PRABHU

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# GET REDEVELOPMENT GUIDANCE FROM THE EXPERTS

The third DNA Property Redevelopment Conference-cum-Exhibition will be held at Nehru Centre, Worli, on August 27-28, 2011. DNA readers can register online from today onwards for a dedicated one-on-one interaction with renowned experts ranging from project management consultants to lawyers, chartered accountants to tax consultants and structural engineers during this event. Now you too can leverage technology to the fullest extent possible and gain valuable insights with DNA facilitating the process



Redevelopment of old buildings has become a common cause for concern where existing housing societies across Mumbai are concerned. Making the transition from an old dilapidated building to a new, stable redeveloped structure is not an easy task due to various factors.

As part of DNA's sustained endeavour to facilitate this process, the third DNA Property Redevelopment Conference-cum-Exhibition will be held at Nehru Centre, Mumbai on August 27-28, 2011 from 10.00 a.m. to 6.00 p.m.

Starting today, DNA readers can register online for a dedicated one-on-one interaction with renowned experts during this event on [www.dnaindia.com/propertyredevelopment](http://www.dnaindia.com/propertyredevelopment)

DNA launched its Redevelopment Conference-cum-Exhibition series on January 8-9, 2011 at Regus Business Centre, Bandra-Kurla Complex, creating a platform where all the stakeholders such as policy makers, developers, consumers gathered under one common roof to bring in clarity and awareness to this whole concept, in association with MSWA as its knowledge partner.

Following the immensely successful debut of the concept, DNA took the series forward with the second DNA Property Conference-cum-Exhibition held on May 14-15, 2011 at Chembur Gymkhana.

A panel of experts guided housing societies on the best way forward - policy decisions, court judgments, getting conveyance, etc.

The rationale behind setting up this knowledge series was quite simple. Redevelopment of a housing society in Mumbai can be complicated. There are several instances of incomplete or misleading information prevailing among the flat owners planning for redevelopment.

Controversial court judgments add to the confusion and the societies planning for redevelopment get stuck at some point due to lack of information, knowledge, contact with right kind of builders, developers etc. Many societies do not have conveyance, so the entire process can break down in an instant.

Therefore, to help Mumbai's old societies get a new lease of life, DNA launched this unique initiative in 2011, which has over its first two editions emerged as an ideal platform that bridges the gap on redevelopment-related issues and brings all the stakeholders together.

Now, DNA is set to score a hat-trick with the third DNA Property Redevelopment Conference-cum-Exhibition next month. So log onto the microsite and set the date for your interaction with the redevelopment experts today.



|| Jay Shree Swaminarayan ||

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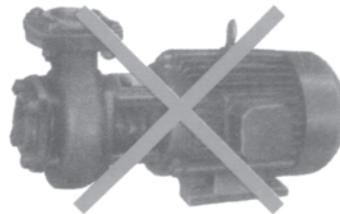
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# INSPIRATION & GUIDANCE BY JUSTICE KOCHAR REGARDING SELF- REDEVELOPMENT THROUGH MSWA

Extract of Speech by Justice Kochar as the Chief Guest in the Conference organised by MSWA during the Housing Society Expo 2006 held on 10/12/2006 at Hindu Association, Bandra

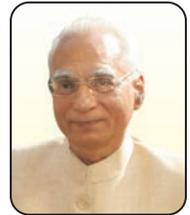
Justice Kochar began his lecture stating that earlier there was a village called Girangaon with full of Chimneys of Textile mills. which has been now transformed to “Tower-gaon” with tall towers. The earlier scene was no longer in existence. Entire village had been transformed due to redevelopment He stated that the Builders Claim that one NTC land dispute is resolved by Supreme Court, the Flat Price will come Down. Further it is said that the prices of the flats. on abolition of the ULC Act, the prices of the Flats will come down. He added that even with the increase in the supply of Flats due to Development and Redevelopment, the builders are not bringing down the prices of Flats due to cartel of the Builders.

He added that the Builders know that the people can't build houses. In fact people can't even manage the housing societies built by them. He stated that he is optimistic that the flat prices will not come down. He stated that the principle of demand and supply has failed to bring down the prices in this Sector.

The main reason why the Builders are holding upper hand is because the members are not able to a manage Co-operative Societies properly. In every Society, there are few eccentric people. They take pleasure in harassing the Office Bearers for frivolous reasons. Every Office Bearer experiences the same problem. As a result, members are reluctant to work as Office Bearers. On the other hand, some of the Office Bearers may become powerful.

The Office Bearer acts as a Dictator. Justice Kochar stated that the members of the Society should respect the Office Bearers since they are doing honorary work. At the same time the Office Bearers should be humble and respect the members of the Society. Both should respect each other.

**Justice Kochar stated that now-a – day slot of Redevelopment frauds are taking place due to ignorance of the people. He suggested to CA Prabhu that his Association should venture in to redevelopment of Societies. & affordable housing . He suggested that small as well as big Societies should approach the Association for redevelopment of their buildings. He started that the Association has proper Infrastructure to undertake redevelopment. He added that unless redevelopment is entrusted to an honest organisation, proper redevelopment cannot take place. He suggested CA Prabhu to let his Association undertake Redevelopment. He suggested that the Association undertake one or two ventures. There should be professionalism in redevelopment. Free work has no value. Reasonable fee should be charged. The Association has the necessary expertise and infrastructure. The Association also has the expertise to appoint Architects, Engineers, Advocates etc. He stated a member staying in a flat is not a pauper. He can definitely afford to pay a small fee to the Advocate for the work undertaken. Everyone requires money for living. Even the Advocate requires money to make a living. He stated the Association should undertake 4 to 5 projects. This will check the Builder's, Contractor's exploitation.**



Justice R. J. Kochar

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# SELF-REDEVELOPMENT – MERITS & DEMERITS

Self-redevelopment has its own advantages and disadvantages, i.e. positive and negative effects. It is worthwhile to mention a few of the advantages and disadvantages that are associated with redevelopment.

## PROS

- ✍ Corpus Fund could be achieved which would take care of their share (original members) of the maintenance cost of the premises. Otherwise this amount could be utilized for other purposes as per the decision of each individual member.
- ✍ Apart from the additional 100 to 200 sq feet that one would get as compensation from the developer. If any of the family requires additional accommodation in the same building, it can be achieved by purchasing additional flat from the society at a discounted price. This would enable the family to live in the same vicinity.
- ✍ The trend of building huge complexes and high rise apartments or 'towers' as they are called have lifts installed which not only carry the people from bottom to the top, but in some cases there are lifts that transport the vehicle owned by the rich and famous to their houses situated on the upper floors.

- ✍ Modern amenities and electronic gadgets are being widely used making life more luxurious and safe. Modern gadgets such as Close in Circuit Cameras, Intercom systems, Smoke Detectors, Fire Fighting Alarm System, Metal Detectors etc.



Arch. Shrikant Chavan  
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- ✍ These complexes and towers have excellent stilt or sometimes underground parking facilities which eases the traffic congestion in the society premises. This not only saves precious space but also ensures discipline traffic flow in the society premises.
- ✍ Finally self-redevelopment yields the best returns in the interest of all the society members like-
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  - b) Professionals of the best cadre could be employed.
  - c) A through quality control could be achieved.
  - d) Procuring Conveyance, OC & Approved Plan would be more easily possible.
  - e) Your choice of architecture and design.

There could be many more advantages and benefits that one can derive from self-redevelopment like-



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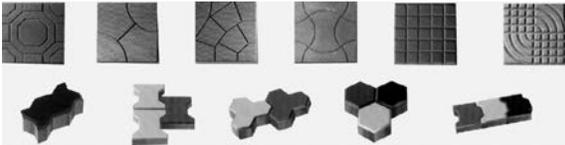
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## CONS

There are also a few of the Disadvantages that we need to mention for your ready reference. Redevelopment project should always be carried out with a lot of caution as one singly mistake could land the members in serious trouble. Also certain issues need to be tackled so as to avoid discomfort for the members of the society. To name a few-

- ? The Development Agreement that forms the basis of a “Redevelopment Project” is required to be drafted by a professional keeping in mind the safety and security of all the members. Any lacuna in the preparation of this deed would result in a great loss for the members who are eligible to many perks in consideration of giving the permission for this project.
- ? For a considerable period of time you are required to hunt for accommodation which disrupt your age old routine
- ? Residential Complexes if converted into Commercial Complex are seldom preferred for housing purposes and family dwelling.
- ? Additional new members would take a longer time to get with the original members, resulting in disputes on various issues.

- ? Additional members will require extra consumption of water creating scarcity or shortage of available water supply.
- ? Additional vehicles need extra space.
- ? New constructions loaded with all kinds of modern amenities, which in turn increase the cost of maintenance to be paid to the society.
- ? The tax burden is high and in case the Occupation Certificate (OC) is not procured, then the BMC Charges and Water Charges are very high.
- ? Increase in property tax.
- ? Additional area purchased is at current market value, which attracts Stamp duty and Registration charges.

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Philip D Anthony  
CEO, CW Property  
Today &  
CA. Ramesh S. Prabhu,  
Chairman, MSWA met  
up with SACHIN AHIR,  
Minister of State for  
Housing Government  
of Maharashtra at  
Mantralaya  
to seek his opinion on  
redevelopment and  
other pertinent issues  
that are unique to  
Mumbai. Excerpts from  
the quick and brief  
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**What is the status of MHADA colonies which were supposed to be opened for redevelopment?**

We have modified some sections such as the Section 33(5) whereby private developers and MHADA can come together and jointly undertake projects. In

return, private developers can pass on a portion of the developed land for the use of LIG and MIG houses which can benefit the poorer sections.

**Prices in Mumbai are heading north even as demand is falling. People are unable to afford the current price**

**range. How does the government view the situation and plan to tackle the problem?**

Lack of supply will naturally kick up prices. Unlike in 1995 when supply was matching demand, the current situation is such that demand is getting higher and supply shorter. However, the government has already initiated steps such that major corrections can be expected in the next 1 -5 years. Policies will take time to get effective and hence corrections will take time to happen.

**Additional FSI is a constant clamour from developers. How is the government responding to this?**



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We have increased the FSI for projects in the suburbs. We need to understand whether the infrastructure is capable of handling the stress of more urban development. Yes, redevelopment cannot be stopped and we need to take steps to ensure that infrastructure is also upgraded while making provisions for more FSI in the suburbs. One of our objectives is to see that there is no disparity between the city and its suburbs. We have amended the Maharashtra Regional Town Planning Act suitably to allow for some growth.

**How are you ensuring that TDR is not being misused by developers?**

The recent amendments to the MRTP act and the higher FSI will soon make TDRs obsolete.

**There are many lacunae in tenant redevelopment - be it in conveyance or taking up redressal with developers or housing. What are the new policies that can be envisaged in future that can help housing societies as well as developers?**

It is not possible for tenants/housing societies redevelopment to have a single-window clearance because there are too many authorities involved to make such a thing viable. But the good news is that there has been a start in this direction already. We have formed a High Powered Committee led by the Municipal Commissioner of Mumbai which will be empowered to take independent decisions and approve on redevelopment projects. This is a high level committee and it has already approved around 10 major redevelopment projects.

**You were pushing for a regulator for the realty sector. What is its status?**

Regulating prices is not possible. But otherwise a regulator is in the offing. In the next assembly, we will be mooted for a regulator for the sector. The regulator will be holding the grade of a Magistrate and his rulings can be challenged only at the High Court.

**What is the status of Dharavi makeover?**

We are going ahead with the development of Sector 5. The Chief Minister will soon be announcing the

project. MHADA will be handling one part of the project and the other by private sector for which re-tendering is in the process.

**Is there any development charge being mooted for new constructions in Mumbai?**

No new charges are being contemplated. The government is committed to encourage redevelopment so that housing supply increases and prices becomes affordable for all sections of society.

**The government is committed to encourage redevelopment so that housing supply increases and prices becomes affordable for all sections of society.**

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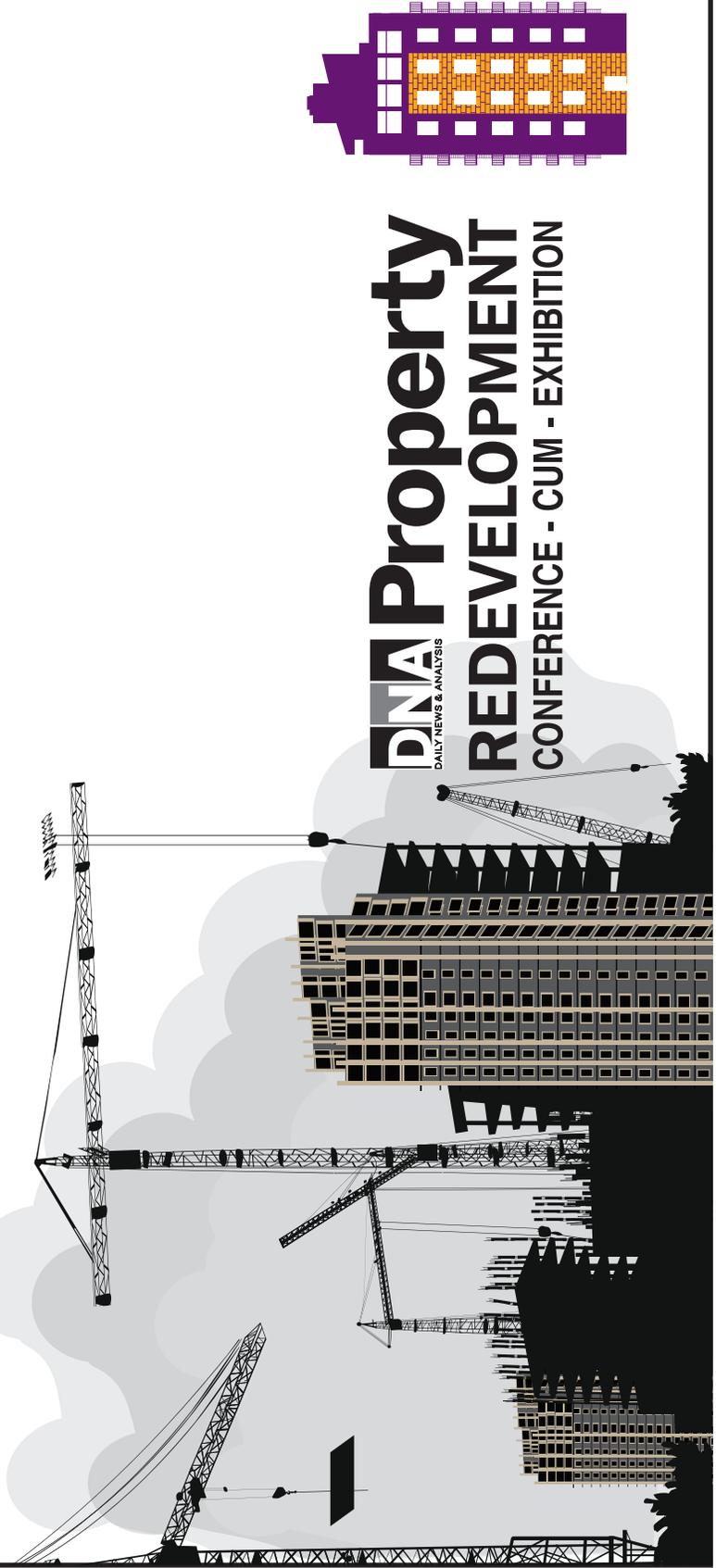
**Time : 10.00 am to 6.00 pm**

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**Conference Program – DAY 1**

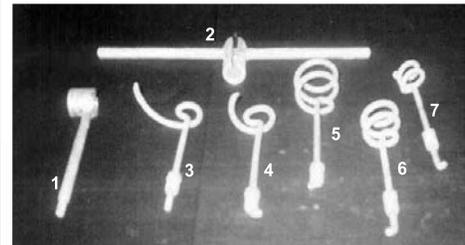
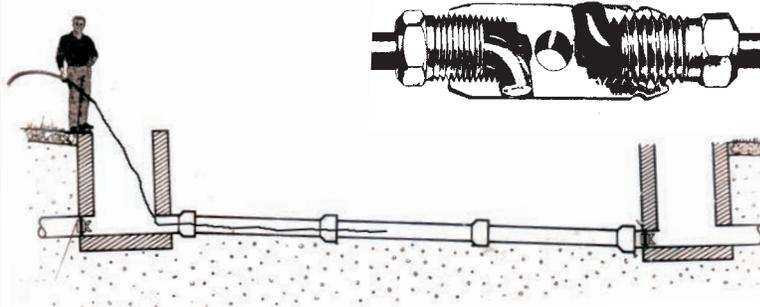
**27<sup>th</sup> & 28<sup>th</sup> AUGUST 2011 Mumbai**

<b>Time</b>	<b>Session</b>
09.30 - 10.00 hrs	<b>Registration of Delegates and invitees.</b>
10.00 - 10.30 hrs	<p><b>Inaugural Session</b></p> <p>There are nearly 17000 tenanted cess Buildings in South Mumbai in a dilapidated conditions which needs immediate redevelopment. There are many slums, building in CRZ notified areas, buildings on collectors land, BMC land and private buildings which are also in the cross road of Redevelopment. Many policies decisions have been taken by the Government in this direction but there many issues still to be resolved. The redevelopment of old building as expected by different stakeholders are not been implemented.. The better living conditions, affordable housing is the main thrust area of the Government and at the same time, it is the dream of every person to have good dream house.</p> <p>The 3<sup>rd</sup> DNA &amp; MSWA Redevelopment Exhibition and Conference is a platform that brings together all the stakeholders to discuss, decide and move forward in the right direction.</p> <ol style="list-style-type: none"> <li>The Government and implementing Agencies like BMC, MMRDA, SRA, MHADA etc.</li> <li>The Professionals like Architect, Structural Engineers, Advocates, Chartered Accountants, Project Management Consultants etc.</li> <li>The Land owners, Societies, Members of the Society, Tenants etc whose collective decision facilitate redevelopment.</li> <li>The Builders, Developers , biggest names in the real estate industry in order to discuss the challenges being faced while striving to achieve business opportunities in the redevelopment and also facilitate the smooth process of redevelopment in a transparent manner.</li> </ol> <p><b>Welcome Address by : Shri. Raghuraman – Chief Editor, DNA and Shri. M.Vikas, Real Estate Head, DNA CA. Ramesh S. Prabhu- Chairman, MSWA Inaugural Address by : Chief Guest – Famous Personality / Minister</b></p>
10.30 - 11.00 hrs	<b>Session I - Government Notification dated 3.1.2009 about the Redevelopment Process (Panel Discussion)</b>
11.00- 12.00 hrs	<p><b>Session II - Expectations and Role of Planning Authorities in the process of Redevelopment. (Panel Discussion)</b></p> <ul style="list-style-type: none"> <li>☞ Approval and FSI: Concessions, free FSI, Premium payment, slow movement of approval files etc.</li> <li>☞ Green Buildings : Policy Initiatives taken by BMC. And the builders for Sustainable Cities</li> </ul>
12.00 - 12.15 hrs	<b>Patron Speaker</b>
12.15 - 13.00 hrs	<p><b>Session III - Role of Project Management Consultants and involvement of professionals. (Panel Discussion)</b></p> <ul style="list-style-type: none"> <li>☞ Can PMC play an important role in the process of Redevelopment?</li> <li>☞ Challenges that the PMC Faces – considering the expectations from the members?</li> </ul>
13.00 - 14.00 hrs	<b>Lunch</b>
14.00 - 15.00 hrs	<b>Session IV - Infrastructure and Redevelopment: The new growth driver? (Panel Discussion)</b>
15.00 - 15.15 hrs	<b>Patron Speakers</b>

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**Conference Program – DAY 1**

**27<sup>th</sup> & 28<sup>th</sup> AUGUST 2011 Mumbai**

<b>Time</b>	<b>Session</b>
15.15 - 16.00 hrs	<b>Session V - Cluster Redevelopment and redevelopment of Cess Building (Panel Discussion)</b>
16.15 - 16.45 hrs	<b>Patron Speakers</b>
16.45 - 17.45 hrs	<b>Session V I - Legal Issues related to Redevelopment. (Panel Discussion)</b> Redevelopment involves many legal issues. There many judgments giving different dimensions. Clarity of various provisions of law and the precautions to be taken by the society members, tenants and the land owner
17.45 - 18.00 hrs	<b>Q &amp; A</b>
<b>Conference Program – DAY 2</b>	
10.00 - 11.00 hrs	<b>Inaugural Session</b> <b>Welcome Address by : Shri. Raghuraman – Chief Editor, DNA and Shri. M.Vikas, Real Estate Head, DNA</b> <b>CA. Ramesh S. Prabhu- Chairman, MSWA</b> <b>Inaugural Address by : Chief Guest – Famous Personality / Minister</b>
11.00 - 12.00 hrs	<b>Session I,</b> <b>Redevelopment Prospects and Business Opportunities.</b>
12.00 - 12.15 hrs	<b>Patron Speaker</b>
12.15 - 13.00 hrs	<b>Session II - Conveyance and the Documentations Required for Redevelopment (Panel Discussion)</b> ✍ What is conveyance? Difference Between Conveyance and Deemed Conveyance, Documents required for conveyance, procedure for deemed conveyance etc.. ✍ Different Types of Documents, Development Agreement, Permanent Alternative Accommodation Agreements, Agreements Power of Attorney, Consent etc.
13.50 - 14.00 hrs	<b>Networking Lunch</b>
14.00 - 15.00 hrs	<b>Session III - Selection of the Builder and the Developer during the redevelopment and Self Redevelopment</b> ✍ How to find out the credentials of the Developer and the builder : Each project is handled by different firms, the net worth is not reflected in the same company. ✍ Commitment/ Fulfillment of Promise : After the redevelopment is done, it is difficult to get the good reference from society office bearers whose redevelopment has been done.
15.00 - 15.15 hrs	<b>Patron Speaker</b>
15.15 - 16.15 hrs	<b>Session IV - Cluster Redevelopment and redevelopment of Cess Building (Panel Discussion)</b> Many incentives have been given by the Government for cess building redevelopment which has reached about 17000 buildings. The cluster redevelopment is also been encouraged by the government. It is very important to understand the role of each of the policies.
16.15 - 16.45 hrs	<b>Patron Speaker</b>

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# COMPILATION OF DETAILS OF CONVEYANCE OF HOUSING SOCIETIES.

## A DIRECTION FROM THE CO-OPERATIVE DEPARTMENT.

You are already aware that with the efforts of MSWA and like minded organizations, Federations, an amendment to Maharashtra Ownership Flats Act, 1963 has been done to incorporate the provisions of Deemed Conveyance.

As per the survey done by us, there are nearly 60000 housing societies in Maharashtra and nearly 40000 societies do not have conveyance in MUMBAI, NAVI MUMBAI and THANE District. In order to compile and guide such societies and to know the reasons for not granting the conveyance, the co-operative department has started collecting information from the housing societies.

Our Association has been advised by Commissioner for Co-operation and Registrar of Co-operative societies, Pune to collect the information and give it to the respective registrars. The format in which information has to be given is published as Annexure A. You may take the Xerox of the same or detach from the magazine. Please fill the same and send to your Association office to forward it to the respective registrar of your ward or send directly to registrar.

A letter issued by the Commissioner to this effect is also attached. This will facilitate to ease further process of deemed conveyance and also issue necessary guidelines to implement the deemed conveyance. You have to help to help yourself by providing this valuable information.

In case, you want to have any clarification or any further information about the same, please contact our public relationship officer Ms. Ujwala Sawant/ Ms. Shashidar Kamath on 42551414/ 9324331579. You may also send the information by email to [mawa.hsg@gmail.com](mailto:mawa.hsg@gmail.com).

Please send this information at the earliest as the meeting at higher level to discuss various issues are held in the 3<sup>rd</sup> week of August, 2011 considering the feedback received from the societies. Your co-operation is highly appreciated.

**- CA.Ramesh S. Prabhu,  
Chairman, MSWA.**

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- Preparation of Tender document for Developers/builders
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- Legal consultancy towards redevelopment work
- **Redevelopment Panel consists of Structural Engineer, Architects, Legal Consultants**

**NOTE : COLLECT THE G.R COPY / INFORMATION REGARDING REDEVELOPMENT FREE FROM OUR OFFICE & FOR FREE ADVICE ON REDEVELOPMENT CONTACT MR. R.L.SANKPAL- 93200 13005 ANY DAY BETWEEN 4 P.M TO 6 P.M**

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**E-mail : [vinayakbhat.associates@yahoo.co.in](mailto:vinayakbhat.associates@yahoo.co.in)**

H.O. : A/2-302, Laram Centre, Opp. Ply. Stn.,  
Andheri (W), Mum - 58., Tel.: 42551414 / 26705482

बुक-पोस्ट

भारत सरकार सेवास

४८६६

जा. कं. गृह/डी-३/कन्हेयन्सडिड/माहिती/११  
सहकार आयुक्त व निबंधक सहकारी संस्था  
महाराष्ट्र राज्य, पुणे. १ यांचे कार्यालय  
दिनांक २१ मे २०११.

प्रति,

चेअरमन,  
महाराष्ट्र सोसायटीज् वेल्फेअर असोसिएशन,  
ए-२/३०२, लाराम सेंटर, रेल्वे स्टेशनसमोर,  
बसडेपो जवळ,  
अंधेरी (प.), मुंबई ४०० ०५८



विषय :- कन्हेयन्स डिड संदर्भात सर्व्हे करून माहिती गोळा करणेबाबत.

उपरोक्त विषयाबाबतच्या आपल्या दिनांक ९/३/११ रोजीच्या पत्राकडे लक्ष वेधण्यांत येत आहे.

संदर्भाकित पत्रान्वये आपण गृहनिर्माण संस्थांच्या कन्हेयन्स डिड संदर्भात सर्व्हे करून माहिती पुरविणेस परवानगी मिळणेबाबत विनंती केली आहे.

याबाबत कळविण्यांत येते की, गृहनिर्माण संस्थांचे सर्व्हेक्षण करून माहिती पुरविणेबाबतची जबाबदारी यापूर्वी या कार्यालयाने क्षेत्रिय कार्यालयांवर सोपविलेली आहे. तरी आपण आपल्याकडील माहिती संबंधित जिल्हा उपनिबंधक कार्यालयांना द्यावी.

(डॉ. बी. टी. बधान)  
अप्पर निबंधक (वनि)  
सहकारी संस्था, म.रा.पुणे.

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- ? **Work Order** with detail Contract agreement & **Service Guarantee Agreement.**
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## **ANNEXURE 'A'**

### **INFORMATION ABOUT SOCIETY AND ITS CONVEYANCE**

1	Name and address of the society				
2	Type of society	Housing	Premises	Industrial Premises	
3	Registration number				
4	No. members				
5	Total No. of Units	Flats : Shops : Gaalas : Closed garages <u>Office</u> : Total Units :			
6	Whether the conveyance of the land and the building is done in the name of society?	Yes / No			
7	If no, Reason				
8	Period of last audit done				
9	Office bearers of the society	Name	Flat No.	Phone no.	E-mail
	1. Chairman				
	2. Secretary				
	3. Treasurer				
	4. Comm. member				
	5. Comm. member				
	6. Society Manager				
10	Remarks.				

**Seal of the society**

**Signature**



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## ADVANTAGES

- Full Cheque / DD Payment and No Cash Payment.
- Allotment as per Carpet area
- Allotment on first come first served basis and based on the seniority of the members
- Society will be formed
- Conveyance will be given of land and building.
- Open space to be with society
- Only 20% to 25% TO BE PAID BALANCE BY LOAN
- NGOs and companies employees can come forward when the schemes are announced.

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- LOWER/ ECONOMICALLY WEAKER GROUP (Monthly Income Up to Rs.15,000)
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6. Guidance on maintenance of statutory Books & other Registers by Societies.
7. Recovery of Dues / Arrears U/s. 101 of MCS Act, 1960.
8. To Familiarize Office Bearers of various Statutes & Laws applicable to Co-op. Housing Societies.
9. How to handle disputes / queries arising from day to day operations of Housing Societies.
10. Maintenance of Accounts and preparation of Financial Statements of the Society.
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**CA. RAMESH S. PRABHU**  
**ANSWERS QUERIES**  
**ON**  
**REDEVELOPMENT**

## REDEVELOPMENT FAQ

Q1. In a plot given on lease by MHADA for 99 years lease to 400 tenants where there is no society for 25 years and now people want to go for redevelopment of the place as the place falls under 33(5) of DCR, 1991.

Now people want to go for registration of society and then want to go for redevelopment.

Now out of 400, 40 don't want to join the society at first place. So i want to know whether society can legally force those 40 people to join the society and ask them to provide their vote on redevelopment.

if not, then what is the fate of place of those 40 people.

Request you to provide your views on above. Also want to know whether there is any circular issued by MHADA as deadline to select developer for redevelopment within a time period either MHADA will select the developer.

### Satyanarayan

**Ans:** 60% of the flat owners can come together and get the society registered. You will have to approach the Estate Department of MHADA, get the list of flat owners and also obtain a NOC from MHADA for registration of the society. Then apply to Registrar for MHADA societies for completion of the societies by the chief promoter elected by the flat owners in their meeting. The proposal need to be done by at least 60% of the flat owners. In your case 90% are ready only 10% are not co-operating. After society is formed, if at all you want to proceed for redevelopment as per the latest G.R. of Government dated 3.1.2009 issued by Co-operative Department 75% of the members consent is required out of the members present ( present also should be at least 75% of the total members) in the meeting.

The other non members or who are not giving consent can be evicted by the process of law. Approach MHADA competent Authority or the civil court or the other competent court to proceed with the decision of the majority. In fact, for MHADA societies, even 70% consent is sufficient. Regarding the time limit given by MHADA to develop the societies themselves within a certain time limit was in discussion but I have not come across any such notifications having been issued that the MHADA shall undertake redevelopment after certain time. I strongly recommend that your society appoint a Project Management Consultant(PMC) experience and expert in this field who will undertake the job from the formation of the society, obtaining the conveyance till the redevelopment of the building is done on SELF REDEVELOPMENT BASIS. PMC should undertake to arrange the required funds without making the flat owners to pay initially but to be repaid with interest from the saleable portion. PMC should also give necessary documentary evidence for raising the funds from the institutions.

Q2. I am resident of Ghatkopar (Bhatwadi) , and the place(slum) in which i was residing is been redevelop by a reputed developer under SRA scheme. We in all are 54 tenants under this SRA scheme. But out of this 54 tenants, 12 tenants live in chawl with different name and other 42(more than 70%) including me stays in different chawl with other name. but the land (plot) which belongs to a trust and which is been purchased by developer from trust is measuring area which includes the other 12 house also. we 42 people have done all procedure of consent, developer has received all necessary permission IOD,LOI etc from SRA , BMC

We have vacated that land also. but the other 12 tenants are not participating in the scheme saying that we belong to different chawl and area (Sum sq.mtrs) belong to them. But the whole land is been purchased by the developer from the trust also necessary documents like Conveyance deed, charity commissioner etc is with the developer.

Sir we have vacated the land last year in April 2010, and also legal procedure is going on to vacate the other 12 tenants. Also deputy collector has issued notice to those 12 tenants to vacate their premises. After that

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**A**

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- Preparing Tender document.
- Guiding society in selection of contractor.
- Day to day supervision.
- Certification of bills.
- Stability Certificate.

- Feasibility report.
- Preparing and floating tender.
- Guiding society's solicitor in preparing legal documents.
- Guiding society in selecting good builder.
- Guiding society for amenities, add area, corpus fund etc.
- Verifying various permission like IOD, CC etc. before vacating the plot.
- Strict supervision to monitor quality of construction.
- Scrutinising all property paper before handover to society.

### **REDEVELOPMENT**

- Verifying property document.

Head off.:- 4, 1st floor, Chandrakant Apt., Shreyas Colony, Goregaon (E), Mumbai: - 63.  
Tel.: 9322255108, 9930999312, 29272382, 29272735, E-mail : neo\_tech@mtnl.net.in

these people have approach kokan additional commissioner. There also the additional commissioners have heard both the party. Then konkan division has also closed the case, but is delaying to issue notice. Sir overall legal procedure has taken more than 1 year. The 12 tenants know that they don't have evidence to prove that they are right, just in the hope of little money. These people are bringing hurdles in the SRA project, so they trying to delay each and every hearing. Postponed the hearings, cases by taking dates on dates which is causing loss of time, money to both wed 42 tenants and the developer.

Sir i just want to know how much time it takes actually takes according to government norms for legal procedures in such situations. And can we tenants and the developer take legal actions against those 12 tenants for compensation for loss of time and money for unnecessary hurdles in good work like SRA schemes.

**Mahesh Mohite**

**Ans:** Usually no time within which a judicially proceedings has to be closed is prescribed to give sufficient time in the eyes of law of natural justices. When a matter is referred by an aggrieved parties, before the authorities for justice, the authorities, call for the information, evidences, allow to file rejoinders, written arguments, oral arguments and also cross examine the parties. Since many parties are involved, their advocates on both the sides, court timings, presence of judge or their concerned officers , number of litigations and bringing all together on a particular day becomes practically difficult which results into delay in the process and delivery of judgment.

You are fortunate that the matter has been closed for order by additional commissioner at Konkan Division. Please pursue them to deliver the judgment. Thereafter, the law provides an opportunities to the aggrieved parties (it could be you or the opponents) to approach the High Court for justice. Thereafter, supreme court. This is known to the litigants who creates trouble. Till either parties, reach a stage of exhausting all the energy, time and money to fight a battle it continues. You can bring lot of pressure by filing different cases against 12 tenants who are creating the trouble and make them to run pillar to post

which will make them to come to the table of developer for amicable solution. In order to avoid all such litigations, I strongly recommend to appoint a Project Management Consultant(PMC) experienced and expert in this field to initiate SELF REDEVELOPMENT BASIS for other readers but you can appoint a very good legal expert to come out of the problems who is a part of expert PMC.

Q3. I am member of Nensey complex co-op. hsg. soc. ltd. Borivli- east. Our society constructed in the year 1974-75. Our society consist of 11 buildings of 4 stories (220 flats )& 186 raw houses & 10 shops. Building & raw houses are naturally separated by 60 ft. road. Our society has single conveyance deed. In raw houses builder had given 225 sq.ft. Carpet constructed open garden area of 150 sq.ft to each. They have covered the garden area + built 1st floor illegally. Hence they are using about 600 sq.ft.carpet area. They are not co-operative with redevelopment. In 1973 the area was goanton & hence builder used 66% of total area. Balance 33% is still balance.

**How we will be able to redevelop the society.**

**S.S.Bubna**

**Ans:** Since, the plot is naturally sub-divided between the building and the row houses, it is advisable to separate the societies having different nature of demand/use. In the order of division of the societies into building societies in one plot and row house societies on the other plot will be mentioned by the Registrar. Thereafter, both the societies should go for redevelopment. Since all the row houses, people have done illegal structures on redevelopment, they may get it regularised. This is in General Advice. Please note that this type of complicated matter need to be discussed with an expert PROJECT MANAGEMENT CONSULTANT(PMC) having wide experience, skill in this area to bring out the solution and easy way for redevelopment of the building. Therefore, considering the complexities involved in the redevelopment, Government order dated 3.1.2009 on redevelopment has advised to appoint a PMC/Architect to initiate the process of redevelopment. The best advise at this stage is to appoint a competent PMC and not to follow the general advice.

## **CERTIFICATE COURSE FOR MANAGERS - EVENING & SUNDAY BATCH**

**MAHARASHTRA SOCIETIES WELFARE ASSOCIATION** has started 3 Months Certificate course for Hsg. Society Managers. So far 100 Managers are trained.

Persons undertaking the training successfully will be awarded the course certificate. The subjects being covered in the course are Overview of the Course, Duties and Role of Housing Society Manager, MOFA and Apartment Act, Records Maintenance and Administration, Redressal of Complaints, Accounts, MCS Act / Rules / Circulars, By Laws and Soft skills. Such an extensive course is being conducted for a very nominal rate of Rs. 6000 & for Members Rs. 5000/-.

The enthusiastic faculty consists of subject matter experts associated with MSWA. Shri. Ramesh Prabhu has played a pivotal role in gathering the best faculty and study material and thus enriching this course. On Sunday at Sharadashram Vidyamandir, Bhavani Shankar Rd, Dadar (W), from 10 am To 1 pm

**For more details kindly contact:**

**MSWA Office - 42551414, 26248589 / 65 or Mr, Shashidhar Kamat -9324331579**

---

**GOOD NEWS!**

**GOOD NEWS!**

## ***AVAILABILITY OF NEW MODEL BYE-LAWS***

Your association has been given permission to print and sell the model bye-laws and other forms to the housing societies and others. Your association has printed the sufficient number and is made available at very nominal amount.

For latest and updated copies of Model Bye-laws in Marathi and English as approved by the Commissioner for Co-operation and Registrar of Societies, Maharashtra State, you may contact the association office. You will also be given the required guidance for adoption of the same. For more details contact: 022 42551414.

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### **Application for Membership (Registered)**

Membership No. \_\_\_\_\_

Date : \_\_\_\_\_

I/We hereby apply for Registered membership of **Maharashtra Societies Welfare Association**.

My/Our Particulars are as under.

My/Society Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone (R) \_\_\_\_\_ (M) \_\_\_\_\_ (O) \_\_\_\_\_

Societies Registration No & Date \_\_\_\_\_

Total Members of Society \_\_\_\_\_ Flat \_\_\_\_\_ Shop \_\_\_\_\_ Garage \_\_\_\_\_

Enclosed 1 Year Subscription Rs. 500/- 3 Years Subscription Rs. 1000/- 5 Years Subscription Rs. 2000/- Including Entrance Fee Rs. 100/-

By Cash / Cheque No. \_\_\_\_\_ Date \_\_\_\_\_ Rs. \_\_\_\_\_

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Yours faithfully,

Signature: Applicant / Chairman / Hon. Secretary / Treasurer



**FELICITATION TO  
HON'BLE SHRI. PRITHVIRAJ CHAVAN  
CHIEF MINISTER, GOVT. OF MAHARASHTRA**



**L to R : Kripashankar Singh, President, MRCC,  
Shri. Harshvardhan Patil,  
Minister of Co-operation, Shri. Sanjay Nirupam, MLA,  
Shri Prithviraj Chavan, Chief Minister, Govt. of Mah.  
Shri Manikrao Thakare, President, MPCC,**



**Release of Conveyance & Deemed Conveyance Book  
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**HON'BLE SHRI. HARSHVARDHAN PATIL  
(Minister of Co-operation) Sharing his through Book  
of D. C. Authored by CA. R. S. Prabhu**



**HON'BLE SHRI. PRITHVIRAJ CHAVAN  
Having a Glimpse through the Book of D. C.  
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