

(7) MR & TP charges - As per MCHI - CREDAI member request the case of possible reduction in the already high MR & TP charges was put up to the concerned authorities. The officials said that the charges are fixed as per the MR & TP provisions and it will be difficult for them to consider.

MCGM – Mosquito Abatement Committee: Hon'ble Shri Sitaram Kunte (IAS), Municipal Commissioner, MCGM, organized a Mosquito Abatement Committee meeting on 18.03.2014. Shri S. S. Hussain (IAS - Retd.), CEO, MCHI - CREDAI and all other stake holders in this issue, including officers from the Army, Navy, PWD, etc. attended this meeting. All agreed to site correction by way of,

- (1) Removal of unwanted water accumulation.
- (2) Pumping of basement water.
- (3) Removal of Odd useless articles.
- (4) Avoid sagging of tarpaulin/plastic on Labor huts.

It was also agreed to,

- Provide Mosquito nets to labourers.
- Appoint a medical practitioner
- Conduct a baseline survey
- Maintain Health cards

MPL – MCHI Premier League 2014

The beginning of financial year 2014-15 saw the starting of MPL 2014, MCHI Premier League. The tournament allowed for a closer and laid back interaction among all members by way of cricket matches.

Eight teams, from among the MCHI – CREDAI members, participated in the MPL 2014, namely, Ajmera Champs, Ekta Gladiators, Kalpataru Knights, MCHI Smashers, Mayfair Warriors, Neev RDB Indians, Shreepati Royals and Wadhwa Warriors. League matches were set in the fifteen over format, while the semi finals and the

final were played in the T-20 format. Matches were played under the supervision of MCA Umpires.

The tournament showcased an exhibition match between the MCHI and Senior Solicitors & Advocates. MCHI won the exhibition match. RR Kabel was the Main sponsor of the MPL 2014. The MPL 2014 cup was won by MCHI Smashers.

It was mandatory for all teams to have director level players and employees of their respective companies. This allowed for an excellent interaction between the directors and their employees. For all cricket lovers, MPL 2014 was, an excellent opportunity to, not only show their hidden talents but also to play cricket at a professional level.

The final was covered in the news by various media, including DD Sahyadri, Hindustan Times and The Times of India.

October 2014 Exhibition

After the success of MCHI - CREDAI's 22nd Real Estate & Housing Finance Exhibition in October 2013, we are planning for a bigger and better 23rd Real Estate Exhibition in October 2014. As you all know that the April 2014 exhibition had to be cancelled on account of the Lok Sabha elections.

Preparations for this October 2014 event have started already. All at MCHI - CREDAI are really excited about it. This year the October exhibition is planned to be a five day event, scheduled from 2nd October to 6th October 2014, inclusive of both dates.

The event is planned to be more technologically advanced than before, which will allow participants a deeper and broader reach to their target group. With the housing market

expected to gain significant momentum this year, the exhibition and in turn MCHI - CREDAI members can hope to experience good sales in October 2014.

Conference Hall

MCHI - CREDAI's Shri Babubhai Majethia Conference Hall provides state of the art facilities for conference, Seminars, Meetings, Lectures, Audio/Visual Presentations, Corporate Functions, Workshops, Board & Arbitration Meetings. Available at special discounts to the MCHI - CREDAI members. For enquiries contact MCHI - CREDAI office, Telephone: 022-42121421.

New Joinees at MCHI - CREDAI Secretariat

The secretariat has been under a revamp since the beginning of 2014. Following professionals have joined the secretariat recently and their designations have been mentioned along with their names.

T. D. Josheph: Head – Events
Aamod Adate: Manager – Member
Vishwasjeet Singh: Research Executive
Tarun Treon: Research Executive
Mahesh Chandra: Accounts Executive
Sachin Kothule: Admin Executive
Sanjay Phope: Liaison Assistant

The Home Bulletin is a quarterly publication, published under the editorial supervision of Shri Vimal Shah, President, Shri Dharmesh Jain, President-elect and Shri Nainesh Shah, Hony. Secretary. Printed & Published for and on behalf of MCHI - CREDAI by Shri S. S. Hussain, CEO, (IAS - Retd.) MCHI - CREDAI, 4th Floor, Maker Bhavan II, Thackersey Marg, New Marine Lines, Mumbai 400 020, Maharashtra, INDIA. Telephone: 022-42121421.

Dear friends, Compatriots and Industry Captains,

The real estate industry has passed through a tumultuous time over the last financial year. This may be attributed to various forces acting at both the micro as well as the macro level. Nevertheless, it has affected all stake holders across the Real Estate industry. The courage shown by the entire industry in these trying times is commendable. We step into this new financial year with a strong hope that the worst is behind us. This sentiment is voiced by most real estate entrepreneurs in unanimity.

I would like to congratulate Hon'ble Shri Narendra Modi ji for the landslide victory in the 2014 elections for the 16th Lok Sabha. With him at the helm, as the 14th Prime Minister of India, I hope for a better and more prosperous future for our country. Needless to say, that these elections have been one of the most pivotal in our great nation's independent history and Hon'ble Shri Narendra Modi ji's government will herald a new era in good governance. This election has truly made a global foot print, with more awareness among all.

Hon'ble Shri Narendra Modi ji's new, strong and stable government at the Center will bring in more clarity on a range of issues, including the ones concerning the Real Estate Industry. Northward movement in stock markets and the strengthening of the Rupee (against the US dollar), over the end of the last quarter and during the days running up to the election result have only added to this optimism. Let's not forget that whatever may be the result of this election, we should remain realistically optimistic rather than be unrealistically euphoric.

Last financial year witnessed passing of Real Estate Regulatory Authority (RERA) Bill which has been the landmark industry reform to strengthen voice of industry

Revamp of the MCHI - CREDAI website

Understanding the importance of a strong and easy to navigate digital platform, the MCHI is currently revamping its website. The new site will help all our members access

players in the corridors of power. RERA has been purely an MCHI led initiative from day one. We have been involved in bringing all parties on board for the successful passing of the bill. RERA will not only allow our fraternity to be in a better position to voice our concerns to the powers that matter but also to provide best value to our customers and to get the best valuation for our Real Estate assets / Companies. It is a win-win situation for both sides. This will also enable better treatment of construction laborers and other workers associated with the industry.

With the T20 season on, MCHI-CREDAI also hosted the MCHI Premier League (MPL) on the lines of IPL in an effort to celebrate the sportsmen spirit of industry players. All members were requested to participate in this initiative with a big fervor, to showcase MCHI – CREDAI as the most cohesive unit of our fraternity. The most heightening feeling was that our young blood took very active part in the tournament and gave their best!

The MPL final, on 13th April 2014, saw Kalpataru Knights square up against the MCHI Smashers, a team comprising of MCHI members. After a closely contested tournament, MCHI Smashers emerged as champions. Be a player, be a participant, be a Winner...in cricket, in industry and in life. With a strong focus on exceptional growth this financial year, I wish you all the best and request you to stay on course towards your respective goals. And, in the process come out strongly to make MCHI – CREDAI – the most credible representative body of the industry.

With regards,
Vimal Shah
President, MCHI-CREDAI

critical information & data with relative ease and on the go. The new site will be up and running by the end of May 2014. Information regarding this will be sent to all members in due time.



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Legally Speaking

Success Graph

RERA: Real Estate Regulation and Development bill of 2013 was passed and the Hon'ble President of India's assent was received. MCHI - CREDAI has spear headed in the passing of this bill.

RERA or Real Estate Regulatory Authority will be formed in the State of Maharashtra, the first such regulatory authority in this sector in India.

ULC (Urban Land & Ceiling Act): W. P. NO: 9872 of 2010: A three member judge bench has been formed and came up for directions. The ULC bench comprises of Shri S. C. Dharmadhikari J., Shri S. C. Gupte J. and Shri Girish Kulkarni J. The issues have been framed and the hearing will be on 19th and 20th June 2014.

Heritage Petition (Writ Petition No. 1564 of 2013): The Hon'ble High Court has passed interim order. In the order all precincts declared in last notification to be heritage building, not required to be in the list. That means it is applicable to Grade 1 & Grade 2 Heritage Buildings only.

The direction was that in a proposed Heritage Precinct, unless a building is listed as Grade 1 or Grade 2 structure, there is no need for its redevelopment proposal to be sent to MHCC for permission. Redevelopment in Grade 3 area will require Municipal Commissioner's permission.

To clarify, the written opinion of Sr. Counsel Shri Milind Sathe was received and it was decided to circulate the opinion to all Managing Committee members. And it was also discussed to make a representation of Hon'ble Municipal Commissioner Shri Sitaram Kunte (IAS) with the same.

43C(A) of Income Tax Act: MCHI - CREDAI has engaged M/s. Parimal Shroff & Co. for filing new writ petition challenging the constitutional

validity of Sec. 43C(A) of Income Tax Act, which was introduced in the financial budget of 2012.

Doppler Radar: The MCHI - CREDAI followed it up with the then Chief Secretary, Shri Jayant Banthia (IAS) and the present Chief Secretary, Shri J. S. Saharia (IAS), Government of Maharashtra. The MCHI - CREDAI has decided to file a W. P. challenging the issue of insistence on the part of MCGM to obtain permission / NOC of IMD, Ministry of Earth Sciences, in connection with the setting up of High Rise Buildings. The matter was tagged with W. P. No. 2572 of 2013. A review in a meeting held on 22nd April 2014, with Chief Secretary Shri J. S. Saharia (IAS). Following issues were discussed,

(1) Site selection for setting up of second radar. - List of probable land/sites including rooftops of high rise buildings where the site owners are willing to allocate adequate space for setting up of the radar to be submitted to Government, IMD and MCGM. Buildings which can take up to 10 ton weight of the Doppler Radar and have the provision of 3 phase power on 24 X 7 basis, for operation of Radar.

(2) MCHI - CREDAI should inform all specific cases of projects or high rise buildings, which need interim relief immediately with proper documents, permissions, NOCs and feasible locations which could cover under shadow buildings, reverse shadow buildings and the buildings which are located within the gaps of high rise buildings and the funnel

(3) Interim relief - MCHI - CREDAI to specify the interim relief sought from the IMD. The IMD can thereafter submit their response on the sought relief to the Government.

(4) Issues related to health hazards (if any) caused by the Doppler - IMD to provide information.

Environment: The meeting was held with Shri J. S. Sahani, IAS, Chairman

MPCB. The DO sent by Shri S. S. Hussain, (IAS - ret'd.) CEO MCHI was discussed in the light of Delhi HC order, regarding permission for 'Consent of Establish & Operate', under the provisions of Sec 25 of the water (Prevention & Control of Pollution) Act, 1974 & Sec 21 of Air (Prevention & Control of Pollution) Act, 1981.

In the order, the Hon'ble Delhi High Court had held this should not be applicable for residential complexes but only to trade, commercial and industrial establishments.

The Chairman, MPCB stated that they have already started the process. They considered this positively during their board meeting on April 28th, 2014. Chairman MPCB informed CEO MCHI - CREDAI that MPCB has already processed this matter and legal department of MPCB is sending this matter for advice to the Government of Maharashtra.

Pending Writ Petitions and SLPs

Royalty: In spite of the stay order from the Hon'ble High Court, Residential Deputy Collector, Tahsildar (B. S. D) are taking action to recover royalty and penalty. We have taken opinion of Advocate on record, Shri Warunjikar for advice.

CEO of MCHI - CREDAI has written reminder DO letter to Assistant Chief Secretary (Revenue) on January 21, 2014 related to the issue of Royalty matter and have personally talked to the ACS and the Deputy Secretary.

The CEO appraised the committee from time to time, that the meetings with collector and additional collector, Mumbai sub-Urban and Additional

Chief Secretary, Revenue were held. He had personally discussed the matter with Shri M. A. Gutte, Dy. Secretary, Revenue Department who said that the clarification (old one) has been issued.

CRZ Petition: In the matter of Clause 8 V (iii)(b)2 of Notification issued by Ministry of Environment & Forest dated 6th January, 2011 in respect of CRZ - II Areas and Slum Rehabilitation Scheme providing for stake of the State Government or its parastatal entities to be not less than 51%. The petition is filed through M/s. Parimal Shroff & Co.

VAT petition: A new writ petition (W. P.) filed by Maharashtra CREDAI, prime properties and BAI at the Hon'ble Bombay High Court for challenging the new notification issued by the Government of Maharashtra on 29th January 2014. The matter came before the bench of Justice Shri S. C. Dhamadhikari and Justice Shri Girish Kulkarni on 29th April 2014. But, no interim relief was granted and the matter was adjourned for 26th June 2014.

Petitions in Pipeline

In SLP No. 33402 of 2012 between MCGM and Kohinoor C. N. T. L. Infrastructure Co. Pvt. Ltd. The Managing Committee at MCHI - CREDAI has decided to go ahead and file a curative petition in this matter.

This was done after efforts from all fronts could not yield the desired result, as the SLP in the Kohinoor Matter was set aside on 19/02/2014.

Office Memorandum Issued by Environment Dept. dated 31.10.2014: MCHI is filing a Writ Petition challenging the Office Memorandum dated 31.10.2013 issued by environment department of Maharashtra prescribing the requirement of environment clearance of project, where construction plan above 20,000 square meters is approved by Planning Authority and part CC below 20,000

square meters, such construction will be treated as violation of earlier notification. Building projects below 20,000 sq. meters will not require environmental clearance.

20% EWS/LIG Housing Scheme: The GR dated 8.11.2013 & Gazette Notification date 28.11.2013 issued by the Urban Development Department, Government of Maharashtra, where in the issue of 20% on the plot of land with an area of 4,000 square meters or more will be set aside for ESW/LIG. MCHI - CREDAI will be filing Writ Petition after the outcome of order W. P. 366 of 2014 and other W. Ps.

Property Tax: MCHI - CREDAI, has decided to file a writ petition (W.P.) in property tax matter on the grounds of illegality of property tax on Lands Under Construction (LUC). The petition will be filed through M/s Wadia Ghandhy & Co.

Service Tax: MCHI - CREDAI is planning to give a presentation to Service Tax Commissioner Mumbai, as well as CBEC, New Delhi, that service tax should not be imposed on the flats sold after getting the occupation certificate from the competent authority.

From the Liaison desk

SRA: Issues taken up,

(1) Appointment of Architects and their termination for the Slum Rehabilitation Scheme. Consent of Society need not be required/insisted upon in SR Scheme because slum dweller's interests are taken care of when rehabilitation portion is completed. It was to be considered by the CEO of SRA.

(2) Request for reduction in Penalty levied for work carried out beyond approvals. - CEO SRA stated that once the basic things are complied in maximum, i.e., Rules of Civil Aviation, MoEF and CFO and their parameters, etc., then SRA will give a final CC. The penalty levied should be 40% instead of 50% as in the case of

the Cessed Buildings as both are similar Projects. The order is yet to be issued by the SRA.

(3) Shri Nirmal Deshmukh (IAS), CEO of SRA sought assistance of MCHI to do the needful at various stages to finalise long term pending projects/schemes. - Large number of projects (96 with MHADA & 118 with MCGM), are pending in respect of Annexure II, where consent is already obtained by the developer.

(4) **MCGM** land for SRA project, Assistant Commissioner of MCGM is the Competent Authority at Ward level - Many cases pending with this Technical Committee. MCHI - CREDAI can take up cases forward, simplification of the process will expedite the cases.

(5) CRZ 51-49% scheme related to CRZ are not workable and hence non viable. No proposals have been received under this project. It was informed to the CEO, SRA that MCHI - CREDAI has filed Writ Petition in the High Court.

(6) Slum rehabilitation scheme up to year 2000, will create 30% more eligibility claims. The matter could be taken up with the Principal Secretary, Housing. About 120 schemes have already been completed.

The new claims may if come, even for these schemes, to be included as Now Eligible persons. Two types of projects exist, the completed ones and ongoing ones. New eligibility claims, difficult task for the completed schemes.