



Friends,

As 2014 sets in, here's wishing all our colleagues and members in the MCHI-CREDAI fraternity, a pro-active year that sees development as its leitmotif.

The year has moved into its last quarter. The economy has not shown much forward movement. Manufacturers, Automotive Industry, Real Estate Developers, Service Providers, Retailers, we all seem to be in a transition period. But life moves on, as it should. Our task is to mind the present and plan for the future. So, new projects may get a bit delayed, but they are not shelved. And that is as it should be. The Festive Season is still on, and we look forward to 2014 with expectations that it will be a better year. The portends suggest this could be so; the Sensex is registering big gains, and our Rupee is recovering against the dollar. Real Estate has a significant role to play as the engine of growth, and development, and making a meaningful contribution to India's GDP. This newsletter is a small attempt to keep all our 1800 members informed about the programs and activities undertaken by your association.

On the CSR front our conscientious Past President, Shri Pravin Doshi, has committed himself wholeheartedly to the mission of tending to the construction labourers working on our sites. Members are invited to join in this effort, and really make a difference to your site, to your business practices, and most important to the lives and well-being of our construction workers.



Vimal Shah
President

REVAMP OF SECRETARIAT

Our industry is facing daunting challenges, almost on a daily basis. We have never been favoured with a business-friendly regulatory environment. Looking at the challenges and the many problematic issues that crop up primarily through legislation and procedural matters, the Secretariat is being revamped to give the Task Owners active support in their efforts to tackle these issues. New hands are coming on board for Events, PR and Membership to take up charge by March 2014. Members can expect greater interaction with the Secretariat and the Managing Committee.

BULK PROCUREMENT

MCHI-CREDAI is in advanced stage of unleashing an Online Platform for Bulk Procurement. The objective behind this path-breaking initiative is to get a price advantage by channelizing the individual requirements of MCHI-CREDAI members. We shall be opening with Steel and Cement first, and hope for a Beta launch shortly, keep a lookout for future news.

MEETINGS WITH HON'BLE CHIEF MINISTER OF GOVERNMENT OF MAHARASHTRA

In the morning of 9th May, even as Managing Committee members were pre-occupied with the forthcoming AGM, they had to rush over to Sahyadri for an urgent meeting with the Hon'ble Chief Minister, Shri Prithviraj Chavan. Wide-ranging discussions were held with the Government, which included Heads of Departments, Secretaries and others. Issues touched on policy and execution matters. Some of these are listed on the website. You can visit the link @ <http://mchi.net/newsletter/Jan2014.pdf>

Issues taken up with Hon'ble CM & Government, HODs & Secretaries (Full details are available on the website)

TECHNICAL STUDY GROUP MEETING OF HIGH RISE COMMITTEE

2ND MEETING WITH HON'BLE CHIEF MINISTER OF GOVERNMENT OF MAHARASHTRA

A follow up meeting was held on 9th October 2013 with the Hon'ble Chief Minister, Shri Prithviraj Chavan at Sahyadri, There was a broad exchange of views from the Government side and from MCHI-CREDAI.

1) ULC Act. 2) Environment 3) Uniform DCR 4) Speedy Approval 5) Civil Aviation 6) Workers' Residential Colony & Training Institute 7) State RERA. 8) World Class Exhibition Centre.

New Invitee Members in Managing Committee of MCHI- CREDAI

The Managing Committee extended a warm welcome to three new Invitee members:



Munish Doshi



Jitendra Jain



Domic Romell



Shailesh Sanghvi

Shri Shailesh Sanghvi,

who was on the Managing Committee as Secretary for Mira-Vihar City Unit, is now a full Managing Committee member. The deliberations of the Committee will be strengthened by the participation of these 4 worthy members.

Change of Guard Mira-Vihar City saw a change of guard with Shri Ashit Shah as President and Shri Tejas Vyas as the Hony. Secretary. We wish them all success in their efforts for MCHI-CREDAI Mira-Vihar City.



Ashit Shah



Tejas Vyas

MCHI-CREDAI Thane & Mira-Vihar City Exhibitions

MCHI-CREDAI Thane Unit held its 13th exhibition from 17th to 20th January 2014 at Highland Gardens, Dhokali, Kolshet Road, Thane (W) and Kalyan-Dombivli Unit will be doing its 4th Property Exhibition from 23rd to 26th January 2014 at Phadke Ground, Near Lal Chowki, Kalyan (W).

LEGALLY SPEAKING

ACHIEVEMENTS OF MCHI-CREDAI

• MoEF: W. P. NO. 1180 OF 2012

Challenging the Office Memorandum Dt: 7th February 2012
<http://www.mchi.net/newsletters/MOEFWPFinalOrder.pdf>

• 7% PREMIUM: SLP (C): NO:16197 OF 2011

MCHI has challenged the levy of Transfer Fee from lessee, who has not obtained prior permission for assignment of leasehold rights. The Hon'ble High Court has set aside the demand letters and ordered refund of Transfer Fee.
<http://www.mchi.net/newsletters/Judgmenton7%25matterdated12.09.2011.pdf>

PENDING WRIT PETITION AND SLPs

• ROYALTY EXCAVATION : W. P. NO: 6702 OF 2011

MCHI has filed petition challenging the demand of the Government for Royalty for excavation, we have obtained stay from recovery.
<http://www.mchi.net/newsletters/OrderinRoyaltyExcavationmatter.pdf>

• SERVICE TAX (SLP) : NO: 9313 OF 2012

MCHI filed in HC and HC ordered in favor of government. MCHI has filed SLP in Service Tax matter which is pending for final hearing in Supreme Court.

• VAT PETITION (SLP) : NO: 2157 of 2013

MCHI has filed SLP in Supreme Court. The SLP is likely to appear on board shortly for final hearing.

• RERA : [Real Estate(Regulation and Development) Bill of 2013]

MCHI has organized seminars on RERA, filed suggestions and objections. We have had several meetings to explain the hardships caused to the real estate industry. Maharashtra Government has pushed RERA this is awaiting for President's Assent. Central Government is also taking steps to bring Central RERA.

• ULC: (URBAN LAND & CEILING ACT): W.P.NO: 9872 OF 2010

We have filed petition in high court challenging various circulars issued by the Government in spite of the repealed Act. The ULC matter will be placed before larger bench.

• 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. The Government has filed reply and the matter is kept for hearing shortly for Admission.
<http://www.mchi.net/newsletters/CRZNotification2011%286January2011%29.pdf>

• HERITAGE PETITION

The Petition came up for hearing in high court on 23rd December 2013, where in the State Government was required to file an affidavit in reply by 24th October 2013. The State Government is yet to file its reply. The Hon'ble Court asked the State Government to file its reply by 17th January 2014 and the matter shall come up for hearing on 3rd February 2014.

PETITIONS IN PIPELINE

<ul style="list-style-type: none"> • 100% PREMIUM POLICY 	<p>Municipal Corporation is charging 100% premium for the deficit of open space arising out of use of Fungible FSI. We are taking Writ Petition in high court challenging this policy of MCGM, if advised by Sr. Counsel</p>
<ul style="list-style-type: none"> • 43C (A) OF INCOME TAX ACT: 	<p>We have engaged M/s. Parimal K. Shroff & Co. for filing new Writ Petition challenging the Constitutional validity of S.43C (a) of Income Tax.</p>
<ul style="list-style-type: none"> • DOPPLER RADAR (W.P. NO. 2572 OF 2013): 	<p>Aggrieved by MCGM's condition, a petition is filed by M/s. Redstone Realtors. This is a very important issue relating to high-rise in Mumbai and Intervener's Application is filed in high court. The Secretariat is also following it up with the Chief Secretary, Government of Maharashtra.</p>
<ul style="list-style-type: none"> • IN SLP NO. 33402 of 2012 between MCGM and Kohinoor C.N.T.L. Infrastrucure Co. Pvt. Ltd. 	<p>In the above SLP after the filing of Minutes of Order between Parties, the Hon'ble Supreme Court has raised four important issues relating to Mumbai Governance and MCGM. They were directed to file affidavits on these issues. After hearing the submissions of all counsels the Hon'ble Court has delivered the judgment whereby declared Regulation 38 (24) of DCR 1991 as ultravires etc. (Bad in Law) After the receipt of the judgment from Supreme Court, Shri Vimal Shah, President, has on war footing got the Interveners Application prepared from M/s. Parimal K. Shroff & Co. Thereafter series of meeting were held with experts on DC Regulations. The Affidavits of BMC and Government were studied in detail, and thereafter detailed written submissions were filed in the Hon'ble Supreme Court. MCHI-CREDAI also assisted Property Redevelopers Association to file Interveners Application in SLP.</p> <p>Even after the matter was kept for order, steps were taken by MCHI to file further affidavits and details in the above matter. Now we have filed review petition which will be placed on board for admission shortly.</p>
<ul style="list-style-type: none"> • 20% EWS/LIG HOUSING SCHEME: 	<p>The GR dtd. 8.11.2013 & Gazette Notification dtd. 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 sq.mtr. or more will be set aside for EWS/LIG. MCHI-CREDAI will be filing Writ Petition challenging the notification.</p>
<ul style="list-style-type: none"> • OFFICE MEMORANDUM ISSUED BY ENVIRONMENT DEPT. DTD. 31.10.2013: 	<p>MCHI is filing Writ Petition challenging the Office Memorandum dtd. 31.10.2013 issued by Environment Department of Maharashtra prescribing the requirement of environmental clearance of the project, where construction plan above 20,000 m² is approved by Planning Authority and part CC below 20,000 m², such construction will be treated as a violation of earlier notification.</p>

31st AGM OF MCHI CREDAI, AUGUST 14, 2013

The 31st AGM was held in the hospitable environs of Sofitel at BKC. The highlights of the AGM were the Keynote Addresses by Hon'ble Shri Sitaram Kunte (I.A.S.), Municipal Commissioner, MCGM, Shri Abhishek Lodha, the dynamic young Managing Director of Lodha Group.

The keynote addresses were followed by an equally stimulating Panel Discussion, which had the 4 panelists, Shri Rajiv Sabharwal, Executive Director, ICICI Bank, Shri Anuj Puri, Chairman & Country Head, Jones Lang LaSalle, Shri Parry Singh, Managing Director, Redfort Capital and Shri Boman Irani, Chairman & Managing Director, Rustomjee Group giving their well-considered views.

Declaration of Results of Elections. Shri Rajni S Ajmera, Returning Officer, declared the results of the Elections to the Managing Committee. Shri Rajnibhai said that 9 valid nominations were received, for 9 positions on the Managing Committee.

He said of these 9, two nominees, Shri Sujal Shroff and Shri Shailesh Sanghvi, had withdrawn their nominations. Thus, 7 nominees were declared elected unopposed for the term 2013-2014, 2014-2015 & 2015-2016, (1) Shri Dharmesh Jain, (2) Shri Harish Patel, (3) Shri Mukesh Patel, (4) Shri Lakshman Bhagtani, (5) Shri Bandish Ajmera, (6) Shri Parag Munot, (7) Shri Ashok Mohanani.

MCHI-CREDAI'S 22ND REAL ESTATE & HOUSING FINANCE EXHIBITION

India's Largest Property Expo involving 120 participating builders and developers from Mumbai MMR. Over 51,900 people visited MCHI property 2013 exhibition. A total of 120 builders and developers showcased projects to property seekers and investors during the four day exhibition held at the MMRDA grounds at BKC during 17 -20 October 2013.



We invite your feedback and suggestions for making this newsletter more informative and topical. Please email to secretariat@mchi.net

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