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Vasai Taluka

Housing
Federation

June 2015

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	24	9	39151
	36	10	63115

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EDITORIAL

Dear Members,



सचिव
श्री. विह. विश्वनाथन

Its election time again in Vasai Taluka. Probably by the time you receive this issue the Vasai Virar City municipal corporation elections would be over which is scheduled to be held on 14th of June 2015. Your federation appeals to all the citizens to vote judicially.

I am sure all the societies are in the process of closing their accounts on time. As per the new MCS Act 2013 the due date to complete the accounts is 31st July every year. The societies are required to conduct their annual general body meetings on or before 30th September. Please note that there is no extension and in case of any delay then there is no recourse for the Deputy Registrar but to dismiss the committee and conduct re-elections.

Maharashtra Stamp Act 1958 has been amended and same is available on the website of your federation. Please download the same. Among many changes in the act, there will be no stamp duty required to be paid for transfer of properties between the family as defined in the Act. Request you all to go through the same and take benefit of it.

Adoption of bye-law is compulsory and all societies are required to do so. In case of societies which has not yet done are requested to approve the same in the ensuing general body meeting and adopt the bye-laws at the earliest. Your federation intends to conduct workshops in your locality. We call upon societies to come forward and call us for such workshop which would be done free of cost. The experts would participate in such workshop and guide you about housing society matters.

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महाराष्ट्र अर्बन को-ऑपरेटिव्ह बँक्स फेडरेशन तर्फे सन २०१२-१३ व २०१३-१४ चा "सर्वोत्कृष्ट बँक" पुरस्कार!

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समाज मंदिर, न्यू इंग्लिश स्कूल समोर, ता. पो. वसई,
जि. ठाणे, पिन ४०१२०.

दूरध्वनी २३२२६१७, २३२६६८४, २३२६६६८ फॅक्स २३१०२११

शाखा विस्तार

वसई, विरार, नवघर, पालघर, सफाळे, नालासोपारा, बोरीवली, ठाणे, नारींगी-विरार पूर्व, बोळीज, मिरारोड, बोईसर, वालिव, बरामपूर, भाईंदर एव्हरशार्इन (वसई पूर्व), आगाशी

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मुंबई को चाहिए एक ठोस ऐक्शन प्लान

मोदी सरकार ने जनता को २०२२ तक घर मिलने का सपना तो दिखाया मगर क्या यह सपना कभी हकीकत बन भी पाएगा या नहीं यह जानने के लिए हमने एक राउंड टेबल कॉन्फ्रेंस का आयोजन किया। इस कॉन्फ्रेंस में हमने हाउजिंग से जुड़े ६ एक्सपर्ट्स को अपने विचार रखने का न्योता दिया। इन एक्सपर्ट्स ने जून में आने वाली महाराष्ट्र सरकार की हाउजिंग पॉलिसी पर भी विमर्श किया।



ROUND TABLE CONFERENCE

बातचीत में यह पाया गया किस हाउजिंग पॉलिसी के ड्राफ्ट में बहुत-सी खामियां हैं, जिन्हें दूर किए बिना इसकी सफलता संदिग्ध है। एक्सपर्ट्स ने मुंबई में हाउजिंग में हाउजिंग की समस्या के विभिन्न पहलुओं पर विमर्श किया। हम यहाँ इस बातचीत के अहम हिस्सों को प्रकाशित कर रहे हैं।



फोटो में (बाएं से): आशुतोष लिमये, रिसर्च हेड, जेएलएल इंडिया; दिनेश अफजलपुरकर, पूर्व मुख्य सचिव, महाराष्ट्र; ललित कुमार जैन, एक्स-चेयरमैन, क्रेडाई; रमेश प्रभू, अध्यक्ष, महाराष्ट्र सोसायटी वेलफेयर असोसिएशन; सुलक्षणा महाजन, अर्बन प्लानर; देवांग वर्मा, डायरेक्टर, ओमकार ग्रुप।

इन मुद्दों पर ध्यान देना जरूरी

- अफोर्डेबल हाउजिंग को बढ़ावा देने के लिए कॉस्ट में कमी लाने की जरूरत है। इसके लिए सेगमेंट में काम करने वाले बिल्डरों को तमाम सहूलियतें प्रदान की जानी चाहिए। जैसे, टैक्स रियायत, प्रीमियम में कमी।
- शानदार इन्फ्रास्ट्रक्चर बनाकर दूरी को कम किया जा सकता है। इसके बिना लोग बाहर जाने से कतराएंगे।
- केंद्र सरकार की जमीन पर बसे स्लम के डिवेलपमेंट के लिए सही प्लानिंग करने की जरूरत है।

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- हाउजिंग फॉर ऑल के लिए सारे स्लम के रीडिवेलपमेंट का प्रस्ताव लाया जाना चाहिए। इसमें कट ऑफ की सीमा नहीं होनी चाहिए।
- नए स्लम को पनपने से रोकने के लिए अधिकारियों को जवाबदेही देनी होगी ।
- किसी भी परियोजना से प्रभावित होने वालों के लिए बनने वाले घर की क्वालिटी पर विशेष फोकस करना होगा।
- परमिशन देने के लिए समय-सीमा निर्धारित हो। जिससे काम में देरी से बच सकें।
- कंस्ट्रक्शन कॉस्ट के विभिन्न पहलूओं पर विचार कर अफोर्डेबल हाउजिंग को बढ़ावा दिया जा सकेगा।
- डिमांड के आधार पर छोटे घरों बनाने वाले बिल्डरों को प्रत्साहित किया जाना चाहिए।
- बंद घरों को मार्केट में लाने के लिए घर बंद रखने वालों पर टैक्स बढ़ाया जाना चाहिए।
- जिन जगहों पर रोजगार का निर्माण हो रहा है, उन्हीं के आसपास घरों का निर्माण किया जाए तो बेहतर होगा।



Officers from dept of cooperation Mumbai Division take initiative under guidance of jtr Rasal saheb to collect fund for CM RELIEF FUND . MSWA as well as many coop. societies contribute their share voluntarily. this initiative by dept. is admired in field of cooperation in Mumbai.



L to R.: Shri N. R. Nikam, DDR-4, Shri S. M. Patil, DDR-2, Shri Milind Borikar, P. S. to CM, Shri. Chandrakant Dada Patil, Hon'ble Co-operative Minister, Shri Sudhir Mungantiwar, Finance Minister of Maharashtra, Hon'ble Shri Devendra Fadavis, Chief Minister, Shri Vikas Rasal, Joint Reg., Shri Subhash Patil, DDR-3, Shri Chandrakant Tikole, DDR-1



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नवा 'टीडीआर' मूळ ठाणेकरांच्या मुळावर

- सौजन्य:- महाराष्ट्र टाईम्स, दिनांक:- ०६/०५/२०१५

ताज्या टीडीआर कायदानुसार रस्त्यांची रुंदी ६ मीटरपेक्षा अधिक असेल तिथेच जुन्या इमारतींना टीडीआर मिळेल. ही अट जाचक असून त्यामुळे मूळ ठाणेकरांच्या जुन्या इमारतींचा पुनर्विकास रखडण्याची

ठाणे शहरातल्या जुन्या इमारतींच्या पुनर्विकासाचा प्रश्न तब्बल ४० वर्षांपासून रखडला असून त्यात प्रामुख्याने मूळ मध्यमवर्गीय ठाणेकर भरडला गेला आहे. आता महाराष्ट्र शासनाने ३० एप्रिल २०१५ रोजी टीडीआर संदर्भात काढलेल्या जीआरमधल्या काही जाचक कलमांमुळे तर त्यांचा पुनर्विकास कायमचा रखडेल अशी भीती व्यक्त करण्यात येत आहे.

महाराष्ट्र शासनाने काढलेला ताबा जीआर नवी मुंबई महापालिका सोडून राज्यातल्या सर्व महापालिका लागू होणार आहे. ताज्या टीडीआरच्या जीआरमधल्या एका कलमान्वये टीडीआरचा वापर रस्त्यांच्या रुंदीशी जोडण्यात आला आहे. रस्त्याची रुंदी ६ मीटरपेक्षा अधिक असेल तिथेच जुन्या इमारतींना टीडीआर मिळेल असे त्यात स्पष्ट करण्यात आले आहे. या जाचक अटीमुळे इमारतींच्या पुनर्विकासात अडथळे निर्माण होण्याची भीती आहे. ठाणेही त्याला अपवाद नाही.

जुने ठाणे शहर १६०० पूर्वी वसलेलं आहे. १६६६ मध्ये ठाण्याचा पहिला सर्व्हे तत्कालिन मुख्य सर्व्हेअर जेम्स ॲण्डरसन यांनी केल्याची इतिहासात नोंद आहे. त्या सर्व्हेक्षणात गावठाणात ३,५०० प्रॉपर्टीज होत्या त्या काळात ठाण्यात मुख्यत्व वाडे आणि पाडे होते. बाजारपेठ स्टेशन रोड खारकर आळी, चेंदणी, महागिरी, जांभळी नाका, टेंभी नाका हा भाग ठाण्यात मोडत होता. नौपाडा ही त्यावेळची ग्रामपंचायत होती. नौपाडा पाचपाखाडी हे भाग त्यानंतर ठाणे पालिका हद्दीत समाविष्ट करण्यात आले. या जुन्या ठाणे शहरात सर्व रस्त्यांची रुंदी ६मीटरपेक्षा कमी आहे. रस्त्यांची रुंदी ६ मीटरपेक्षा अधिक असेल तरच टीडीआर मिळणार असेल तर जुन्या ठाण्यातल्या इमारतींचा पुनर्विकास होणार तरी कसा आणि केव्हा, असा प्रश्न निर्माण झाला आहे. जुन्या चाळी, जुनी घर, जुन्या इमारती, जुने बंगले आणि जुन्या गृहनिर्माण सोसायट्यांचा पुनर्विकास कायमस्वरूपी ठप्प होईल.

जुन्या ठाणे शहरात अशा सुमारे १२ ते १५ हजार जुन्या इमारती असून त्यात अंदाजे दीड ते दोन लाख लोक राहत आहेत. या सर्व इमारती अधिकृतपणे बांधलेल्या असून त्यांच्याकडे महापालिकेला सर्व प्रकारचे कर दिले जातात. पाणीपट्टी, मालमत्ता कर नियमित भरणाऱ्या जुन्या मालमत्ताधारकांवर इमारतींच्या पुनर्विकासाबाबत अन्याय होत असून आणखी किती काळ हा अन्याय सहन करणार असा प्रश्न निर्माण झाला आहे.



६ आणि ६ चं गौडबंगाल

तज्ज्ञांच्या समितीने रस्त्यांची रुंदी ६ मीटरपेक्षा कमी असेल तर तिथल्या इमारतींना टीडीआर वापरण्यास देऊ नका असं सुचवलं होतं. जुन्या काळात शहरामध्ये रस्त्यांची रुंदी कमी होती हे लक्षात घेऊन इमारतींच्या पुनर्विकासासाठी ६ मीटर रस्त्याची रुंदी उपयोगी पडेल, असं वाटल्याने समितीने हा निर्णय घेतला असावा पण समितीच्या अहवालातील ६ मीटर रुंदीची अट डावलून टीडीआरच्या जीआरमध्ये ६ मीटर रुंदीची अट कोणी आणि कशी घातली हा प्रश्नच आहे. शासकीय अधिकाऱ्यांनी हा फेरबदल केला असावा, असं बोललं जातं. या अटीमुळे जुन्या इमारतींचा पुनर्विकास कायमचा थांबण्याची भीती आहे.

झोपडपट्ट्यांच्या पुनर्विकासासाठी ३ एफएसआयचे तर अनधिकृत इमारतींसाठी ४ एफएसआयचे रेड कापेट आणि अधिकृत इमारतींवर मात्र अन्यायाची परिसीमा ही किती काळ चालणार, असा प्रश्न ठाणेकरांना विचारत आहेत. बेकायदा झोपडपट्ट्या आणि अनधिकृत इमारतींना कायद्याचं संरक्षण आणि अधिकृत इमारतधारकांचा मानसिक छळ? हा अन्याय लवकरात लवकर दूर व्हावा अशी नागरिकांची मागणी आहे.

ठाण्याचे आमदार संजय केळकर यांनी ठाणे शहरातल्या जुन्या अधिकृत इमारतींच्या पुनर्विकासाच्या बाबतीत वरील मुद्द्यांना धरून मुख्यमंत्री देवेंद्र फडणवीस यांना सविस्तर पत्र पाठवलं असून टीडीआरमधल्या जाचक अटी दूर करण्याची विनंती केली आहे.

१६७४ पूर्वीच्या धोकादायक आणि मोडकळीस आलेल्या अधिकृत इमारतींच्या पुनर्विकासाचा विषयही महापालिकेच्या योग्य एफएसआय देण्याबाबत खोडा घालण्याच्या धोरणामुळे रखडला आहे.

ठाणे जिल्ह्याचे पालकमंत्री आमदार एकनाथ शिंदे आणि स्थायी समितीचे सभापती नरेश म्हस्के यांनी त्यात लक्ष घातल्यामुळे इमारतींच्या पुनर्विकासाचा मार्ग प्रशस्त होईल अशी आशा आहे. धोकादायक इमारतींच्या बाबतीत १६७४ ची अट आज कालबाह्य झाली असून त्यावेजी इमारतीचे वय लक्षात घेण्याची गरज आहे. पावसाळ्यात या इमारती कधी कोसळतील याचा नेम नाही. हजारो रहिवासी त्या भीतीच्या छायेखाली आपलं आयुष्य काढत आहेत.



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महसूल खात्याचा अडसर

सोसायटी रजिस्टर होण्यापुरत्या व्यक्तीने बिल्डरने बांधलेल्या इमारतीतील सदनिका विकल्या गेल्यावर बिल्डर-प्रमोटरने सोसायटी स्थापना करून ती रजिस्टर केली पाहिजे आणि ती रजिस्टर झाल्याच्या तारखेपासून चार महिन्यांच्या आत ती इमारत आणि ती उभी असलेली जमीन सोसायटीच्या नावे अभिहस्तांतरित केली पाहिजे. अशी तरतूद १९६३ च्या मोफा कायद्यात होती, या विहीत कालावधीत सोसायटीच्या नावे मालमत्तेचे अभिहस्तांतरण झाले नाही तर

विल्डर-प्रमोटरसाठी शिक्षेची तरतूददेखील होती. परंतु या जबाबदारीत चुकारपणा करणाऱ्या बिल्डर-प्रमोटरला शिक्षा करण्याचे सोडाच, या कायद्याची काटेकोर अंमलबजावणीसुध्दा होऊ शकली नाही त्यामुळे चार वर्षांपूर्वी ८८ हजार सोसायट्यांपैकी फक्त सहा हजार सोसायट्यांच्या नावे बिल्डर-प्रमोटर यांनी अभिहस्तांतरण केले. म्हणून २००८ मध्ये महाराष्ट्र शासनाने मोफा कायद्यात दुरुस्ती करून त्यांत मानीव अभिहस्तांतरण प्रक्रियेची डीम्ड कन्व्हेअन्सची तरतूद करणारी दुरुस्ती केली आणि नमनाला घडाभर तेल या न्यायाचे दोन वर्षांनंतर नियमावली तयार झाली, परंतु या कायद्याची प्रत्यक्ष अंमलबजावणी होण्यासाठी २०१० साल उजाडावे लागले.

दस्तऐवजांच्या संख्येत घट

ही नियमावली तयार करण्यात आली तेव्हा डीम्ड कन्व्हेअन्स करून घेणाऱ्या सोसायटीला निरनिराळ्या प्रकारचे ३० दस्तऐवज सादर करावयाचे असत, हे दस्तऐवज सरकारच्या निरनिराळ्या खात्यांतून आणि ग्रामपंचायती, नगरपालिका आणि महापालिका याजकडून मिळवावे लागते. त्यासाठी संबंधित कर्मचारी, अधिकारी यांचे हात ओले करावे लागत असत. एवढेही करून हे सर्व दस्तऐवज मिळणे हा कपिलाष्टीचा योग असे, म्हणून या दस्तऐवजांची संख्या निम्म्यावर आणावी असा आग्रह महाराष्ट्र स्टेट को-ऑपरेटिव्ह हौसिंग फेडरेशन आणि टाणे डिस्ट्रिक्ट को-ऑपरेटिव्ह हौसिंग फेडरेशन यांनी धरला आणि त्यात या दोन्ही संख्या यशस्वी झाल्या, कारण शासनाने या दस्तऐवजांची संख्या ३० वरून १२ वर आणली.



या बाबतीत उपरोक्त दोन्ही संस्थांचे अध्यक्ष सीताराम राणे म्हणतात. शासनाच्या या नवीन कायद्यानुसार सोसायट्या डीम्ड कन्व्हेअन्सचे प्रस्ताव जिल्हा उपनिबंधक तथा डीम्ड कन्व्हेअन्स प्रक्रियेचे सक्षम अधिकारी यांच्या कचेरीत पाठवू लागले परंतु हे प्रस्ताव त्यांच्या कार्यातून पुढे सरकतच नव्हते. याचे कारण या प्रस्तावाबाबत कोणत्या प्रकारे कार्यवाही करावयाची याबद्दल महसूल खात्याने जिल्हा उपनिबंधकाच्या कार्यालयाला आदेशच दिले नव्हते.

जिल्हा उपनिबंधक तथा मानीव अभिहस्तांतरणीय सक्षम अधिकारी यांना महसूल खात्याकडून, अभिहस्तांतरण करताना मुद्रांक शुल्क कसे आकारले जाते याबाबत मार्गदर्शन हवे होते. यांचे कारण बऱ्याचशा सोसायट्या मुद्रांक शुल्क हौसिंग सोसायट्यांना लागू होण्यापूर्वी रजिस्टर झाल्या होत्या. त्यामुळे अशा सोसायट्या आणि जिल्हा उपनिबंधकांचे कार्यालय यामध्ये शाब्दिक संघर्ष झडू लागले. शेवटी २०१० मध्ये अंमलात आलेल्या या कायद्यासंदर्भात महसूल विभागाने पहिले पत्रक दोन वर्षांनी म्हणजे २०१२ साली काढले म्हणजे मधली दोन वर्षे ठप्प गेली.

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पाळलाच जातो असे नाही, प्रत्यक्षात मात्र मंजूर आराखडा राहतो बाजूला आणि इमारत बांधली जाते बिल्डरच्या मर्जीनुसार त्यामुळे नगरपालिका/महापालिका अशा इमारतींना ताबा पत्र देत नाही.

सभासदांचाही दोष

इमारत बांधून पूर्ण कधी होते आणि आम्ही नवीन जागेत कधी राहायला जातो अशी अधीस्ता अनेक गाळाधारकांची असते त्याचा बिल्डर बरोबर फायदा उठवतो. सामान ठेवण्यासाठी म्हणून तो जागा देतो आणि तसे गाळाधारकांकडून लिहून घेतो. त्याच्या दृष्टीने एक प्रकारे सुंठीवाचून खोकला गेलेला असतो. अशा प्रकारे सर्व गाळ्यांत गाळे मालक राहायला आल्यावर बिल्डर त्या इमारतीबाबत आपले संबंध तोडतो. कारण त्याला गाळ्याचे पैसे मिळालेले असतात पण 'घी देखा लेकिन बडगा नहीं देखा' या उक्तीप्रमाणे इमारतीचे कन्व्हेअन्स करण्याचा जेव्हा प्रथ घेतो तेव्हा त्या गाळे मालकांना आपली चूक उगमते परंतु तोपर्यंत फार वेळ गेलेला असतो.

ओसी सर्टिफिकेट बिल्डरने मिळवून देण्याची जबाबदारी असते. असा मुंबई उच्च न्यायालयाचा स्पष्ट निकाल असला तरी बहुसंख्य इमारती एकतर अनधिकृत किंवा नगरपालिका/महापालिका यांनी मंजूर केलेल्या आराखड्याप्रमाणे नसल्याने अशा इमारतीचे बिल्डर ओसी घेत नाहीत. यात मधल्यामध्ये मरण होते ते अशा इमारतीत गाळे घेणाऱ्याचे, आता ठाण्यासाख्या काही महापालिकांनी नाममात्र दंड भरून ओसी घ्यावी म्हणून अभय योजना जाहीर केली आहे. ठाणे पालिकेने ही योजना जून, २०१४ मध्ये केली. पहिल्या प्रथम सहा महिन्यांसाठी जाहीर केली, त्यानंतर ती मार्च २०१५ पर्यंत वाढविण्यात आली. आज या योजनेचे स्वरूप काय आहे. या योजनेचा किती इमारतींनी/सोसायट्यांनी फायदा घेतला त्याची आकडेवारी हा लेख लिहीत असताना उपलब्ध नाही.

जेमतेम सहा टक्के सोसायट्यांना फायदा

महाराष्ट्र राज्यात ताज्या आकडेवारीनुसार एकंदर ६८००० सहकारी गृहनिर्माण संस्था आहेत (या आकडेवारीबाबत आम्हास शंका आहे) त्यापैकी गेल्या पाच वर्षात म्हणजे २०१० पासून आजतागायत फक्त ६ टक्के सोसायट्यांना डीम्ड कन्व्हेअन्सचा फायदा झाल्याचे सांगण्यात येते.

गेल्या पाच वर्षात राज्यातील ६ हजार हौसिंग सोसायट्यांनी डीम्ड कन्व्हेअन्सचा अर्ज केला होता. त्यापैकी ४५०० सोसायट्यांच्या नावे डीम्ड कन्व्हेअन्स झाले अशी ही अधिकृत आकडेवारी सांगते. या हजार ६ हजार सोसायट्यांपैकी खुद्द मुंबईच्या १७४० जुन्या सोसायट्या आहेत, पुण्याच्या जवळजवळ १४३० आणि नागपूरच्या फक्त ५ सोसायट्या आहेत. अन्य तपशील उपलब्ध नाही.

नवीन डीम्ड कन्व्हेअन्स कायदा?

नाव वर्षांपूर्वी डीम्ड कन्व्हेअन्सची तरतूद असलेला कायदा पारित होऊनही ६० हजारांपैकी अधिक सोसायट्या असूनही डीम्ड कन्व्हेअन्सपासून वंचित असल्याबद्दलची टीका नुकत्याच समाप्त झालेल्या विधिमंडळाच्या अधिवेशनात करण्यात आली होती. या टीकेला अनुलक्षून दिलेल्या उत्तरात मुख्यमंत्र्यांनी आगामी दोन महिन्यांत नवा डीम्ड कन्व्हेअन्स कायदा करण्याचे आश्वासन दिले आहे.

अनेक सवलती

सोसायटीच्या नावे डीम्ड कन्व्हेअन्स होण्यासाठी संबंधित सोसायटीने न विकल्या गेलेल्या सदनिकांचीसुध्दा स्टॅम्प ड्युटी भरली पाहिजे अशी महसूल करावयाची सक्ती होती. ती काढून घेण्यात आली आहे.

तसेच अशा सोसायट्यांनी १०० टक्के सदनिकांची स्टॅम्प ड्युटी भरली पाहिजे, अशी सक्ती होती परंतु बहुसंख्य बिल्डर्स जमीनमालकांकडून पॉवर ऑफ अ‍ॅटर्नी घेऊन इमारती बांधतात त्या वेळी झालेल्या करारान्वये त्या इमारतीतील काही गाळे जमीनमालकाला मोफत मिळतात. या गाळ्यांवर जमीनमालक स्टॅम्प ड्युटी भरत नाहीत म्हणून हे प्रकरण उच्च न्यायालयात गेले असता बिल्डरकडून जमीनमालकाला मिळणारे मोफत गाळे ही खरेदी-विक्री होत नसल्याने जमीनमालकांनी अशा गाळ्यांवर स्टॅम्प ड्युटी भरण्याची गरज नसल्याचा निर्णय मुंबई उच्च न्यायालयाने दिला आहे. अशा रीतीने स्टॅम्प ड्युटी भरण्याची सक्ती काढूनसुध्दा सोसायट्या डीम्ड कन्व्हेअन्स करून घेण्यासाठी पुढे का येत नाहीत हा एक मोठा प्रश्न आहे. म्हणून शासनाने घाईगर्दीने नवा डीम्ड कन्व्हेअन्स कायदा करण्याच्या भानगडीत न पडता एखाद्या तज्ज्ञ समितीची नियुक्ती करून तिला हा प्रस्ताव तयार करण्यास सांगावे त्यावर लोकांच्या सोसायट्यांच्या, तज्ज्ञांच्या सोसायट्या, त्यांचे जिल्हा संघ, राज्यसंघ यांच्या प्रतिक्रिया मागवाव्यात, त्यांचा अभ्यास करावा आणि नंतर अंतिम मसुदा तयार करावा.

विशेष म्हणजे या कायद्याची काटेकोर अंमलबजावणी करण्याची जबाबदारी संबंधित अधिकारी वर्गावर सोपवावी.

डीम्ड कन्व्हेअन्सचा विद्यमान कायदा परिणामकारक व होण्याचे मुख्य कारण म्हणजे काही वकील, सनदी लेखापाल यांचे सामान्यजनांची दिशाभूल करण्याची चालू असलेले प्रयत्न म्हणून अशा मंडळींना डीम्ड कन्व्हेअन्स प्रक्रियेत लुडबुड करण्यास प्रतिबंध करावा आणि जो प्रस्ताव तयार करण्याची जबाबदारी जिल्हा हौसिंग फेडरेशनवर सोपवावी.



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FAQ's ON ASSOCIATE MEMBER

Who can become Associate Member?

Ans: - As per Maharashtra Co-operative Societies (Amendment) Act 1960 and Maharashtra Co-operative Societies Rules, 1961, any person whose name stands 2nd / 3rd in the Agreement for Sale in respect of purchase of Flat / Shop as joint owners cum joint holders, then such joint owners cum joint holders can be admitted as an Associate member in respect of such flat / shop jointly with 1st owner. However, without being a joint owners cum joint holders of the flat/shop, no person can be admitted as an associate member of society by just paying an entrance fees of Rs.100/-.

Q.2. Whether an Associate member can vote in the Meeting?

Ans: - Yes, Associate Member has right to vote in the Meeting of the Society.

Q.3. Whether an Associate member can stand in the election and appointed as Secretary/Chairman/Treasurer/of the Society?

Ans: - Yes, an Associate member can stand in the election and also be appointed as one of the office bearers and can get the post of either Secretary/Chairman/Treasurer.

Q.4 One of the members who is a single owner and is residing out of country and he has submitted application to include the name of "A" as an Associate Member and also to add his name in the share certificate?

Ans: Only if 'A's name is reflecting in the Agreement of Sale/Sale Deed in respect of that flat as a Co-owner/joint owner then only A's name can be added and can grant the Associate Membership.

If the name of A is not mentioned in the Agreement of Sale/Sale Deed the member can release or gift certain percentage of share in right, title and interest of his flat by executing, registering Gift Deed or Release Deed in favour of A who is interested to become associate member.

Q.5. Can a relative of member/ members become an Associate Member by paying entrance fees of Rs.100/-? as on today?

Ans: No, a relative of member/ members cannot become an Associate Member by paying entrance fees of Rs.100/- as on today.



Adv. Beena Mehrol

Q.6 If there are joint owners in the property but their name stands second, third or fourth (in sale agreement and /or in share certificate) what is the procedure to become Associate Member?

Ans:- As per the model Bye-laws, Maharashtra Co-operative Societies Act, 1960 (Amendment) and Maharashtra Co-operative Societies Rules 1961 (Amendment), the Co-owner/joint owner has to submit the Form No. 7 i.e. Application for Associates Membership for admitting such co-owner/joint owners as Associate member of the society in respect of his/her/their Flat and has to pay entrance fees of Rs. 100/- and a copy of documents which proves that he/she are the co-owner/joint owner of the property (like Gift Deed, Release Deed, Sale Deed etc, which is duly stamped and registered)

Q.7 There are already few members who have already become Associate Members in past, by paying Rs.100/- as entrance fees, few of these Associates' members name is also entered in the Society Share Certificate as Associate Members.?

Ans: As per the Maharashtra Co-operative Societies (Amendment) Act 1960, Maharashtra Co-operative Societies Rules, 1961 and the new Model Bye-laws – 2015, only those people who are the joint owners cum joint holders of the flat/shop and names is mentioned in the Agreement for Sale can become an Associate Member.



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"According to estimates, there are nearly 20,000 buildings in the suburbs and nearly another 20,000 buildings in south Mumbai waiting for redevelopment"

Ramesh Prabhu
chartered accountant and chairman,
Maharashtra societies welfare Association (MswA)

Follow the procedures

*while redevelopment follows the principles of democracy and decision-making may take time, it is vital to ensure that housing societies maintain transparency and work according to the rules, says **Ramesh Prabhu***

Prior to 1980, like-minded persons used to come together to form a co-operative housing society with the main purpose being to provide flats to members in a multi-storeyed building with common services, and to maintain the same. Such societies are called 'open plot societies'. Members would contribute towards the cost of land and building according to the area of the flat they wanted to occupy. The society would engage the architect and contractor, construct the building and then allot flats to its members. The land and building would be owned by the society. Post 1980, the concept of the developer constructing the building and selling flats to different persons under the Maharashtra Ownership Flats Act (MOFA), 1963, emerged. Thereafter, flat owners register a cooperative society to manage common facilities. Such societies are called 'flat owners societies'.

Once members receive flats under open plot societies or flat owners type of societies, it becomes the responsibility of the society to provide common services to members, such as electricity security, water supply, repairing and maintaining of the building in good condition. For the proper management of the society, members elect a managing committee and the entire working of the society is done as per the provisions of Maharashtra Co-operative Societies Act, 1960, MCS Rules, 1961, Registered Bye-laws of the society, circulars and notifications issued by the registrar and the government from time to time regarding the functioning of the society.

The building being a common property, it becomes the responsibility of every flat owner to see that proper care is taken of it and to contribute towards its repairs whenever called for by the managing committee. The members are always reluctant to contribute for common repairs and this is often postponed. Over the last 20 to 30 years, there have been many buildings in Mumbai, where even simple painting has not been done, against the requirement of repainting at least once in five years. Further damage to the building occurs because of encroachments by members in terms of covering the balcony or common areas, shifting of kitchen or toilets to a place other than the original location, renovation once in five to 10 years within the flats or renovation / interiors done by the new purchaser of flats on resale, and leakages being neglected.

The Municipal Corporation of Greater Mumbai (MCGM) has made it mandatory for every society or building owner to carry out the structural audit of buildings which are more than 30 years old once in three years and then undertake necessary structural repairs as recommended by the structural engineer and to file the compliance report within six months of completing the structural audit. However, societies are not serious about such measures, which are essential for long life of the buildings.

In order to see that the buildings which have become very old and dilapidated, and for societies

to undertake redevelopment, the Development Control Rules, 1991(DC Rules) were amended to facilitate additional construction over and above the existing area. As per the current DC Rules, as against the earlier Floor Space index (FSI) of 1 on the plot of land, now additional Floor Space Index (FSI) of 0.33 by paying a premium to the municipal corporation, loading of TDR (Transfer of Development Rights) of 0.67 by purchasing from the market and fungible FSI of 0.70, making the aggregate built up area 2.70 is possible during redevelopment. This has encouraged societies which were constructed prior to 1995, or on which TDR or additional FSI loading is possible, to plan for redevelopment.

Thus redevelopment has become a buzzword in housing society circles. According to estimates, there are nearly 20,000 buildings in the suburbs and nearly another 20,000 buildings in south Mumbai waiting for redevelopment. Nearly 50% of the area in Mumbai is also covered by slums, which are also going for redevelopment in Mumbai city under the Slum Rehabilitation Authority schemes.

Though actual redevelopment has started from 2001 onwards, looking at the disputes, differences, complaints and mishandling of redevelopment by housing societies, the government of Maharashtra issued a direction dated 3.1.2009 under section 79A of the Maharashtra Co-operative Societies Act, 1960 for undertaking redevelopment by housing societies.

This direction having issued by the Government by exercising the powers given to it under Section 79(A) of the MCS Act, 1960 is mandatory.

THE NEW RULES UNDER SECTION 79A

The following steps and procedure have been elaborated by the direction.

Members to initiate the redevelopment process:

Minimum 25% of the members of the society are required to give an application to the managing committee to call the Special General Body meeting to decide about the Redevelopment.

The managing committee to be duly elected and constituted: In the middle of the redevelopment process, a question regarding the validity of the committee should not be raised by the members, therefore, it is provided that the redevelopment has to be initiated by the committee which is duly elected and constituted as provided under the law. Since 14.2.2013, the election of the managing committee is conducted by the election officer appointed by the Maharashtra State Co-operative Election Authority. In case, the society has any doubt about the constitution of the committee, it is advisable to get the proper election done and proceed with the redevelopment process.

Quorum of the meeting: The quorum for the special General Body meeting called to decide about the redevelopment shall be 75% of the members present. As per the provisions of the Act, the members include associate members and therefore, the associate member is permitted to attend and vote for such meeting and their presence shall be counted for the purpose of constituting the quorum.

In the absence of quorum, the meeting may be adjourned for eight days and if the quorum is formed of 75% members of the society, the agenda can be taken up or else, the meeting gets dissolved. The redevelopment decision has to be approved by 75% of the members present in the meeting. The minutes of such meeting should be circulated to the members within 10 days of the meeting. It is recommended that, if possible, the minutes of all the redevelopment meeting including the managing committee is required to be written immediately during the meeting and at the end of the meeting, the same should be counter-signed by the members present at the meeting to avoid any disputes regarding the recording of the minutes.

The Notice for the meeting: Special General Meeting (SGM) of redevelopment should be called with at least 14 days clear notice.

Appointment of Project Management Consultants: The managing committee should collect at least five quotations from the Project Management Consultants (PMCs) who will guide the redevelopment process and appoint one of the PMCs in the SGM.

Role of PMC: The PMC or architect is required to carry out the survey of the land, area occupied by each of the members, verify the old plan, obtain the required government documents, ensure that the society has proper conveyance of land and building and then prepare a feasibility report taking into account the potential FS I, TDR, Fungible FS I and already used FS I by the existing building. He must also educate the members about the minimum area they can get in the new building, corpus, rent and other amenities which can be part of the new building.

Prepare the feasibility / Project report: The PMC has to prepare the required feasibility report and project report and have a detailed discussion among the society members, get their feedback and clarify their doubts. The PMC should facilitate smooth completion of the redevelopment. In fact, the PMC should be engaged till the occupation certificate is obtained by the developer and the members are rehoused in the new building.

Preparation of the Tender: The PMC, in consultation with the members, is required to prepare a tender document which will have all terms and conditions decided by the society including the bank Guarantee to be provided by the developer during the redevelopment. As per the directions issued by the Government at least 20% of the project cost has to be obtained as the bank guarantee. It is the normal practice by societies to demand the bank guarantee equivalent to construction cost of the existing area of the members.

Publication of the tenders: Though the direction does not say explicitly that the tender should be invited by giving advertisement in the newspaper, as a prudent practice and to have better transparency, it is advisable to go for a public notice of the tender in a leading newspaper. At least 15 days should be given for the developer to collect the tender and thereafter another 15 days should be given to the developers to submit the tender.

Pre-Bid meeting: The direction is silent about the pre-bid meeting to be arranged with the prospective developer. As a best practice, it is

advisable to arrange the pre-bid meeting with the developer who have collected the tenders on the last day of issue of tenders and then clarify the doubts of the developer. Such a pre-bid meeting is to be arranged at the society premises, so that the developer also gets an opportunity to inspect the site. The members also should be invited to such a meeting, so that members who have queries regarding the redevelopment process can get clarification. The minutes of such a pre-bid meeting should be given to all the bidders, so that they will be able to give their offers considering the discussion and decision taken in the pre-bid meeting.

Receipt of the tenders and to open the same at the General Body meeting: As per the direction, the tender should be opened in the presence of the joint meeting of the committee, PMC, bidders and the interested members. In order to have proper transparency, it is advisable that such bid should be opened in the Special General body meeting called for the purpose.

It is further advisable that the financial offer or the offers given by the developer should be called in a separate envelope to be opened only after satisfying oneself over the credentials of the developer such as their experience, reputation, financial condition, and so on. Developers whom the general body does not approve of should not have their offers opened, and these should be cancelled. This is because, normally, the developer who is new in the line or the contractor who would like to enter as a developer, offer more area and corpus to the existing members to get the contract. In due course of time, the project gets delayed, the rent is not paid on time or the members are forced to occupy the new building without Occupation Certificate etc. Many times, such developers transfer the project to another financier. Therefore, members should not be carried away by the offers given by bidders. Therefore, short listing the developers and then preparing their offers would be a proper system.

Special General Body meeting to select the developer: The SGM should be called with 14 days' clear notice to select the developer. The

comparative chart of the developer is circulated to the members. The committee should invite the officer of the Registrar to be present at the said General Body meeting. The complete video recording of this meeting is done to ensure full transparency. Seventy-five per cent of the members should be present to form the quorum. The short listed bidders may be called in the meeting to give their presentation or this can be held before the General Body meeting. It is the normal practice that short listed developers are invited by the society to give presentations much before the final selection meeting, interact with members and if possible, improve the offers to consider them in the final selection. In this meeting one developer should be selected with 75% or more voting by the members present and also such consent for the selected developers has to be obtained in writing by the members, so that there is no dispute or ambiguity in the selection of the developers.

NoC from the Registrar: The society has to obtain the necessary No-objection Certificate (NOC) from the registrar by submitting all the documents till the selection of the developer including the minutes of the meeting in which the developer is selected along with the DVD of the video recording of the meeting. The registrar is required to give the NOC stating that all the procedures as laid down under section 79A of the MCS Act, 1960, are complied with.

Execute the development agreement: The society and the developer are required to execute and register the development agreement as per the agreed terms within two months from the date of selection of the developer. For any delay, the same has to be further decided in the specially called SGM in which again the registrar representative has to be called and select the same or the subsequent developer.

Developer to obtain the IoD and execute the individual agreement: The developer is required to prepare the new building plan, get it approved by the members and then submit it to the Municipal Corporation of Greater Mumbai for approval. Once the plan is approved, the MCGM

issues Intimation of disapproval (IOD) along with the approved plan. The developer and the society need to execute and register the individual agreement with the members of the society indicating the new flat in the new building. This will give a sense of confidence among the society members.

Obtain the Commencement Certificate and complete the building: Once all the members vacate the flats, the society is required to hand over the building to the developer for demolition. After the demolition, the developer obtains the commencement certificate and completes the building as per the approved plan.

Obtain the Occupation Certificate and hand over new flats to the existing members: The developer, once he obtains the occupation certificate, informs the society to take the possession of the new flats and then hands over the management of the entire building back to the society. He also gives the possession to the new flat purchasers and requests the society to admit them as members of the society.

New members are admitted as members of the society and bank guarantees are released: Once the society building is ready and all the persons, new and old, occupy the flats, the society admits the new flat purchasers as members of the society, issues them share certificates and starts collecting the maintenance charges and maintaining the building. The bank guarantee has to be released by the society as the building is completed to the satisfaction of the society members.

THE redevelopment of a housing society is a boon and can be enjoyed, if the proper process is followed and transparency in the dealing is maintained. The functioning of the housing society is governed by the principle of democracy, the decision-taking process does take its own time but any decision taken without following the due procedure as laid down above would be dangerous to the redevelopment of the project.

DOCUMENTATION FOR REDEVELOPMENT THROUGH BUILDER

Documents needed During Redevelopment

1. Society registration certificate.
2. 7 / 12 extract
3. Form no – 6 from revenue office.
4. Conveyance Deed / Lease Deed / Sale Deed.
5. Search report and title certificate.
6. Index II
7. N.A. Order
8. Development Agreement
9. City Survey Plan.
10. Approved building plan.
11. Copy of IOD
12. Commencement Certificate
13. Occupation Certificate
14. Completion Certificate
15. Agreement for sale
16. Stamp duty paid proof
17. Registration charges paid proof
18. Appointment

Documents prepared as part of Redevelopment process

1. Feasibility Report
2. Suggestions from members
3. Public Notice for inviting the tender
4. Minutes of various meeting
5. Correspondence with different authorities
6. Obtaining required permission from Deputy Registrar, BMC, ULC Department, NA Department etc.
7. Tender Form
8. Summary of Tenders received
9. Approval of Tenders in the General Body meeting and preparation of Draft and Final Minutes
10. Appointment letters to advocate, Structural Engineers, Architect, Project Management Consultant etc.

Documents to be prepared by society's advocate

1. Redevelopment Agreement
2. Indemnity Bond by the developer
3. Format of Bank Guarantee from the Builder
4. Power of Attorney from society to Developer
5. Agreement for Alternative Accommodation
6. Consent letter from the members to society
7. Consent letter from members to builder /BMC
8. Memorandum of Understanding (MOU) between society and builder
9. Appointment letter from the society to builder
10. Possession letter from the builder to member
11. Application by new members to society to becoming member
12. Undertaking from New Member to society
13. Format of the Resolution to admit the New Member
14. List of Document required to collect from the Builder
15. Revocation/Cancellation of Power of Attorney

Documents to be taken from builder

1. Partnership deed of the developers duly registered. OR Memorandum of Association
2. Copy of registration certificate
3. Name and address of partners along with their PAN
4. PAN card of the firm
5. Income tax return filed for the last 3 years of the partners/ directors and the company
6. Service tax registration number
7. Copy of the Balance Sheet to understand the financial strength of the firm
8. Feasibility report from the developer has to how they will develop the property at the offers given by them.

As per bye-law No.6 it is compulsory to become the member of housing federation.



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STAMP DUTY AND REGISTRATION OF CONVEYANCE DEED

Conveyance means transfer of title of ownership of movable and immovable property from the original owner/s to the ultimate purchaser/s by executing the conveyance.

There are two ways to get the conveyance of the land together with the building:-

1. Regular Conveyance:-

Regular Conveyance means where the landowners, builder or any other interesting parties who are the owner or has caused construction on the land are ready to execute the Conveyance Deed in the favour of the Society.

2. Deemed Conveyance:-

When the landowners, builder or any other interesting parties who are the owner or has caused construction on the land have not conveyed the land or are not traceable/ found for execute the Conveyance Deed in the favour of the Society. Then, the Society can file an Application for Deemed Conveyance before the Competent Authority i.e. District Deputy Registrar. The District Deputy Registrar will call Landowners, Builder or any other interesting parties to know the reason for not granting the conveyance of the land together with the building standing thereon in favour of the society and pass appropriate Order.

Once, Order of Conveyance is granted, the Society is required to execute and prepare the Conveyance Deed and send it to Adjudication Department to get the value of the stamp duty amount required to be paid by the Society in the Conveyance Deed.

The following is process which the Society has to carry out:-

Stage I:- Drafting Conveyance Deed:-

1. Verify the documents available with the society
2. Prepare Conveyance Deed
3. Conveyance Deed shall be approval of the Society
4. To file Application before the Competent

Authority and attend hearing and get the draft Conveyance Deed modified, if required.

Stage II: - Adjudication of Stamp duty

Verifying various documents related to the stamp duty and registration of individual flats and obtains the stamp duty payment order. The scope of work is as follows:-

- a. Draft letters to be issue to the members to provide with copies of stamp duty paid receipt, copy of agreement and registration receipt.
- b. Apply for Adjudication:- Verify the documents and compliance thereof and apply to collector of stamps, get the demand notice issued pay the applicable duty, attend the hearing, and then collect the original agreement.
- c. Verify stamp duty and Registration of all the agreements,
- d. Attend the hearing.
- e. Obtain the order for deficit stamp duty.
- f. Draft letters to the persons/members who have not paid stamp duty and done registration advising to the same at the earliest.
- g. Pay the stamp duty
- h. Collect the duly stamped original conveyance deed

Stage III:- Registration of Conveyance Deed.

The scope of work is as follow:-

- a. Get the Conveyance Deed verified
- b. Obtaining the Appointment
- c. Accompanying during registration

**For More Details above articles please call on :
022-42551414 / 42551439**



Naresh Pai
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मालमत्ता विकत घेताना - कायदेशीर गृहखरेदी

अॅड. श्रीपाद ए. भोसले - लोकमत - दिनांक : ०३/०१/२०१५

जमीन मिळकत, प्लॉट, प्लॉट असे लाखो, करोडो रुपयांचे व्यवहार करताना दस्तावेजांकडे अजाणतेपणाने किंवा जाणीवपूर्वक दुर्लक्ष होते. अनेकदा अशा प्रकारचे दस्तावेज कचेरीबाहेर बसलेल्या एजंट किंवा रायटरकडून तयार केले जातात, तर बिल्डर त्याच्या सोईप्रमाणे ते तयार करून ठेवतो. बऱ्याचदा खरेदीदारांना मिळकत खरेदीबाबतच्या वेगवेगळ्या कायद्यांची माहितीच नसते. व्यवहार झाल्यानंतर खरेदीदाराची फसवणूक झाल्याचे लक्षात आल्यानंतर खरेदीदार दस्तावेज वाचतात आणि त्यानंतर कोर्टाची वारी सुरु होते.

खरे तर कुंडीतील माती घेतानाही माणूस चारवेळा मातीची चाचणी करून नंतरच त्याची तपासणी करतो, पण तितकी काळजी मात्र लाख मोलाची आयुष्याची कमाई लावून मालमत्ता खरेदी करताना घेतलेली दिसून येत नाही, तेव्हा स्थावर मिळकत घेताना नुसती मालमत्ता चांगली असून चालत नाही तर त्याचबरोबर मालमत्तेचे दस्तावेज अतिशय काळजीपूर्वक बघायला हवेत. अशी मिळकत चोख आहे हे मुळात तपासावे. मिळकत विक्री करणारी व्यक्ती ही त्या मिळकतीची एकमेव मालक आहे का? त्या मिळकतीबाबत न्यायालयात कोणता दावा न्यायप्रविष्ट आहे? इतर वारसांचे हक्क अधिकार आहेत का? हे सारे व्यवहार करताना विविध कायदांची माहिती असणाऱ्या सल्लागार व विश्वासू कायदेतज्ज्ञाची मदत घ्यावी.

मालमत्ता विकत घेताना कोणती दक्षता घ्यावी या विषयाची आपण या लेखात चर्चा करणार आहोत. प्रथमतः मालमत्ता विकणारा हा खराखुरा मालक आहे हे तपासणे महत्वाचे आहे. म्हणजे मालमत्ता विकणारा हा खराखुरा मालक असावा किंवा मालकाने त्याला योग्य तो अधिकार दिलेला असावा म्हणजे मालमत्ता विक्रीचे कुलमुखत्यारपत्र दिलेले असावे, असे पत्र केवळ नोटरी केले असेल तर ग्राह्य धरू नये, तर असे पत्र भारतीय नोंदणीकरण कायदानुसार संबंधित निबंधकाकडे नोंदणी केलेले असावे, असे करताना योग्य ती स्टॅपड्युटी व नोंदणी फी भरलेली असावी.

मालमत्ता विकणाऱ्या व्यक्तीची ही मालमत्ता स्वकमाईची असावी. म्हणजे अशा व्यक्तीस मालमत्ता विकताना कोणाचीही परवानगी लागत नाही. शिवाय ती निर्वेधपणे विकता येते. पण जर विकणारी मिळकत वडिलोपार्जित असेल तर भारतीय वारसा कायदा किंवा हिंदू वारसा कायदा व त्यातील तरतुदी पाहणे आवश्यक आहे, अशा प्रकारच्या मिळकतीवर शासनाने कोणत्या अटी व शर्ती घातल्या असल्यास त्यांची पूर्तता करणे आवश्यक असते. म्हणजेच योग्य ती शर्त शिथिल करून घ्यावी, अशा प्रकारच्या शर्त शिथिल करण्याकरिता शासन दप्तरी योग्य तो नजराणा भरून अशी मिळकत विकत घेता येते.

म्हणजेच अशी मिळकत वारसांच्यावतीने नामांकनाने धारण केलेली असते. म्हणूनच अशा प्रकारे नामांकनाने संपादन केलेल्या मिळकतीची खरेदी करायची असल्यास संबंधित मिळकतीच्या सर्व वारसांचे संमतीपत्र असणे आवश्यक आहे.

जर कोणतीही मिळकत मृत्यूपत्राने भारतीय वारसा कायदानुसार कोर्टातून प्रोबेट वा योग्य आदेश घेवून पुढील खरेदीचा व्यवहार करणे योग्य व फायदेशीर ठरते. किंवा अशा मिळकतीविषयी कोणतेही कायदेशीर व इतर वाद असतील तर कोर्टाकडून वाटा मिळवून योग्य तो कार्टाचा आदेश घेवून नंतरच व्यवहार करावा.

एखादी मिळकत भागीदारी संस्थेच्या मालकीची असल्यास अशा प्रकारे भागीदारी संस्थेच्या मिळकतीचा व्यवहार सर्व भागीदार मिळूनच करू शकतात. किंवा इतर भागीदारांनी एका भागीदाराला नोंदणी केलेले कुलमुखत्यारद्वारे घरे विक्रीचा अधिकार देवून विक्री करता येईल.

अशा प्रकारे भारतीय भागीदारी संस्थेच्या नावे धनादेश (चेक) देणे हिताचे ठरते, तर एखादी मालमत्ता सहकारी संस्थेची असल्यास त्यासाठी सहकारी संस्था कायदानुसार सहकारी विभागीय निबंधकाची विक्रीची परवानगी घ्यावी लागते, तर ट्रस्ट किंवा वक्फ बोर्डाची मिळकत विकण्यासाठी बॉम्बे ट्रस्ट कायदानुसार चॅरीटी कमिशनर किंवा वक्फ बोर्डाची परवानगी घेतल्याशिवाय मिळकत विकता येणार नाही. तेव्हा मिळकत विकत घेताना ती कोणत्या कायदांतर्गत घ्यावी लागणार आहे हे तपासणे व सल्लागारांकडून योग्य मार्गदर्शन घेवून खरेदी करणे योग्य ठरते.

(लेखक या विषयाचे तज्ज्ञ वकील आहेत)

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क्लस्टरपुढे समस्यांचा डोंगर - ठाणे

क्लस्टर डेव्हलपमेंट म्हणजे एखाद्या परिसराचा एकत्रित विकास. म्हणजे शासनाने ज्या इमारती धोकादायक ठरविल्या असतील, त्यांचा पुनर्विकास किंवा शासनाच्या विविध खात्यांच्या जमिनीवर झालेल्या बांधकामांचा पुनर्विकास होय. या पुनर्विकासाचे अधिकार मुख्यमंत्र्यांना आहेत. हे करताना संबंधित संस्था, बिल्डर सुरक्षित इमारतीत, संक्रमण शिबिरात स्थलांतरीत करतात. नंतर, इमारतींचा पुनर्विकास झाल्यावर त्यांचे पुनर्वसन केले जाते. मात्र, ठाणे शहरासह जिल्ह्यातील महानगरांतल्या अनधिकृत बांधकामाची आणि त्यात राहणाऱ्या कुटुंबाची संख्या पाहता इतक्या मोठ्या प्रमाणात लोकांचे स्थलांतर कुठे करावे, हा प्रश्न आहे. कारण, एवढ्या मोठ्या प्रमाणात संक्रमण शिबिरे जिल्ह्यात कोणत्याच शहरात नाहीत. नवी मुंबईसारख्या सुनियोजित म्हणवल्या जाणाऱ्या शहरात तर एकही संक्रमण शिबिर नाही.

ठाणे शहरात क्लस्टर डेव्हलपमेंटच्या मार्गातील आणखी एक अडथळा म्हणजे या ठिकाणी एकाच भागात अधिकृत आणि अनधिकृत इमारती असणे किंवा शासकीय जमिनीवर झालेले अतिक्रमण, बांधकाम असणे होय. म्हणजे, शेजारी-शेजारी असलेल्या भूखंडावर एका बाजूला अधिकृत आणि दुसऱ्या बाजूला त्या शेजारी अनधिकृत बांधकाम असणे होय. यात वेगवेगळ्या प्राधिकरणांच्या मालकीच्या शेजारी-शेजारी असलेल्या भूखंडांवर झालेल्या बांधकामांचा एकत्रित विकास कसा करणार... त्यासाठी कोणत्या कायद्याचा आधार घेणार, ही मोठी डोकेदुखी नगरविकास आणि महसूल, एमआयडीसी आणि वन विभागाच्या अधिकाऱ्यांना सतावत आहे. हा मुद्दा क्लस्टरच्या विकासाला खीळ घालू शकतो. ठाण्यात ज्या धोकादायक इमारती आहेत, त्या छोट्या-छोट्या भूखंडावर दाटीवाटीने उभ्या आहेत. तसेच एक धोकादायक इमारत नौपाड्यात तर दुसरी वागळे किंवा हाजुरीत आहे, तर तिसरी कळवा-मुंब्रात आहे.

ठाणे जिल्हा हा राज्यातील अनधिकृत बांधकामांचे आगार म्हणून ओळखला जात आहे. नगररचनेचे सारे नियम पायदळी तुडवून ही बांधकामे याच पुढाऱ्यांच्या संगनमताने आणि महापालिका, पोलीस, शासकीय अधिकाऱ्यांच्या आशिर्वादाने झालेली आहेत. आज घडीला जिल्ह्यात साडेपाच लाखांहून अधिक बांधकामे झालेली आहेत. यातील अनेक बांधकामे धोकादायक होऊन ती कोसळून काहींचे जीव गेल्यानंतर शासनाने जिल्ह्यातील ठाणे, नवी मुंबई, कल्याण-डोंबिवली, उल्हासनगर, भिवंडी, मीरा-भाईंदर आणि वसई-विरार या सात महापालिका अन् अंबरनाथ-बदलापूर या दोन नगरपालिकांपैकी

लोकमत - ड्रीम रिअॅलिटी - दिनांक : २१/०२/२०१५

१५ ते २० मीटर रस्त्याचीही मोठी अडचण राहणार आहे. कारण, सध्याच्या ठाण्याचा विकास मग तो अधिकृत किंवा अनधिकृत इमारतींचा, अतिशय कंजस्टेड झाला आहे. छोट्या-छोट्या रस्त्यांवरही मोठमोठ्या इमारती दाटीवाटीने उभ्या झालेल्या आहेत. मात्र, आता नव्याने त्यांचा विकास करताना विकास आराखड्यातील नॉर्म्सनुसार करावा लागणार आहे. ही समस्या कल्याण-डोंबिवली, मीरा-भाईंदर अन् वसई-विरार येथेही उद्भवणार आहे.

आजघडीला ठाण्यात ११०० धोकादायक इमारती आहेत. त्यांनाच क्लस्टरचा लाभ मिळणार आहे. शिवाय, ३० वर्षे जुन्या इमारतींचाही यात समावेश आहे. मात्र, वर म्हटल्याप्रमाणे या इमारती एकाच संस्थेच्या जागेवर किंवा एकाच ठिकाणी नाहीत. मग, त्यांना क्लस्टर कसे लागू होईल. तिकडे नवी मुंबईत प्रकल्पग्रस्तांनी सुमारे ११६ हेक्टर जागेवर बांधलेल्या गरजेपोटी घरांसाठीच्या क्लस्टरला तीव्र विरोध झाला आहे. सध्या हजार ते दोन हजार चौरस फुटांच्या घरात राहणाऱ्या अन् उर्वरित जागा भाड्याने देऊन आपली गुजराण करणाऱ्या प्रकल्पग्रस्तांनी शासनाने जाहीर केलेल्या क्लस्टरला केव्हाच वाशी खाडीत बुडविले आहे. ठाणे आणि नवी मुंबईची अशी गत असताना तिकडे कल्याण-डोंबिवली, भिवंडी, उल्हासनगर, अंबरनाथ-बदलापूर, मीरा-भाईंदर आणि वसई-विरार या महानगरांचे दुखणे आणखी वेगळे आहे. आधीच या शहरांत वॉटर मीटर अन् गटार या पायाभूत सुविधांची वानवा आहे. त्यात क्लस्टर लागू केले तर त्या ठिकाणी समस्यांचा महापूर येणार आहे. त्यामुळे अनधिकृत बांधकामांमुळे आधीच हैराण झालेल्या तेथील स्थानिक स्वराज्य संस्थांचे नियोजन पुरते कोलमडण्याची भीती व्यक्त केली जात आहे.

केवळ ठाणे आणि नवी मुंबई महापालिका क्षेत्रासाठी क्लस्टर योजना जाहीर केली आहे. या क्लस्टरमुळे रहिवाशांच्या घरांचा प्रश्न सुटेल, असे राज्यकर्त्यांकडून भासविले जात आहे. मात्र, या क्लस्टरपुढे अडचणींचा मोठा डोंगर उभा आहे. तो पाडणे किंवा हटविला पाहिजे तेवढे राज्यकर्त्यांसह शासनास सोपे नाही. याच मुद्याला सर्वांनीच बगल देऊन मोफत घरांचे गाजर दाखवून सर्वसामान्यांची दिशाभूल चालविली आहे.

नगररचना कायद्याचा विचार केला अन् तांत्रिकतेचा

अभ्यास केला तर ठाणे जिल्ह्यात विशेषतः ठाणे, कल्याण-डोंबिवली, वसई-विरार आणि काही प्रमाणात नवी मुंबई शहरात क्लस्टर राबविणे ही बाब अतिशय क्लिस्ट राहणार आहे. या शहरांत अनेक प्राधिकरणे आहेत. ठाणे, कल्याण-डोंबिवली, वसई-विरार शहरांत तर वन विभागाच्या जमिनीवर बांधकामे आहेत. हाच सर्वात मोठा अडसर या शहरांत क्लस्टर राबविण्यात राहणार आहे. शिवाय, खाजगी अन् एमआयडीसीच्या जागेसंदर्भातही काही प्रमाणात हा प्रश्न राहणार आहे. परंतु, याचा विचार राजकीय पुढाऱ्यांकडून होताना दिसत नाही.

ठाण्यातील पुढारी हा विचार मतांच्या राजकारणासाठी करीत नसले तरी शासनाला क्लस्टरचा निर्णय घेताना सर्व काँगोऱ्यांचा अभ्यास करून निर्णय घ्यावा लागणार आहे, जेणेकरून आरटीआय किंवा न्यायालयीन बाब निर्माण झाल्यास त्यात टिकाव लागू शकेल. ठाणे शहरासह जिल्ह्यात क्लस्टर राबविण्यास वन विभागाचा सर्वात मोठा अडथळा राहणार आहे. वन विभागावरील अतिक्रमण करून केलेले बांधकाम जर एकदा का तेथील रहिवाशाने खाली केले की, जागेचा ताबा आपसूक वन विभागाकडे जाणार आहे. नंतर, क्लस्टरसाठी वन विभागाची संमती घेण्यासाठी दिल्लीचे उंबरठे झिजवावे लागणार आहेत.

नवी मुंबईत एका बिल्डरने सिडकोच्या जुन्या इमारतीच्या पुनर्विकासासाठी जुन्या इमारती तोडल्यानंतर सिडकोने लगेच त्या इमारती ज्या जागेवर उभ्या होत्या, त्या जागेवर आपला दावा सांगितला होता. ठाण्यात तर प्रत्यक्ष वन विभाग राहणार आहे. आजघडीला ठाणे शहरात २ लाख २४ हजार ७०३ झोपड्या आणि ५३४२ अनधिकृत इमारती आहेत. वन विभागाच्या जागेवर ८२४ बांधकामे आहेत. यात मोठमोठ्या बिल्डरांच्या वसाहतीचाही काही प्रमाणात समावेश आहे.

याशिवाय, एमआयडीसीच्या जागेवर २५ हजार ६३० बांधकामे आहेत, तसेच महापालिकेच्या आरक्षित भूखंडावर ३ हजार २९६ बांधकामे उभी आहेत. शिवाय, जिल्ह्यात महसूल विभागाच्या जागेवर ६६ हजार ६०६ बांधकामे आहेत. कल्याण-डोंबिवली महापालिका क्षेत्रात कौस्तुभ गोखले यांनी २००३ साली दाखल केलेल्या याचिकेनुसार ६७ हजार अनधिकृत बांधकामे आहेत.

महसूल विभाग, एमआयडीसी, वन विभाग, महापालिका आणि खाजगी मालकांसह उपरोक्त सर्व प्राधिकरणांची परवानगी शासनाला क्लस्टर डेव्हलपमेंटसाठी घ्यावी लागणार आहे. ही परवानगी मिळाल्यानंतर विकास आराखड्यात बदल करण्याचे किचकट काम त्या-त्या महापालिकांना करावे लागणार आहे, तसेच वन आणि एमआयडीसीच्या जागेच्या वापरात बदल करण्याचे कामही करावे लागणार आहे. यासाठी नगररचना कायदा कलम ३७ नुसार सामान्य नागरिकांकडून हरकती आणि सूचना मागवून त्यावर त्यावर सुनावणी घ्यावी लागणार आहे, त्यामुळे हे काम पाहिजे तेवढे सोपे नाही. यासाठी आपल्याला उत्सासनगरचे उदाहरण देता येईल. उत्सासनगरच्या ८८८ इमारतींसाठी शासनाने अधिवेशनात विशेष १ अध्यादेश काढून त्या इमारती नियमित करण्याचे आदेश दिले होते. परंतु, आजपर्यंत केवळ १०० च्या आसपास इमारती नियमित झाल्या आहेत. त्या ठिकाणी तर शासनाची जमीन होती. परंतु, ठाणे, कल्याण-डोंबिवली, नवी मुंबई, मीरा-भाईंदर, वसई-विरार यांसारख्या शहरांत एकाहून अधिक प्राधिकरणे आहेत. त्यामुळे भविष्यातील अडचणींची आपल्याला जाणीव होऊ शकेल.

नारायण जाधव
(लेखक लोकमतचे ठाणे जिल्हा ब्युरो चीफ आहेत.)

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HOW TO SAVE A DILAPIDATED BUILDING STRUCTURE

Dilapidated structures are generally which have not been maintained for a long time and which are more than 40 years old and are on the verge of collapsing if urgent major structural repairs are not undertaken. Even such unmaintained dilapidated structures can be saved from falling without vacating the occupants using various Engineering techniques, repair methodologies and structural technologies.

- Repair subject are not taught in any engineering colleges but are subjects which are totally and purely experience based. The following are the major works and procedures which are carried out during the course of such Repairs.
- Different portions of a dilapidated building have to be treated with various different methods depending up on the condition and degree of damage caused to the structure.

The building structure consists of various structural members viz RCC columns, beams, slabs, chajjas, pardies, tanks, Masonary walls and plaster. Every member of the building structure needs a different type of repair treatment, as every member is designed to perform a certain function and also carries the weight of the adjacent structural member and of course its own self weight.

- 1) Propping:- Propping means placing vertical MS props / pipes under the balconies, chajjas, beams, canopies before the actual repair work begins.
- 2) Erection of Scaffolding:- Strong sturdy double MS tubular scaffolding should be erected on the façade of the building without making any punctures in the walls.
- 3) Breaking of plaster:- Loose plaster should be removed wherever it has debonded from the brick surface.
- 4) Breaking of spalled RCC:- The loose or spalled concrete should be chiselled off from RCC members.
- 5) Welding Steel Bars:- Steel bars wherever corroded / eroded should be welded with additional steel bars of required lengths.
- 6) Rust Removal:- Rust accumulated on the exposed steel bars should be brushed off.
- 7) Applying Rusticide:- Rusticide should be applied on the steel bars to remove all the rust.

8) Applying fixoprime:- Fixoprime should be applied on the steel bars to after application of Rusticide to prevent further corrosion.

9) Bond Coat:- Bond coat is then applied on the spalled off RCC surface to receive the new concrete.

10) Polymer Repair Concrete:- Polymer mortar in the ratio of 1:5:15 (1 polymer:5 cement:15 Sand) is then applied over this spalled off concrete in pathes of maximum thickness 25mm.

11) Gunitting:- It is the oldest and best technique in repair field compressed plaster is applied on the RCC surfaces after tying G.I weld mesh of 10 gauge and 100 mm x 100 mm size.

12) Jacketing: If small areas of RCC columns are to be repaired then jacketing techniques is more suitable and economical.

13) Fibre corapping:- It is generally done on RCC columns in stilt areas where all the four sides of the column are approachable.

14) Micro concreting:- It is generally done in internal flats to RCC members where other techniques are not approachable.

15) Recasting:- Recasting is done normally on RCC chajjas, pardies, balconies as these members are easily approachable.

16) M. S. Girders/Beams:- Where slabs are sagging and cannot be easily repaired, MS beams with flanges at both ends are fixed on adjacent RCC beams below the slab for support.

17) Compressed plaster:- First coat of plaster should be done with compressor and not manually. This will give better bonding to new plaster and will also fortify the structure to a very great extent.

18) Waterproofing:- Entire new waterproofing on terrace should be re laid in Brick bat coba at least 100mm thickness average with proper slope towards rain water pipes.



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Tel.: 022 – 42551414 / 26248589 / 65. E-mail : mswa.hsg@gmail.com / Web.: www.mswahousing.org

APPLICATION FOR MEMBERSHIP/ SEMINAR REGISTRATION

No. _____

Date: _____

To,

The President/ Hon., Secretary,
AHWOI/MSWA, Andheri (W), Mumbai.

I, the undersigned, would like to get enrolled as a Free Member of AHWOI /MSWA /Seminar . On becoming AHWOI / MSWA, I shall abide by the rules and regulations of AHWOI/ MSWA.

My particulars are as follows:

1. Name in full with surname first : _____
(Surname) (First Name) (Father's Name)

2. Office address in full : _____

3. Designation : _____

4. Residential address : _____

5. Phone No.(L): _____ Mobile No.: _____ Email: _____

6. Date of Birth: _____ Age: _____ Monthly Income Rs. _____

7. Number of dependents on Applicant: _____

8. Liabilities : Bank / Other Loans Rs. _____ Others Liabilities Rs. _____

9. Total Family Income : Rs. _____

10. Membership of any other Professional bodies / Associations / Institutions.

Sr. No.	Name of Organisation	Designation
1.		
2.		
3.		
4.		

1. Location preferred for buying / renting of house : _____

2. Loan Required Rs.: _____

Signature of the Applicant _____ AHWOI / MSWA Membership No. _____

**APPLICATION FORM FOR SUBSCRIPTION FOR
VASAI TALUKA HOUSING SOCIETIES REVIEW MAGAZINE.**

**VASAI TALUKA CO-OPERATIVE HOUSING FEDERATION LTD.,
VASAI - 401202**

Regd. No. TNA/VSI/GNL/(O)/1453/2011 dated 25th August 2011.

Date- / /2015

To,
The Hon.Secretary,
Vasai Taluka Co-op. Housing Federation Ltd.
Swagat Bhavan, Near Indian Oil, Opp. MSEB Colony,
Station Road, Vasai Road (E) 401 202.

Sir,

I/We hereby apply for the subscription for the VASAI TALUKA HOUSING SOCIETIES REVIEW MAGAZINE which is published by your Federation.

I/We furnish my/our particulars as below :-

1. Name of the subscriber : -----
2. Address in full details of the subscriber : -----

Pin code -----
3. Land mark to reach up to society/house : -----

4. E-mail ID : -----
5. Contact no.: - Mob.No ----- Resident----- Office-----

I/We do apply for the above said magazine for one year at Rs. 199/-for 12 monthly issue. The cheque of Rs. 199/- vide cheque no.-----dated-----drawn on -----towards magazine subscription starting from-----,2015 to-----,2015 is enclosed herewith in the name of Vasai Taluka Co-op.housing Federation Ltd. Kindly deliver the magazine at the above address.

Yours faithfully,

Name of the subscriber

ACKNOWLEDGEMENT

Received the subscription for VTHF Magazine for one year, starting from -----, 2015 to -----, 2015. Reference no. -----

Secretary /Authoritary
Vasai Taluka Co-op.Housing Federation Ltd.

FORM OF APPLICATION FOR MEMBERSHIP/And Allotment of the
VASAI TALUKA CO-OPERATIVE HOUSING FEDERATION LTD.,
VASAI - 401202

Regd. No. TNA/VSI/GNL/(O)/1453/2011 dated 25th August 2011.

Date: _____

The Hon. Secretary,
Vasai Taluka Co-op Housing Federation Ltd.
Vasai. Dist : Thane 401 202.

Sir,

We hereby apply for the membership of the **THE VASAI TALUKA COOP. HOUSING FEDERATION LTD.,** and for allotment of Ten shares of Rs. 100/- each. We furnish below following particulars in respects of our society.

1. Name of the society (in Block Letters) : _____

2. Registered Address : _____

3. Registration No. and Date if Registration : _____
4. Location of Land of building of the Society : _____
5. Total No. of member in a society : _____

The Bye-Laws of the Federation have been read by us and agreed to be binding on our society.

A copy of the resolution of the managing Committee of the society in this connection and a cheque of Rs.1600/- being the value of ten shares of Rs.100/- and Entrance Fee Rs.100/- and annual subscription of Rs 500/- is enclosed herewith.

Yours faithfully

Chairman / Secretary / Treasurer
Co-op. Housing Society Ltd.

Copy of the Resolution of the Meeting of the Managing Committee of the _____
Co-op. Housing Society Ltd. _____ held on _____. _____
_____ Resolved that the _____ Co-op Housing
Society Ltd _____

Do apply to **THE VASAI TALUKA CO-OP. HOUSING FEDERATION LTD., VASAI** and for allotment of TEN shares of the Federation of the Value of Rs. 100/- each, in the name of the society.

Further resolved that the Chairman / Secretary of the society be and is hereby authorized to sign the application for membership of the Federation on behalf of the society and to pay the amount of Rs. 1600/- towards ten shares of Rs. 100/- each. Entrance Fee of Rs. 100/- and Annul Subscription Expenses of Rs. 500/-..

Proposed By : Shri _____

Seconded By : Shri _____

Carried Unanimously.
TRUE COPY

Chairman / Secretary Society
Co-op. Housing Society Ltd.

DATA SHEET

Name of the Society : _____

Address of the Society : _____

Land Mark to reach Society : _____

Registration No. : _____

No. of Flat : _____ No. of Shops : _____

Name of the Committee Members :

Designation	Name	Mobile	E-mail-ID
Chairman			
Secretary			
Treasurer			
Other			

AVAILABILITY OF BOOKS -0250- 6457596

BOOK NO.	TITLE OF THE BOOKS	COST PRICE	DIS. PRICE	MARK (✓)
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BS - 02	Deemed Conveyance - Marathi	₹ 725	₹ 600	
BS - 03	Recovery of Dues	₹ 200	₹ 150	
BS - 04	Practical guide on Stamp Duty	₹ 150	₹ 120	
BS - 05	Registration of Documents	₹ 120	₹ 100	
BS - 06	Registration of Housing Society	₹ 120	₹ 100	
BS - 07	Statutory Obligation of Society	₹ 80	₹ 60	
BS - 08	Transfer of Flat	₹ 150	₹ 120	
BS - 09	Parking Rules & Regulations	₹ 150	₹ 120	
BS - 10	Nomination & Will	₹ 150	₹ 120	
BS - 11	Burning Issues	₹ 70	₹ 50	
BS - 12	Leave & License	₹ 120	₹ 100	
BS - 13	Redevelopment - Preparation	₹ 200	₹ 150	
BS - 14	Redevelopment - Tender Process	₹ 150	₹ 120	
BS - 15	Redevelopment - Documentation	₹ 200	₹ 150	
BS - 18	Associate Member - Rights, Duties	₹ 80	₹ 60	
BS - 19	Circular of Housing Societies	₹ 150	₹ 120	
BS - 21	Rights and Duties of Members	₹ 120	₹ 100	
BS - 22	Managers Manual	₹ 250	₹ 200	
BS - 23	Election Rules	₹ 70	₹ 50	
BS - 24	Minutes Writing	₹ 150	₹ 120	
BS - 26	Secretarial Manual	₹ 100	₹ 80	
BS - 29	Sinking Funds	₹ 70	₹ 50	
FAQ - 02	Deemed Conveyance - FAQ	₹ 200	₹ 150	
FAQ - 13	Redevelopment - FAQ	₹ 120	₹ 100	
BS - 15A	Permanent Alternate Acco. Agreement	₹ 100	₹ 80	
	Bye - Laws English	₹ 70	₹ 60	
	Bye - Laws Marathi	₹ 35	₹ 30	
	Housing Manual - Marathi / English	₹ 100	₹ 100	
	HSG. Societies FAQ - Marathi / English	₹ 200	₹ 200	

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(For more details pl. contact our nearest office)



**MSWA METROPOLITAN
CO-OPERATIVE CREDIT SOCIETY LTD.**

(Regn. No. BOM/W-R/RSR/CR/9175/2000-2001)

H. O. : A-1/207, Laram Centre, Opp. Railway Station, Near Bus Depot, Andheri (W), Mumbai - 400 058 / Tel : 022-42551414 / 022-42551448
Branch Office : Swagat Bhavan, Near Indian Oil, Opp. M.S.E.B. Colony, Vasai (East) Thane - 400 208 / Tel : 0250 6457585 / 6457586



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Period
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**MSWA METROPOLITAN
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(Regd. No. BOM. (W-R)RSP/CR/9175/2000-2001)

H. O. : A - 2/301, LARAM CENTRE, S.V.ROAD, OPP. RAILWAY STATION, ANDHERI (W), MUMBAI- 58,

Tel.: 022 -42551448/1414

B.O.: Swagat Bhavan, Near Indian Oil, Opp. M. S. E. B. Colony, Vasai (E), Thane - 400 208.

Editor, Printed, Published & Owned By: Mr. V. Viswanathan

If Undelivered return to

VASAI TALUKA CO-OPERATIVE HOUSING FEDERATION LTD.

Swagat Bhavan, Near Indian Oil,

Opp. MSEB Colony, Station Road, Vasai (E) 401202

Tel.: 0250-6457585-95 • 0250-2390171/ 2393773/ 74