# वभई तालुका हाऊभिंग भोभायटीभ् भीव्हयू



UKA HOUSING SOCIETIES REVIEW

**April 2015** 

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# पुनर्विकासाचा (लाज) न्यायालयीन









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Hope by this time all the societies have got themselves registered online and also initiated for elections through the State Co-operative Election Authority (SCEA) for those due.



<sub>साचव</sub> थ्री. टिह. विश्वनाथन

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 31<sup>st</sup> July every year. The societies are required to conduct their annual general body meetings on or before 30<sup>th</sup> September. Please note that there is no question of any extension and in case of any delay then there is no recourse for the Deputy Registrar but to dismiss the committee and conduct reelections.

Each and every society has to classify Active and non active member of their respective society and intimate the same to the Deputy Registrar within 30 days of the end of the financial year.

Many societies are conducting elections in their General Body Meeting which is incorrect. Please note that all the elections has to be done by the SCEA only even if its for one single committee member who would have resigned.

Issue related to associate member is dealt with in this issue. Please be informed that if a person does not have his name in the agreement of the property then he cannot become an associate member. Please keep this in mind. There is also a good article on bye-law adoption which is must for all the societies. Those societies that have not yet done are suggested to do it immediately.

#### With Best regards V. Viswanathan, Secretary

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# हे विकास सहाकरी बॅक लि

स्थापना १९८४

मुख्य कार्यालय व वसई शाखा :-

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, बोर्ळीज, मिरारोड, बोईसर, वालिव, बरामपूर, भाईंदर एव्हरशाईन (वसई पूर्व), आगाशी

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आ राऊत

संचालक मंडळ

# पुनर्विकासाचा न्यायालयीन 'लढा'

पुर्नविकासासाठी समिती करावयाची कामांचा आपण आढावा घातला. समिती व्यतीरिक्त संस्था आणि त्यांची सर्वसाधारण सभेचीही यात महत्वपूर्ण भूमिका आहे. गोरेगावमधिल काही राहीवाशींनी पुर्नविकास प्रकल्पाला विरोध केला होता. व उच्च न्यायालायात दावा दाखल केलेला होता. त्यामुळे पुर्नविकास साधताना न्यायालयीन प्रक्रियाही समजून घेणे गरजेचे आहे.

पुनर्विकासासाठी समितीने कोणकोणती कामें आखावीत ही माहिती आपण घेतली, पण संस्था आणि त्यांची सर्वसाधारण सभा ही सुध्दा पुनर्विकासात महत्वाची भूमिका बजावते. संस्थेची सर्वसाधारण सभा ही

सर्वोच्च बॉडी आहे. गोरेगावमधील काही रहिवाशांनी पुनर्विकास प्रकल्पाला विरोध केलेला पुनर्विकासाबाबत पारीत केलेल्या ठरावाला विरोध केलेला होता व उच्च न्यायालयांत दावा दाखल केलेला होता. सदर दावा फेटाळताना उच्च न्यायालयाने सर्वसाधारण सभा ही सर्वोच्च बॉडी असल्याचे मान्य केलेले आहे. मा. न्यायमूर्ती एस. सी. धर्माधिकारी यांनीही मान्य केले की जागा महाराष्ट्र हाऊसिंग ॲण्ड एरिया डेव्हलपमेंट ऑथोरिटीची (म्हाडाची) आहे. म्हाडा विरोध करणाऱ्यांना जागेतून काढून टाकू शकत होती. विरोध करणारे हे अल्पमतात आहेत. अर्जदारांना न्यायमूर्तींना १५ दिवसाची जागा खाली करण्यासाठी मुदत दिली अन्यथा म्हाडा पोलीसांची मदत घेऊन जागा खाली करण्याची कारवाई करु शकते.

न्यायालयाने पुनर्विकासाच्या कामकाजाला अंतिम स्थिगिती देण्यास नकार दिला. चार चाळी तोडून त्याजागी २२ मजली इमारतीच्या टॉवरची बांधकामाची तयारी पूर्ण झालेली आहे. अर्जदारांनी असा आक्षेप नोंदिवलेला आहे की, वाढीव चटई क्षेत्र सोसायटी बांधकाम विकासकाला बहाल करणार आहे. त्यामुळे बांधकाम व्यावसायिकाला रु. १७०कोटीचा फायदा होणार आहे. बांधकाम जुने असल्यास (१८७० च्या वर्षापूर्वीचे) तर सोसायटीने सदर बांधकाम तोडून त्याजागी नवीन बांधकाम करावयाचे ठरविल्यास जे अत्यंत मोडकळीस आलेल्या अवस्थेत आहे व त्यासाठी पुनर्विकास करणे जरुरीचे आहे असल्याने म्हाडाची संमती मान्यता मिळवून ते केल्यास केवळ अर्जदारांचा



वेगळा विचार आहे, यास्तव सर्वसाधारण सभेने मान्य केलेल्या ठरावाची अंमलबजावणी करण्यास विरोध करणे योग्य नाही असे माननीय न्यायमूर्ती धर्माधिकारी यांनी म्हटलेले आहे. न्यायमूर्तींनी असेही नमूद केलेले आहे की जे अर्जदार आता पुनर्विकासाला विरोध करीत आहेत त्यांनी सर्वसाधारण सभेच्या कामकाजांत भाग घेतलेला आहे. सर्वसाधारण सभेत एकदा ठराव मांडला व त्याला अनुमोदन दिले व त्यानंतर तो मतासाठी ठेऊन मताधिक्याने मंजूर केल्यावर फक्त अर्जदाराचे मत यांनी घेतले नाही हे अंतरीम स्थगिती देण्यासाठी पुरेसे कारण होऊ शकत न्यायालयाने पुढे असेही नमुद केलेले आहे की इमारतीची मालकी संस्थेची आहे व संस्थेने इमारतीचा पुर्नावैकास करण्याबाबत ठराव पारित केला तर प्रथमदर्शनी कायद्याने सभासद सोसायटीच्या कायद्याने बंधनकारक असतील व सोसायटीने पारीत केलेल्या ठरावास बंधनकारक असतील फक्त अपवादात्मक परिस्थिती वगळता बाकी परिस्थितीत ठरावाची अंमलबजावणी करणे गरजेचे आहे. पुनर्विकास समितीसमोर ठेवलेला एखादा प्रस्ताव मंजूर करणे, त्यात सुधारणा करणे वा फेटाळणे ही एखाद्या गोष्टीत भूक वाढविण्यासारखे आहे. सोसायटी बाबतच्या पुर्नविकासाबाबत सर्व अंतिम अधिकार घेणे.

न्यायालयाने पुनर्विकासाच्या कामकाजाला अंतिम स्थिगिती देण्यास नकार दिला. चार चाळी तोडून त्याजागी २२ मजली इमारतीच्या टॉवरची बांधकामाची तयारी पूर्ण झालेली आहे. अर्जदारांनी असा आक्षेप नोंदविलेला आहे की, वाढीव चटई क्षेत्र सोसायटी

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बांधकाम विकासकाला बहाल करणार आहे. त्यामुळे बांधकाम व्यावसायिकाला रु. १७०कोटीचा फायदा होणार आहे. बांधकाम जुने असल्यास (१८७० च्या वर्षापूर्वीचे) तर सोसायटीने सदर बांधकाम तोडून त्याजागी नवीन बांधकाम करावयाचे ठरविल्यास जे अत्यंत मोडकळीस आलेल्या अवस्थेत आहे व त्यासाठी पुनर्विकास करणे जरुरीचे आहे असल्याने म्हाडाची संमती मान्यता मिळवून ते केल्यास केवळ अर्जदारांचा वेगळा विचार आहे, यास्तव सर्वसाधारण सभेने मान्य केलेल्या ठरावाची अंमलबजावणी करण्यास विरोध करणे योग्य नाही असे माननीय न्यायमूर्ती धर्माधिकारी यांनी म्हटलेले आहे. न्यायमूर्तींनी असेही नमूद केलेले आहे की जे अर्जदार आता पूनर्विकासाला विरोध करीत आहेत त्यांनी सर्वसाधारण सभेच्या कामकाजांत भाग घेतलेला आहे. सर्वसाधारण सभेत एकदा ठराव मांडला व त्याला अनुमोदन दिले व त्यानंतर तो मतासाठी ठेऊन मताधिक्याने मंजूर केल्यावर फक्त अर्जदाराचे मत यांनी घेतले नाही हे अंतरीम स्थगिती देण्यासाठी पुरेसे कारण होऊ शकत नाही. न्यायालयाने पुढे असेही नमुद केलेले आहे की इमारतीची मालकी संस्थेची आहे व संस्थेने इमारतीचा पुनर्विकास करण्याबाबत ठराव पारित केला तर प्रथमदर्शनी कायद्याने सभासद सोसायटीच्या कायद्याने बंधनकारक असतील व सोसायटीने पारीत केलेल्या ठरावास बंधनकारक असतील फक्त अपवादात्मक परिस्थिती वगळता बाकी परिस्थितीत ठरावाची अंमलबजावणी करणे गरजेचे आहे. पुनर्विकास समितीसमोर ठेवलेला एखादा प्रस्ताव मंजूर करणे, त्यात सुधारणा करणे वा फेटाळणे ही एखाद्या गोष्टीत भूक वाढविण्यासारखे आहे. सोसायटी बाबतच्या पुर्नविकासाबाबत सर्व अंतिम अधिकार घेणे.

#### संबंधित गृहनिर्माण संस्था संदर्भातील इतर मुद्दे

पुर्नविकास समितीबाबत एकदा नियम नियमावली तयार केल्यावर ते सोसायटीच्या सर्व सभासदांना वितरीत केले पाहिजेत. तसेच ते निबंधक सहकारी संस्था यांनाही पाठविले पाहिजेत. सदर विशे ा सर्वसाधारण सभेत मंजूर करुन घ्यावेत. व त्यानंतर समितीची स्थापना करावी. नियमानुसार कार्यकारिणीच्या समितीमध्ये बहुतेक एकवाक्यता व सहकार्याची भावना असावी. तसेच पुनर्विकास समिती आणि संस्थेच्या रहिवाश्यामध्ये एकमत असावे. दोन्ही समितीत कुठलाही तणाव असू नये यासाठी लक्ष पुरवावे. न्यायोचितपणे व चांगल्याप्रकारे पुनर्विकास समिती आणि संस्थेच्या रहिवाश्यामध्ये एकमत असावे. दोन्ही समितीत कुठलाही तणाव असू नये यासाठी लक्ष पुरवावे. न्यायोचितपणे व चांगल्याप्रकारे पुनर्विकास समितीने कार्यकारिणी समितीला सर्व बाबी सादर कराव्यात. अडचणी उपाय आणि निर्णय हे सर्वसाधारण सभेत चर्चा करुन अंमलात आणावेत. पुनर्विकास समितीने सरळ सभासदांशी संपर्क साधणे वा सरळ सर्वसाधारणसभेत प्रश्न उपस्थित करणे हे केव्हाही योग्य नव्हे आणि कायदेशीर दृष्टयाही योग्य नव्हे. सर्व न्यायिक प्रकरणासाठी संस्थेची निवडलेली कार्यकारीणी समिती जबाबदार असते. उत्तरदायिचत्त्व असते. यासाठी पुर्नविकास समिती जबाबदार नसते. सबब पुनर्विकास समितीच्या रचनेबाबत शासन निर्णय दिनांक ३.१.२००८ मध्ये पुनर्विकास पध्दती कोणती अनुसरावी. गृहनिर्माण संस्थांनी कोणती तत्त्वे ध्यानी घ्यावीत. या निर्णयात पुनर्विकासाच्या पध्दतीच्या रचनेबाबत उल्लेख नाही.

# गॅरेंटर राहताय पण जपून .... देनांक : ०४/०४/२०१५

तुमच्या घराचे स्वप्न प्रत्यक्षात उतरवा. लोनची व्यवस्था केली जाईल अशा जाहिराती आपल्याला रेल्वेत वा रस्त्यावर ठिकठिकाणी लावलेल्या दिसतात. एवढेच काय तर वृत्तपत्रसुध्दा एकापेक्षा एक आर्कषक जाहिराती प्रसिध्द होतात. या जाहिराती आपल्यासाठी आवश्यक असतातही, मात्र त्याचा अभ्यास न करता आपण त्यांच्या मागे लागतो. पण लक्षात ठेवा, कोणतेही लोन घेण्यापूर्वी नीट विचार करा. कारण होम लोन किंवा अन्य कोणतेही लोन देण्यापूर्वी कोणतीही

बॅक गॅरेंटरची विचारणा करते. जेणेकरून लोन घेणारी व्यक्ती डिफॉल्टर झाल्यास आर्थिक नुकसान होऊ नये म्हणून, बॅक लोन देण्यापूर्वी ही काळजी घेते. जर संबंधित व्यक्तीने लोनचे हप्ते वेळच्यावेळी भरले नाहीत किंवा ते थकविले तर गॅरेंटरकडून बॅक ते वसूल करू शकते. त्यामुळे एखादयाचा गॅरेंटर राहताना थोडा विचार करा.

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किंवा नातेवाईक असलेल्यांवर विश्वास ठेवून एखादया व्यक्तीचे गॅरेंटर राहतो. बऱ्याच घटनांत सुरुवातीला लोनचे हफ्ते वेळेवर न भरल्याने बॅकेचा तगादा सुरू होतो. संबंधित व्यक्ती मुद्यामहून काही करत नसते, मात्र त्याचा आर्थिक ताळेबंद नीट होत नसल्याने त्याच्याकडून ते राहिले जातात. संबंधित व्यक्तीकडून काहीच तजवीज झाली नाहीतर, विविध लोनबाबत ग्राहकांना आकर्षित करणारी बॅंक नंतर गॅरेंटरच्या मागे हफ्ते फेडण्याबाबत तगादा लावते. काहीही दोष नसताना, होणाऱ्या त्रासामुळे गॅरेंटरचे मात्र मानसिक व कौटूंबिक जीवन एकप्रकारे अस्वस्थ होते. त्यामुळेच एखादयाचे गॅरेंटर रहायचे असेल तर राहा पण काही गोष्टी त्याबाबत तुम्हाला माहिती असणे आवश्यक आहेत.

- बॅकेकडून लोन घेतल्यानंतर संबंधित व्यक्ती डिफॉल्टर झाल्यास बॅक त्या लोनची वसुली गॅरेंटरकडून करू शकते.
- बॅक किंवा अन्य कोणतीही संस्था लोन घेण्याऱ्या व्यक्तीबरोबर गॅरेंटरवरही कारवाई करू शकते.
- लोनची रक्कम वसूल होईपर्यंत गॅरेंटरवर बॅकेची रिना चव्हाण जणु टांगती तलवारच असते.

- बॅंकेकडून घेतलेल्या लोनलाच गॅरेंटर लागतो असे नाहीतर तुम्ही कोणतयाही को-ऑपरेटिव्ह सोसायटीकडून लोन घेतल तरी गॅरेंटर हा आवश्यक असतो. कारण संबंधिताने लोनची रक्कम नियमानुसार भरली नाहीतर गॅरेंटरकडून तरी ती वसूल करता येईल.
- आपल्या जवळच्या मित्राच्या वा नातेवाईकांच्या अडचणींना धावून जाणे हा मानवी स्वभाव आहे. पण आजकाल आपल्या आजूबाजूला घडणाऱ्या फसवणुकीच्या घटना पाहता कोणावरच तुम्ही लागलीच विश्वास ठेवू नका.
- भावनेच्या भरात कोणाचेही गॅरेंटर म्हणून सही करू नका. त्या व्यक्तीची लोन परत करण्याची क्षमता आहे की नाही याचा पूर्ण विचार करा.
- लोन पास झाल्यावर बसेच जण लोनची रक्कम वाढवितात. त्यामुळे गॅरेंटरने याबाबत चौकस राहावे.

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## पार्कंगचा प्रश्न

सौजन्य:- लोकमत ड्रीम रिॲलिटी दिनांक: ०४/०४/२०१५ श्रीपाद भोसले

नवे घर आणि चारचाकी गाडी असे स्वप्न पाहणाऱ्या राकेशने अखेर एका कॉम्प्लेक्समध्ये घर घेतले. सोबत पार्किंगही विकत घेतले. पार्किंगच्या जागेसाठी दुय्यम निबंधकाकडे (रजिस्ट्रार) गेल्यावर राकेशला कळाले की, हायकोर्टाच्या आदेशानुसार पार्किंग विकता येत नाही. त्यामुळे राकेशची फसवणूक झाली होती आणि बिल्डरला दिलेली रक्कम परत मिळवणे मोठे अवघड काम होते, असे प्रकार सर्रास होतात.

अलीकडच्या काळात स्टिल्ट पार्किंग सक्तीचे करण्यात आले आहे. मुळात एकूण जागा किती आहे, त्यावर एफ. एस. आय. किती मिळतो, एकूण फ्लॅटच्या क्षेत्रफळाच्या प्रमाणात किती जागा पार्किंगसाठी ठेवायची, याची आकडेवारी ठरवण्यात आली आहे. प्रत्येक नवीन घर घेणारी व्यक्ती भविष्यात किमान दोन गाडया घेण्याचे स्वप्न बाळगतो. त्यासाठी पार्किंग स्पेस विकत घेण्याची प्रथा पडली. या साध्या गोष्टीचा विचार करून आता पार्किंगसाठी नव्याने घोरण राबविण्याची गरज आहे.

कोणत्याही इमारतीचा बांधकाम आराखडा जेव्हा संमत केला जातो, त्यावेळी प्लॉटचे एकूण क्षेत्रफळ किती, त्यावर मान्य केलेला एफएसआय किती, फ्लॅट आणि गाळे, त्याचबरोबर या सर्वांच्या सोईकरिता पार्कंग किती द्यावे लागतील, याचा आराखडा द्यावा लागतो. बहुमजली इमारतींच्या आराखडयामध्ये जोपर्यंत पार्कंग उपलब्ध करून दिले जात नाही, तोपर्यंत त्या इमारतीचा आराखडा मंजूर होत नाही. याची अभ्यासपूर्वक पडताळणी करायला हवी. तसे न केल्यास इमारतीच्या बाजूला असलेली जागा पार्कोंगसाठी खूप कमी पडू शकते.

अनेकदा पार्किंग स्टिल्ट न दिल्याने गाडया रस्त्यांवर, इमारतीबाहेर उभ्या केल्या जातात. त्यामुळे अनेकदा वाहतुकीला अडथळा निर्माण होतो. पण आपत्कालीन किंवा नैसर्गिक आपत्तीच्या वेळेस ॲम्ब्युलन्स, अग्निशामक दलाची गाडी, पोलीस पथकाच्या गाडया आत येऊ शकत नाहीत.

फ्लंट खरेदी करणाऱ्या ग्राहकाला पार्किंगसाठी दोन ते तीन लाख रूपये मोजावे लागतात, तर काही बिल्डर ऑमिनीटी म्हणून पार्किंग विकतात. या पार्किगच्या जागेसाठी रीतसर स्टॅपडयुटी भरली जाते. या दस्तीची नोंदणी केली जाते. या पलीकडे काही ठिकाणी महापालिका मिळकत करदेखील आकारताना दिसते. हायकोर्टाने बांधकाम नियमावलीत तरतुदी तसेच सहकारी संस्थांचे सुधारित उपविधी २००१ मधील सर्व तरतुदी आणि महाराष्ट्र ओनरशिप ॲक्ट (मोफा) यांचा सविस्तर विचार करून असा निष्कर्ष काढला, की डेव्हलपरने एकदा महापालिकेकडून आराखडा मंजूर करून घेतला, तर त्याचप्रमाणे काम करावे लागते. त्यानंतर बांधकाम पूर्णत्वाचा दाखला किंवा भोगवटा प्रमाणपत्र प्राप्त झाल्यावर डेव्हलपरचे इमारतींवरील सर्व हक्क संपुष्टात येतात. यामुळे किमान ११ सदस्यांनी फ्लॅट, गाळे खरेदी केल्यानंतर चार महिन्यांच्या आत सहकारी संस्था (सोसायटी) नोंदवणे डेव्हलपरला बंधनकारक आहे, मात्र प्रत्यक्षात असे घडत नाही.

महापालिकेसाठी सरकारने मंजूर केलेल्या बांधकाम नियमावलीमधील तरतुर्दींची अंमलबजावणी कोणताही बिल्डर मनापासून करीत नाही. त्यासाठी आपणही प्रयत्न करणे गरजेचे बनलेले आहे.

वास्तविक एफएसआयमध्ये पार्कंगची जागा अंतर्भूत होत नाही. जी जागा एफएसआय क्षेत्रात अंतर्भूत होत नाही त्या जागेवर महापालिका संबंधित पार्कंगवर मिळकत आकारू शकत नाही. म्हणून कायद्याप्रमाणे बिल्डर ही पार्कंगच्या जागेबाबत करार नोंदणीकृत करू शकत नाहीत. त्यामुळे असे करार नोंदणीकृत करू शकत नाहीत. त्यामुळे असे करार नोंदवून न घेण्याची खबरदारी नोंदणी अधिकाऱ्यांनी वेळीच घेणे गरजेचे आहे. या प्रकरणांत ग्राहकांची फसवणूक टाळण्याचे काम नोंदणी अधिकारीच प्रथम करू शकतात.

महाराष्ट्र ओनरिशप ॲक्ट १६६३ नुसार फ्लॅटच्या व्याख्येतच गॅरेज या शब्दाचा उल्लेख असल्याने बिल्डरने महापालिकेकडून एकदा नकाशा मंजूर करून घेतल्यावर कोणत्याही सामायिक जागेची किंवा सुविधांची स्वतंत्रपणे विक्री करू शकणार नाही किंवा त्याचा मोबदलादेखील आकारू शकणार नाही. यामध्ये पार्किंगची जागा, टेरेसची जागा, इमारतीच्या भोवतालची जागा यांच्या कोणत्याही स्वतंत्र कराराची नोंदणी करता येत नाही. असा गैरव्यवहार करून जागेचा वापर बरेचदा पार्किंगसाठी न करता उपहारगृह, खानावळ, गॅरेज किंवा गोडाऊन अशा कामांसाठीच केलेला दिसतो. तेव्हा अशाप्रकारे कोणत्याही करारावर सही करण्यापूर्वी कायदेविषयक तज्ज्ञांचा आवर्जून सल्ला घ्यावा.

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# सोसायटी स्थापनेचा अनुकरणीय पॅटर्न

मुंबई महानगरपालिकेने विकास प्रस्ताव मंजूर करतेवेळी विकासक-मालक यांच्याकडून 'मोफा' कायद्याच्या आधारे, इमारतीहचे बांधकाम पूर्ण झाल्यावर सोसायटी स्थापन करुन रीतसर नोंदणी क्रमांक मिळवून देण्याबाबत प्रतिज्ञापत्र लिहून देणे बंधनकारक करण्यात आलेल्या यापूर्वीच्या आदेशाची आता कठोरपणे अमलबजावणी करण्यास सुरुवात केली आहे. हा निर्णय प्रस्तावित गृह प्रकल्पात सदनिका खरेदी करणाऱ्या ग्राहकाच्या हिताचा आहे.

विकासकांकडून ग्राहकांची होणारी सततची फसवणूक व लबाडच्या पार्श्वभूमीवर मुंबई महानगरपालिकेने याबाबत एक पाऊल पुढे टाकले आहे. मुंबई महानगरपालिकेने विकास प्रस्ताव मंजूर करतेवेळी विकासक/मालक यांच्याकडून 'मोफा' कायद्याच्या आधारे, इमारतीचे बांधकाम पूर्ण झाल्यावर सोसायटी स्थापन करुन रीतसर नोंदणी क्रमांक मिळवून देण्याबाबात प्रतिज्ञापत्र लिहून देणे बंधनकारक यापूर्वीच्या आदेशाची आता कठोरपणे अंमलबजावणी करण्यास सुरुवात केली आहे. सदरहू निर्णय प्रस्तावित गृह प्रकल्पात सदनिका खरेदी करणाऱ्या ग्राहकांच्या हिताचा असून राज्यातील सर्व महानगरपालिकांनी प्रस्तावित गृह प्रकलपांचा आराखडा/नकाशा मंजूर करताना 'आय ओ डी' पत्रांमध्ये त्याचा समावेश करुन खालील महत्त्वाच्या अटी व तरतुदींचा समावेश करुन त्याची कठोर अंमलबजावणी करणे ही काळाची गरज आहे.

- अ. प्रत्येक इमारतींसाठी सर्व सोयी-सुविधांसह सोसायटी ऑफिस बांधून देणे.
- ब. सोसायटीच्या नावे खॅरेदीखत करुन देणे व जिमनीबाबतचा तपशील प्रॉपर्टी-कार्डांवर नोंदणी करुन देणे.
- क. प्रत्येक इमारतीच्या मंजूर नकाशात सदिनका क्रमांक व त्यासाठी आरिक्षत ठेवण्यात आलेली वाहन ठेवण्याची जागा दर्शविणारा क्रमांक यांची सांगड दर्शविणारा तक्ता ठळकपणे अधोरेखित करुन देणे. तसेच त्याची एक सांक्षांकित प्रत सदिनकेच्या करारासोबत देणे.

राज्यातील बहुतांश मोठया गृह प्रकल्पांचा विकास करतारना विकासक कधी एक-एक करुन, तर कधी समूहाने इमारती हविकसित करीत असतो. एम-एक इमारत बांधून पूर्ण झाल्यावर जाहिरातीत / माहितीपत्रात नमूद केल्याप्रमाणे तसेच ग्राहकांशी केलेल्या/करावयाच्या करारातील मसूद्यांप्रमाणे सदनिकेतील सर्व सोयी-सुविधा पूर्ण केल्यानंतर सदनिकेचा ताबा देण्यास सुरुवात करणे अपेक्षित असते. जाहिरातीत प्रस्तावित केल्याप्रमाणे संपूर्ण गृह प्रकल्पांचा विकास पूर्ण केल्यानंतर संपूर्ण गृह प्रकल्पांचा विकास पूर्ण होण्यास किमान ४ ते ५ वर्ष लागतात. या काळात पहिली इमारत पूर्ण झाल्यापासून ते शेवटची इमारत पूर्ण झाल्यापासून ते शेवटची हइमारत पूर्ण होईपर्यंत सर्वच्या सर्व इमारतींवर विकासकांचा मालकी हक्क असतो. त्यामुळे ग्राहकांना सोसायटी स्थापन करता येत नाही. त्याचबरोबर सर्व प्रकारच्या सेवा-सुविधा, सुरक्षा व्यवस्था, वाहतूक व्यवस्था, मालमत्ता कर व अन्य देयके यासाठी विकासक सांगेल त्याप्रमाणे पैसे द्यावे लागतात. अशा रीतीने सादनिकेचा ताबा विकासकांच्या दबावाखाली दिवस काढावे लागतात. तसेच निकृष्ट बांधकाम, गळती, अपुऱ्या किंवा अर्धवट सोयी-सुविधांच्या विरोधात तकार करता येत नाही. विकासकाचा अनेक प्रकारचा त्रास सहन करावा लागतो.

- विकासक ४ते ५ या वर्षात प्रस्तावित गृह प्रकल्पातील सदिनका विविध कारणे देत वाढीव दराने विकत असतो. सदिनका विकण्यासाठी न लागणाऱ्या ना-हरकत प्रमाणपत्रासाठी व हस्तांतरण शुल्कापोटी रुपये २५,०००/- पेक्षा अधिक पट रक्कम वसूल करतो.
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- विकासक प्रस्तावित गृह प्रकल्पातील इमारतींवर मोबदला टॉवर उभारण्याची परवानगी देऊन, तयासाठी अनामत रक्कम व दरमहा भाडयापोटी जास्तीतजास्त रक्कम मोबदला कंपनीकडून कराराद्वारे वसूल करतो.
- विकासक प्रस्तावित गृह प्रकल्पाच्या आवारात तसेच दर्शनी भागातील इमारतींवर जाहिरातींचे फलक लावण्यासाठी वार्षिक करार करुन, अनाम रक्कम व वार्षिक भाडयापोटी मोठी रक्कम वसूल करतो.

खरे तर, विकासकाने अशा प्रकारे वसूल केलेली सर्व अतिरिक्त रक्कम स्वतःच्या बॅक खात्यात जमा न करता नियोजित सोसायटीच्या सामायिक बॅक खात्यात अथवा प्रकल्पाच्या स्वंतत्र अशा कॉर्पस फंडात जमा करणे नैतिकदृष्टया अपेक्षित



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घर खरेदीचा निर्णय हा कधीच घाई-गडबडीत घ्यायचा नसतो. नवं घर हे रिसेल घरापेक्षा थोडंस स्वस्त असलं किंवा थोडं महाग असलं तरी केवळ बजेटचा विचार करुन निर्णय घ्यायचा नसतो.

नव्या इमारतीतलं नवंकोरं घर घ्यावं की रिसेलमधलं. या प्रश्नाचं उत्तर देणं सोपं नाही. अनेक कारणांमुळे नव्याऐवजी रिसेलमधलं घर घेणं पसंत करतात. बरेचदा विशिष्ट भागात लोकांना हवं असणारं नवं घर उपलब्ध नसतं म्हणून ते रिसेलच्या घराकडे वळतात.

काही वेळा त्यांचा प्रॉपर्टी मार्केटचा अभ्यास कमी पउतो. तर काही वेळा त्यांना चांगले गृहप्रकल्प उपलब्ध आहेत. यांची माहितीच नसते. काही व्यवहारांमध्ये ग्राहक प्रॉपर्टी एजण्टाच्या आग्रहाला बळी पउतात आणि चांगल्या ठिकाणी त्यांच्या बजेटमध्ये बसणारी घरं उपलब्ध असूनही रिसेलचं घर खरेदी करतात तर काही ग्राहकांना असं वाटतं की नव्या घराच्या किंमतीच्या तुलनेत कमी किंमतीत मिळणारं रिसेलचं घर हे नेहमीच फायद्याचं असतं.

रिसेलचं घरं घेणाऱ्या बहुतांश ग्राहकांना घर खरेदीची आणि तात्काळ ताबा मिळवण्याची घाई झालेली असते की. काही महिन्यांतच एखादा गृहप्रकल्प तयार होऊन त्यातल्या घरांचा ताबा मिळणारं असला तरी ती घरं धेण्यासही ग्राहक इच्छुक नसतात.

अनेक लोक नवं घर घेतात आणि काही वर्षांनी त्यांना अपग्रेड व्हायचं असते. त्यामुळे ते जुनं घर विकून नवं घर घेण्याचा निर्णय घेतात. त्यामुळे रिसेल घराचं खूप मोठं मार्केट तयार झालं आहे याचा अर्थ असा अजिबात नाही की, नव्या आणि रिसेल घरांचं मार्केट समान असून त्याचं मूल्यही समान आहे त्यामुळे ग्राहकांना त्यांच्या आवडत्या लोकेशनला नव्या आणि रिसेल घरांचे दोन्ही पर्याय उपलब्ध होतात आणि रिसेल त्यांचे फायदे ग्राहकांना मिळू शकतात हे अधिक महत्त्वाचं

- घर ही एक अशी संपत्ती आहे, जी नवी असो की जुनी असो ती राहण्यासाठी उपयोगी पडते. निवाऱ्याच्या दृष्टिकोनातून पाहिलं तर तिच्या मूल्यात आणि अनुभवात काहीच फरक पडत नाही. घर आणि कार जुनी असो वा नवीन, तिचा वापर एक किंवा अनेकजणांकडून होतोच त्यात एकच मुद्या असतो तो म्हणजे ती प्रॉपर्टी वापरणाऱ्यांची मानसिकता.
- चांगल्या विकासकांकडून खरेदी केलेल्या फर्स्ट सेल घरातली फिक्स्चर्स आणि फिटिंग्ज जुनी असल्याने ती केव्हाही खराब होऊ शकतात. अर्थात जुन्या वस्तू लवकर खराब होतात आणि नव्या वस्तू तुलनेने उशीरा खराब होतात, हा नियम घरातल्या फिटिंग्जलाही लागू होतो.
- चांगल्या विकासकाकडून फर्स्ट सेलचं घर घेतलं तर त्याचे काही फायदे असतात. अशा गृहप्रकल्प आणि घरांमध्ये ऊर्जेचा अधिकाधिक वापर केलेला असतो. इमारत प्यांवरणपूरक असते. सामायिक सेवासुविधा अधिक ऐसपैस वापरण्यास सहज आणि सुटसुटीत असतात. चांगले विकासक हे डॉक्टरांसारखे असतात.



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- SLUM SELF REDEVELOPMENT LOAN TO SLUM DWELLERS
- REPAIR LOAN TO HOUSING SOCIETIES



CIN: U65922MH1996PLC101035

A-1/207, Laram Center, Above Federal Bank, Opp. Platform No. 6, Andheri (W), Mumbai - 400 058.

Tel.: 26248565 / 42551414 / 9820601894

E-mail: Swagatgroup@yahoo.in

ते नेहमी आपलं ज्ञान, तंत्र आणि साधनं अद्ययावत करत असतात. कारण त्यांना नव्या ग्राहकांच्या आवडी निवडी आणि गरजा पूर्ण करुन स्पर्धेत टिकायचं असतं. विकासकांच्या या मानसिकतेचा थेट फायदा ग्राहकांना होतो.

- रिसेलच्या घरात पूर्वीच्या मालकाने केलेल्या काही गोष्टी नक्कीच असतात. त्यात त्याचं व्यक्तिमत्व किंवा संस्कृतीचा भाग असू शकतो. त्या गोष्टींमुळे भिंतीला पडलेली छिद्र बुजवून घराला नवा रंग देणं थोडंसं अवघड असू शकतं पण अशक्य नसतं. पण घराची रचनाच बदलून मोठे बदल करणं आव्हानात्मक असतं.
- बांधकाम सुरु असलेल्या किंवा तयार झालेल्या नव्या घरात राहायला जाण्यापेक्षा फारचं कमी खर्चिक असतं. बांधकाम अपूर्ण असणाऱ्या प्रोजेक्टच्या कामाचे टप्पे जसे पूर्ण होतात तशा

त्यातल्या घरांच्या किंमतीही वाढतात. परंतु रिसेल घरांची किंमत नव्या घरांसारखी वाढत नाही.

 नव्या घरांची किंमत आणि आयुष्य हे रिसेल घरांपेक्षा जास्त असतं.

गडबडीत घ्यायचा नसतो नवं घर हे रिसेल घरांपेक्षा थोडंसं स्वस्त असलं किंवा थोडं महाग असलं तरी केवळ बजेटचा विचार करुन निर्णय घ्यायचा नसतो. प्रॉपर्टीतल्या गुंतवणुकीचे काही निर्णय हे दीर्घकालीन आर्थिक उद्दिष्ट्या आणि भविष्यकालिन फायद्यांचा विचार करुनच घ्यावे लागतात. त्यामुळे नव्या आणि रिसेलच्या घरांचे फायदे आणि तोटयांचा विचार करुनच निर्णय घ्यायला हवा.

सौजन्यः- टीम टाईम्स प्रॉपर्टी

दिनांक : ०४/०४/२०१५

# १ मे पासून राज्यात कम्पुटराइज्ड सातबारा



तालुक्यांमध्ये १ एप्रिलपासून राज्यातल्या ६२ कम्प्युटराइज्ड सातबारा उपलब्ध करुन देण्यात येत आहे. अन्य ३०० तालुक्यांमध्ये या योजनेची 'ट्रायल रनहीं 'ही सुरु करण्यात आली असून येत्या १ में पासून संपूर्ण राज्यभरात ही योजना प्रभावीपणे राबवण्याची तयारी करण्यात येत आहे. राज्याचे जमाबंदी आयुक्त संभाजी कडूपाटील यांनी मंगळवारी ही माहिती दिली कम्प्युटराइज्ड सातबारा योजनेची आखणी गेल्या काही वर्षापासून सुरु आहे. ३५८ तालुक्यांमध्ये ही योजना लागू करण्याचे नियोजन आहे. या सर्व तालूक्यांमधल्या सातबारावरच्या डिजिटाइज्ड नोंदी भूमी अभिलेख विभागाकडे उपलब्ध झाल्या असून, २ एप्रिलपासून ३०० तालुक्यांमध्ये हा संपूर्ण डेटा अपलोड

त्यांच्या चाचण्या यशस्वी झाल्या आहे. त्यामुळे १ एप्रिलपासून त्या तालुक्यांमध्ये कम्प्युटराइज्ड सातबारा देण्यास सुरुवात झाली आहे, असं कडू पाटील यांनी स्पष्ट केलं.

''जमीन खरेदी-विक्रीच्या व्यवहारांमध्ये सातबारा मिळण्यास होणारा विलंब टाळण्यासाठी व्यवहाराच्या दस्ताची नोंदणी झाल्यावर ही माहिती संबंधित खरेदीदार आणि विक्रेत्यास जागेवरच नोटिसा देण्यात येतील. कायद्याने १५ दिवसांची नोटीस देऊन एका महिन्यातच नव्या मालकाच्या नावाचा सातबारा उपलब्ध करुन देण्यात येईल.

# WORKING OF AFFORDABLE HOUSING WELFARE ORANISATION OF INDIA SCHEMES:

n the year 1915, the first Co-operative Housing society in Asia was formed by the Saraswat Community of North Kenara District of Karnataka at Girgoan. The community persons came together and registered "Saraswat Cooperative Housing Society Ltd" to provide housing to the extended family of the Saraswat persons. This became a very popular concept to form the Housing societies and provide the houses to its members at the reasonable cost.

This became so popular that employees of various organization starting availing Provident Fund non refundable loan for 20% of their contribution and 80% funding being availed from Employer like Indian Airlines, Air India, L & T, RBI, NABARD, Almost all nationalized and cooperative banks, income tax, post office etc at the concessional rate to get their dream house constructed. However, as the time passed, the employers due to pressure on their working capital stopped giving Housing loans and they had to run pillar to post to get their 80% contribution. The concept of 100% funding to own the house slowly vanished. The cost of land, cost of construction and the approval expenses including the cash involvement in the real estate virtually made the group housing scheme out of the reach of the persons and builder started purchasing the land or take the development rights and sell the flats under Maharashtra Ownership flat Act, 1963.

It is observed that Army Welfare Housing Orgnaisation (AWHO) (www.awhosena.in) Air Force Naval Housing Board (www.afnhb.org), CENTRAL GOVERNMENT EMPLOYEES WELFARE HOUSING ORGANISATION (Under M/O Housing and Urban Poverty Alleviation) (http://www.cgewho.in) and many more state Government employees housing welfare organizations are functioning to provide housing to their employees at no profit and no loss. There is no civilian or Citizen organization on the same principles to help the citizens to own the houses at the reasonable rate and without much difficulties.

Considering the above background and the inspiration and guidance received from Hon'ble Justice Shri. Rajan Kochar, Rtd High

Court judge and NGO in the name of Affordable Housing Welfare Organisation of India was inaugurated on 15.8. 2010. Inspired and motivated by the vision of Hon'ble Prime Minister Shri Narendra Modi to provide housing for all by 2022 and also as a Tribute to Hon'ble Shri. Balasaheb Thackery, Shiv Sena Founder for his dream of providing houses to mass.

AHWOI started working on "Gruhkranti" to provide Right to Housing to all. Further the slogan "AHWOI JAN GHAR YOJAN ME SAMEEL HO!" "AHWOI Ghar to Adhikar Lo!" and the website was launched on 23.8.2014 to provide information to the members and the public at large to get involved in this movement.

In order to fund the Margin money, where the members do not get the PF or any other loans or the funds are not available upto 19% Margin money loan is arranged at 9.6% p.a payable over a period of two years is worked by AHWOI through number of Credit societies (MSWA Metropolitian Co-operative Credit Society, The Karnatak Co-operative Credit Society Ltd), Non Banking Finance Companies. (Anaga Swagat Finance And Investment Pvt Ltd) and 80% funding of the flats to be repaid only after getting the possession of the flats from the approved Housing Finance companies like HDFC, LIC Housing Finance Co Ltd., PNB Housing Finance Ltd., Dewan Housing Finance, Indiabulls Housing Finance, GIC housing and other banks at the reasonable rate of interest. Presently, the Swagat Housing Finance Company Ltd has tied up with AHWOI to grant 80% loan at reasonable rate to be repaid only after receiving the possession of the flats.

Thus Affordable Housing welfare Organisation, work as a catalyst or a facilitator and connector of loose ends to the economically weaker section, Low income and middle income group to realize their dream of owning the house under group Housing schemes similar to Army Welfare Housing Organisation or of the similar kind explained above. The AHWOI works on co-operative

Principles and values with No profit and No loss basis.

AHWOI facilitates its members by doing the following activities to own their dream home:

- (1) Empower them to Save 20% to 25% for down payment by opening a recurring deposit in the approved credit society, co-operative bank or commercial banks in their own name to substantiate their repayment capacity or arrange short term Margin Money loan upto 19% of the cost of the flat for a period of 2 years at 9.60% interest per annum.
- (2) Arrange the loan facility of 80% of the cost of the flat from the leading Housing Finance companies and banks, the EMI and interest of which is payable only after receiving the possession . Till the possession is given of the flats purchased and registered in the name of the member, the interest on such 80% loan will be borne by the developer or Project implementing agency (i.e a famous scheme of 25% down and 75% after possession or 20: 80 scheme).
- (3) Once Margin money loan is repaid by EMI during the construction period, the possession will be given to such member purchaser of the flat and New EMI for housing loan will start) So a person who has even say 5% amount will be able to raise 15% or 20% by way of short term loan of 2 years and housing loan of 75% or 80% for 15 or 20 years at the monthly reducing schemes of respective banks or HFCs.
- (4) AHWOI do the title verification, plan approval and capacity of the developer about the deliverable etc as 100% flats of the project will be given to the members of Affordable Housing Welfare Organisation of India through group booking.
- (5) The rate will be much competitive as we will be taking the investors discount of 10% to 20% in advance from the developer. So a flat costing Rs.20,00,000/- say at the rate of Rs.4000 for 500 sq.feet will be made available for cost of Rs 3600/-per square fees say 10% discount to 3200/- Say 20% discount (i.e RS.18L to Rs.16L)/ This will be a great boom and service to the Low and middle income group person earning family income of say

Rs.25,000 per month to Rs.40,000pm (husband and wife together).

- (6) As the decision is delayed by the member to book the house, the discount will be reduced by 1% per month on the entire estimated cost of the flat to be fetched at the time of possession of the flat. For example at the time of pre-launch, the discount offered to the member is say 25% on the value of the flat estimated to be getting after two years and during the first month after pre-launch, the discount will be reduced to 24% of the value of the flat and thereafter in the following month the discount will be reduced by another 1% which means the discount will be 23% of the value of the flat and so on. Therefore, it is advisable to book the flat during the pre-launch to get the maximum benefit of discount.
- (7) In case, the member wants to surrender the flat, he will be able to do so and he will be able to get the entire money paid to the developer and EMI paid towards margin money loan repayment. The only loss would be his service charges paid to AHWOI at 2% of the cost of the flat, service charges and stamp duty paid for getting the loans sanctioned by Margin money lender and the Housing Finance companies.
- (8) Over a period of 5 years, if the value of the flat goes up say double, which the history is the witness(simple growth of 20% per annum), a person purchasing the flat of Rs.20L for say Rs.18L, will be able to make it for Rs.40L in 5 years. In five years, he pays say interest of 10% p.a say Max-Rs.9,00,000/- and principle payment of say Rs.1,00,000/- and down payment of say Rs.4 Lakh, Miscellaneous Exps say Rs.one Lakh ) still he makes a profit of Rs.25Li.e (Rs40L-Rs.15L)

There no investment which is so much risk free and an opportunity to make good return, create wealth and own a dream house which they never and eve could dream about.

The satisfaction that we will be deriving from the same will be very big. So I need your full support to take my dream of providing houses to every citizen who dream and take action by becoming our members.

#### "REDEVELOPMENT OF OLD CESS BUILDINGS OF MUMBAI -AN INITIATIVE OF HON'BLE SHRI. SUBHASH DESAI "



On 1st March, 2015, Me Mumbaikar, under the leadership and guidance of Gardian Minister **Hon'ble Shri. Subhash Desai,** Industry Minister held one day conference and discussion on the way forward for Redevelopment of Old Cess Buildings of Mumbai City.

The program was well attended by the citizen of Mumbai city over 1000. The following representatives of the government, NGO and MLA and MP were present. Shri. Arvind Sawant, MP, Shri. Sunil Shinde, MLA, Corporators etc were present.

Shri. S. S. Zande, CEO and VP, MHADA, Officials of Town planners, Deputy Town Planners were present. Shri. Chandrashekar Prabhu, Housing Activist and architect, Chandrashekar Shirodkar, Chairman of Tenants welfare Association, Property owners association, R. Mohan, adviser to Developers and CA. Ramesh Prabhu, President Affordable Housing Welfare Organisation of India were invited to give their views and suggestion to make the cess building redevelopment a reality.

**CA. Ramesh Prabhu** stated that there has to be stable and long lasting policy. There has to be clarity as to the share of each of the stakeholders to be set by government by enacting the proper Resolution like the share of developer, share of land owner, share of tenants and the Govt agencies. It is noticed that every one looks at the redevelopment as a milking cow. The BMC wants more premium, MHADA wants constructed area for sale, land owners wants to get maximum benefit, tenants are not happy with 300 sq. feet or even 400 sq. feet. The

expectation gap in different stakeholders has made the redevelopment a big hurdle. There will be disputes as all cannot be satisfied in the redevelopment therefore, a redressal mechnism should be included.

A proper system and procedure to initiate the redevelopment should be made, so that, the tenants are able to decide their builders in a democratic way and all the stakeholders to take their decision within the allowed time limit otherwise, the authorities should be empowered to take the decision in this matter. If the tenants want to go for self redevelopment additional incentives in the form of FSI or wavier of certain duties or even if the same has to be collect, it be collected after the redevelopment is done. Further, a subsidies loan scheme for self redevelopment to be provided by the government.

There is a need for one widow clearance as there are BMC land, MHADA land, Collector land, CRZ land, Salt pan land, central Govt land, private land etc and unless and untill all this agencies come together, the redevelopment cannot take place.

Shri. Subhash Desai, heard all the suggestions, he stated that a committee will be made to discuss all the issues and the same will be presented before the govt to bring out the required changes. Similarly. Shri. Ravidra Waikar, State Minister for Housing ,stated that any person having any issues related to Redevelopment may approach him and he shall put all his efforts to resolve the problems of redevelopment by inviting the authorities involved in this redevelopment.



#### ASSOCIATE MEMBER CAN BE PART OF MANAGING PANEL

#### Kalpit Mankikar, Mumbai:

The state cooperative election authority (SCEA) has clarified that a housing society's associate members can be part of the managing committee. This will be a shot in the arm for old cooperative housing societies as more residents can participate in their housing complex's affairs.

In many old societies, senior citizens owned flats but would not show interest, and associate members were barred from participating in managing committee proceedings.

Section 2 (19) of the Maharashtra Cooperative Societies Act says an associate member jointly holds a share of the society with others, but whose name is not first in the share certificate. Rule 56M of the Maharashtra Cooperative Societies Rules, 1961, and Section 2 (19) (b) of the Maharashtra Cooperative Societies Act, 1960, state an associate member can vote and participate in elections but cannot become an office-bearer of the society where his name appears as an associate member in the society register.

The SCEA had said in November 2014 that associate members can participate in elections but was silent on whether they could be office bearers.

"With consent of the original owner (whose name is first in the share certificate), an associate member can participate in elections and join the managing committee, provided his name is on the share certificate," said Shrikrushna Wadekar, assistant state cooperative election commissioner.

"Many people don't put their children's names in the share certificate as they fear it will pose a

#### **PLAYING BY HSG SOCIETY RULES**

#### ASSOCIATE MEMBER

- Name appears second in share certificate
- ➤ If name is not in share certificate, become associate members by paying ₹100
- ➤ Person whose name appears after owner's now co-owner of flat
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- ➤ If society defaults on holding polls each managing committee member has to pay ₹5,000 penalty
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registrar can appoint administrative officer to run affairs till fresh poll are held

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Source: Affordable Housing Welfare Organization of India, State Cooperative Election Authority

problem to mortgage the property . The SCEA has clarified that a person whose name comes second in the share certificate is deemed co-owner of the flat, and thus can contest and be part of the managing panel," said **Ramesh Prabhu**, president, Affordable Housing Welfare Organization of India.

The SCEA had in November 2014 told housing societies to elect management committees by December 31. The deadline was later advanced to June 30.

# GOVT WAIVES STAMP DUTY ON TRANSFER OF FLAT TO KIN

# Offers Double TDR To Landowners If Plot Given For Public Amenity

**Mumbai:** Immovable property land. House or flat can now be transferred to one's children or blood relatives without paying stamp duty for registration.

This will come as a major relief as families won't have to pay a 5% of the ready reckoner rate of the property as stamp duty. Making the announcement, revenue minister Eknath Khadse said an affidavit on a Rs 100 stamp paper would suffice. He later changed it to Rs 500 as the government no longer deals in Rs 100 stamp paper for property matters.

In other decisions announced in the House on Wednesday, those with 500sq ft or smaller homes do not have to the government will allow twice the transfer of development rights to landowner in lieu of land surrendered for a public amenity.

Replying to a discussion on the budgetary allocation for the urban development department, chief minister Devendra Fadnavis said the government is framing a new policy, wherein TDR will be indexed to the ready reckoner rate to "prevent developers earning a windfall from the use of TDR of one area in another. The RR rate of the area where it is being utilized will apply". The decision to increase TDR was taken as the new Land Acquisition Act has increased compensation, he added.

A construction amenity TDR or incentive TDR will be offered to a land-owner in addition to the regular TDR if he develops an amenity and hands it over to the local body.

THE TIMES OF INDIA, MUMBAI THURSDAY, MARCH 26, 2015

# RELIEF FOR HOME & LANDOWNERS

> 5% stamp
d u t y o n
registration of
transfer of land,
house or flat to
Children or
other blood
relative waived
> It can be
done on Rs 500

stamp paper



- Those with 500sq ft or smaller homes do not have to pay the increased property tax
- ➤ Govt to allow twice the TDR to a landowner in lieu of land surrendered for a public amenity
- > TDR to be tied to ready reckoner rate; RR rate of area where it is being utilized will apply

Khadse said the decision to waive stamp duty on property being passed to heir will cost the exchequer Rs 350 crore annually. "The ready reckoner rate for land and other property has gone up considerably even if the land does not sell at that rate in the market. We have received a large number of complains, especially from farmers. They have been demanding to know why they should pay the government to transfer land to their own children. Hence, we have decided to do away with the stamp duty," he said.

#### FAQ'S ON BYE LAW ADOPTION

#### Q1. What are the agenda for adoption of New Model Bye-laws?

**Ans:-** The agenda should be as following:

- 1) To discuss about the MODEL BYE LAWS OF **COOPERATIVE HOUSING SOCIETY AS PER 97TH** CONSTITUTIONAL AMENDMENT and MAHARASHTRA CO-OP. SOCIETIES (AMEND-MENT) ACT 2013 and adopt the same (copy of the Model Bye Laws is attached)
- 2) To appoint Statutory auditor from the penal approved by the co-operative department
- 3) To Authorise the Managing Committee to submit the copies of adopted Model Bye Laws to the concerned registrar's office for approval.

All the societies whose term is over before this (14.02.0213) or is going to be completed within next six months must follow the above procedure immediately. It is binding for all the societies to hold Annual General Body meeting every year on or before 30th September. There is no provision for extension.

#### Q. 2. What is a procedure in respect of amendment in bye-laws of the Co-operative **Housing Society?**

Ans:- Notice regarding bye-laws amendment should be given to all members by calling the Special General Body Meeting. The period of such SGM should be at least 14 days clear notice. Bye law amendment resolution should be passed by 2/3 majority in General Body Meeting. The matter of the bye-law amendment should have to be submitted to the Registrar in prescribed format within two months from the date of approval in the General Body Meeting along with necessary forms and annexures. The Bye-law amendment shall come into force only after the same is approved and registered by the Registrar.

#### Q. 3 Can Registrar impose the amendment to the registered Bye-laws?

**Ans.:-** Registrar has powers under Section 14 of the Maharashtra Co-operative Societies Act 1960 to

impose Bye-law amendment which is in the interest of the society.

#### Q4. Question: Is it mandatory to adopt New Model?



Ans:- Yes! It is mandatory to adopt the New Model Byelaws. Adv. Kavita Totkekar.

The Section 14 of MCS Act, 1963 the Powers are given to the Registrar to call upon the society, in the manner prescribed, to make the amendment within such time as he may specify. The New Model Byelaws has been modified largely keeping in mind the requirements of the Society. The various latest amendments incorporated in the New Model By elaws also facilitate the functioning of the society and its day to day activities. Under the Maharashtra Cooperative Societies (Amendment) Act 2013 the Registrar of cooperative societies has been empowered by a proviso inserted in Section 14 of the MCS Act 1960 as under:

Provided further that, the Registrar may specify the Model bylaws, for such type of societies or class of societies, as he may deem fit. Since 1984 the Registrar has issued three Models 1984, 2001 and 2009 as a service to cooperative societies and not as a statutory power which he has now been conferred with. Though the Registrar's office used to persuade / (coerce) cooperative housing societies to replace registered Bye-Laws by the latest Model, he had no power to compel existing housing societies to register new bye laws. This has been upheld by the Supreme Court also. Any bye-law becoming repugnant to any of the amended Sections of the M C S Act 1960 or Rules of the M.C.S. Rules 1961 after its registration, that bye-law gets superseded and is inoperative, despite the fact that it continues to be a part of registered Bye-Laws. So as such, it matters very little that new Bye-Laws are adopted or not.

If the Registrar issues an order that Model Bye-laws 2014 is specified as bye laws of Housing Societies in exercise of a power conferred on the Registrar under aforesaid proviso, it will be your societies' Bye Laws.

## Q5. What do you mean by Bye-laws? What is model Bye-laws?

**Ans:**- It is interesting to look at what is meant by 'bye laws' as per the M C S Act 1960. The definition reads as under:

Section 2(5) "by-laws" means by-laws registered under this Act and for the time being in force and includes registered amendments of such by-laws;

Bye-laws are the document governing the internal functions of the society like admission, termination, expulsion, transfer of membership, their rights, obligations, functions of the managing committee, dispute redressal, accounts preparation, decision making process, raising of funds, audit, election of the managing committee and so on.

If Model Bye-laws 2014 is specified as bye-laws of Housing Society as a class but, unless they are registered by a housing society after approval in the general body meeting by members, by undergoing the procedure of amendment of bye-laws, they cannot become the Bye-Laws of that housing society. It will be governed by registered Bye-Laws.

# Q 6. What are the forms that are required to fill and what are the documents to be submitted for bye law adoption?

**Ans.:-** The Forms required to be filled for adoption of Bye Laws are Annexure no. I to V (Available in our

MSWA Office). These forms are required to be submitted along with two latest Bye laws, copy of Notice and resolution of the society to adopt the new Bye laws and twos year Balance sheet and Audit report of the society.

## Q.7 What are the benefits of adopting new Bye Laws?

**Ans.:-** It is true that if registered Bye-Laws are substituted by new Model Bye-Laws, it becomes convenient to comply with provisions of the M C S Act 1960 and the M.C.S. Rules 1961. Though it can happen that some older ones not repugnant to Cooperative Society Law and beneficial to housing society may also get axed and replaced by arbitrary bye-laws drafted bureaucratically as opposed to democratically. At the same time if old Bye-Laws are continued for any reason, it will be necessary to study the changes in Cooperative Society Law brought about by the State Legislature and in Rules by the State Government, and approved as The General Body Regulations in the general body meeting, which the managing committee of the Society has to adhere to in terms of the Bye-Law No 113 of Model 1984 which reads as under:

Subject to the direction given or regulation made by a meeting of the general body meeting of the Society, the Committee shall exercise all powers, expressly conferred on it and discharge all functions entrusted to it under the bye-law No. 139.(Model 2009).



# MAHARASHTRA SOCIETIES WELFARE ASSOCIATION (R) "MSWA BRANCH OFFICE"

Location	Address	Tel. No.
Fort	Sai Sadan, 1st floor, office No. 103, 76/78, Modi Street, Fort, Mumbai 400001	022 - 2265 65 82 98 21 23 47 70
Vasai	Swagat Bhavan Bldg., Near Indian oil, Opp. M. S. E. B. Colony, Vasai (E), Thane - 400 208.	0250 - 645 75 85 0250 - 645 75 86
Dombivali 1-B, Ram Govind Apartment, Opp. Vijya Bank, Near Brahman Sabha Hall, Dombivali (E) - 421 201.		0251 - 2422 880 097 68 919 470
Mulund	3, Nakshatra, Shobha Aprtment, Sarojini Naidu Road, Tambe Nagar, Mulund (W), Mumbai - 400 080	022 2568 5983 98 69 03 45 67

#### ASSOCIATE MEMBER CAN BE PART OF MANAGING PANEL

#### Kalpit Mankikar, Mumbai:

The state cooperative election authority (SCEA) has clarified that a housing society's associate members can be part of the managing committee. This will be a shot in the arm for old cooperative housing societies as more residents can participate in their housing complex's affairs.

In many old societies, senior citizens owned flats but would not show interest, and associate members were barred from participating in managing committee proceedings.

Section 2 (19) of the Maharashtra Cooperative Societies Act says an associate member jointly holds a share of the society with others, but whose name is not first in the share certificate. Rule 56M of the Maharashtra Cooperative Societies Rules, 1961, and Section 2 (19) (b) of the Maharashtra Cooperative Societies Act, 1960, state an associate member can vote and participate in elections but cannot become an office-bearer of the society where his name appears as an associate member in the society register.

The SCEA had said in November 2014 that associate members can participate in elections but was silent on whether they could be office bearers.

"With consent of the original owner (whose name is first in the share certificate), an associate member can participate in elections and join the managing committee, provided his name is on the share certificate," said Shrikrushna Wadekar, assistant state cooperative election commissioner.

"Many people don't put their children's names in the share certificate as they fear it will pose a

#### **PLAYING BY HSG SOCIETY RULES**

#### ASSOCIATE MEMBER

- Name appears second in share certificate
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- ➤ Person whose name appears after owner's now co-owner of flat
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Source: Affordable Housing Welfare Organization of India, State Cooperative Election Authority

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#### WATERPROOFING – PROTECTING PRECIOUS PROPERTIES

ngineering structures that are built at least partly underground need to be ■ waterproofed for protection from water infiltration due to close contact with the surrounding ground. One common method involves the application of waterproofing materials to the interior and exterior walls of the structure, including the floors, to completely create a watertight seal against ground contact. The waterproofing contractor installs the system either during building construction or later as a retrofit application for remedial waterproofing.

External structures like car parks, walkways, stairways and loading decks are exposed to daily traffic and mechanical damage that also undermines their waterproofing system, thereby degrading slip- and skid-resistance, and brings a look of general deterioration. Waterproofing structures requires a high level of skill and planning, because ground moisture can come in many forms and affect structures in different ways. For instance, minor seepage can cause infiltration and damage, more so than water that exerts a palpable pressure on the structure.

#### **Structural Waterproofing Issues**

One concern that a waterproofing contractor often encounters in waterproofing systems is the inevitability of dampness, particularly in old structures, and how to manage it. This may involve setting up proper ventilation spaces to allow moisture to move or "breathe" within the structure. The presence of pipes, drainage systems, and electrical cables that are attached to the building. and how to reroute these elements without adversely affecting the structure, is also another issue during waterproofing.

A different issue comes from the global climate change that results in increased flooding and the elevation of water levels everywhere, and the subsequent rise in cases of basement flooding adding to the challenges in waterproofing. Waterproofing contractor companies also have to comply with environmental legislations standards for waterproofing, which aim to lessen the chances of harmful substance leakage that can threaten human and environmental safety.

#### Waterproofing Systems



The waterproofing materials Vinod Harisingani and methodologies to use Mob-9920585441 depend largely on the ground

conditions and the way water is infiltrating the structure. The goal of waterproofing is to create a watertight structure that is impervious to water seepage and pressure. A skilled waterproofing contractor can implement the right waterproofing system which may include a variation of cementitious polymer-based coatings or multi-coat renders mastic asphalt or liquid-applied membranes, slurries, or even the creative use of epoxy coatings.

Some waterproofing contractor companies prefer to fortify their waterproofing systems with the construction of non-linked cavity walls and bund walls, and even establish drainage channels and pumps to remove excess water. To add "breathability" the waterproofing contractor also installs ventilated flooring to the underground chambers. Waterproofing of deck and flooring require the application of cementitious coatings with chemical, skip or slip resistance. These coatings are impervious to water and drie quickly, ready for the onslaught of traffic in a matter of hours.

#### **Waterproofing Contractors**

Waterproofing engineering structures require a highly-skilled waterproofing contractor to deliver a feasible design and installation of the waterproofing system. Needless to say, experience matters in hiring a waterproofing contractor, and certifications and credentials should also be a big reason for choosing one.Mr. Vinod T. Harisingani (M.Tech - Civil) having 25 years experience is an expert in Major Structural Repairs and intricate Waterproofing techniques as problems and remedies differ in many and all complicated situations.

#### AFFORDABLE HOUSING WELFARE ORGANISATION OF INDIA

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No	APPLICATION FOR	R MEMBERSHIP/	SEMINAR RE	EGISTRATION Date:	
10, Fhe Presido	ent/Hon., Secretary, SWA, Andheri (W), Mum	bai.		Dutc.	
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5. Phone N	o.(L):				
6. Date of Birth: Age: Monthly Income			ne Rs		
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B. Liabiliti	es:Bank/OtherLoans	s Rs	Others Liabi	lities Rs	
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	fthe Applicant		SWA 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/(0)/1453/2011 dated 25th August 2011.

\_\_\_\_\_\_ Date- / /2014 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 Contact no.: - Mob. No ------ Resident----- Office----- 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-----,2014 to-----,2014 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 -----, 2014 to Reference no. ----------, 2014. Secretary / Authoritory 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/(0)/1453/2011 dated 25<sup>th</sup> August 2011.

	Date:
The Hon. Secretary, Vasai Taluka Co-op Housing Federation Lt Vasai. Dist: Thane 401 202.	rd.
Sir,	
	THE VASAI TALUKA COOP. HOUSING FEDERATION LTD., each. We furnish below following particulars in respects
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	d by us and agreed to be binding on our society.

Yours faithfully

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

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.

Co-op. Housing	g Society Ltd		held o	n
		Reso	olved that the	Co-op Housing
Society Ltd				
			SING FEDERATION -each, in the name	<b>N LTD., VASAI</b> and for allotment of TEN of the society.
application for	membership o	of the Federation o	on behalf of the soci	e and is hereby authorized to sign the ety and to pay the amount of Rs. 1600/- nd Annul Subscription Expenses of Rs.
Proposed By	:Shri			
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			DATA SHEET	
Name of the So	ociety	:		
Address of the	Society	:		
Land Mark to 1	reach Society	:		
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Designation	N	ame	Mobile	E-mail-ID
Chairman				
Secretary				
Treasurer				
Other				

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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
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BS - 19	Circular of Housing Societies	₹ 150	₹ 120
BS - 21	Rights and Duties of Members	₹ 120	₹ 100
BS - 22	Managers Manual	₹ 100	₹ 80
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
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