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VASAI TALUKA HOUSING SOCIETIES REVIEW

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राष्ट्रीय साक्षरता मिशन प्राधिकरण
भारत सरकार

वोट... क्योँ और कैसे डालें



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"ELECTION SPECIAL"

Page No... 06





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EDITORIAL

Dear Readers,

World's biggest democratic process is under way. Your federation appeals to all citizen of Vasai Taluka to Vote without fail judiciously. Voting is your right however also a major responsibility.



अभिनिन्दार
श्री. अरविंद कुलकर्णी

The government was come out with a circular on unsold flats. Now no stamp duty is required to be paid on unsold flats in the society at the time of adjudication of the deemed conveyance. The circular is made on the website of your federation. There has been a lot of demand for our magazine. Considering such demand the federation has decided to extend the subscription of the magazine to any individual, any person who needs the magazine. The annual subscription for the magazine would be Rs. 199/- . Because of poor response to the Deemed Conveyance, the Honorable Chief Minister has extended the special drive on Deemed Conveyance till 31st December 2014. All the requested to avail the benefit and get the conveyance of their society. Since this is election month we have tried to create awareness on voting. All are requested to read it carefully and vote judiciously.

You must be availing the benefits of the federation by this time. We would like to have your experience, be it positive or negative, about your experiences with us. This will help us to improve for good. Suggestions and criticisms are most welcome as it will help us to improve on our services.

Please do email us on vasaihousingfederation@gmail.com.

This is my first editorial as a treasurer of the federation, in this respect your valuable inputs are invited at vasaihousingfederation@gmail.com / info@vasaihousingfederation.com.

Those who are yet to become the member of the federation are requested to apply as soon as possible to get the benefit of the free monthly magazine.

Hope you enjoy reading and Vote for India.

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वोट..... क्यों और कैसे डालें

(चुनावी साक्षरता “फ्लैश कार्ड” श्रृंखला - २)

यह “फ्लैश कार्ड” विभिन्न राज्य संसाधन केंद्रों एवं विशेषज्ञों की कार्यशालाओं में तैयार किए गए हैं। इन कार्यशालाओं का आयोजन राज्य संसाधन केंद्र जामिया मिल्लिया इस्लामिया, नई दिल्ली द्वारा किया गया था। हम सभी के सहयोग के आभारी हैं। इन “फ्लैश कार्ड” को साक्षर भारत अभियान के अंतर्गत ‘चुनावी साक्षरता’ के लिए तैयार किया गया है।

संस्कारण : पहला, अगस्त २०१३

प्रतियां : २००

भारत निर्वाण आयोग

एवं राष्ट्रीय साक्षरता मिशन प्राधिकरण, मानव संसाधन विकास मंत्रालय, भारत सरकार के लिए राज्य संसाधन केंद्र, जामिया मिल्लिया इस्लामिया, नई दिल्ली

द्वारा प्रकाशित

मुद्रक:

हर वोट जरूरी है क्योंकि.....

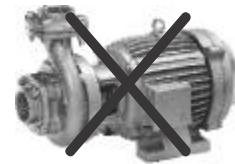
- केवल सरकार को भला-बुरा कहने से उसमें सुधार होने से रहा। मजबूत और साफ-सुथरी सरकार बनाने में योगदान दें। इसके लिए आपका एकलौता वोट भी बहुत जरूरी है।
- देश और जनता के विकास की योजनाएं और सरकार आपके द्वारा चुकाए गए धन से चलती है। इन कामों की जिम्मेदारी सही हाथों में रहे, इसका फैसला आपका एक वोट कर सकता है।
- देश को आजाद करवाने में हजारों लोगों ने अपना सब कुछ कुर्बान कर दिया था। उनका सपना था की देश एक मजबूत लोकतंत्र बने। लोकतंत्र मजबूत हो यह आपका एक वोट तय करता है।
- मतदान करना शान-शौकत की पहचान है। इसलिए वोट जरूर दीजिए।
- मतदान आपका अधिकार है। एक जिम्मेदार नागरिक के नाते मतदान करना आपका कर्तव्य भी है। अपना अधिकार और कर्तव्य जरूर निभाएं।
- मतदान में लोगों की भागीदारी से लोकतंत्र कमजोर होगा। देश को कमजोर न होने दें। बढ-चढ कर मतदान में हिस्सा लें।
- गलत लोग सरकार में होंगे तो सत्ता का दुरुपयोग और भ्रष्टाचार बढेगा। सही और ईमानदार सरकार बनाने में आपका एक वोट भी कारगर साबित होगा।
- सही उम्मीदवार चुन कर अपने देश के लिए प्रेम और कर्तव्य दर्शाए - अपनी मर्जी से वोट डालिए।



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- यह देश भी आपका है और सरकार भी आपकी है। सरकार में भागीदारी निभाने के लिए चुनाव लड़ना जरूरी नहीं हैं, बस चुनाव में वोट डालना जरूरी है।
- लोकतंत्र का त्योहार है
- आज मतदान का वार है



- छोड़कर सारे काम। चलो करें मतदान।।



- मतदान वाले दिन सभी जगह छुट्टी होती है। जानते हैं क्यों ताकी हर कोई मतदान कर सके।

यह करे

मतदान के लिए अपना मतदाता फोटो पहचान पत्र (वोटर कार्ड) या वोटर की पर्ची या कोई और फोटो पहचान पत्र जरूर ले जाएं, जैसे की:

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नोट :

1. राज्यों में मुख्य निर्वाचन अधिकारी चुनाव के समय अपने-अपने राज्यों में मतदान के लिए मान्य पहचान पत्रों की सूची जारी करते हैं। आप इसी सूची का पालन करें।
2. वोट डालने के लिए जरूरी है कि आपका नाम मतदाता सूची में हो।
3. मतदान केन्द्र के बाहर लगी वोटर लिस्ट में अपना नाम देखें।





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याद रखें



- किसी उम्मीदवार या पार्टी से सम्बंधित कोई पर्ची, बिल्ला या बैनर आदि मतदान केन्द्र पर न ले जाएं।
- मतदान केन्द्र पर किसी भी उम्मीदवार के पक्ष में प्रचार-प्रचार करना मना है।
- मतदान केन्द्र पर लाईन में खडे हो जायें और अपनी बारी आने का इंतजार करें।



- मतदान केन्द्र पर महिलाओं के लिए अलग लाईन होती है।

- वृद्ध एवं विकलांगों को वोट डालने में प्राथमिकता दी जाती है।
- लाईन तोड़ कर, धक्क-मुक्की या लडाई- झगडा कर के वोट डालने की कोशिश न करें।
- अपनी बारी आने पर मतदान केन्द्र के अंदर बैठे पहले अधिकारी के पास जाएं। यह अधिकारी अपनी सूची में आपके नाम का मिलान करेगा।



- पहले अधिकारी को अपना मतदाता फोटो पहचान पत्र (वोटर कार्ड) या चुनाव की पर्ची या अन्य फोटो पहचान प दिखाएं।
- अब दूसरे अधिकारी के पास जाएं। वह आपके बाएं हाथ की पहली उंगली पर स्याही का निशान लगाएगा।
- वह आपको एक पर्ची भी देगा।
- यह अधिकारी एक रजिस्टर पर आपके हस्ताक्षर कराएगा। जो मतदाता पढ-लिख नहीं पाते हैं, वो अंगूठे का निशान लगा सकते हैं।



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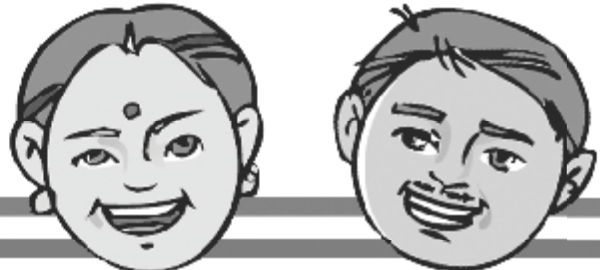
अच्छा है कि आप पढ़ना-लिखना सीखें ताकी आपको अंगूठा न लगाना पड़े। इसलिए साक्षर होना जरूरी है।



- आगे कंट्रोल यूनिट पर तीसरा अधिकारी मिलेगा। यहां दूसरे अधिकारी से मिली पर्ची को जमा कराएं और अपनी उंगली पर लगी स्याही दिखाएं।
- यह अधिकारी आपके वोट के लिए 'कंट्रोल यूनिट' को तैयार करेगा। इसके बाद आप मतदान के लिए मतदान कमरे में जाएंगे।
- यहां करना है मतदान।
- सामने रखी मशीन में उम्मीदवारी के नाम और चुनाव चिन्ह देखें।
- सोचें, समझे और विचार करें। यह तय करें कि वोट किसे देना है।
- अब आती है वोट देने की बारी।

- अपनी पसंद के उम्मीदवार के सामने वाला नीला बटन दवाएं।
- नीला बटन दबाने पर लाल बत्ती चमक उठेगी और आवाज आएगी - "पी...ई...ई...ई..." बस हो गया मतदान। आपने भी दिया लोकतंत्र और विकास में अपना योगदान।
- दृष्टीहीन लोग या जिनको दिखाई नहीं देता, वह मतदान के लिए 9८ साल से अधिक आयु के एक सहायक को साथ ले जा सकता है।
- भारत चुनाव आयोग आपका वोट गुप्त रखेगा।
- किसी को पता नहीं चलेगा कि आपने वोट किसे दिया है।

अधिक जानकारी और सहायता के लिए स्थानीय बूथ लेवल आफिसर या लोक शिक्षा केन्द्र से संपर्क करें।



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आपले आयुष्य आपल्याच हाती

- लोकमत, दि. २३ मार्च २०१४



तीस-चाळीस वर्षे जुन्या इमारतीही कोसळू लागल्या आहेत. यामागचे कारण काय?

आतापर्यंतच्या दुर्घटनांमध्ये १९८० ची बांधकाम पडल्याचे प्रामुख्यात दिसून येईल. त्या काळातील सिमेंट घोटाळा हे एक कारण असले तरी इमारतींमधील रहिवाशांची निष्काळजीही त्यास कारणीभूत ठरत असते. एखादे बांधकाम उभे राहिल्यानंतर त्याच्या देखभालीची गरज नाही, असा लोकांचा समज होतो. परंतु पावसाळा आणि उन्हाळ्याचाही इमारतींवर परिणाम होत असतो. त्यामुळे ३० वर्षांनंतर दर तीन वर्षांनी इमारतींची डागडूजी होणे आवश्यक आहे. दुदैवाने घरातील सजावटीवर १० ते १५ लाख खर्च करणारे रहिवासी इमारतीच्या दुरुस्तीकडे कानाडोळा करतात. पाच काय तर दहा वर्षांमध्येही इमारतींच्या दुरुस्तीकडे लक्ष दिले जात नाही. तसेच इमारतींमधील बेकायदा बदल अशा काही कारणांमुळे कालांतराने इमारतीचा धोका वाढत जातो.

धोकादायक इमारतींना पुर्नविकास जीवदान देऊ शकेल का?

इमारतीचे आयुर्मान साधारणतः शंभर वर्षे असते. इमारत टिकून राहण्यासाठी दर तीन वर्षांनी स्ट्रक्चरल

ऑडिट करून इमारतीची आवश्यक दुरुस्ती होणे गरजेचे आहे. परंतु अनेक ठिकाणी गृहनिर्माण संस्था दुरुस्तीसाठी वर्गणी काढण्यास राजी नसतात. दुरुस्तीचा खरेदी ब-याचवेळा कोटींच्या घरात असल्याने पुर्नविकासाचा मार्ग धरला जातो. परंतु इमारतीचा पुर्नविकास हा दुरुस्तीला पर्याय ठरू शकत नाही. कोणत्याही धोकादायक इमारतींची दुरुस्ती शक्य असून त्याने इमारतीचे आयुष्य आणखी ५० वर्षे वाढू शकते.

पण स्ट्रक्चरल ऑडिटमध्ये सल्लागार पुर्नविकासाचाच सल्ला देत आहेत?

१९६५ मध्ये विकास हक्क हस्तांतरण कायदा आल्यानंतर मं बई त इमारतींच्या पुर्नविकासाचे पेव फुटले. कोटयावधी रूपये दुरुस्तीवर उडविण्यापेक्षा इमारतीचा पुर्नविकास करून अतिरिक्त जागा, सोयी-सुविधा मिळवण्यावरच लोकांचा भर वाढला.

जास्त पैसे कमविण्याच्या हव्यासापोटी सल्लागारही इमारती धोकादायक जाहीर करून मोकळे होत आहेत. साधा स्लॅब कोसळला तरी धोका न पत्करता पालिका संपूर्ण इमारत धोकादायक जाहीर करून ३५४ ची नोटीस पाठवित आहे. परंतु नोटीसीनंतरही दहा-दहा वर्षे इमारती तशाच असल्याची उदाहरणं आहेत.



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सल्ल्यांबाबत संभ्रम, घर सोडण्यास रहिवाशांचा नकार, अशाने धोकादायक इमारतींचा प्रश्न सुटणार कसा?

जुन्या चाळी व इमारतींमध्ये पूर्वी ५०-१०० रूपये घरभाडे असे. त्यामुळे इमारतींची दुरुस्ती घरमालकाला परवडत नसल्याने म्हाडाने पुढाकार घेऊन स्वतंत्र दुरुस्ती मंडळ स्थापन केले. मात्र पैसे नाहीत या सबबीखाली तिथेही पुनर्विकासाला प्रोत्साहन दिले जाऊ लागले.

मात्र धोकादायक इमारतींचा प्रश्न खऱ्या अर्थाने सोडवायचा असल्यास पालिकेने पाठपुरावा करित राहणे गरजेचे आहे. यासाठी मालमत्ता कराराच्या बिलामध्येच स्ट्रक्चर ऑडिटबाबत माहिती मागविणारा रकाना छापवावा ऑडिट कधी केले. त्यानुसार इमारतीची दुरुस्ती झाली का? हे त्यावरून कळेल तसेच पाठपुराव्यासाठी प्रत्येक विभाग कार्यालयात स्वतंत्र अधिकारी नेमण्यात यावा नियमांचे पालन न करणाऱ्यांवर दंडात्मक व पाणी - विजपुरवठा खंडीत करणे अशी करवाई सुरु करावी. अथवा पालिकेने स्वतः धोकादायक इमारतींची दुरुस्ती करून त्याचा खर्च मालमत्ता करामधून वसूल करावा शेवटचा पर्याय म्हाणून इमारतीचा लिलाव करता येऊ शकतो.

आपल्या सुरक्षेसाठी रहिवाशांनी कोणती काळजी घ्यावी?

पालिकेच्या परवानगीशिवाय फॅटमधील खिडक्या, स्नानगृहात बदल सर्वच इमारतींमध्ये होत आहेत. मात्र हे बेकायदा बदल जिवार बेतू शकतात. तळमजाल्यावरील व्यावसायिक गाळ्यांमध्ये पिलर कापल्याने इमारत कोसल्याचे आतापर्यांतच्या दुर्घटनांवरून दिसून आले आहे. मात्र रहिवासीही जागरूक राहून आपला जिव वाचवू शकतात. इमारतीच्या मुळ बांधकामात कोणी बदल करित असल्यास रहिवाशांनी याबाबत पालिकेकडे त्वरित तक्रार करावी.



CA. Ramesh S. Prabhu,
Chairman, MSWA

व्यू अँड व्हिजन

सहा महिन्यापूर्वी डॉक्यार्ड पालिका वसाहतीतील पहाट २१ कुटुंबांच्या आयुष्यात कायमचा अंधकार घेऊन आली. मात्र या दुर्घटनेनंतरही ना प्रशासनाला जाग आली ना मुंबईकरांना. त्यामुळे कधी दहिसरची पीयूष इमारत तर कुठे वाकोल्यातील शंकरलोक कोसळून निष्पाप जिवांचे बळी गेले.

डोक्यावरचे छप्पर हिरावण्याच्या भीतीने जिवाचा धोका पत्करणारे रहिवासी, स्ट्रक्चरल ऑडिटच्या सल्ल्याबाबत संभ्रम आणि प्रशासकीय यंत्रणेची हतबलता... या अडचणीतून बाहेर पडण्याचा मार्ग दाखवित आपल्या आयुष्याची दोरी आपल्याच हाती असल्याचा सल्ला दिला आहे. महाराष्ट्र सोसायटी वेल्फेअर असोसिएशनचे अध्यक्ष रमेश प्रभू यांनी त्यांच्याशी शेफाली परब यांनी केलेली ही बातचीत.

मात्र अशा तक्रारीनंतर अनेकवेळा पालिकेतही पैसे दाबल्यावर बेकायदा कामं खपवून घेतली जातात. तसेच रहिवासी वादात पडणे टाळून मृत्यूला आमंत्रण देत आहेत. आपल्या सुरक्षेची दोरी आपल्याच हाती आहे. त्यामुळे प्रशासकीय यंत्रणेला जागे करण्यासाठी माहिती अधिकारी, रिट याचिका या कायदेशीर मार्गाने दबावतंत्र निर्माण करून नागरिक आपले व आपल्या कुटुंबीयांचे जीव वाचवू शकतात.

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COMPLETION CERTIFICATE OR OCCUPATION CERTIFICATE WILL NOT AFFECT DEEMED CONVEYANCE.

Many societies are under the impression that without occupation certificate or completion certificate, the application for deemed conveyance is not possible. The section 11(3) of MOFA, 1963 which provides for deemed conveyance which has clearly stated that the occupation certificate, if any, has to be submitted. This means that if there is no occupancy certificate, still you may proceed to obtain the deemed conveyance.

M/s. S.D. Darekar Developers and builders filed a writ petition before the Hon'ble High Court stating that the conveyance could not be given due to want of completion certificate. The Hon'ble High Court rejected the reasons given by the developer and confirmed the order of deemed conveyance. Therefore, we request the societies who are not having all the documents should make the application for deemed conveyance and obtain the same. The case law on the same is reproduced hereunder for the benefit of the societies.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION WRIT PETITION NO.4943 OF 2013

M/s. S.D. Darekar Developers and Builders, through Partner, Satish Dagdu Darekar & Ors.Petitioners.
Versus

The Competent Authority and the District Deputy Registrar and Anr.Respondents.

Mr. Siddhartha R. Ronghe, advocate for the Petitioner.

CORAM: RANJIT MORE, J.
DATED: August 29, 2013.

P.C.: Heard learned counsel for the petitioner.

2 By the impugned order, respondent no.1 allowed application of respondent no.2/Society for deemed conveyance and issued certificate to that effect in favour of it.

3 It is the specific contention of the petitioner before this Court and the Competent Authority that, they are ready and willing to convey property in favour of respondent no.2/society but this was not done for want of completion certificate.

Petitioner in all constructed 46 flats and 18 shops along with four parking spaces, which were sold to various persons. Respondent no.2/Society along with proposal annexed Index-2 extracts of the purchasers of 36 flats situated in the said building. In these circumstances, **it is the petitioner's obligation to execute conveyance in favour of respondent no.2/Society, which is formed by the purchasers of said flats.**

4 In the above facts and circumstances, I am not inclined to interfere with the impugned order in writ jurisdiction of this Court under Article 227 of the Constitution of India.

The Petition is, therefore, dismissed.
(RANJIT MORE, J.)

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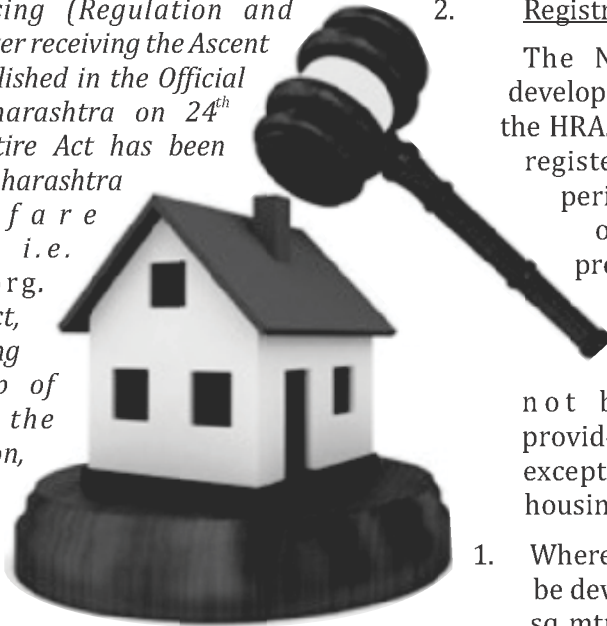
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HOUSING ACT 2012, FEATURES

The Maharashtra Housing (Regulation and Development) Act, 2012 after receiving the Assent of President of India, published in the Official Gazette of Govt of Maharashtra on 24th February 2014. The entire Act has been uploaded on website of Maharashtra Societies Welfare Association (MSWA) i.e. www.mswahousing.org. Maharashtra Housing Act, 2012 will replace the existing Maharashtra Ownership of Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act, 1963 ("the MOFA"). The MOFA had envisaged to regulate the promotion of construction, sale, management and transfer of flats but has not given the flat purchasers an effective implementing arm, which is now envisioned in the HRA.



Salient Features of the Act:

1. Establishment of the Housing Regulatory Authority and the Housing Appellate Tribunal:

The Housing Act, 2012 proposes to establish the HRA and the HAT. The main functions of HRA would be to ensure compliance of obligations of the promoters, to ensure effective implementations of the penal provisions imposed, to maintain records of all housing projects and to take all possible measures for the growth and promotion for healthy, transparent, efficient and competitive real estate market in the State of Maharashtra. The HRA has been empowered to hear and adjudicate complaints and disputes and pass reasoned orders. The HAT is the appellate tribunal established to hear and dispose of appeals against any direction, decision or order of the HRA. Both HRA and HAT for the purpose of discharging its functions under the New Act, shall have the same powers of a civil court under the Civil Procedure Code 1908. The Maharashtra Housing Actl excludes the jurisdiction of the civil court in such matters.

2. Registration Process:

The New Actl requires every developer to register his project with the HRA. Also, the HRA shall have to register such project within a period of 7 days from the receipt of an application from the promoter. The registration has been made mandatory even to ongoing projects where occupation certificate has not been granted. The Actl provides for the following four exceptions to registration of a housing project with the HRA:

1. Where the area of land proposed to be developed does not exceed 250 sq. mtrs.;
2. When the total number of flats is not less than five;
3. Where the promoter has received occupation certificate prior to the coming into force of the relevant section; and
4. Where the project is a renovation, repairs, reconstruction or redevelopment project which does not involve fresh or new allotment or marketing of flats.

3. Extensive Responsibilities and or Restrictions on the Promoter:

The MOFA provides for various responsibilities and restrictions on the promoter of a housing project. The New Act has provided for additional and more stringent provisions as regards the responsibilities, disclosures and restrictions on the promoter. A few of the important newly added provisions are listed below:

- a. The concept of dual ownership is proposed to be introduced by requiring the promoter to convey the buildings in a layout to legal entities of the flat purchasers and to convey the land to the Apex Body or Federation which shall manage and administer the common areas and facilities in the layout.
- b. The promoter shall not be entitled to market

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Mr. Prajakt Patil (Architect), **Mr. Harshal Patil** (MCGM License Surveyor & Civil Engineer),

Mr. Khalid Barudgar (Architect), **Mr. Samir Sayyed** (B. E. Civil from VJTI), **M. Tech Structures** (IIT Mumbai)

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any housing project or offer flats for sale or accept advances for such sale before registering the project as prescribed.

- c. The promoter shall have to disclose extensive details of the housing project by uploading on the website maintained by HRA such as the details as regards title to the land, the architect/ contractor for the project, size of plots, layout plan, carpet areas, Floor Surface Index (FSI), Transfer of Development Rights (TDR), details of the Builders Enterprise etc. Further, where the land is owned by another person, the Developer would be required to disclose registered copies of the Power of Attorney (POA) or Agreement under which the development rights have been granted.
- d. The promoter shall have to take measures for the protection and safety of the property against natural calamities in accordance with the Building bye-laws and building code.
- e. The promoter is prevented from handing over possession of the flats without obtaining occupation or completion certificate.
- f. The promoter shall maintain building wise separate account(s) in any bank for taking advance or deposit from flat purchasers in respect of such building(s) and such account(s) may be required to be audited by a Chartered Accountant.
- g. The promoter shall have to allot fixed parking spaces to the flat purchasers and no parking spaces shall be allotted in the minimum open space.
- h. When the project involves construction of more than one building or development of huge tract of land ("layout"), the promoter has been permitted to amend, modify and vary the layout including recreation ground, park,

garden, etc. in accordance with the prevailing laws for utilizing the full development potential available.

- I The promoter shall have to form a society or other legal entity of flat purchasers in a building within four months from obtaining occupation certificate or minimum sixty per cent of flat purchasers have taken possession or the promoter has received full consideration and other amounts for the same, whichever is earlier.
- j. The promoter shall have to convey the building in favour of the legal entity of the flat purchasers within four months from its formation.

4. Penalties

The New Act contains provisions to curb malpractices by imposing penalties on builders contravening its provisions. These include penalties for non registration by the promoter, failure to enter details on the website by the promoter, failure to give possession within a specified time etc. The New Act also contains penalties for persons who fail to comply with the directions of the HRA or the HAT. The aforementioned penalties range from INR 50,000 to INR 1,00,00,000.

5. Applicability:

HRA will be made applicable to the whole of the State of Maharashtra. It is however restricted in its scope to private developers and does not include within its fold government bodies such as the Maharashtra Housing and Area Development Authority ("MHADA"), SRA, CIDCO and also Redevelopment of old Buildings.

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



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OBTAIN DEEMED CONVEYANCE AT THE EARLIEST TO AVOID DISPUTES UNDER MAHARASHTRA HOUSING ACT, 2012 WHICH PROVIDES ONLY FOR CONVEYANCE OF BUILDING WITH FSI RIGHTS.

The Maharashtra Housing (Regulation and Development) Act, 2012 after receiving the Ascent of President of India, published in the Official Gazette of Govt of Maharashtra on 24th February 2014. The entire Act has been uploaded on website of Vasai Taluka Housing Federation (VTHF) Website i.e. www.vasaihousingfederation.com Maharashtra Housing Act, 2012 will replace the existing Maharashtra Ownership of Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act, 1963 ("the MOFA").

Under Maharashtra Housing Act, 2012, the conveyance in the case of layout has provided only for the structure in the building till the entire layout is developed and further the conveyance of land shall be given to the Federation. In the case of MOFA, 1963, the conveyance as per the various decided cases is required to be given to the society of the land and building even, if the societies are in a layout. Once the new Act gets implemented which is expected to happen in six months time, the societies in a layout will find it difficult to get conveyance of their land till entire layout is developed. It is always possible that the developer shall keep a portion of the land undeveloped, so that he is not required to convey the land to the societies or to the Federation till the same is fully developed.

Therefore, the societies are advised to take up the matter of conveyance at the earliest under MOFA, 1963 before they lose the great opportunities. In order to get more information on the same, MSWA has trained few consultants who will visit your society to guide you to avail the benefit of deemed conveyance prevailing under MOFA and get the ownership of the land and building at the earliest.

Let us go through the provisions of conveyance and deemed conveyance under the new Act. Section 19 of the New Act provides for conveyance of land and building in favour of the society under different circumstances.

1. Conveyance in case of one building or one society in a plot:

Section 19(1) provides for the situation where there is only one building or one society is registered in the entire plot, the conveyance of land and building has to be given to the society within four months of its registration and if the promoter fails to convey the same, the legal entity can apply for deemed conveyance as provided under sub-section 19(4) of the Act. The provision under sub-section 19(1) is available on the Website : www.mswahousing.org



Adv. Runal Falcao

2. Conveyance in case of layout where there many buildings and different societies are registered to manage their respective buildings:

Section 19(2) and 19(3) provides for the conveyance in case of big layout where there are two or more buildings and two or more societies are registered. It is provided that till the time entire layout out is not developed, the societies registered in the layout out will get the conveyance of structure of the building with a portion of land as provided in the agreement (i.e. beneath the building with minimum open space as required under Development Control Rules) and the land will be conveyed to the Federation only after the entire layout is developed. The provision of the same is available on the Website : www.mswahousing.org

3. Deemed Conveyance provision if the promoter fails to convey the land and building:

Section 19(4) to 19(6) of the new Act provides for deemed conveyance. After the expiry of four months from the date of registration of the society, if the promoter fails to convey the building in case of layout and land and building, in a case of single plot

society to the respective societies, a deemed conveyance application can be made by the societies. Under MOFA, 1963, there was no provision for appeal in the case of deemed conveyance. Now the appellate Authority is also provided in the case of deemed conveyance. Thereafter, as provided under Constitution, the aggrieved parties can file a writ petition before the Hon'ble High Court or the Supreme Court in the matter. Provisions made in the new Act are available on the Website : www.mswahousing.org

4. **Redevelopment by a societies in case of layout when the layout is not entirely developed by the promoter:**

As per the provision under section 19(7) of the New Act, in the case of layout only the Building is conveyed along with the portion of land as may be specified by the promoter in the agreement. It is provided in the new Act that in case the entire layout is not conveyed by the promoter to the Federation due to balance development potential retained by the promoter, the societies which have received the deemed conveyance may proceed to redevelop the building without required to take permission from the Promoter. The entire provision of section 19(7) is available on the Website : www.mswahousing.org

5. **Benefit of increase in FSI/ TDR potential in the case of layout:**

As per the provision under section 19(8) of the New Act, in the case of layout only the Building is conveyed or deemed conveyance is obtained along with the portion of land as may be specified by the promoter in the agreement, any increase in the FSI/TDR thereafter will go to the respective societies. It is provided in the new Act that in case the entire layout is not conveyed by the promoter to the Federation due to balance development potential retained by the promoter, the societies which have received the Conveyance or deemed conveyance will only be entitled to receive the increased FSI/TDR in proportion to FSI/TDR consumed for their respective buildings at the time

of granting conveyance to them. In other words, at the time of obtaining the conveyance in the case of layout plot, the societies will have to make a reference of the FSI/TDR potential as per the approved plan on the date of conveyance, so that any increase in FSI/TDR thereafter can be claimed by the respective societies. The entire provision of section 19(8) is available on the Website : www.mswahousing.org

6. **In case of a layout, ownership of land will be with the Federation and ownership of the building will be with respective societies.**

For the purpose of clarity, section 19(9) has been made. It is clarified that in the layout Federation will manage the common areas and Federation shall not have ownership of the buildings. As provided earlier, in case of layout even if conveyance of land is given to the Federation, if one of the societies in a layout would like to go for redevelopment, the same is possible, even without the consent of the Federation as the Federation will not have any right, title and interest of the building. This further means any increase in FSI/TDR in the layout shall be in favour of the respective societies. The entire provision is available on the Website : www.mswahousing.org

7. **Conclusion:**

Considering the same to be new law, the clarity will come only after the same is tested in the court of law. Therefore, we request the societies to go for deemed conveyance under the existing provision of MOFA, 1963. In order to facilitate your societies to get the deemed conveyance at the earliest, consultants are trained by VTHF and you may invite the consultants to your society door step by registering your society name with your association by calling on 6457596 or by sending an email to vasaihousingfederation@gmail.com

**For Any Details, Queries & Circular Regarding Housing Societies Visit Association
Website : www.vasaihousingfederation.com or
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TYPES OF FSI FOR REDEVELOPMENT IN MUMBAI

In Mumbai, various types of Land is available and depending on its use and Locations, the Govt. has allotted different types of FSI's for its Development. The future of redevelopment in Mumbai city is very bright since there are constraints on the availability of open land within the city and suburban limits coupled with fast growing demand for houses and shortage of housing stock.

The term FSI means Floor Space Index. FSI has been defined under the Regulations to mean the quotient of the ratio of the combined gross floor area of all floors in a building to the total area of the plot. However, the areas which are specifically exempted under the Regulations are excluded from the computation of the FSI. Thus, FSI would be computed as under:

Hence, the FSI quotient denotes the total constructed area which is possible on a given plot of land. For instance, if the area of a plot of land is 100 square meters and the prevailing FSI quotient for that area is 1.33, then the total possible constructed area on that plot would be 1,330 square meters.

The DC Regulations divide Mumbai into different zones such as residential, commercial, industrial, educational, etc. The maximum permissible FSI earmarked for some of the areas in Mumbai are as under :

No. Area and type of Occupancy FSI permissible

1. Residential Zone & Commercial Zone
 - (a) Island City of Mumbai (i.e., from South Mumbai to Mahim) 1.33
 - (b) Suburbs Ranges from 0.5 to 1.00
2. Service Industrial Zone 1.00
3. Educational Buildings, Medical Institutions and Institutional Buildings
 - (a) Island City of Mumbai (i.e., from South Mumbai to Mahim) 1.33
 - (b) Suburbs 1.00

Note off late FSI in Suburbs have Changed Up till 1.5

In the In following cases, certain additional FSI is allowed :

Road widening & construction

of new roads : BMC would allow additional FSI on 100% of the area required for the roads if the owner of the land surrenders it free of compensation to the BMC.

Educational / Medical / Institutional Buildings :

BMC may permit additional FSI for such buildings subject to the terms and conditions specified by the BMC in this regard.

Hotels : FSI can be exceeded by starred category of residential hotels in accordance with the terms and conditions specified by the BMC in this regard.

MHADA Schemes : Low-cost housing schemes, for the economically weaker sections of the society, developed by the Maharashtra Housing and Area Development Authority are also eligible for additional FSI over and above those specified in the table.

Cessed Buildings : For the reconstruction of cessed buildings located in the Island City, the FSI available is as high as 2.5 on the gross plot area. A cessed building means a heritage building, etc. Similarly for repairs of cessed buildings and Urban Renewal Schemes undertaken by MHADA the FSI shall extend upto the area required for rehabilitation of the occupiers.

Slum redevelopment scheme : For redevelopment of slums, pavements, construction of transit camp tenements, etc. additional FSI is allowed subject to the terms and conditions specified in this regard.

Software Buildings: BMC may permit the maximum permissible FSI to be exceeded by buildings on plots of Information Technology establishments set up by Public Bodies such as MHADA, SEEPZ, SICOM, etc. or their joint ventures.

SUMMARY

- 1) Private Land DCR 33 (5) – 2.7 is the available total FSI
- 2) MHADA 33 (7) - 4.05 is the available total FSI
- 3) Cess 33 (9) - 4.05 is the available total FSI
- 4) SRA 33 (14) - 4.05 is the available total FSI



Vinod T. Harisingani

- 5) SRA 33 (14) (d) - $2.5 + 1.35 = 3.5$ is the available total FSI
- 6) CRZ I - 1.33 (500 mtrs from Mangroves) No additional FSI
- 7) CRZ II - 1.33 (300 mtrs from Mangroves) No additional FSI
- 8) CRZ III - 1.33 Beach touching - No additional FSI
- 9) CRZ Cess - 3 is the total FSI available
- 10) Heritage FSI - Property worth value can be used in Suburbs
- 11) Collector Land - Category A - 2.7 FSI + sharing with Collector Category B - 2.7 FSI + sharing with Collector Category C - 2.7 FSI + NOC charges from Collector
- 12) Normal Bldgs. In Suburbs - $(1.33 + 0.67 \text{ TDR}) = 2 \times 0.35 = 2.7$
- 13) Normal Bldgs. In South Mumbai - 1.33 (Mahim to Colaba)
- 14) Cluster Redevelopment in Suburbs - (Plot area more than 10,000 Sqmt.)
- 15) Cluster Redevelopment in South Mumbai - (Plot area more than 4,000 Sqmt.)
- 16) In South Mumbai before 1969 - 3 to 4 FSI available depending on location.

Mr. Vinod T. Harisingani (M.Tech - Civil) having 25 years experience is an expert in Redevelopment & Major Structural Repairs and intricate Waterproofing techniques as problems and remedies differ in many and all complicated situations.

He may be contacted on his personal **Mobile No.: 9920432777** - Please SMS also with your query and problems so he can answer and get back to your questions with solutions.

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- Guiding society for amenities, add area, corpous fund etc.
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- Scrutinising all property paper before handover to society.



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NOW DEEMED CONVEYANCE THROUGH ONLINE

Office of the Competent Authority
Under section SA of the Maharashtra Ownership Flats Act, 1.963 and
District Deputy Registrar, Co-operative Societies, Mumbai City (3)
MHADA Building, Ground Floor, Room No. 69, Bandra (E), Mumbai – 400 051

NOTICE

All Co-operative Housing Societies in Mumbai Suburban District-3 (HE ward, HW ward, KE ward and KW ward) are hereby informed that, from 13.03.2014, applications and documents for Deemed Conveyance will be accepted online. Further all Co-operative Housing Societies are hereby informed that, before applying online for Deemed Conveyance, it is mandatory to register the societies online by filing all the required information and validate the same from concerned Assistant Registrar/ Deputy Registrar. District Deputy Registrar. For information and guidance regarding online registration anti validation, all societies are instructed to contact concerned Assistant Registrar/ Deputy Registrar/ District Deputy Registrar,

The address of website is as under- <https://mabasahakar.maharashtra.gov.in>

Sd/-

The Competent Authority
Under section SA of the MOFA 1963 and
District Deputy Registrar, Co-operative Societies, Mumbai City (3)

Online Deemed Conveyance Management System

Process Overview



Key Phases

Phase 1 : Application

- Validated Society can apply for Deemed Conveyance
- All case documents and details could be uploaded online

Phase 2 : Scrutiny

- Competent Authority/DDR review the applications
- Request information by generating FORM 8 Online
- Society modifies or provides the requested information
- Application is accepted after scrutiny

Phase 3: Hearing and Scheduling

- Case number is generated online
- CA/DDR schedule the hearing and generate form 10 automatically
- Hearing notes (Roznama) is uploaded online by DDR/CA
- Stakeholder can track application online.

Phase 4: Publish Order

- CA/DDR publish the final order on successful closure of case.

Step by Step Guide

- Apply Online for Deemed Conveyance
- Checklist :
 - Society is enrolled online on MahaSahakar website
 - Society is Validated by Concerned Registrars (AR/DR)
 - Case related documents are scanned and saved on PC

Phase 1 : Online Application

Step 1 : Go to Mahasahakar Website (<https://mahasahakar.Maharashtra.gov.in>)

Step 2: Go to Login Screen

Step 3 : Login with Society Credentials

Step 4 : Click on Deemed Conveyance Link

Phase 1 : Online Application

Step 5 : Fill the case details under following sections :

- a) Applicant Details
- b) Unit and Society Bank Details
- c) Property Details
- d) Land Owner Details
- e) Developer Details
- f) Case Documents
- g) Case Applications

Step 6 : Make Payment

- Fill Applicant Details
- Fill Unit and Bank Details
- Fill Property Details
- Fill Land Owner Details

Upload Case Documents

- a) Municipality Records
- b) Revenue Records
- c) Society Records
- d) Applicant Records

• Upload Case Application

• Enter Case Remarks

- a) Read the Declaration
- b) Click on Proceed

Step 6: Make Payment

a) Choose Payment Mode :

I. Using GRAS Online Payment :

1. Go GRAS Website
2. Make Payment
3. Download Receipt
4. Upload receipt

II. Using GRAS Over the Counter Method

Payment :

1. Go Listed bank
2. Make Payment
3. Collect receipt from bank
4. Scan and Upload receipt in the system

Step 6: Make Payment

a) Choose Payment Mode :

I. Using Court fees Payment :

1. Scan and upload the court fees document

II. Using Payment gateway:

1. Choose the payment gateway
2. Make the required payment

3. Charges Applicable

Step 7: View Case Summary and Review the application

Step 8 : Generate Form 7 is also available online

Step 9 : Download Form 7

Step 10: Click APPLY and Submit the application

For Detail User Manual

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MATTER PENDING BEFORE THE CONSUMER COURT WILL NOT COME IN THE WAY OF DECIDING THE DEEMED CONVEYANCE APPLICATION.

The Deonar Avanti Coop Hsg Scty Ltd filed an application for deemed conveyance even though they had filed an application before the consumer court for obtain the conveyance against the builder. The matter was taken up by the Competent Authority for hearing and the application was closed for order. When the society requested to issue the order, the competent Authority expressed their inability to do so due to the pending application before the consumer court by its letter dated 19.1.2013. A writ petition before the Hon'ble High Court was filed against the Competent Authority for not passing the order due to the pending matter before the consumer Court.

The Hon'ble High Court held that since the District Deputy Registrar is ceased with the proceedings relating to the application for deemed conveyance, it would have been appropriate for him to pass an order in the proceedings rather than inform the Petitioners Society by a communication/letter from his office. Hence notwithstanding the said letter, the District Deputy Registrar would take up for consideration the application made by the Petitioners Society dated 21.1.2013 and pass appropriate orders thereon after hearing the parties. Hon'ble High court further held that since the proceedings before the District Deputy Registrar are one under Section 11(1) of the MOFA, 1961, the District Deputy Registrar to pass an order on the application dated 21.1.2013 in accordance with law dealing with the contentions raised by the parties. Hon'ble High Court further stated in its order that **"Needless to state that the letter dated 19.1.2013 would not come either in the way of the Petitioner Society or the other parties at the hearing of the said application."**

Thus it can be concluded that the prayer before the consumer court is an additional remedy available to the consumers or societies and is not a substitute for the provision of deemed conveyance made in the Maharashtra

Ownership Flats Act, 1963. Therefore, the societies who have already filed cases in the consumer court will be in a position to proceed before the competent Authority for deemed conveyance without withdrawing the petition pending before the consumer court. In case, the competent Authority grants the conveyance, the same may be informed to the consumer court and if the it is refused by the competent authority, the societies will be able to get the same tried at the Consumer Court. This is s big boon to the Housing Societies who have already filed the cases in the Consumer court before the deemed conveyance provision could be implemented. We request the societies to proceed under deemed conveyance as it will be available till the new Housing Act, 2012 is implemented by the State Govt in next 6 months to 12 months time. Maharashtra Societies Welfare Association has trained group of consultants to visit the societies and give the information about the deemed conveyance, so that every society will be able to get the deemed conveyance executed in their favour.

The entire judgment is reproduced hereunder for the benefit of the societies to decide in the matter.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5107 OF 2013**

**The Deonar Avanti Coop
Hsg Scty Ltd. ...Petitioners
Vs.**

**The State of Maharashtra & Ors ...Respondents
Mr. Manohar Shetty for the Petitioners**

**Mr. S.D.Rayrikar AGP for the Respondent Nos.1
and 2**

**Mr. Dharam Jumani i/b Mr. V.C.Sampat for the
Respondent No.3**

Mr. P. G. Ganwani with Ms Sonia Putta i/b M/s.

**Solomon & Co. for
Respondent No.4
CORAM : R. M. SAVANT, J.
DATE : 24th FEBRUARY 2014
P.C.**

1 The Petitioner is a Cooperative Housing Society which has applied for deemed conveyance under Section 11(1) of the Maharashtra Ownership of Flats Act, 1963. The said application is as yet pending. The Petitioners Society has approached this Court by way of the above Writ Petition against the letter dated 19.1.2013 addressed to it by the District Deputy Registrar before whom the proceedings are pending. **By the said letter, the District Deputy Registrar has informed the Petitioner Society that though the matter regarding deemed conveyance is closed for orders he cannot presently pass orders in view of the fact that case No.352 of 2011 filed by the Respondent No.3 herein is pending before the Consumer Court.** The said letter dated 19.1. 2013 is in reply to the Petitioner Society's letter dated 8.1.2013.

2 It appears that the Petitioners society thereafter has made an application on 21.1. 2013 requesting the District Deputy Registrar to pass an order on its application, in view of the fact that the hearing is complete. Since the District Deputy Registrar is ceased with the proceedings relating to the application for deemed conveyance, it would have been appropriate for him to pass an order in the proceedings rather than inform the Petitioners Society by a communication/letter from his office. Hence notwithstanding the said letter, the District Deputy Registrar would take up for consideration the application made by the Petitioners Society dated 21.1.2013 and pass appropriate orders thereon after hearing the parties.

3 The Learned Counsel for the Respondent No.3 who is not a party to the application states that he had already filed an application for intervention in the said proceedings. The said application may also be considered by the District Deputy Registrar and if the application is allowed the Respondent No.3 may also be heard. The developer i.e. the Respondent No.4 herein has already been given a notice of the proceedings for deemed conveyance, he may also be heard by the District Deputy

Registrar before he takes a decision on the application dated 21.1.2013. Since the proceedings before the District Deputy Registrar are one under Section 11(1) of the MOFA, 1961, the District Deputy Registrar to pass an order on the application dated 21.1.2013 in accordance with law dealing with the contentions raised by the parties.

4 Needless to state that the letter dated 19.1.2013 would not come either in the way of the Petitioner Society or the other parties at the hearing of the said application. The parties to appear before the Deputy District Registrar on 3.3.2014 at 3.00 p.m. The District Deputy Registrar to pass appropriate orders in accordance with law by 30.4.2014. With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]

For Detail Deemed Conveyance Judgment & for Queries Please logon to www.mswahousing.org

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**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- / /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 :-

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Pin code
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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 ontowards 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, 2014. Reference no.

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/(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			

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BS - 06	Registration of Housing Society	₹ 120	₹ 100
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Editor, Printed, Published & Owned By: Mr. V. Viswanathan

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