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Vasai Taluka

Housing
Federation

April 2019

VOL.09 Issue 01

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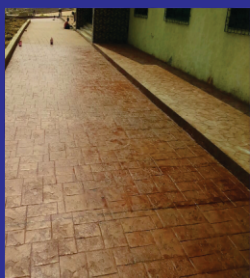
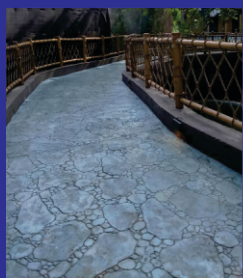
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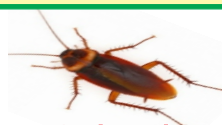
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- Hydro Pneumatic System • Deals In Stainless Steel Water Pumps V-4", V-6"
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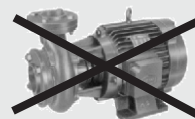
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EDITORIAL



सचिव
श्री. वि. विष्णुनाथन

Dear Readers,
Seasons' Greetings &
Wish You a Happy Gudi Padwa!

Dear Members,

At the outset, I wish you a Happy Financial Year, which begins from 1st April, 2019. On the eve of the auspicious Gudi Padwa day, many new flat purchasers may enter into their new vastu. I wish them all success in their life & request them to enroll for membership of the VTHF, the organization which is with you all the time for any solution, help related to society matters and get acquainted and be updated about any changes in the co-operative law.

All of you are aware that the Government has promulgated an Ordinance to amend the MCS Act, 1960 which is called the Maharashtra Co-operative Societies (Amendment) Ordinance, 2019 on dated the 9th March 2019 and it has to be in force at once. This Ordinance paves the way for the Separate Chapter on Co-operative Housing Societies, which is a long pending demand of the members of the Co-operative Housing Societies.

Though the ordinance came into force at once, still the department has not made the rules accordingly, there is confusion among the members of the housing societies relating to this ordinance. The working of the housing societies may come to a standstill, but I assure you that the department will come with the revised rules at an earliest. The proposed Chapter, among other things, has catered primarily to the issues of the co-operative housing societies viz. members and their rights, management of societies, audit, enquiry & inspection, settlement of disputes, liquidation, elections of societies, recovery of claims etc. I shall explain to you the reason this second ordinance came within a span of six months. The first ordinance was promulgated on the 30th October, 2018.

Continue on Page No. 12

MOST IMPORTANT

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Views expressed in this Magazine are of the authors & VTHF is not Responsible for its Contents. Circulate among Friends and other members of the Society

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Exposure Draft of Chapter – 3 on **SELF REDEVELOPMENT**

Exposure Draft of Chapter 3 on Self Redevelopment
Manual Prepared by Self Redevelopment Study Group
of MahaSeWA Chaired by **Hon'ble Shri SUBHASH S LALLA**, IAS, Former Principal Secretary to Chief Minister
of Maharashtra and **Co-chaired by Hon'ble Shri Chandrakant Dalvi, IAS**, Former Commissioner,
Co-operation and Registrar, Co-operative Societies.



SELF REDEVELOPMENT AND ITS ADVANTAGES & RISKS

Hon'ble Shri SUBHASH S
LALLA, IAS,
Study Group Chairman

Hon'ble Shri Chandrakant
Dalvi, IAS,
Study Group Co-Chairman



The Readers are also requested to give their suggestions on this draft of Chapter – 3 of Manual.
Please E-mail your Suggestions on - rsrabhu13@gmail.com or Call on 022 - 4255 1414 / 32.

1) MEANING OF SELF-REDEVELOPMENT

A prime question that arise right at the very thought of redevelopment is whether the society can itself undertake the activity. The answer is affirmative, if the society is dominated by members who can devote their time and energy to oversee the redevelopment work. Of course it is easier if the society has at least one Civil Engineer or some members who understand something about construction and managing people.

In the case of Self Redevelopment, society itself takes up to play the role of the Developer by appointing the best Architect/Project Management Consultants, who take the responsibility of arranging the required finance and the best contractors, it could yield the best returns in the interest of all the Society members. The guidance in this respect also can be availed from the Redevelopment Study group formed by the Maharashtra Societies Welfare Association (MahaSeWA);

- a) Documentation and paper work generation without much hassle.
- b) Employment of Professionals of the best cadre.
- c) Achievement of a thorough quality control.
- d) Easy possibility of procuring Conveyance, OC & Approved Plan.
- e) Own choice of Architecture and Design

In case of self-redevelopment the society has to appoint a Construction Company or a Contractor for redevelopment. For this purpose an agreement has to be executed. Such agreement is known as the '**CONSTRUCTION Agreement**'.

It is the basis of the redevelopment project and should be drafted meticulously keeping in mind the safety and advantages to be derived with mutual benefits. The original members could demand compensation in the form of extra space, compensation in cash or both in certain cases. It depends upon the kind of project to be undertaken.

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- 2) PRE-REQUISITE FOR SELF-REDEVELOPMENT**
- 3) CAPITAL REQUIREMENTS**
- 4) APPOINTMENT OF PROJECT MANAGEMENT CONSULTANT:**
- 5) SELF-REDEVELOPMENT – MERITS & DEMERITS**

a) ADVANTAGES OF SELF REDEVELOPMENT.

1. Corpus Fund could be achieved which would take care of their share (original members) of the maintenance cost of the premises. Otherwise this amount could be utilized for other purposes as per the decision of each individual member.
2. Apart from the additional 100 to 200 sq feet that one would get as compensation from the developer. If any of the family requires additional accommodation in the same building, it can be achieved by purchasing additional flat from the society at a discounted price. This would enable the family to live in the same vicinity.
3. The trend of building huge complexes and high rise apartments or 'towers' as they are called have lifts installed which not only carry the people from bottom to the top, but in some cases there are lifts that transport the vehicle owned by the rich and famous to their houses situated on the upper floors.
4. Modern amenities and electronic gadgets are being widely used making life more luxurious and safe. Modern gadgets such as Close in Circuit Cameras, Intercom systems, Smoke Detectors, Fire Fighting Alarm System, Metal Detectors etc.
5. These complexes and towers have excellent stilt or sometimes underground parking facilities which eases the traffic congestion in the society premises. This not only saves precious space but also ensures discipline traffic flow in the society premises.
6. Finally self-redevelopment yields the best returns in the interest of all the society members like-

- a) Documentation and paper work could be generated without much hassle.
- b) Professionals of the best cadre could be employed.
- c) A thorough quality control could be achieved.
- d) Procuring Conveyance, OC & Approved Plan would be more easily possible.
- e) Your choice of architecture and design.

7. There could be many more advantages and benefits that one can derive from self-redevelopment like-

- Bigger room sizes; and Larger toilets;
- Attached bathroom in bedrooms;
- Concealed plumbing and electrical lines;
- Better planned and designed flats;
- Proper decorative entrance lobby;
- Proper playing ground for children;
- Availability of modern elevators;
- Earthquake-resistant structure.

b) DISADVANTAGES/ RISKS OF SELF REDEVELOPMENT.

There are also a few of the Disadvantages/ Risks that we need to mention for your ready reference. Redevelopment project should always be carried out with a lot of caution as one single mistake could land the members in serious trouble. Also certain issues need to be tackled so as to avoid discomfort for the members of the society. To name a few-

1. The Development Agreement that forms the basis of a "Redevelopment Project" is required to be drafted by a professional keeping in mind the safety and security of all the members. Any lacuna in the preparation of this deed would result in a great loss for the members who are eligible to many perks in consideration of giving the permission for this project.
2. For a considerable period of time you are required to hunt for accommodation which disrupt your age old routine.
3. Residential Complexes if converted into Commercial Complex are seldom preferred for housing purposes and family dwelling.

STRUCTURAL AUDIT OF BUILDINGS ----- Save life Save Property...



Faulty design, Load on structure,
poor construction quality Internal
and external forces



UV rays
Chemicals
Vandalism

Fire
Moisture
Modification in structure



Beam crack



Exposed slab



Leakage Issues



Column Crack

Purpose of Structural Audit

- To save human life and buildings.
- To understand the condition of building.
- To find critical areas to repair immediately, like damages, corrosion
- To comply with statutory requirements.
- To enhance life cycle of building by suggesting preventive and corrective measures like repairs and retrofitting.

Bye-Laws of Cooperative Housing Societies

As per clause No.77 of revised model
Bye- Laws of Cooperative Housing Societies:

1. For building aging between 15 to 30 years once in 5 years
2. For building aging above 30 years once in 3 years
3. As per municipality-it is mandatory for building aging 30 year +.

Advantages of Structural Audit

- To know the health of the building and to protect / project the expected future life.
- To proactively assist the residents and the society to understand the seriousness of the problems and the urgency required to attend the same.
- We have BMC, TMC, PMC, NMMC licensed Structural Engineers.
- Cost on audit saves you in lakhs during repairs.
- It fulfills legal compliance requirements.

Methodology of Structural Audit

Inspection

1. Inspection of all the elements of structures like column, beam & slab.
2. Inspection of overall building and surrounding including each and every flat.

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1. Schmidt rebound hammer testing
2. Ultrasonic pulse velocity testing
3. Cover meter testing
4. Half-cell potentiometer testing
5. Carbonation
6. Core study & Chemical test

Report

A report of the results of an inspection and NDT of a building shall comprise

- (a) a detailed description of the visual inspection and any full structural investigation of the building conducted by the structural engineer;
- (b) analyses of observations and every test conducted in the course of any full structural investigation of the building; &
- (c) recommendations by the structural engineer as to such building works as are necessary to ensure the structural stability or integrity of the building.

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4. Additional new members would take a longer time to gel with the original members, resulting in disputes on various issues.
5. Additional members will require extra consumption of water creating scarcity or shortage of available water supply.
6. Additional vehicles need extra space.
7. New constructions loaded with all kinds of modern amenities, which in turn increase the cost of maintenance to be paid to the society.
8. The tax burden is high and in case the OC is not procured, then the BMC Charges and Water Charges are very high.
9. Increase in property tax.
10. Additional area purchased is at current market value, which attracts Stamp duty and Registration charges.

c) CONCLUSION AND WAY FORWARD:

Redevelopment project has its own advantages/ disadvantages. Generally the perception is that any kind of a construction activity is not possible to be undertaken by the public in general. Yet although you need to employ the services of experts and skilled professionals, if teamwork is carried out with a crystal clear understanding and Co-operation the society can itself take up the redevelopment issue.

Continued from page no. 06

To convert the said Ordinance into Act the Bill has to be brought in the Assembly within six months. Accordingly, the Maharashtra Co-operative Societies (Third Amendment) Bill, 2018 was introduced in the Maharashtra Legislative Assembly on the 22nd November 2018. But members of the Legislative Assembly wanted more discussion on that, and the said Bill is pending in the Maharashtra Legislative Assembly. With a view to ensure that the said provisions are effected immediately, it is considered expedient to amend the Maharashtra Co-operative Societies Act, 1960, urgently and as both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Co-operative Societies Act, 1960, for the purpose aforesaid, this Order is promulgated.

You are aware that the Government of Maharashtra has appointed a committee under the Chairmanship of Addl. Chief Secretary, Housing Department to recommend Government how the self re-development of the old and dilapidated buildings in the State would be feasible.

Our organization has already formed a study group under the Chairmanship of Hon.'ble Shri Subhash Lalla, IAS, retired Principle

Secretary to the Chief Minister, Maharashtra State, & Vice Chairman Hon'ble Shri Chandrakant Dalvi, IAS, retired Commissioner, Co-operation & Registrar, Co-operative Societies, and other members of the Study Group are retired Government Pleader, Solicitors, Advocates, Architects, Engineers, C.A.s, experts from financial institutions, retired Jt. Secretaries, Dy. Secretaries etc. Study Group has almost finalized its report and very soon would it be handed over to the Government of Maharashtra.

Municipal Corporation of Greater Mumbai has decided to exempt the flats having 500 sq. ft. or less carpet area from the net of the property tax and also decided that the society may pay the property tax by exempting unsold flats of the builder. Earlier the Housing Societies had to pay property tax for all flats in the society including unsold flats of the unscrupulous builder who did not bother to pay property tax and ultimately unnecessary burden falls on the head of the society and its members. This decision has given solace to the members of the society. The Govt. is also thinking to make appropriate amendments in RERA to give impetus to the standstill projects of the redevelopment in the State. I hope the year ahead will bring more good news in the field of co-operation.

With Best Regards,

V. Viswanathan (Secretary)



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REDEVELOPMENT OF DILAPIDATED, CESSSED & UNSAFE BUILDINGS IN **CRZ II** AREAS WITH **FSI** AS PER **DCPR 2034** AND **CRZ NOTIFICATION 2011**



Himesh Gupta
Architectural consultant and Urban Planner
hvgassociates@gmail.com | Mob.: 9890087688

DEFINITION OF CRZ II

The areas that have been developed upto or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas which are substantially built- up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains and buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;

HISTORY OF CRZ NOTIFICATION

The Declaration of Coastal areas under the Environment (Protection) Act, 1986 and came into force on 6th January, 2011 and subsequently on 18th January 2019, allowing the developments in CRZ II, which includes buildings for residential purposes, schools, hospitals, institutions, offices, public places etc only on the landward side of the existing road or on the landward side of existing authorized fixed structures with respect to local town and country planning regulations as applicable from time to time and the norms for the Floor Area Ratio (FAR) prevailing to 18th January

2019 notification, which means as per the Development plan 2034 provisions with all benefits of premium , Fungible and TDR provisions as per the road width, **subject to condition** that it shall be applicable only when the **CZMP is updated/revised** as per the latest CRZ notification .

Prior Concern approval from MCZMA
:Construction involving more than 20000 sq.m bua in CRZ II shall be considered for approval in accordance with EIA notification 2006, however for project less than 20000 sq.mt built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with the notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.

Dilapidated & unsafe Buildings which have **received notice** from MCGM under section 354 of MMC act, 1888 **prior to 06/01/2011** can be redeveloped considering the road width as per Prevailing FSI with premium FSI and TDR including fungible FSI **as per DCPR 2034** considering the para 8.v.c. OF THE



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FOR MORE INFORMATION CONTACT MRS. TRUPTI.

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CRZ NOTIFICATION, 2011.

In Greater Mumbai such redevelopment or reconstruction projects as identified on the date of issue of the notification dated 06/01/2011 shall be allowed to be taken up

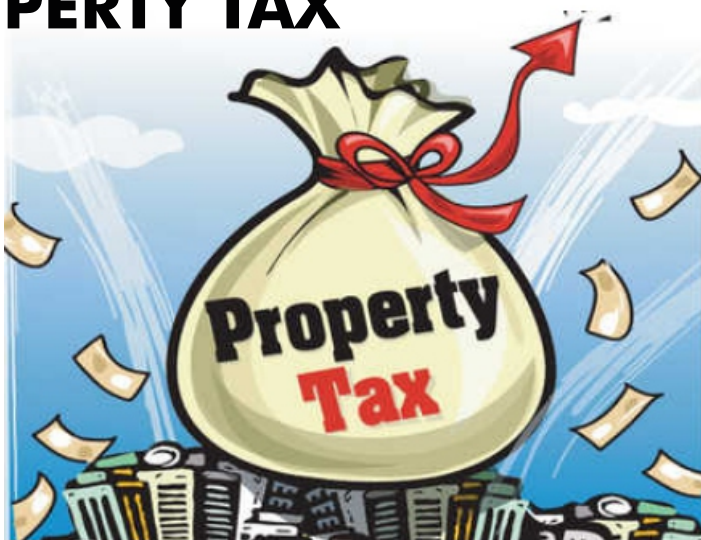
involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models without waiting for CZMP plans to be prepared.

NOW, FLATS SMALLER THAN 500 SQ FT NEED NOT PAY PROPERTY TAX

Mumbai: With poll dates set to be announced anytime soon, the Maharashtra cabinet, within three days of its Tuesday meeting, gathered again on Friday to clear populist proposals like a property tax waiver for a category of homes, concessions in premiums for promoting self-redevelopment and granting 15 acres to Bharat Petroleum for a training centre in Nagpur.

The property tax waiver is for 17 lakh tenements of less than 500 sq ft carpet area, which will result in an annual revenue loss of around Rs 400 crore for the BMC. The waiver was a civic election promise made by the Shiv Sena in 2017.

As for self-redevelopment, a press release said permissions will be granted within six months through the one-window system. The government has said it will provide concessions in premium for additional FSI, and transfer of development rights, besides concessions in premium for conversion from urban land ceiling to non-ULC, GST, stamp duty, premium for open space deficiency. A committee of bureaucrats has been set up to determine the extent of concessions.



BMC TO TAKE RS. 400 CR HIT

A Flat of up to 500 sq ft carpet area in a Bandra (W) building constructed in the early 1970s currently attracts property tax of Under Rs. 2,000 a year

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Source : Times of India

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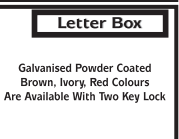
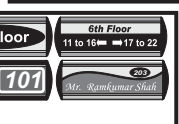
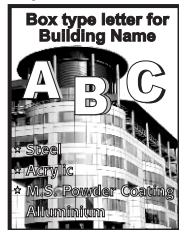
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RERA & REDEVELOPMENT



S. Parthasarathy, Vice President, MahaSeWA
Mob.: 98676 90040 | E-mail: parthasarathys.mahasewa@gmail.com

In the earlier edition, we understood the purpose of the advent of the Real Estate Regulation and Development Act 2016, and the Rules 2017. Maharashtra was the pioneer in implementing the Act and the Rules. Approximately 20,000 projects are currently registered under MahaRERA (Maharashtra RERA). As described earlier, under section 3 of the Act, these 20,000 projects fall under the category of the projects those need to be registered. Each project is identified by its unique registration number. These include projects that are proposed to be developed as new projects and also projects that are developed as redevelopment project.

Redevelopment projects are those where the existing building/ structure is demolished to make way for a new building/ tower. In the case of redevelopment, the housing society enters into a redevelopment agreement with a developer for developing the society wherein the developer and the society work in a partnership sort of an environment.

The partnership is established because of the fact that the society, which is the owner of the land enters into an agreement with the developer, who by investing in the project, develops it. As per the definition under RERA, the term developer has been broadly phrased as a Promoter. Therefore a Promoter is one

who either constructs or causes to be constructed any building or structure for selling partly or wholly the apartments therein. Apartments, in RERA terms include flats, shops, godowns, commercial complexes, industrial galas etc.

Hence, in the case of redevelopment, the society is termed as the land owner promoter and the developer is termed as the developer promoter as the society also causes to construct the project.

The developer, who enters into a development agreement with a housing society for redeveloping the society building, is also required to register the redevelopment project with RERA. In Maharashtra, the project shall be registered with MahaRERA, declaring it as an ongoing project. MahaRERA mandates registration of the project once the Commencement Certificate (CC) is obtained by the developer.

The webpage in the MahaRERA portal shows all the details of the project including the name of the promoters, the developer promoter's past experience, the type of project including the number of floors and number of car parks, the proposed completion time of the project, the internal and external amenities, litigations that are pending with regard to the project etc.



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Practicing Engineers architects & town planner association	1992
Indian society of structural engineer (ISSE)	1999
Institution of Valuer	2002
Mumbai Building repair & reconstruction board (MHADA UNIT)	2002
License of site surveyor	1988
License of site supervisor	1997
American society of civil Engineers (ASCE)	2004
Institute for steel development & growth	2001
Indian society for technical Education (ISTE)	2002
Registered member of the council architect New Delhi	1984
Associated member of the Indian Institute of Architects	1984

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All the above are voluntary disclosures that need to be uploaded by the developer and is available in the public domain for anyone to access. By these disclosures, there is now a great amount of transparency that is maintained and the home buyer is well informed about the various aspects of all the registered projects and enables him to facilitate his decision. The fact that the project is a redevelopment project will also be known to the prospective purchaser and he may decide whether to invest in such a project or not.

Due to the fact that the housing society is a promoter in case of redevelopment, puts all the liabilities and responsibilities on the society as it is on the developer. Hence, any aggrieved homebuyer who may complain to the RERA authority on any violations done by the promoter, the society also becomes equally liable. There has been a huge hue and cry by the housing societies on being included as promoters in redevelopment projects.

The housing societies do not want to take the onus on them for all the activities undertaken by the developer. They are of the opinion that the developer does lot of activities that do not take the society and its members into confidence and hence the society cannot be considered as promoters and cannot carry all the liabilities of the developer.

Contrary to this, RERA argues that as the developer has been appointed by the society and that the society is the land owner and has

signed the development agreement with the developer; the society has to be included as promoter in redevelopment projects. There have been numerous cases which have been filed with MahaRERA related to redevelopment projects and the housing society has been made a party in these cases.

Many MahaRERA orders have gone on appeal with the Appellate Tribunal, but still there is little clarity on the manner in which these matters need to be resolved. It is anticipated that very soon there will be some guidelines that may be formulated by RERA which should break the deadlock. There are lots of societies that are stuck in redevelopment and due to differences and conflicts between the society and the developer, a lot of home buyers (new flat purchasers) are stuck and entangled in legal battles.

There have also been instances where number of societies undergoing redevelopment which are stuck for years, have approached RERA for relief, but according to RERA, the disputes between two promoters cannot be resolved by RERA and it does not have jurisdiction to decide on such matters, being a civil dispute.

So, while entering into a redevelopment agreement with a developer, the society has to be very sure that they are choosing the right developer and that he shall not contravene any of the provisions as provided under the RERA Act and hence shall not put the society in any sort of trouble in future.

CREATION OF WhatsApp Group by VTHF

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SELF-REDEVPT OF BUILDINGS GETS GOVT CONCESSIONS

<h2>CO-OP BANK GIVES LOAN OF ₹ 50CR PER PROJECT</h2>	
<p>10,000 Societies in city needing redevelopment could get help from Mumbai bank, a cooperative that has accounts of Many Societies and knows difficulties in implementing projects</p> <p>➤ Each project can get nearly ₹ 50 cr loan from the bank, which has put aside nearly ₹ 1,000 cr for first phase of programme</p>	
<p>5,800 redevelopment projects in the city have been abandoned by fly-by-night builders</p> <p>1.25L families stand affected</p>	

<p>Ajitkumar Society, Goregaon</p> <ul style="list-style-type: none"> • The Society decided to redevelop on its own. The building should be ready for occupation soon. Over 75% of the free sale flats have already been sold 	<p>THE PIONEERS</p> <p>Purvragr Society, Mulund</p> <ul style="list-style-type: none"> • It is the first self-redevelopment project to receive Mhada's approval. Its 56 members had heard enough stories about redevelopment projects stuck due to differences between developer and societies. 	<p>Self-redevelopment will liberate Mumbai from the tyranny unleashed by a section of builders</p> <p>Chandrashekhhar Prabhu ARCHITECT AND ACTIVIST WHO INTUITED THE SELF-REDEVELOPMENT PROPOSAL</p>
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<p>In a first, Mhada allows 3 housing societies to go in for self-redevpt</p> <p>TOI report, July 30</p>	<p>City's largest self-redevpt hsg plan set to take off</p> <p>December 24</p>	<p>Govt will support housing socs opting for self-redevpt: CM</p> <p>December 25</p>
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In a decision driven by the forthcoming Lok Sabha elections, the state cabinet on Friday approved a slew of concessions for the self-redevelopment of housing societies. For a year, TOI has carried a series of reports on how several societies across Mumbai want to redevelop their properties without appointing a builder. In self-redevelopment, flat owners enjoy the profits instead of the builder.

The cabinet's decision on Friday did not spell out the concessions, but said these will be decided by a committee comprising bureaucrats from the revenue and urban development departments. The committee is expected to submit its report within three months.

The cabinet approved self-redevelopment for societies on government, leased and private

lands. It also decided to set up a one-window clearance system so that all permissions are given within six months. Under the Ease of Doing Business rules of the BMC, all permissions are to be granted within 60 days.

The government has further said it will provide concessions in premium to be paid to the BMC for additional floor space index and transfer of development rights, besides concessions in premium for conversion from urban land ceiling to non-ULC, GST, stamp duty, premium for open space deficiency, etc.

Architect and activist Chandrashekhhar Prabhu, who initiated the self-redevelopment proposal, said he is happy that the cabinet approved the policy. "It will liberate Mumbai from the tyranny unleashed by a section of builders," he said.



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"I have worked for years to make this happen. The details are not yet known, but if the government has accepted my suggestions, it will be a game-changer for Mumbaikars. An original member of a society may not pay premium for additional areas in their flat. Interest rates may be slashed, approval processes streamlined, GST benefits passed on to members. It may also mean more floor space, better quality and timely construction, and much more corpus for maintenance," Prabhu said, explaining some of his suggestions to the government.

Last December, the 220-member Sachin Cooperative Housing Society in Mulund, spread over five acres, decided to go in for self-redevelopment. The society appointed Knight Frank as consultant for the project, estimated at Rs 700 crore.

Some of the benefits of self-redevelopment, according to Prabhu, are that residents can

expect extra carpet area of up to 60% in private societies and 300% in Mhada colonies. Most builders offer around 10-25%. On larger plots, there is no need for shifting to alternative accommodation. Hence, no insecurity about proposal completion, or financial loss and there is guaranteed safety as members are not rendered homeless in case of non-completion. Also, the term 'corpus', associated with the builder's favour to the society, is replaced by 'surplus', which comes from sale of saleable flats and is distributed among members. Since amenities will be decided by members, they are bound to be better. New members will be selected by existing ones. There could be a 30% discount on market rate for the extra carpet area. Importantly, all property rights remain with the society, since no power of attorney needs to be executed in favour of the developer.

Source : Times of India | 9th March 2019

PROPOSED REDEVELOPMENT CAN'T BE A EXCUSE TO AVOID TODAY'S URGENTLY NEEDED STRUCTURAL REPAIRS...



Rajesh Shrikrishna Modi, Structural Engineers & Contractors
rajeshsmodi@gmail.com | Mobile No. 98211 42710

Friends, now we are going to discuss on the above mentioned very important but a negative trend with many housing societies seen these days in our cities in following points.

1) as my our experience 80 percent of housing societies members are not confirm on taking firm decision on urgently needed structural repair in their building as they have development project in their minds.

2) These days govt. depts., municipal corporations are very alert on sending notices to all stake holders of buildings under their authority to prepare structural audit and specially for buildings which are 30 years old or are found in bad condition as per their information in hand.

3) Major drama starts from this point when these stakes holders get notices for audit. In a housing society members select a structural engineer and say him to do audit for their building.

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They request him/her to put their building in safest category, to take least possible fees such as 15000 Rs., to give repair method which will keep building stable for next 4 years as then after they will do redevelopment of this building. Now if we think rationally there is nothing like a repair method in general based on giving stability for 4 years 5 years or whatsoever. After listening to all these points from society the structural engineer prepares audit and submits to this society with estimate for repair.

- 4) After getting audit report with estimate society submits it to concern govt. dept., then they start to search a suitable contractor for their proposed work. As we all know that after date of preparation of audit the suggested repair in audit should be done within six months by the society and they should submit a structural stability certificate to govt. dept. that has sent them notice. But unfortunately it is seen that many societies are trying to avoid the serious suggestions in audit and are doing only superficial work like only plastering, painting, and crack filling by appointing a non technical contractor, even a Mason at times for their work and that too without appointing any civil/ structural engineer/architect for monitoring work.

certificate to concern govt dept. many societies do nothing at all after getting audit from a structural engineer.

- 6) Here I have no negative feelings about society people who are following this very life risky trend but i have a simple innocent care for people living in all these buildings. Still there are few societies who are keen on following quality norms for repair work. Any society can have internal dispute within it but when it comes to safety of building any lives of members those dispute must be sidelined by people if they want to have safety with repairing work.
- 7) One more concern is that many of real expert and experienced contractors engineers, architects are avoiding now to work for housing societies as in general this sector is not a professional client and not a good paymaster so things will get more bad if housing society members will not act positively with immediate effect on this key issue.
- 5) After doing this superficial work society members start looking for a structural engineer who will favour them by providing structural stability certificate at his/her own serious risk by getting around 15000 Rs. and at times they manage to get success in it, at times if they don't succeed in it then they cant submit any stability

AVAIL THE FACILITIES OF **DEEMED CONVEYANCE**

In our last issue we have informed you that the Co-operation Department, Government of Maharashtra has simplified the Deemed Conveyance Procedure so that more and more Co-operative Housing Societies can take benefit of Deemed Conveyance.

Readers are requested herewith that if you are still far away from Deemed Conveyance, Please come forward, We are here to guide and help you in Deemed Conveyance Procedure. Please take Deemed Conveyance as early as possible and become a full-fledged owner of your property.

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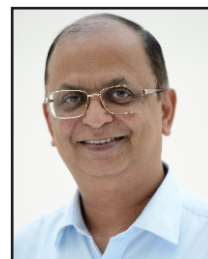
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BASICS OF BUILDING REPAIR



While we think that we can take care of buildings and address problems with a suitable solution, problems do reoccur in spite of doing a good job and thus raise an alarm. This makes us doubtful about our understanding of the problem.



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CONTEXT

The objective of this publication is to create awareness amongst owners of buildings (Housing Societies), about maintenance and repairs of buildings and develop an understanding approach towards repairs. Creating awareness amongst Housing Societies will have positive influence on Consultants and Contractors. Time being of essence in any project (including repair jobs) it is invariably found that repair works of Housing Society's buildings are delayed due to improper financial management, escalation in prices of materials, labour, no proper guidance, etc. Hence it is of utmost importance to identify, plan and implement maintenance and repair work timely, which will lead to the prolonged life of building, safety of the occupants, arrest on price escalation of material and labour and appreciation of property value.

We hope that this publication will be beneficial to all and will go a long way in achieving the sole objective of preserving the assets.

It is a strong belief that conventional systems work longer time and are more successful than modern systems. One cannot overrule this; there exist old references that prove that they do work, but due to absence of the skilled manpower of those good days today, people are shifting to modern systems. Modern materials and techniques that are used for repair and waterproofing jobs are approximately 15 years old and ignorance about these materials prevents many from using them. Besides, untrained contractors,



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who are in this profession from generations, do repair and waterproofing jobs for old buildings. They generally mishandle these modern materials, resulting in failure. We must make an effort to understand this subject as a whole and for this we need to change our approach towards repair and waterproofing jobs to make them a success. Concrete deterioration coupled with the corrosion of steel bars resulting into fast reduction of load carrying capacity of building is on the increase these days on account of direct exposure to salinity, increase in levels of environmental pollutants especially in urban areas and industrial townships.

PHILOSOPHY OF REPAIR

"That which is taken from the ground returns to the ground".

The above statement is a well-known one and outlines the necessity of maintenance to preserve and care entailed in the prevision of deterioration. Buildings provide shelter to live work and are valuable assets for Individuals, Organizations and Society. If the assets are preserved, the value appreciates; else it is a loss to the owner whosoever's capital has been invested. For the owner the building must have a return in the form of trouble free service life. It is uneconomical to replace the assets before the intended service life by another capital investment.

The preservation of the building is to enhance

the life cycle and prevent deterioration and is therefore considered to be as important as construction and constitutes maintenance programme.

The standard of maintenance varies from building to building depending upon,

- Year of construction
- Materials used
- Quality of construction
- Type of building
- Type of maintenance related work carried out periodically in past

A very common question asked is what is the intended service life of a building?

The answer to this question depends on,

- Location | Type of construction
- Construction materials
- Utilization
- Maintenance etc.

Following figures can be given for indication of life of a Structure: Type of Building/Structure Intended Service Life

- Monumental building 100 years
- RCC framed building 75 years
- Load bearing construction 55 years
- Semi permanent structures 30 years
- Purely temporary structures 05 years

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With the initiative of the **Maharashtra Co-operation Development Corporation Ltd.,** Pune, Government of Maharashtra and with the co-operation of the **Maharashtra Societies Welfare Association (MahaSeWA),** Andheri, Mumbai, a two day **Agro-Tourism & Co-op Shop tour and Education/ Training Programme** has been

organized for the members of the Co-operative Housing Societies on **5th & 6th May 2019,** at Talegaon and Pune.

This two day camp has been organized incidental to the Government Resolution dt. 4th October, 2018 regarding making arrangements in the co-operative housing societies in



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the State for the sale of agro products in their vicinity under the scheme of Atal Mahapanan Vikas Abhiyan. Participant members would get an opportunity to visit different types of agro-processing units, they will be given information about the processing of agro products.

Members will be given all co-operation and guidance for running the agro products shops in their society premises. Members of the society will get fresh agro-products direct from the farmers through fair price and there should not be any middle man. This will help the farmer to get remuneration for his products directly and encourage him to stand firmly.

With this, the organizers have also arranged a **Education/Training Programme** for the participants members of the Co-operative housing societies. The experts in the field have been invited to deliver lecture on **'Responsibilities and duties of the members in the co-operative societies and Election to the Committee Members' and also on the 'Redevelopment of the Housing Societies and the Policy of the Government'**. **Members will be distributed 'Certificates' for attending the program, which is mandatory under the law.**

After arrival at Horticulture Centre, Talegaon, on first day morning, the members will be given information about the new changes that took place in the co-operation law. The arrangement of snacks and lunch have been made at the **Horticulture Centre, Talegaon**. Subsequent to the afternoon rest, the members will be given information about various activities and experiments pertaining to agriculture that is being carried out at the Horticulture Centre. In the evening, participants may visit **Shri Saibaba Temple** which is famous as **second Shirdi** situated nearby. The arrangement for dinner and night stay will be made at Horticulture Centre, Talegaon.

On the second day after breakfast, the participants will proceed to **Alandi** to visit the farm of progressive **farmer Shri Thorve**. There information about organic farming will be given to the participants. The arrangement of lunch will be made in the farm of Shri Thorve. If participants desire, they may visit the **revival shrine of saint Dnyaneshwar Maharaj at Alandi**.

Thereafter, arrangement to visit the Co-op shops running successfully at **Pune** and the **Dairy Farm of Shri Kailash Jadhav** will be made. All the visits will be carried out by **A.C. Valvo Bus from Mumbai-Dadar to Pune and Pune to Mumbai-Dadar**.

THE CONCEPT

The concept of the two days camp is to make acquaintance members of the Housing Societies about various farm projects being implemented by the farmers and the housing societies buy the farm products direct from the farmers through the media of co-op shops according to the need of their members in fair price and the farmers will also get appropriate value of the products and to nourish the value of **"Co-operation within the Co-operation"** amongst the Co-operative Housing Societies, Supplier Co-operative Societies, Farmer Product Companies etc Everyone, particularly women members are requested to participate in this **agro-tour programme** in large number and make this programme successful.

For more details of the programme, its fees, you are requested to contract **Mr. Vishal Bamane**, Manager, **MahaSeWA**, Andheri, Mumbai on Mob. No. 98239 11027, E-mail id: vishalb.pacpl@gmail.com or on our office land line number 022 – 42551414.

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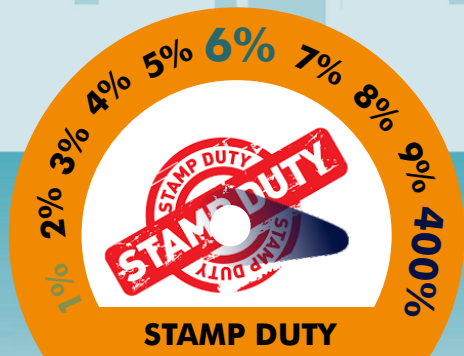


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STAMP DUTY AMNESTY SCHEME - 2019

Waive off 400% Penalty before 31st December 2018 Documents

The Maharashtra Government has approved the Amnesty Scheme for payment of stamp duty wherein the flat purchasers are allowed to pay the Stamp duty on the market value of the Flat at the time of execution of the Agreement and to waive 90% penalty.

As per the provisions of the Maharashtra Stamp Act, 1958, if the Flat owners have not paid the stamp duty on the market value of the property, the Collector of Stamps is empowered to levy 2% per month and maximum Rs. 400% as the penalty on the deficit amount of stamp duty.

As per the provisions of the Maharashtra Stamp Act, 1958, all the chain of Agreements of a Flat is required to be stamped properly. Further, if an Agreement is not properly stamped, such agreements will not be admitted as evidence in the court of law.

Hence, it is a Golden Opportunity for the Flat owners to clear the deficit amount of Stamp Duty payable on their Agreements and to become qualify for the waiver of the penalty amount.

The Scheme will remain open for a period of 6 months i.e. 1/3/2019 to 31/08/2019 and during such period, the application has to be submitted and the payment of deficit amount of stamp duty and minimum penalty shall be paid within 60 days of issuance of the demand notice. Hence, the concerned person shall act immediately to take the benefit of the Scheme.

Highlights of the Stamp Duty Amnesty Scheme- 2019 and applicable to following conditions/nature of the documents:

- Residential and immovable property including transfer of tenancy
- Indenture executed prior to 31.2.2018
- Conveyances/Deemed conveyance cases pending with the adjudication department
- Agreements lodged for registration with payment of part stamp duty(Section 32A)
- Allotment letters issued by MHADA, CIDCO with respect to Flat and immovable property and allotment letters issued by Slum Rehabilitation Authority.
- 90% Penalty will be waived
- Time for payment of deficit amount of stamp duty and minimum penalty will be 60 days from the date of issue of demand notice.
- Cases pending in the Appeal, Court of law and under auction is entitled for the scheme

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MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

(MahaRERA Order No ; 8/19 Date 28-03 -2019)

Subject: Revocation of Registration of project

Whereas the Authority is duly empowered under section 37 of the Real Estate (Regulation and Development) Act, 2016 to issue direction for the propose of discharging its functions under the provision of the Act, Rules of Regulation made there under.

Whereas, in accordance with Section 7 and & of Real Estate (Regulation and Development) Act, 2016, the Authority can revoke the registration of project and take such action as it may deem fit for carrying out the remaining development works. Accordingly, complaints are being received for the purpose of revocation of the registration of projects.

Therefore, it is felt necessary to issue necessary direction which shall be followed for revocation of project registration and thereafter.

- with NCLT/ Debt Recovery Tribunal or any other court/ Forum under any Act including IBC/SARFAESI ACT/DRT ACT/MPID ACT etc. and that on such proceedings are pending, to the best of their knowledge.
- List of all stakeholders with available contact including competent Authority, Promoter –Landowner/Investor, Architects certifying form 1 and 4, Engineer certifying Form 2 and CAs certifying Form 3 & 5 , Banks listed in encumbrance certificate, and any other parties with third party interest in the project.
- On receiving this complaint, MahaRERA Shall serve notice to the prompter, stating the grounds on which it is proposed to revoke the registration. The Promoter is provided thirty days' notice to present his case.
- Copy of the said notice shall also be sent to the competent Authority. Association of allottees, Promoter-Landowner/Investor, Architects certifying Form 1 and 4, Engineer Certifying Form2 and Chartered Accountant certifying Form 3 and 5, Banks listed in encumbrance Certificate, and any other parties with third party interest in the project.
- While a complaint under Section 7 or 8 is being heard by Chairperson/Member, all other pending complaints including complaints under section 7, against that project shall be brought under the same Chairperson/Member. Further complaints received for the same project shall be clubbed together and be heard along with other complaints of revocation.
- For any action to be taken under section 7 or 8, the MahaRERA may constitute Designated Resolution Panel (DRP)
- MahaRERa Shall only consider complaints for revocation of project, when Association of Allottees is involved.
- Wherein Association of Allottees is Association or Society or co- operative society or a federation or any other body by whatever name called, whether registered consisting of a majority of Allottees i.e. not less than 51% including members to whom plot or apartments or building has been allotted sold or otherwise transferred including such rehab portion, which are included in Maha RERA registered project.
- While filing the complaint, the Association of Allottees Shall also provide the following documents:
 - Declaration confirming that the complainants has/ have not filed any complaint with regard to the project under consideration which is pending

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Consisting of one member from promoter's Associations and one member from consumer forum. The member of the said panel would be selected out of the existing conciliation forum members who has adequate professional experiences in the Real Estate Sector or is a Chartered Accountant, or Architect, or Engineer, or lawyer. The said panel with the help of Association of Allottees shall prepare a blue Print for completion of the project. The Blueprint shall consist of the following:

- Financial Blueprint detailing current financial status of project including Cash in Hand, Liabilities, expected revenue and so on. It shall also contain financial estimate to complete the project and detailed roadmap towards arranging the finances.
- Construction Blue Print determining the amount of construction work needed to complete the project. Accordingly, detailed roadmap with timelines for completion of work including selection of contractor.
- Overall, Designated Resolution Panel with the help of Association of Allottees shall prepare the detail blueprint for project completion.
- The existing professionals attached to the MahaRERA Registered Project namely Architect, Engineer, Chartered Accountant shall assist the said panel in the preparation of the blue print.

The aforesaid entire exercise will have to be completed within a period of four months. However, MahaRERA by recording reasons may extend the said period.

- After finalization of blue print, the said blue print will be submitted to the MahaRERA by Designated Resolution Panel.
- MahaRERA May decide the Following:
 - Permit the project to remain in force subject to such further terms and conditions as it thinks fit to impose under Section 7 (3). All the terms & conditions imposed by Maharera Shall be binding on promoters as well as Association or allottees.

- Or revoke the Registration of the project
- In case of revocation of Registration of the project, the following steps shall be undertaken:
 - Issuance of intimation of Revocation of Registration of project as per Form D.
 - The project shall be moved from Registered projects to List of Revoked Projects
 - Promoter shall be no longer be able to update/correct/ extend etc. the details of the project
 - Mail shall be sent to Maharashtra Real Estate Appellate Tribunal informing them on the same.
 - Mail shall be sent to Real Estate Authorities in order states & union territories informing about the Revocation .
 - Freezing of the project designated bank account and thereafter take such further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining about the development works.
 - MahaRERA may also consult state government for finalization of blueprint for completion of project.
- On expiry of appeal period (sixty days), construction of the the project may commence as per the blueprint prepared by Designed Resolution Panel.
- Under the guidance of MahaRERA, the Association of Allottees shall work on completion of project as per blue print and provide updates to MahaRERA on monthly basis.

This SOP shall be followed with immediate effect

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