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VASAI TALUKA HOUSING SOCIETIES REVIEW



February 2017

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VASAI TALUKA HOUSING SOCIETIES REVIEW

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Swagat Bhavan, opp. MSED Staff colony,
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Vasai road (E), Dist. Thane - 401202

CHAIRMAN

CA. Ramesh S. Prabhu

EDITOR

Mr. V. Viswanathan

DESIGNED BY

Vishal Bamane

EDITORIAL BOARD

CA. Anitha Viswanathan
Adv. Kavita Totkekar
Adv. Kamal Saini.

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Circulate among Friends and other members of the Society

EDITORIAL

Dear Members,

The Government of Maharashtra has constituted a committee wherein they intend to have a separate chapter on housing societies under the MCS Act. Our federation Chairman CA. Ramesh Prabhu is one of member of such committee. We invite all suggestions for coming out with a chapter for housing societies so that we can represent the same before Government of Maharashtra.



अभिहित
श्री. वि. विष्णुनाथन

Upon representations made by various association including MSWA and our federation, the Government of Maharashtra has agreed to redraft the RERA rules as it was pro builders. We are hopefully that now the final rules would be in favour of the public at large.

We our efforts the DDR palghar is now functional and all the societies in Vasai Taluka can make application to DDR palghar for their deemed conveyance procedure. Now they don't have to go to Thane for the same. Similarly the Collector of Stamps alias Joint District Registrar (JDR) office is also installed in palghar and would be functional shortly. All the people are required to take benefit of the same.

Year end is round the corner. All the societies are requested to gear up for the same. The due date chart is enclosed in one of the article written by CA. Ramesh Prabhu. Please adhere to the same.

For further details please log on to www.vasaihousingfederation.com or call us on 0250- 6457585 / 95 / 90 2809 7499.

Regards

V. Viswanathan

CONTAIN

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नवीन वर्ष आणि रिअल इस्टेट क्षेत्र

सध्याचा राजकीय घडामोडीमध्ये काळया पैशाचे उच्चाटन करण्यासाठी शासकीय स्तरावर विशेष प्रयत्न करण्यात येत आहेत. तसेच रिअल इस्टेट उद्योगाला देखील एका विशिष्ट चौकटीत राहून कार्य करण्यासाठी रिअल इस्टेट नियामक मंडळाची (रेरा) ची स्थापना देखील करण्यात आली आहे. या पार्श्वभूमीवर २०१७ हे साल निश्चितपणे भारतीय रिअल इस्टेट बाजारपेठेसाठी विशेषतः महानगरांसाठी क्रांतिकारी वर्ष ठरेल. पारदर्शक आणि नियमितता यामुळे थेट परकीय गुंतवणूक (एफडीआय), रिअल इस्टेट इन्व्हेस्टमेंट ट्रस्ट (रिट) तसेच पेन्शस फंड यांच्यामार्फत चांगला निधी या क्षेत्रात उपलब्ध होऊ शकेल. रेराच्या विकासकांच्या कार्यप्रणालीवरील प्रभावामुळे वैयक्तिक गुंतवणूक, बँका आणि खरेदीदार यांच्यादेखील रिअल इस्टेट उद्योगावरील विश्वास अधिकाधिक वाढून त्यांच्याकडूनही सकारात्मक चित्र दिसेल. मुंबईसारख्या शहरात परवडणाऱ्या घरांची उपलब्धता झाली तर मोठ्या प्रमाणावर विक्रीचे प्रमाण वाढविण्याचे धोरण देखील प्रत्यक्षात दिसून येईल.

कांदिवली, बोरिवली, दहिसर या भागांमध्ये साधारणतः ६० लाख ते १.५ कोटीच्या दरम्यान घरांच्या किंमती आहेत. त्यामुळे ही घरं खरेदी करणे सामान्यांना अवघड झाले आहे. निश्चलनीकरणामुळे बँकांकडे अतिरिक्त पैसा जमा झाला आहे. त्यामुळे त्यांनी व्याजाच्या दरांमध्ये कपात केली आहे. गृहकर्जाच्या व्याजदरांमध्येदेखील त्यामुळे कपात होत आहे. त्यामुळेच त्याचा उपयोग आता रिअल इस्टेट उद्योगाला निश्चितपणे होईल. कर परतावाच्या शासकीय प्रस्तावामुळे परवडणारी घरं महानगरांमध्ये उपलब्ध होतील. त्याचबरोबर त्यातून सामान्यांना त्याची खरेदी करणेदेखील परवडणारे असेल.

व्यावसायिक जागांना मुंबईत मागणी आहे. मुंबईतील अंधेरी, वांद्रे यांसारख्या महत्त्वाच्या भागांमध्ये वाणिज्यिक मालमत्तांची खरेदी करण्यासाठी पूरक वातावरण आहे. स्टार्टअप व रोजगार निर्मितीसारख्या योजनांमुळे तसेच बँकांकडून होणारे साहाय्य ध्यानात घेता ही खरेदीदेखील परवडणारी असले. रिअल इस्टेट उद्योगाच्या विकासासाठी भारत सरकार प्रत्येक राज्यातील शासनाच्या मदतीने विशेष पुढाकार घेत आहे. प्रधानमंत्री आवास योजना (पीएमएआय) ही परवडणाऱ्या घरांसाठी सुरु केलेली योजना रिअल इस्टेट उद्योगाच्या घसघशीत वाढीसाठी महत्त्वाची ठरणार आहे.

उच्चवर्गातील साधारणतः ६ कोटीच्या वरील व्यवहारांमध्ये मंदी दिसून येईल. त्यामुळे मुंबईतील अशा प्रकल्पांमध्ये तेजी आढळून येणार नाही. सर्वच व्यावसायिक व उद्योगवर्गासाठी खरेदीच्या बाबतीत हा आव्हानाचा काळ असल्यामुळे त्याचा या खरेदीवर परिणाम दिसणार आहे.

थेट विदेशी गुंतवणूक - काळा पैसा आणि पारदर्शकतेचा अभाव यामुळे थेट परकीय गुंतवणूकदारांच्या मनात भीतीचे वातावरण होते.

विकासाला खरेदीदारांकडून रोकड जमा करून ती आपल्या प्रकल्पातील कामासाठी उपयोगात आणणे, याबाबत अधिकृत नियमन नसल्यामुळे त्याचा परिणाम त्यांच्या कामकाजावर होऊ शकतो. त्यामुळे याबाबतचे नियमन अधिकाधिक जलदगतीने कार्यान्वित झाले तर प्रकल्पाच्या पूर्णत्वाच्या जोखमीपासून त्यांची सुटका होऊ शकेल. अन्यथा ती जोखमीचा मुद्दा त्यांच्यासाठी अडचणीचा ठरणार आहे.

गुंतवणूकदार यापूर्वी रिअल इस्टेट उद्योगातील गुंतवणूकीपासून आपले अंग काढून घेत होते. याचे कारण म्हणजे प्रकल्पाच्या निर्मितीसाठी होणारा विलंब आणि कायदेशीर चौकटीतील कमतरता हे होते. आता केंद्र व राज्य सरकारांच्या कायदांतील बदल तसेच केंद्रीय नियामक मंडळाची रिअल इस्टेट उद्योगातील कमतरता दूर करण्यासाठी झालेली निर्मिती यामुळे सकारात्मक बदल दिसून येईल.

रेरामुळे रिअल इस्टेट उद्योगातील व्यवहारांमध्ये सुसूत्रता येणार आहे. गुंतवणूकदार व खरेदीदार यांच्यासाठीही ते फायद्याचे निश्चितच आहे. केंद्र व राज्य सरकार यांच्या कायदांचा विचार करून सकारात्मक बदल एका चौकटीत निश्चित केले आहेत. रेरा कायद्यामुळे जर प्रकल्प मुदतीत पूर्ण करून वितारित करू शकला नाही तर विकासकाला १०.६ टक्के इतके विलंब शुल्क व्याजाच्या रूपाने भरावे लागणार आहे. २०१७ मध्ये, वाणिज्यिक, निवासी रिअल इस्टेट प्रकल्पामध्ये मागणीचे प्रमाण वाढणार आहे. त्यामुळे नफ्याचे प्रमाण वाढले तसेच स्टार्टअप व रोजगारनिर्मितीसाठीही चांगले वातावरण असेल. शासनाकडून राबविण्यात येणाऱ्या सर्वांसाठी परवडणाऱ्या घरांच्या योजनेचे परिणाम विकासक तसेच खरेदीदार यांच्यासाठी अनुकूल असेल. त्यामुळे चांगला व गुणवत्तापूर्ण विकास तसेच खरेदीदारांची वाढ दिसून येईल. बाजारातील ही तूट भरून काढण्यासाठी खरेदीदारांसाठी राबविण्यात येणारी योजना एक चांगले परिणाम दाखवेल.

२०१६ मधील एकंदरीत गोंधळ, संभ्रम तसेच अल्प प्रतिसाद या बाबींमुळे प्रकल्पातील युनिट्सची साधारणतः एकतृतीयांश इतकीच विक्री झाल्याचे दिसून आले. मात्र २०१७ या वर्षात प्रचंड मागणी व व्यवहारातील उद्यमशील कार्यशीलता याचे आपण साक्षीदार असू.

पार्थ मेहता,
(लेखक पॅराडिगम रिअॅल्टीचे व्यवस्थापकीय संचालक आहेत.)

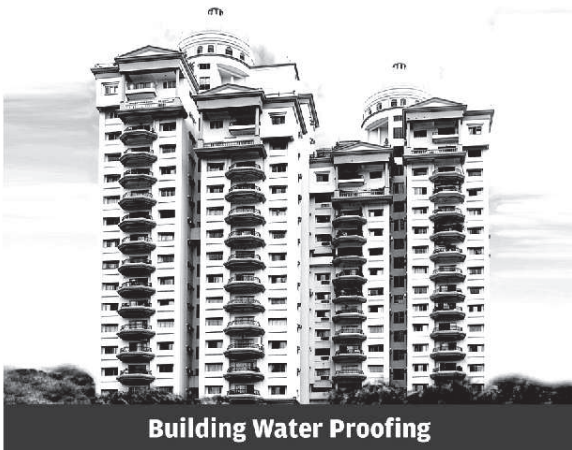
घरांच्या किमती कमी होणे अशक्य

२०१६ मध्ये झालेल्या नोटाबंदीनंतर अर्थव्यवस्थेच्या इतिहासात एक नवा अध्याय दाखल झाला. वर्षाच्या सुरुवातीला काही अर्थिक तज्ज्ञ प्रत्येक सेक्टरमध्ये मंदी येण्याची शक्यता वर्तवत होते. रिअल इस्टेटमध्ये तर नवीन घर घेऊ इच्छिणाऱ्यांना घरांच्या किंमतीमध्ये घट होणार असल्याची आशा होती. मात्र घर खरेदी करताना काही

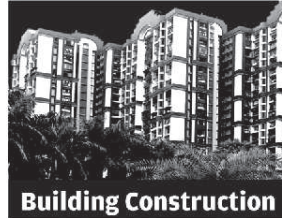


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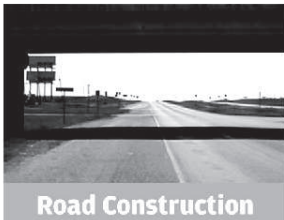
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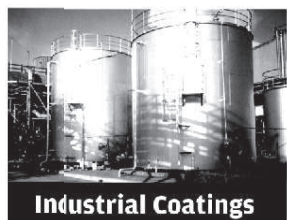
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गोष्टी लक्षात घेतल्या तर ते शक्य नाही असं दिसून येतं. जर तुम्ही नवीन घर घेण्याचं स्वप्न पाहताय आणि त्यासाठी घरांच्या किमती कमी होण्याची वाट पाहताय, तर ते योग्य ठरणार नाही.

बेनामी ट्रान्झॅक्शन किंवा रेंरा असो, किंवा बँकेने केलेली व्याजदारातील कपात या सर्व घडामोडीमुळे रिअल इस्टेट चांगलेच प्रकाशझोतात आले आहे. याच वेळी घरांच्या किमती पडणार असल्याचंही बोललं जात आहे. हे खरं आहे की, रिअल इस्टेटचं मार्केट नोटाबंदीनंतर मंदावले. एवढंच नाही तर बिल्डरांकडे केली जाणारी घरांसाठीची विचारणा करणाऱ्या नवीन ग्राहकांच्या संख्येत घट झाली.

पीआरबीच्या जागतीक लोकसंख्या अहवालानुसार, लोकसंख्येत दिवसेंदिवस वाढ होत चालली आहे. मात्र लोकांना राहण्यासाठी तेवढी जागा उपलब्ध होत नसल्याचंही अहवालांत म्हटलं आहे. जमीन विकास खर्च, परवाने खर्च आणि बांधकाम खर्चात होणाऱ्या वाढीमुळे हाच वाढलेला खर्च जाईल तो ग्राहकांकडे. बांधकामासाठी लागणाऱ्या कच्च्या मालाच्या किंमतीत तसेच इतर साहित्यात मात्र दरकपात झालेली नाही. तेव्हा विकास खर्चात वाढ झाल्यास घरांच्या किंमतीसुद्धा वाढतील. नोटाबंदीनंतर घरांच्या किमतीत २० ते ३० टक्के घट झाली, असल्याचा समज सध्या लोकांमध्ये आहे. मात्र तसे होणे शक्य नाही.

अलीकडे गृहकर्जात कपात झाल्याने ग्राहकांना नक्कीच दिलासा मिळाला आहे. शिवाय पायाभूत सुविधांत वाढ, व्याजदर कपात, कमी ईएमआय या बाबींमुळे ग्राहकांमध्ये विश्वास निर्माण होत आहे.

धवल अजमेरा, संचालक अजमेरा रिअॅल्टी.

सकारात्मक बदलाची आशा

आपल्या देशातील दरडोई उत्पन्नाचा विचार केल्यास एक गोष्ट प्रकर्षाने जाणवते, ती म्हणजे उत्पन्नाचा सुमारे पाच ते सहा टक्के भाग हा रिअल इस्टेट क्षेत्राने व्यापलेला आहे. त्यामुळेच हे क्षेत्र अत्यंत महत्त्वाचे मानले जाते. शिवाय रोजगार निर्मितीच्या बाबतीत देखील हे क्षेत्र इतर क्षेत्रापेक्षा अधिक अग्रेसर आहे.

बेनामी मालमत्ता, चलनाचे निश्चलीकरण, रेंरा कायद्याची अंमलबजावणी आदींमुळे यंदाचे वर्ष हे या क्षेत्रासाठी सकारात्मक बदलाचे समजले गेल्यास ते वावगे ठरू नये. या बदलांच्या ग्राहक आणि विकासकांवर तसेच रिअल इस्टेट क्षेत्रावर नेमका काय परिणाम होऊ शकतो, याचा हा थोडक्यात घेतलेला आढावा.

रेंरा-रेंरा (रिअल इस्टेट रेग्यूलेशन अॅण्ड डेव्हलपमेंट अॅक्ट) या कायद्यांतर्गत अर्थिक गुंतवणूकीचा उत्तम पर्याय म्हणून गुंतवणूक करणाऱ्या गुंतवणुकदारांना तसेच घर खरेदी करणाऱ्या ग्राहकांना

सुरक्षित व्यवहाराची हमी मिळणार आहे. गृहनिर्माण क्षेत्रातील जमिनीच्या खरेदी विक्री व्यवहारात पारदर्शकता आणणे, हाच या कायद्याचा मुख्य उद्देश आहे. या कायद्याच्या अंमलबजावणीसाठी लोकसभेने नुकताच हिरवा कंदील दाखविला आहे.

परिणाम-ग्राहक-जमीन खरेदी-विक्री व्यवहारासंबंधी आवश्यक असणाऱ्या सर्व बाबींची माहिती रेंरामुळे एकाच छताखाली आणली जाणार आहे. या क्षेत्रातील विविध गृह प्रकल्प, विकासकाची बाजारातील विश्वसार्हता आदी गोष्टींचा यात समावेश असणार आहे. यामुळे ग्राहकाला जमिनीसंबंधीच्या सर्व गोष्टींची खातरजमा करणे, तसेच एखाद्या विकासकाबरोबर व्यवहार करावयाचा की नाही, यासारखा निर्णय घेणे सहज शक्य होणार आहे. अचूक व्यवहार व्यवस्था निर्माण केल्यामुळे गोंधळाचे प्रमाण कमी होईल आणि वेळेचीदेखील बचत होईल. हा ग्राहकाच्या दृष्टीने होणारा महत्त्वाचा लाभ आहे.

विकासक-व्यवहारात सुसूत्रता आणल्यामुळे विकासकाला आपला प्रकल्प योग्य तऱ्हेने आखता येईल. इतकंच नाही, तर विकासक या व्यवहारांतर्गत आपल्या भावी योजना आणि प्रकल्पाचे डिझाईन्स यांची आगाऊ नोंदणी करून ठेवू शकतो. तसेच विकासकाला आर्थिक नियोजनासंदर्भातदेखील योग्य ते मार्गदर्शन रेंरामार्फत मिळू शकते.

बेनामी मालमत्ता कायदा-बेनामी मालमत्ता कायद्यामध्ये काही नवीन गोष्टींचा समावेश करण्यात आला आहे. या नवीन तरतुदींसह 9 नोव्हेंबर २०१६ पासून हा कायदा लागू करण्यात आला आहे. यानुसार स्वतःच्या फायद्यासाठी इतरांच्या नावाने केल्या जाणाऱ्या बेनामी मालमत्तेचा व्यवहार उघडकीस आणण्यास मदत होणार आहे.

परिणामी-ग्राहक-या कायद्यामुळे जमिनीच्या चढ्या भावावर नियंत्रण येईल आणि नवीन प्रकल्प निर्मितीसाठी विकासकाला मुबलक जागेची सुविधा निर्माण होईल. योग्य दर आणि नव्या जागेची सुविधा उपलब्धी म्हणजे, ग्राहकाचा दुहेरी फायदा होणार आहे.

विकासक-जागेचे योग्य दर आणि परवडण्याजोग्या किमतीत उपलब्ध होणारी मुबलक जागा तसेच व्यवहारात असलेल्या पारदर्शीपणामुळे विकासकाला आपल्या जागेची योग्य ती किंमत ठरविणे शक्य होणार आहे. याचा एक मोठा फायदा असा होईल की खाजगी निधी आणि अनिवासी निधी या योजनेकडे सहजरित्या आकर्षित होईल. शिवाय, गुंतवणूकीच्या नावाखाली ज्यांनी नुसत्याच जमिनी घेऊन त्या अडवून ठेवलेल्या आहेत, असे नको असलेले गुंतवणूकदार यांमार्फत सहजपणे हटविण्यात येतील.

**मुनिष दोशी
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लोकसत्ता

दिनांक:- २१/०१/२०१७

सहकार विभागाने कारवाईचा बडगा उगारल्यानंतर त्याचा धसका घेत मुंबईतील सहकारी गृहनिर्माण सोसायट्या व अन्य सहकारी संस्थांनी २०१५-१६ या आर्थिक वर्षाचे वैधानिक लेखापरीक्षण पूर्ण केले आहे. मुंबईतील जवळपास ३० हजार सहकारी संस्थांपैकी २२ हजारांच्या आसपास म्हणजे ७२ टक्के संस्थांनी हे लेखापरीक्षण पूर्ण केले आहे. ८ हजार संस्थांनी अद्याप यातरस घेतलेला नाही.

अडीच हजार संस्थांची मान्यता रद्द?

सहकारी संस्थांचे पत्ते न आढळणे, अनेक वर्षापासून लेखापरीक्षण प्रलंबित असणे, सहकार विभागाला प्रतिसाद न देणे आदी कारणांमुळे सहकार विभाग राज्यभरातून ७२ हजारांच्या आसपास सहकारी संस्थांची मान्यता रद्द करणार असल्याचे समजत असून मुंबईत अशा जवळपास अडीच हजार संस्था आहेत. यापैकी अंदाजे १००-१५० गृहनिर्माण सहकारी संस्था म्हणून मान्यता रद्द होणार आहे.

सहकार कायद्याच्या नियमानुसार राज्यातील सर्वच सहकारी संस्थांनी दर वर्षी आपले वैधानिक लेखापरीक्षण पूर्ण करणे आवश्यक आहे. मुंबईत अशा ३० हजार सहकारी संस्था असून यातील बहुतांश संस्था या गृहनिर्माण संस्था आहेत. अशा गृहनिर्माण संस्थांच्या कार्यकारिणी सदस्यांना सहकार कायद्याबाबत विशेष माहिती नसल्याने ते आपल्या संस्थेच्या लेखापरीक्षणाकडे काणाडोळा करत असत. यामुळे त्यांचा पारदर्शी कारभार चालला असल्याची बाब उघड होत नव्हती. त्यानंतर अखेर सहकार विभागाने अशा संस्थांवर कारवाई करण्याचा इशारा दिला. त्यानंतर शहरातील २२ हजार संस्थांनी आपले लेखापरीक्षण केले आहे.

'यापूर्वी १०-१५ टक्के संस्थाच लेखापरीक्षणात रस घेत होत्या. मात्र, उर्वरित संस्थांनी त्याला प्रतिसाद दिला नव्हता. अखेर कायदान्वये कारवाईचा इशारा दिल्यानंतर अनेक संस्थांनी आपले लेखापरीक्षण पूर्ण केलेल्या २२ हजार म्हणजे ७२ टक्के संस्था असून ८ हजार संस्थांनी अद्याप लेखापरीक्षण केलेले नाही. आता २०१६-१७ साठी

सगळ्या संस्थांनी पुन्हा एकदा लेखापरीक्षणासाठी सज्ज राहावे लागेल', अशी माहिती मुंबई विभागाचे सहनिबंधक मोहम्मद आरीफ यांनी दिली.

२०१६-१७ या वर्षीचे लेखापरीक्षण करण्यासाठी सहकारी संस्थांनी सप्टेंबर महिन्यातच ठराव करून लेखापरीक्षकाची नेमणूक करणे अपेक्षित आहे. मात्र, अद्याप ६ हजार ८४ संस्थांनीच लेखापरीक्षक नेमल्याची माहिती सहकार विभागाला दिली होती. उर्वरित संस्थांनी लेखापरीक्षकाच्या नियुक्तीबाबत कोणतीच माहिती सहकार विभागात ४ उपविभाग असून त्यांनी अन्य संस्थांनी लेखापरीक्षक नेमल्याने सहकार कायदानुसार त्यांच्यावर सरकारतर्फे नोंदणीकृत लेखापरीक्षकांची नेमणूक केली आहे. असे १५५० लेखापरीक्षक असून प्रत्येकाकडे २०-२५ संस्थांचे लेखापरीक्षण करण्याची जबाबदारी देण्यात आली आहे.

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महाराष्ट्र टाईम्स
दिनांक:- ०७/०१/२०१७

भाड्याच्या घरापासून मुक्त व्हावं, असं प्रत्येकाला वाटतं असतं म्हणूनच घरासाठी, मोठी आणि कदाचित शेवटची, आर्थिक उडी घेणाऱ्या ग्राहकाला कोणत्याही अतिरिक्त ताणाशिवाय घराचा आनंद उपभोगता यावा एवढीच अपेक्षा असते. अशावेळी रिसेलचं घर नक्कीच उपयोगी ठरू शकते.



भाड्याच्या घराच्या चाकोरीपणाची चौकट मोडून आपलं स्वतःच आणि हक्कांचं घर विकत घ्यावं हे स्वप्न उराशी बाळगून प्रत्येक जण जगत असतो. पण आधुनिक जीवनशैलीत जगणाऱ्या आजच्या नोकरदार आणि व्यावसायिक वर्गाच्या घरांसाठी असलेल्या संकल्पना आणि अपेक्षा बदलल्या आहेत. केवळ ठोकळ्यासारख्या इमारतींमध्ये, छत आणि चार भिंती आहेत. म्हणूनच, घर विकत घेऊन त्यात राहायचं अशी मानसिकता आताच्या नोकरदार वर्गाची राहिलेली नाही. म्हणूनच प्रकल्प, इमारतीचा दर्जा आणि विकासकाचं बाजारमूल्य यांच्याही पलिकडे जाऊन त्या घराचा कुटुंबाला आणि स्वतःला कसा व किती प्रमाणात उपयोग होईल याचा व्यावहारिक विचार ग्राहक घर घेताना करतात. यातूनच रिसेल घरांचा पर्याय नोकरदार आणि व्यावसायिक वर्गाला लोकांना अधिक सोयीचा वाटत आहे. रिसेल घरांना लोकांकडून प्राधान्य मिळत असल्याची चार प्रमुख कारणं आहेत.

घराचं लोकेशन

अनेकदा रिसेलचं घर हे चांगल्या वस्तीत असतं. सांताक्रूझमधल्या रिसेलच्या घरात शिफ्ट झालेल्या परब कुटुंबातले सदस्य सांगतात.

‘सांताक्रूझ’ हे तसं मुंबईतलं ‘प्राइम लोकेशन’ आहे. शिवाय मुलांची ऑफिसेसदेखील वेस्टर्न लाइनवरच असल्याने घर घेताना सांताक्रूझ हे ठिकाण जास्त सोयीचं वाटलं’

नोकरदार वर्गासाठी कनेक्टिव्हिटी महत्त्वाची असल्यामुळे घराचं लोकेशन जास्त महत्त्वाचं असतं. याशिवाय प्रमुख शहरांत ‘प्राइम’ ठिकाणी नव्याने उभ्या राहणाऱ्या प्रकल्पांमधल्या घरांच्या किमतीची तुलना केली तर रिसेल घरांच्या किमती काही प्रमाणात कमी असतात. बजेटमध्ये बसणारे ‘अफोर्डेबल प्रकल्प’ जागांच्या कमतरतेमुळे शहरापासून लांब असतात. याउलट रिसेलचं घर विकत घेतलं तर परवडणाऱ्या किमतीत चांगल्या विकसित परिसरात ग्राहकांना राहता येतं.

कमी गुंतवणूक

रिसेल घरांमध्ये नवीन घरांच्या तुलनेत गुंतवणूक कमी करावी लागते. गतिमान जीवनशैलीमुळे व्यावसायिक आणि नोकरदार

वर्गातल्या लोकांचा कल तयार घर निवडण्याकडे अधिक असतो. घर राहण्याच्या स्थितीत असेल तर घराच्या कांमासाठी लागणारा वेळ वाचतो. रिसेलचं घर अनेकदा फर्निचर आणि फिटिंगच्या दृष्टीने आधीपासूनच चांगल्या स्थितीत असतं. त्यामुळे छोट्या-मोठ्या कामांव्यतिरिक्त घरात मोठं ‘सिड्डील वर्क’ करावं लागतं नाही, याउलट नवीन घरांमध्ये फर्निचर आणि घरातल्या कामांची सुरुवात पहिल्या पायरीपासून करावी लागते. त्यात वेळ आणि पैसा दोन्ही खर्च होतो.

चांगला परतावा

केवळ अंतिम ग्राहकांसाठीच (एण्ड यूजर) नाही तर गुंतवणूकीसाठीसुद्धा रिसेलचं घर फायदेशीर ठरू शकतं. रिसेलच्या घरातून चांगला परतावा मिळू शकतो. ब्रोकर शरद गव्हाणे रिसेल घरांच्या फायद्याबद्दल बोलताना सांगतात की,

‘रिसेलचं घर घेऊन भाड्याने दिलं तर नवीन घरांपेक्षा भाडं चांगलं मिळू शकतं. अर्थात यामध्ये घराचं लोकेशनदेखील महत्त्वाचं ठरतं परंतु रिसेलची घरं बहुतेक वेळा ‘मार्केट डेव्हलप’ असलेल्या (परिसरात पायाभूत आणि अन्य सुविधा विकसित असल्याने) परिसरात असल्याने चांगला परतावा मिळतो.’

त्यामुळे गुंतवणूक केल्यावर कमी कालावधीत चांगला परतावा हवा असेल तर रिसेल घराचा पर्याय अधिक उपयुक्त ठरू शकतो.

प्रकल्पांच्या पूर्णत्वाची चिंता नाही

घर घेताना प्रकल्प निश्चित वेळेत पूर्ण होईल की नाही हा एकच प्रश्न ग्राहकांना सतावत असतो. कारण प्रकल्प पूर्ण होण्यास विलंब होणं किंवा प्रकल्प रखडणं अशा गोष्टी आपण आजूबाजूला ऐकत व पाहत असतो. परंतु रिसेल घरांच्याबाबतीत असेल कुठलेही प्रकार होत नाहीत.

‘रिसेल घराचा सगळ्यात मोठा फायदा म्हणजे घर ‘रेडी’(तयार स्थितीत) असतं त्यामुळे ग्राहकांच्या डोक्यावरचं निम्म्याहून अधिक टेन्शन कमी होतं’ असं गव्हाणे सांगतात.



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'के अॅन्ड के' चा विश्वास जपतो नात्यां पलिकडची नाती,
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REDEVELOPMENT – Vacating a Flat – Hurdle

Many times we came across some unscrupulous members in the society who have tendency to obstruct any good work in the society for some or other reason. In the redevelopment process it is always happened. At the last moment some members denied to vacate their flats and take adamant role. But now one of the Hon'ble High Court's decision in this regard will definitely curb the activities of such members. In a Co-operative Society, it is well established fact that once a person becomes a member of the Co-operative Society he loses his individuality with the society and he has no independent rights except those given to him by the statute and bye laws. That means if an individual member is not satisfied with the decision of the majority he can approach the competent authority for redressal.

A Co-operative Housing Society in Mumbai Suburb which have Five wings and consisting of total 84 Flats. All the members of the society in the General Body Meeting have unanimously resolved to redevelop their dilapidated building/flats by demolishing the same and by utilizing the FSI and by loading of transferable development rights by constructing the new building for the members of the society. This resolution was objected by only one person at the relevant time.

Best upon the same, the society invited the tenders for the proposed demolition of the existing buildings and the development. One of the developers got the technical commercial bid from the society. After considering the proposals/offer given by the developer, the members of the General Body unanimously resolved appointment of developers and their by also authorized executive committee to execute redevelopment agreement with the developer. Accordingly the society issued letter of intent.

In the present case, based upon the majority members, the consent terms as well as the resolution, the parties have already acted upon and proceeded further in view of the valid permission and sanction and registered documents.

There is no dispute with regard to the stages/steps taken by the parties read with the investment already made and the fact that the everybody is waiting for the project to complete within a stipulated time and as early as possible so that the members can take and pre occupied the newly premises and/or they can occupy, as early as possible, with all facilities.



Adv. Anisha Shastri
022 - 42551439

The basic consents and the unanimous resolution as passed and duly registered documents as executed, now just cannot be restored back at the instance of such four or five members. Where whole object and purpose to complete the project within the prescribed period specially when majority of the members have consented and already vacated the premises and the developer have already invested huge amount, and provided all necessary alternate accommodation and facilities and as this dispossession is only for the temporary period till the construction and/or completion of the project, therefore it is just and convenient and it is in the interest of justice and as this court is empowered to pass such order and the balance of the convenience and equity also lies in favour of the developer. The Hon'ble Court has passed following order:-

“However it is made clear that 8 weeks time is granted to vacate the premises voluntarily to these 5 contesting Defendants. No coercive steps should be taken by the Plaintiffs and/or the receiver till this date. It is also made clear that the Plaintiffs and the Society, subject to agreement, will provided all the facilities including payment of rent/occupation charges as given and provided to the other member. If these members vacate the premises voluntarily, the plaintiffs to provide/pay them the necessary amount as agreed. If they do not, then Receiver to take steps in accordance with law and the Plaintiffs to deposit the requisite amount with the Court Receiver towards the compensation/occupation charges.



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OCCUPATION CERTIFICATE HAVE REMEDY UNDER RERA



CA. Ramesh S Prabhu
M- 9820106766



Don't have OC? No Problem. You have Remedy under RERA. Real Estate and Regulatory Act provides even ongoing projects where there is no OC. They should get registered under RERA. Naturally they suppose to give what extend building is completed, what are the various milestone, when the developer had agreed to deliver and how much time he required to deliver that project. The developer has to registered his project within 3 months from the day the RERA come to effect from 1st May 2017.

There are 10,000 buildings across Mumbai which are not having OC. If you look at Maharashtra, there are 3 Lacs building which have no OC. For all the ongoing projects now we have an option to go to the RERA Authority get remedy and get the compassion also. Real Estate Regulation and Development Act, 2016 provides for the registration of two kinds of projects, One which is going projects come into effect and the second set which is ongoing projects. The ongoing projects where there are no OC and where the building is incomplete, they are required to registered within 3 months from the date of commencement of the Act.

If builders are agreed to give delivery on a particular date but he has not given similarly there are various consumers to whom the allotment letters are given and still the agreements are not executed, there are so many buildings where the fit out is given however the OC, Conveyance and various other things are not given. In such cases now the consumer can approach the Regulator and tell them that this is a developer who has not given the OC, not given the conveyance.

The Regulator will heard all such cases and within 60 days from the date of making application, the Regulatory Authority needs to hear and called both the parties and give judgment. ***The judgment involves a penalty ranging from 5% to 10% depending on violation.*** If the Real Estate Projects which is required to be registered and if it is not registered then 10% of the estimated cost of the project will be taken as penalty which is a huge amount. If the developer aggrieved of the decision of the Authority he can definitely move to the Real Estate Appellate Tribunal. He will be required to deposit minimum 30% of the compassion amount which has been awarded by the Regulatory Authority and unless and untill that amount is deposited the appeal will not be admitted.

Every Real Estate Project required to be registered even before selling one flat as far as new project is concerned. The building which do not have OC whether it is 10 or 20 years old that required to be registered with RERA as the building is incomplete. Where the developer have misrepresented before the Municipal Corporation and have got OC prior to the enactment of the RERA and then proper complaint always be filed before the RERA and then if RERA decides that Yes there is some manipulation, some pending works remained and then the RERA always directs to various Authorities to complete those things.

Our next topic on RERA will be (1) Redevelopment (2) Flat Buyers Possession (3) General Topics on RERA.

For more updates related to above subject you can also visit our MSWA News Cannel on YouTube.



CA. Ramesh S Prabhu
M- 9820106766

COMMITTEE MEMBER? MARK THESE DATES ON YOUR CALENDAR

A member of the managing committee of a co-operative housing society, should be aware of the deadlines for significant tasks during the year that must be adhered to. Ramesh S. Prabhu lists few prominent cut-off dates

A co-operative housing society is a legal body registered under Maharashtra Co-operative Societies Act, 1960. The society is required to function within the provisions of MCS Act, 1960, MCS Rules, 1961 and the registered bye-laws of the society.

The management of the co-operative society vests with the duly elected managing committee through the Maharashtra State Co-operative Election Authority as per the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014.

The managing committee is responsible and accountable to the members of the society and to the registrar of co-operative societies. The committee is required to comply with the statutory compliances as per the act, rules and bye-laws.

Tasks galore

After the close of financial year, the society is required to prepare a list of active members, and non-active members, issue notice to the non-active members, complete the accounts, allow the members for inspection of the accounts, submit the same for audit, get the audit completed, obtain the audit report, prepare the annual activity report, issue notice for Annual General body meeting, hold the AGM, file six types of annual returns by online to the registrar website, file the return of appointment of auditors, file the audit rectification reports, pay regular tax deduction at source, file the quarterly TDS return, file income tax returns, file service tax returns and attend to the members request throughout the year.

(Ramesh S. Prabhu is Chairman, Maharashtra Societies Welfare Association)

The time bound compliances to be done by the respective persons/ authorities regarding the various legal compliances by the CHS in the year 2017 are as below:

SR. No.	Dates/ on or before	Activities to be done	Act, provisions of Bye law and MCS Act 1960	Competent Authority	Time Limit
1.	7th of every month	Make the payment of TDS on various contracts like security, housekeeping, maintenance, etc	Under income Tax Act, 1961	In the treasure of govt through the net banking or challan	On 7th of every month for the TDS done for the previous month
2.	On last day of the month following the quarter	File quarterly return of TDS	Under income Tax Act, 1961	To the income tax on government website	On last day of the month following the quarter
3.	30th September	File income tax returns for the previous year	Under income Tax Act, 1961	To the income tax dept on government website	By 30th September for the previous year
4.	31st March	Close the books of account and receive all the accrued interest certificate from the banks on the Fixed Deposit and classify the members into active and non-active member	Under Rule 61 of the MCS Rules, 1961 and Bye-laws No. 163	-	-

5.	30th April	Issue notice to non-active members having classified them as the non-active member	Section 26 of the MCS Act,1960	To the non-active members	Within 30 days of close of co-operative year
6.	15th May	Finalise the accounts statement such as balance sheet, income and expenditure account	Under Rule 61 of the MCS Rules, 1961		
7.	16th May To 31st May	Allow the inspection of accounts statement to the verification of members of the society	Under Rule 61 of the MCS Rules, 1961	To the members of the society	
8.	1st June	Hand over the books to the auditor for completing the audit	Under Rule 61 of the MCS Rules, 1961	To the auditor	
9.	31st July	Get the audit completed	Under Rule 61 of the MCS Rules, 1961 and bye-laws No. 151 (b)	From the auditor	
10.	31st Aug	Get the audit report from the auditor	Section 81 of the MCS Act	From the auditor	Within a period of five months from the closure of financial year and in any case before issuance of notice of the holding of the Annual General Body Meeting
11.	30th Sept	Call the Annual General Body meeting	Section 75 of the MCS Act	To all the members	Within six months of close of every co-operative year
12.	30th September	Filing of annual returns	Bye-Laws 146, U.s 79(1A)	On the co-operative department website	Within six months of close of every co-operative year
13.	30th October	Return of appointment of auditor:- Statutory auditor in its General Body Meeting from the panel of auditors approved by state government	151 (a), U/s 81, u/s 75(2A) and U/s 79(1B)	On the co-operative department website	Statutory auditor shall not be appointed for more than three consecutive years
14.	Within three months of completion of audit	Preparation of audit rectification report	153 (a), U.s 82 and Rule 73	Office bearers /committee members	The audit rectification shall be done by the committee within three months from the date of audit report. The committee shall submit audit rectification report to the registrar and the Annual General Body meeting of the society.



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**A/2-302, Laram Centre, Opp. Platform No. 6, Andheri - W, Mumbai - 400 058, Tel.:022-42551414,
E-mail: ahwoi.hsg@gmail.com / Website : www.mswahousing.org**

SOLACE TO THE NEW FLAT PURCHASERS AND NOC SEEKERS FROM THE SOCIETY

We took attention of the readers of MSWA to the recent three circulars issued by the Commission, Co-operation and the Registrar Co-operative Societies on some day dt. 1st January 2017.



Circulars

The first circular regarding giving membership to new flat purchaser in the redevelopment building. The office of the Registrar, Co-operative Societies came across many complaints from the newly flat purchasers that they are not giving membership in the society due to dispute and disagreement between the existing society and the developer.

The department stated that, according to the 'Open membership principle' as per section 23(1) of the Maharashtra Co-operative society Act 1960, the new flat purchaser should also have to get membership of the society. The department warned that appropriate action may be taken against the society if the society denied membership to any new flat purchaser without sufficient cause and appeal to the new flat purchaser that they may appeal to the concerned Registrar within a period of Sixty days from the date of the decision 23(2) of the Maharashtra Co-operative Societies Act 1960. Incidental to the said appeal, the Registrar by giving an opportunity of hearing to all concerned shall give decision within three months.

Another circular is in respect of the NOC. Now-a-days members required No. Objection Certificate from the society for various reasons. And the management of the society took rigorous stand for issuing the same and the members have to run pillar to post for the same. The Co-operation department by taking cognizance of the members' complaints have issued detailed instructions in this regard and also issued a format in which the society has to issued NOC to its members.

The third circular is about the various returns or statements to be submitted to the Registrar by the society under section 79 of the Maharashtra Co-operative Societies Act 1960. This circular is related to the accounts and account books and registers to be maintained by the society and responsibility of the office bearers of the society in this regard.

Above three circulars are in Marathi version of the same is available in MSWA's office for ready reference and English elsewhere published in the Magazine.

In respect of to make the member of the society to newly flat purchaser after the redevelopment Co-operative Housing Society.

**Office of the Commissioner, Co-operation and Registrar, Co-operative Societies,
Maharashtra State, Pune - 1.
Outward No. Griha / D-3/ Redevelopment/Circular/2016
Date:- 1st January, 2017.**

CIRCULAR

The Government has issued guidelines under Section 79(A) of the Maharashtra Co-operative Societies Act 1960 and under Circular dt. 3/1/2009 regarding working of the

redevelopment of the dilapidated and dangerous condition buildings of the Co-operative Housing Societies. It has been came to the notice of this office that the society is evading to give

membership to the persons purchasing flats and tenements available after the redevelopment and the management of the society discriminating the old and new members after the redevelopment of the society. At some places the society is not ready to give membership to the new members due to the dispute between society and developer. The new purchasers get annoyance unnecessarily due to the disagreement and dispute of the society with the developer and they are obstructed. According to the '**Open membership principle**' as per section 23(1) of the Maharashtra Co-operative Society Act 1960, the new flat purchaser should also have to get membership of the society.

2. In respect of to give membership to the new tenement holder or flat holder in the re-development:-

In the present circumstances in many housing societies redevelopment decision are being taken. Society itself make redevelopment or make redevelopment by appointing developer. At such time new tenement holders and flat holders have to take action for the membership as follow:-

A. If the society itself make redevelopment

Sr. No.	Situation arised
1.	Society sold new flat and tenement from the redevelopment
	Action to be taken
	Such society should give membership to the new flat and tenement purchaser

B. If the society make redevelopment through the developer

Sr. No.	Situation arised
1.	The flats and tenements sold to the new persons except the present members of the society.
	Action to be taken
1.	Such society should give membership to the persons purchasing new flats and tenements.
2.	The members of the society are given separate building in the redevelopment and expect that by constructing flats and

	and expect that by constructing flats and tenements in the new separate building it were given to the new members.
	Action to be taken
2.	The new flat and tenement owners in the said new building shall eligible for becoming the member of existing housing society or with the consent of the general body meeting of the Original Co-operative Housing Society, the developer can register separate society of flat and tenement holders in such buildings.

3. Action to be taken if the society is not making member to the new flat holders or tenement holders:-

There is a provision under section 23(1) of the Maharashtra Co-operative Societies Act 1960 that, no society shall, without sufficient cause, refuse admission to membership to any person duly qualified there for. However situation may arised as follow. Action should be taken as follow according to the provision in the law in that respect.

A. The developer sold flat and tenement to new person after the redevelopment of the building of Co-operative Housing Society. If the society is not making member to such person then –

After receiving the application to the society from the flat holder who purchased the new flat constructed after the redevelopment of the society with all documents according to provision in the Maharashtra Co-operative Societies Act 1960 and rule 1961 and similarly as per approved Bye-laws of the society, the society should have to take decision on it within three months and should have to communicate to that person within fifteen days of the date of the decision, or within three months from the date of receipt of the application for admission whichever is earlier. If the society does not communicate any decision to the applicant shall be deemed to have been admitted as a member of the society. In this way it shall be presumed that the said flat owner gets '**deemed membership**'.

B. If the society is not accepting membership application and Membership fee from the eligible flat holder:-

In this situation the concerned tenement and flat holder may according to the provision in section 23(1A) of the Maharashtra Co-operative Societies Act 1960, tender an application in such form as may be prescribed together with cheque/D.D. of necessary fee to the concerned Registrar. The Registrar shall forward the said application and the amount of membership fee to the society concerned within thirty days from the date of receipt of such application and the amount; and thereupon if the society fails to communicate any decision to the applicant within sixty days from the date of receipt of such application and the amount by the society, the applicant shall be deemed to have become member of such society.

C. Incidental to above A and B if any question arised regarding whether deemed membership of the society gets to the tenement and flat holder or not:-

In this regard the concerned tenement and flat holder may appeal to the registrar according to the provisions in Section 22(2) of the Maharashtra Co-

operative Societies Act 1960. After giving reasonable opportunity of being heard to all the concerned parties, the Registrar shall declared the decision regarding deemed membership.

D. If the society denied membership of the eligible tenement and flat holder:-

In such situation, the said tenement and flat holder may appeal to the concerned Registrar within a period of sixty days from the date of the decision of the society according to the provision in Section 23(2) of the Maharashtra Co-operative Societies Act, 1960. Incidental to the said appeal the Registrar by giving opportunity of hearing to all concerned the Registrar should shall give decision within three months.

While considering these legal matters, all Co-operative Housing Societies should take precaution that new flat holder would not be deprived from getting membership of the society.

The said instruction should be followed strictly.

Sd/-

(Chandrakant Dalvi)

Commissioner, Co-operation and Registrar, Co-operative Societies, Maharashtra State, Pune.

In respect of effective implementation of the directive of Sect. 79 of Maharashtra Co-operative Societies Act, Co-operative Housing Societies.

**Commissioner, Co-operation and Registrar,
Co-operative Societies, Maharashtra State, Pune.
Outward No. Housing/K-79(2)/2016, dt. 1st Jan 2017.**

CIRCULAR

Ref: Section 79 of the Maharashtra Co-operative Societies Act 1960.

Provision in respect of to submit various returns or statements to the Registrar by the society and similarly to maintained various books and registers has been made according to Maharashtra Co-operative Society Act 1960 and Rule 1961 and bye-laws of the Society. If the prescribed returns and statements are not submitted with the Registrar in the prescribed period under the said

law then the Registrar have powers to give directions to the said society under Section 79 of the Maharashtra Co-operative Societies Act 1960. However, it has been noticed to this office that the directions given by the Registrar under Section 79 are not being comply duly by the Co-operative Societies. In keeping with that, It has been once again brought to the notice of all Co-operative

Societies following some important provisions in the concerned section of the law.

1. If any Co-operative Society has been called upon to submit returns and statements mentioned in law or to comply other mentioned matter then it is obligatory to do such proceedings within the period mentioned in the order.
2. The Society has to take action according to provision in law, rule or bye-law or as directed by the Registrar under Section 79. It is obligatory on the part of the society to take said action within the period mentioned in Co-operation law, rules, bye-laws or order given under Section 79(1). If the officers of the society fails to take action within the period given by the Registrar, then the expenses incurred for taking, such action or get it done through the authorized person shall be recovered from the fund of the society. And if the society denied to pay the expenses incurred for such action then there is a provision in section 79(2) that the expenses of such action shall be recovered from the society as if it were an arrears of land revenue.

3. Despite the Registrar's direction according to the provision in the Co-operation law, if the society is not complying it, then the action as follow is being taken from the Registrar against the office bearers and officers of the said society.

- A. Expenses of the action can be recovered from the defaulter officers according to section 79(3).
- B. According to section 146(I) offence and according to section 147 (I) the penalty upto Rs. 5 thousand can be charged.

Therefore by considering the above provisions the office bearers and officers of the Co-operative Housing Societies should obliged the directives given by the Registrar under section 79 Strictly and within prescribed period otherwise action should be taken by the Registrar as mentioned in above paragraph 2 and 3.

Sd/-
(Chandrakant Dalvi)
Commissioner, Co-operative and
Registrar, Co-operative Societies.

In respect of to issue No Objection Certificate to the members for various reasons viz. to sale the flat, mortgage, repairing, letting etc. Co-operative Housing Society....

**Office of the Commissioner, Co-operation &
Registrar, Co-operative Societies, Maharashtra State, Pune 1.
Outward No. Griha / D-3 / Circular / No. Objection Certificate/14-SaAa
Date:- 01st January, 2017.**

CIRCULAR

Member of the Co-operative Housing Societies and similarly Premises Co-operative Societies asked for No Objection Certificate to the Society for the reasons like selling of flat/tenement, mortgage, letting, repairing and internal changes.

No objection certificate is not getting in time from the society according to the needs of the members. Many times difference of opinion arised amongst the members and society regarding terms and conditions in the No objection letter. Office of the Registrar also received complaints in this regard on large scale. Incidental to that detailed instructions are being given as follow:-

1. A member should submit written application to the society mentioning the reason for which the NOC is required and took acknowledgment of it. If the society is not accepted the application or not given acknowledgment then the application should be forwarded to the society by Registered A.D./Speed Post.
2. The Society should put the NOC application before the managing committee meeting to be held immediately after the date of receipt of the application and by taking decision on that meeting, NOC should be issued to the member immediately.
3. The responsibility to fulfill all necessary matters for which the NOC is required shall remained on

the concerned member. Similarly, if any due remained toward society from such member then the member should make payment of such dues to the society at the time of making application and the society should issued NOC by recovering such dues.

4. Even if there is provision in the model bye-laws that NOC of the society is not required for taking loan from the Bank, LIC etc. for purchasing flat/tenement, if the member asked for the same then it is binding on the society to issue such certificate. Similarly such machinery asked for NOC in stipulated form. In such situation the society should issued the NOC in the stipulated form as demanded on the basis of the available documents with society.
5. If member has not submitted stipulated form the society should issued the NOC in the form accompanying herewith.
6. After receiving the NOC demand application if the managing committee meeting could not be held in near future for some reason and if the member needs it urgently then after receiving the application, the NOC should be issued within

7 days with the joint signature of Chairman and Secretary and its ex post facto sanction should be taken in the next meeting of the managing committee.

7. After receiving application for NOC to the society, if the society did not take decision in the immediate managing committee meeting or despite the urgent requirement of the member, the Chairman and Secretary of the society did not issued such certificate within the above mentioned period, or denied it without sufficient reason then the member can make application to the concerned Registrar. After receiving such application, the Registrar by hearing the saying all concerned, shall direct the society to issue the NOC.

The societies should take necessary action in respect to issue NOC to the members according to instructions given above.

Sd/-

(Chandrakant Dalvi)

Commissioner, Co-operation & Registrar, Co-operative Societies, Maharashtra State, Pune.

No Objection Certificate

Outward No. NOC/ / 20

----- Co. op. Housing Socy. Ltd.,

Date:- / /20.....

Application Shri/Smt. ----- Member Sr. No. ----- Flat/Tenement No. ----- is a member of our society. He has made request application on dt. ----- to the society for getting society's NOC for the reason mentioned below.

1. According to the documents available with society it did not seem that the applicant has (a) pledged the said flat with any financial institution/(b) It seems that the applicant has pledged the said flat with ----- financial institution for Rs. ----- loan amount (erase whichever is not applicable)
2. Therefore, Subject to the above matters, society's NOC is issued for the reasons
 - a) For selling the said flat
 - b) For repairing the flat
 - c) For taking loan by pledging the flat
 - d) -----
3. The said certificate is issued on the basis of the information available with the society or on the basis of the information make available by the applicant.

Secretary

----- Co. op. Housing Socy. Ltd.

Chairman

----- Co. op. Housing Socy. Ltd.



WHATSAPP QUESTION AND ANSWERS

WhatsApp

MB Battliwala

===== Ans by CA Ramesh Prabhu

- 1. What is the liability of BMC to provide water to the cluster like Royal Palm which is around 250 acre property on 999 years lease under NDZ. Is it so that BMC will not provide water in spite, registered society, paid property tax, na tax and with OC.?**

===== Ans by CA Ramesh Prabhu

It is the responsibility of local authorities to supply basic amenities like water. The issue is whether people who had purchased the flats on Royal Palm come together and take up the actions available as per constitution and law of the land.

A basic question is whether MCGM by simply by taking an undertaking from the developer that water supply will be managed by their own, disown their responsibilities and accountability put on local bodies as per the constitution of India. My basic understanding is no but the affected citizen need to raise voice which I m sharing on the next message.

- 2. Our society will shortly be having elections to the Managing Committee.**

One of the existing MC members is a person who has approximately Rs 60,000/- arrears towards nonpayment of contribution for repairs of the society building and paving of society compound floor; these arrears being since 2008, together with simple interest accumulated thereon. However the defaulting MC member has been paying the usual monthly maintenance charges regularly.

Questions:

1. Can such a person be eligible to stand up for election to the MC, in the forthcoming elections?
2. Can such a person be eligible to vote in the forthcoming elections?

To declare a person as a defaulter under section 73CA of MCS Act, 1960, a period of three months should expire since the notice for payment of such amount is given in writing to the member. Only by giving bills / raising demands showing the amount outstanding and showing as defaulters in balance sheet is not sufficient to treat a member as a defaulter.

Further, as per the new bye-law only non active members cannot vote and contest election and if a member does not pay any amount over a period of 5 years, he will be treated as non active member. Secondly as per Maharashtra Cooperative societies (Election to committee) Rules 2014, for the first election to be conducted after the notification of these Rules for next five years, all members are considered as Active member.

Thus in your case even after giving notice of 3 months in writing if the member has not paid and as a defaulter u/s 73CA, he shall be entitled to vote. However being a defaulter he is disqualified to contest the election

- 3. Is there any punishment clause in bye laws of society for not holding AGM or carrying out the audit? Is there any time limit to call AGM if in complete AGM?**

===== Ans by CA Ramesh Prabhu

AGM has to be done by the society by 30th September every year. Further accounts and audit report need to be filed to the registrar as part of Annual returns u/s 79 (1A) of MCS Act by 30th September.

If both or any one of the mandatory things is not done, it is an offence u/s 146 of the MCS Act and liable for punishment under section 147 with a penalty of Rs 5000 and the entire committee can be dismissed and disqualified from contesting elections for next 5 years.

In case, the AGM is called but could not complete all Agenda, the meeting can be adjourned within 30 days of holding of such AGM.

4. ***The flat is in elderly parents name and their son has a car. Can he b allowed to park his vehicle inside society (open parking) for which he is been charged. Son is staying with his parents. Pls advice***

===== **Ans by CA Ramesh Prabhu**

The way any family member can stay with parents or the members, all the common facilities of the society including car parking can be used by such family member. Thus son is within his rights to park is car in the open car parking area.

5. ***A member of society having self acquired flat n executed a registered gift deed in favour of son then also requested society to transfer share in his name by tendering resignation as well as furnishing indemnity bond still society is not transfer share n not admitting him as member then what is the next remedy***

.....**Advocate Inamdar.**

===== **Ans by CA Shinagare Shilpa**

Once all the transfer papers are given to the society, the managing committee either has to accept or reject the transfer within 3 months of making application. If there is no response even after 3 months, son is deemed to be the member of the society. In order to get the appropriate order, you

have to file an appeal u/s 22 and 23 of MCS Act before the Deputy Registrar of your ward/taluka. Registrar shall conduct the hearings for three to four months months and shall pass the order to admit son as the member of the society

6. ***Can an Associate member now be elected as member of Managing Committee ?***

===== **Ans by CA Ramesh Prabhu**

Associate member whose name appears second in the share certificate whether he is a joint owner of the property or not entitled to contest the election by taking NOC in Form 10 A from the first member

7. ***Society registered in 2012. Now society start to issue share certificate. Which name is applicable on certificate front? Is it any process to inform to registrarSubhash Dixit, Nallasopara -East***

===== **Ans by CA Ramesh Prabhu**

The names of the person who has joined the society at the time of registration of society shall be mentioned on the front side of share certificate. There is no need to mention or inform the registrar but a resolution should be passed in the managing committee authorizing the office bearers to issue share certificate. The application for Membership, declaration in Form 4 and copy of agreement should be obtained from the applicant before handing over the Certificate and individual member file for each flat also need to be made.

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



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APPLICATION FOR MEMBERSHIP/ SEMINAR REGISTRATION

No. _____ Date: _____

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

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

My particulars are as follows:

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

2. Office address in full : _____

3. Designation : _____

4. Residential address : _____

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

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

7. Number of dependents on Applicant: _____

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

9. Total Family Income : Rs. _____

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

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

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

2. Loan Required Rs.: _____

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

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

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

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

=====

Date- / /2017

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. 200/-for 12 monthly issue. The cheque of Rs. 200/- vide cheque no.-----dated-----drawn on -----towards magazine subscription starting from-----,2015 to-----,2017 is enclosed herewith in the name of Vasai Taluka Co-op.housing Federation Ltd. Kindly deliver the magazine at the above address.

Yours faithfully,

Name of the subscriber

=====

ACKNOWLEDGEMENT

Received the subscription for VTHF Magazine for one year, starting from -----, 2015 to -----, 2017. Reference no. -----

Secretary /Authority
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 Annual 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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BS - 14	Redevelopment - Tender Process	₹ 150	₹ 120	
BS - 15	Redevelopment - Documentation	₹ 200	₹ 150	
BS - 18	Associate Member - Rights, Duties	₹ 80	₹ 60	
BS - 19	Circular of Housing Societies	₹ 150	₹ 120	
BS - 21	Rights and Duties of Members	₹ 120	₹ 100	
BS - 22	Managers Manual	₹ 250	₹ 200	
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BS - 24	Minutes Writing	₹ 150	₹ 120	
BS - 26	Secretarial Manual	₹ 100	₹ 80	
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CONTACT
RUSHIKESH MORE - +91 98608 11119 • PRASHANT KADAM - +91 99675 56956 • V.VISWANATHAN - +91 98901 87344.

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