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June 2016

VOL.06 Issue 03

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	24	9	39151
	36	10	63115

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Circulate among Friends and other members of the Society

EDITORIAL

Dear Members,

I am sure everyone would be aware that as per section 24 A of the MCS Act 2013 all the housing societies in Maharashtra have to charge and collect Rs. 10/- as education fund. Against such fund the societies are required to avail the training of all the members. For conducting such trainings the cooperative department has appointed various federations and NGO's and one of them is Sahakar Bharti. Our federation jointly with District Deputy Registrar, Deputy Registrar, Vasai, Sahakar Bharti and MSWA intends to conduct such training programs in Vasai Taluka and also in entire Palghar District. All are requested to avail the benefit of the same.



श्री. वि. विष्णुनाथन

The much await GR on Occupancy Certificate is out on 14th of June 2016. This has created more problems than solutions to the societies. We have taken this matter with the VVCMC and also the Collector of Palghar. Hope to get something positive about it.

The new Real Estate Regulation Act 2016 has ultimately seen the light of the day. It's a law now applicable to all over India except Jammu Kashmir with effect from 26.3.2016. By virtue of this law all the builders have to get themselves registered with Regulator. The law also has introduced an Appellate Tribunal also in case of grievances against the Regulator. The detailed act is uploaded on the website of our federation for the benefit of all.

Hope the appointment of auditor is done by all the society which was a major issue. Society's who have not submitted the appointment of auditor online, the District Deputy Registrar (DDR) has appointed panel auditor.

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PROFESSIONAL OPPORTUNITIES OF CAs AS HOUSING APPRAISAL CONSULTANTS

SCHEME TO FACILITATE PROMOTION OF HOUSING FOR EWS AND LIG GROUP:

The economically weaker section (EWS) and lower income group (LIG) make vital contributions to the growth of a city. An inclusive city is essential to ensure healthy urbanization. The rising land and construction costs have made affordable housing a far cry for the EWS and LIG households in the urban areas; and their requirements can only be met if the state (through appropriate policy instruments and supporting legal framework), municipal bodies (through proactive partnership and support), development authorities and the state housing board (through obligatory provisions in development control regulations, housing finance institutions (through adequate lending to both developers and end-use borrowers at affordable lending rates) and private developers (through focus on affordable housing sector) join hands to make it possible.

Housing is generally the single largest expenditure of low income group households. It is also the prime asset for these families. Therefore, given the high land and construction costs, it is necessary to review the urban planning process in general and housing strategies in particular to make the urban growth process inclusive.

AFFORDABLE URBAN HOUSING

EWS are the persons whose annual income is considered to be less than Rs.3,00,000/- and LIG are persons whose income is between Rs. 3,00,001/- and RS. 6,00,000/-..

SWAGAT Affordable Group Housing Model is intended at creating an enabling a platform and policy environment, which makes it possible to promote affordable housing in a big way with a special focus on housing for the urban poor under already tested group housing method.

SWAGAT HOUSING MODEL 2016

The Model seeks to assist poorest of the poor who cannot afford to pay the entire price of a house, by providing them with access to subsidized housing on ownership basis by forming the groups of the members who have enrolled with Affordable Housing Welfare Organisation of India at the affordable concessional cost by availing the group housing discount from the developer and also getting the group housing loans. Under this Model, Housing Loan will be provided to economically weaker or low income group or urban poor as per the Notification issued by Government of India, Ministry of **Housing & Urban Poverty Alleviation** and rich persons also on entering into package deal with the developer and after satisfying about the deliverability capacity of the developer as well as the verification of clear title considering individual members income and repayment capacity. More emphasis and priority shall be given to the EWS and LIG to get their own houses through group housing and group housing loan schemes.

EFFECTIVE DATE:

The effective date of this Model would be the date of approval by Board of Directors of the Swagat Housing Finance Company Limited i.e. **on 1st April, 2016.**

METHODOLOGY FOR PROVIDING HOUSING TO EWS AND LIG:

- (1) The subsidized housing facility for EWS and LIG at subsidized cost shall only be available to eligible EWS/ LIG applicants (including spouse and dependents) who do not possess land or house in any city/town in the country.
- (2) All eligible beneficiaries shall have to file an affidavit to that effect before their names are listed for the purpose of EWS/ LIG housing. At any point of time if the declaration in the affidavit is found



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- wrong, the allotment shall be cancelled forthwith and the beneficiary shall be liable for both eviction and penalty.
- (3) To Tie up with Practicing Chartered Accountants as "Housing Appraisal Consultants"& investment consultants, estate agents etc as " Housing Advisors" to be attached to a particular empaneled " Housing Appraisal Consultant" to approach NGO to provide housing to their members or employer like BMC, BEST, Police, State Government, Banks etc. The interested persons will have to enroll as the members of AHWOI through the Housing Advisor and Housing Appraisal Consultant. The members detail shall be uploaded on the website of Affordable Housing Welfare Organisation of India along with the desired locations like Chiplun, Pune, Nashik, Palghar, Poisar, Panel. Vasai Taluka, Kalyan , Dombivali, karjat and so on.
 - (4) To Prepare Survey Form to be filled by the aspiring members to form the group of interested members having the similar income and looking for the similar size of the flats under Swagat Affordable Group Housing Model and to avail the group housing loan.
 - (5) To approach and empanel Government employees Housing Welfare Organisation like Central Govt employees organization, Army Housing Welfare Organisation, State Govt. Employees organization etc.
 - (6) All requirements of loan be complied and fulfilled by the aspiring members through the empanelled Housing Advisors and Housing Appraisal Consultants, even before they are considered to be members of the Swagat Affordable Group for a particular location. In other words, the applicants shall be after enrolled as the member of AHWOI to the "Housing Appraisal Consultant through the Housing Advisor to assess their income and the capacity to repay the loan and the availability of margin money etc. Once the assessment of the income is done, the Housing Appraisal Consultants through AHWOI shall refer such cases to Swagat Housing Finance Co Ltd or any other HFC/ Bank to sanction the loan. After ascertaining their required contribution, the Swagat Housing Finance Co Ltd. Or the other HFC or Bank , shall give in principle sanction upto 80% of the cost of the flat as per package deal executed with the developer. After the house is constructed and occupation certificate is issued, the cooperative housing society of all the members will be formed under Maharashtra Cooperative Societies Act, 1960. The EWS category shall have yearly income upto Rs.3,00,000 and can look for the house upto 30 Sq. Meters and LIG category persons are those having yearly income between Rs.3,00,001/- to Rs.6,00,000/- as per the Government norms to declared by the Government under "Prime Minister Awas Yojana.
 - (7) Cost of the Flat will be around Rs.15,00,000/- to Rs25,00,000/-, and flats are given on carpet area with approximate area of a flat to be around 30 Sq. Meters to 60 Sq. Meters.
 - (8) The loan will be provided @12% p. a. rate of interest. (Monthly Reducing).
 - (9) The sanction will be provided in principle subject to proof of 20% contribution by the borrower is provided.
 - (10) All the expenses / charges incurred during the loan process will be paid only by cheque mode.
 - (11) A bank account statement to be provided by the borrower.
 - (12) The empanelled chartered Accountant as " Housing Appraisal Consultant " with Affordable Housing welfare Organisation of India and with Swagat Housing Finance Co Ltd will be facilitating the their initial meetings with the prospective members of AHWOI or existing members of AHWOI, registration of co-operative housing society, report to the HFC and the members of the group about the progress made, attend every



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- meeting of group . The agreed fees for such services will be paid by Swagat Housing Finance Company Ltd and the Affordable Housing Welfare Organisation of India through the Project Implementing Agency to such empanelled Chartered Accountants.
- (13) Housing Advisors who normally are considered to be Direct Sales Agent (DSA) to enroll the members and facilitate the required documents to get the loan sanctioned even, before the land is located and the society is registered based on the income of the aspiring flat purchasers or the proposed member of the co-operative society
 - (14) Nominate the Project In charge who will monitor the project at the required interval and report to the Swagat Housing Finance Co. Ltd. Such project incharge shall be paid by Project Implementing Agency.
 - (15) Housing Advisors and Housing Appraisal Consultants also shall keep the track of the progress of the work and update the members about the same. The Housing Advisor and the Housing Appraisal consultants shall provide all the required guidance, knowledge about the Model to the members of AHWOI.
 - (16) To follow the process of Empanelment of Housing Appraisal Consultants and Housing Advisor and their terms and conditions. Like Empanelment Application Form , Executing the Housing Advisor Agreement, Housing Appraisal Consultants, Qualification, rules and regulation., duties etc. The Housing Advisors along with Housing Appraisal Consultant shall bring the people together to identify the a particular project approved by the empanelled developer and after the possession is given to form a Cooperative Housing society.
 - (17) Housing Advisors or the Empanelled Housing Advisors who are CAs are also advised to find out the developer who would like to provide the houses to group of members of AHWOI. Once the developer is identified, the group members shall pay a token amount of say Rs.5000/- or Rs.10,000/- per flat, execute a MOU or a package deal to provide the required houses of the required size and get the plan sanctioned for the same. Once the plan is sanctioned, the developer shall execute the individual agreement with every member of the group.
 - (18) The appointed Housing Advisor has to verify/ identify the customer, income proof and then the empanelled Housing Appraisal Consultant need to be determine the income , repayment capacity and the eligibility of the loan as per the Swagat Housing Finance Co Ltd Housing loan lending policies and norms. The Housing Advisor will collect the income proof from the persons who have applied for purchasing the flat. Thereafter, Housing Appraisal Consultant will get the loan sanctioned from Housing Finance Company (ies) (HFC) or bank or HFC based on their income criteria and also ascertain the capacity to pay the margin Money of 20% of the cost of the flat and also incur the expenses on stamp duty, registration, service tax, MVAT and other charges as may be required..
 - (19) Affordable Housing Welfare Organization of India (AHWOI) shall be inviting the applications to become the members of the AHWOI through the empanelled Housing Advisor who is connected with a particular Housing Appraisal Consultant.
 - (20) The aspiring flat purchasers who are members of AHWOI and after getting the possession of the flats from the developer shall form a Co-operative Housing society duly registered under Maharashtra Co-operative Societies Act, 1960 or any other State Act, as may be applicable. The Chief Promoter or the office bearers shall be decided by the society in their general body meeting by passing a suitable resolution.

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- (21) The empanelled Developer shall execute an MOU with the Affordable Housing Welfare Organisation of India about the various compliance that will be done on providing a group of persons who will be booking the flat as per the requirements of the member.
- (22) The proposed society, through Chief Promoter and all the promoters will enter into an agreement with the **Empanelled Developer to provide the houses as per their requirement**. The empanelled Developer will execute conveyance deed immediately on registration of Cooperative Society and to execute all other the relevant document on registration of the society.
- (23) The empanelled Developer duly approved by HFC, will execute an agreement with the Group of members of AHWOI to construct the building as per the plans approved by the members which also is approved by the Planning Authority.
- (24) HFC will provide the loan to the members by mortgaging the individual flats, taking two guarantors and mortgage of the land and building by the society whereby the society also will act as a Guarantor.
- (25) Based on the progress of construction and as per running bill received by the Developer, Swagat Housing Finance Co Ltd or any HFC / Bank shall release the loan and such payment will be made to the Developer directly on behalf of the flat purchasers.
- (26) In order to mitigate the risk, the architect will prepare the budget slabwise and an estimated cost schedule will be laid by him. A photo will be taken of the entire area of land where the construction will be made. This photo has to be certified by him. This work will be done in coordination by Project Implementing Agency Housing Advisors, Housing Appraisal Consultant (i.e Chartered Accountant) and the Project Management Consultant.

**For Above Article More Details Contact : 98201 06766 or
E-mail : rsprabhu13@gmail.com**

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The matter was referred before the Commission of Co-operation and he readily agreed that even if the online information of the appointment of auditor is done belatedly, the department would accept the same and cancel the appointment done by them. A detailed FAQ's about appointment of auditor by DDR is given elsewhere in this issue. Readers requested to take benefit of the same.

By this time most of the members must be aware that your federation has started with a Whatsapp group. You can send your name, name of the railway station, east of west to 9665774229 / 9890187344 requesting you to add to the group. In such group you can put in your queries and the experts at the federation would answer to your queries.

With Best regards

V. Viswanathan, Secretary

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PROFESSIONAL OPPORTUNITIES AND REGULATIONS OF REAL ESTATE BUSINESS IN INDIA BY ENACTING REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

.....A Boon for transparent real the orderly development of estate

... By CA. Ramesh Prabhu, President, Affordable Housing Welfare Organisation of India.

Background:

Real estate development and housing construction was largely the concern of State institutions till the 1980s with very few private promoters and a nascent industry. With the liberalization of the economy, conscious encouragement was given to the growth of the private sector in construction, with a great deal of success, and the sector today is estimated to contribute substantially to the country's GDP. Currently, the real estate and housing sector is largely unregulated and opaque, with consumers often being unable to procure complete information, or to enforce accountability against builders and developers in the absence of effective regulation

The Journey :

The real estate has been one of the most unregulated transaction in India though it is contributing more than 11% to the GDP. In spite of many attempts made by central and state government for last many years, the legislation for real estate regulation could not be done. Due to the united efforts of more than 100 flat buyers NGO and housing activists across India under one banner "Fight for RERA" by building pressure on ruling as well as opposition parties by using different social media, meeting the ministers, MPs, opposition leaders including call for Dharna at Jantar Mantra at Delhi, could ensure the passing of Real Estate (Regulations and Development) Act, 2016 both in Rajya Sabha and Lok Sabha in this budget session of 2016. It is a victory in a real sense for the welfare of the innocent flat buyers against the powerful and influential lobby of developers and builders, politicians, bureaucrats and other vested interested persons.

Objectives: This pioneering legislation has been envisaged to bring accountability & transparency

in the sector for improving governance, for protecting consumer interest and speedy mechanism for adjudication of disputes. This is expected to promote professionalism, standardisation and orderly growth which will boost private investment in housing sector

Legislative Power : This Act is in pursuance of the powers of Parliament to make laws on matters enumerated in the Concurrent List of Schedule VII of the Constitution of India, namely, transfer of property other than agricultural land; registration of deeds and documents, and contracts including partnerships, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

State Legislation to become redundant: The Maharashtra Housing(Regulation and Development)Act, 2012 including the Rules notified on 4th March, 2016 has now become redundant on the enactment of above Act by the Union Government. All other state legislations like Apartment Act, Ownership Act enacted and implemented to regulate the real estate transactions gets repealed on the implementation of Real Estate (Regulations and Development) Act, 2016.

Implementation by State Government : The state government will have to now ensure to make necessary Rules, procedures, required in infrastructure like website, establish the Regulatory and Appellate Tribunal within a period of one year to implement the above legislation.

The salient features of the Act are as under:-

(a) Applicability of the Act: Applicable across India to cover both residential and commercial real estate;

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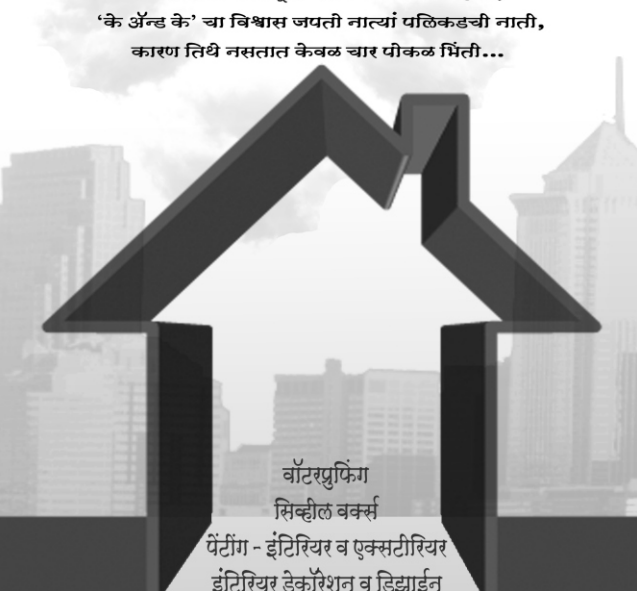
- (b) Establishment of Real Estate Regulatory Authority:** Establishment of one or more 'Real Estate Regulatory Authority' in each State/ Union Territory (UT), or one Authority for two or more States/UT, by the Appropriate Government for oversight of real estate transactions, To appoint one or more adjudicating officers to settle disputes and impose compensation and interest;
- (c) Registration of Real Estate Projects and Registration of Real Estate Agents:** Mandatory registration of real estate projects and real estate agents who intend to sell any plot, apartment or building, with the Real Estate Regulatory Authority;
- (d) Mandatory Public Disclosure of all project details:** Mandatory public disclosure norms for all registered projects such as details of promoters, project, layout plan, plan of development works, land status, status of statutory approvals and disclosure of proforma agreements, names and addresses of real estate agents, contractors, architect, structural engineer etc.;
- (e) Functions and Duties of Promoter:**
- ✓ Disclosure of all relevant information of project;
 - ✓ Adherence to approved plans and project specifications;
 - ✓ Obligations regarding veracity of the advertisement for sale or prospectus;
 - ✓ Rectify structural defects;
 - ✓ Refund money in cases of default;
- (f) Compulsory deposit of 70 percent:** To compulsorily deposit 70 percent (or such lesser percent as notified by the Appropriate Government) of the amounts realized for the real estate project from the allottees in a separate account in a scheduled bank within a period of fifteen days to cover the cost of construction to be used for that purpose;
- (g) Adherence to declared plans:**
- ✓ To bar the promoter from altering plans, structural designs and specifications of the plot, apartment or building without the consent of two-third allottees after disclosure;
 - ✓ However, minor additions or alterations permissible due to architectural and structural reasons;
- (h) Functions of Real Estate Agents:**
- ✓ Real estate agents to sell properties registered with the Authority;
 - ✓ Maintain books of accounts, records and documents;
 - ✓ Not to involve in any unfair trade practices;
- (i) Rights and Duties of Allottees:**
- ✓ Right to obtain stage-wise time schedule of project;
 - ✓ Claim possession as per promoter declaration;
 - ✓ Refund with interest and compensation for default by the promoter;
 - ✓ Allottees to make payments and fulfill responsibilities as per agreement;
- (j) Functions of Real Estate Regulatory Authority:** The Authority to act as the nodal agency to co-ordinate efforts regarding development of the real estate sector and render necessary advice to the appropriate Government to ensure the growth and promotion of a transparent, efficient and competitive real estate sector;
- (k) Fast Track Dispute Settlement Mechanism:**
- ✓ Fast track dispute resolution through adjudicating officers (District Judge);
 - ✓ Appellate Tribunal to hear appeals;
- (l) Establishment of Central Advisory Council:** To advise the Central Government on implementation of the Act, recommend policy, protection of consumer interest and to foster growth and development of the real estate sector;
- (m) Establishment of Real Estate Appellate Tribunal:** Real Estate Appellate Tribunal to hear appeals from orders of the Authority and the adjudicating officer. The Appellate Tribunal is to be headed by a sitting or retired Judge of the High Court, with one judicial and one administrative/technical member;

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'के अॅन्ड के' चा विश्वास जपती नात्यां पलिकडची नाती,
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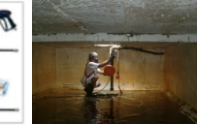

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(n) Punitive Provisions: Punitive provisions such as levy of penalty, imprisonment for not complying with the orders by the developer or by the flat purchasers including de-registration of the project and penalties in case of contravention of provisions of the Act or the orders of the Authority or Tribunal;

(o) Bar of Jurisdiction Courts: Provision for barring jurisdiction of court and any authority from entertaining complaints in respect of matters covered under the Act;

(p) Power to make Rules and Regulations:

- ✓ Appropriate Government to have powers to make rules over subjects specified in the Act;
- ✓ Regulatory Authority to have powers to make regulations;

Professional Opportunities for CAs:

(1) Audit of every Project Account by CAs:

As per section 4(d) of the said Act, 70% or more of the amount realized on sale of the flats need to be deposited in a separate escrow account to cover the cost of construction and shall be used exclusively for that project only.

It is also provided that the Promoter shall get his accounts audited : within six months after the end of every financial year by a chartered accountant in practice and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilized for that project and the withdrawal has been in compliance with the proportion to the percentage of the completion of the project.

Therefore, now every project account of whether proprietor, partnership,, trust, company need to be separately audited by a CAs and is a great professional opportunities.

(2) Representation Before the Regulatory Authority, Appellate Tribunal and adjudicating officer:

As per section 56 of the said Act, the applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries Or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal Or the Regulatory Authority or the adjudicating officer. as the case may be.



MAHARASHTRA SOCIETIES WELFARE ASSOCIATION (R)

"MSWA BRANCH OFFICE "

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



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Housing Finance Company Limited

CIN : U65922MH1996PLC101035

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Tel.: 26248565 / 42551414 / 9820601894
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HOUSING FOR ALL

You all are aware that Hon'ble Shri Narendra Modi Government has completed two years on 26th May 2016. During the two years span he has taken many decisions concerning to the common man and also try to raise the image of India on International level, - the results of which will actualize in near future. As a MSWA we are concerning about the Housing and one of the important decisions of the Hon'ble Prime Minister is that of "Housing for all till 2022".

The Maharashtra Government has recently taken decision that the 'Pradhan Mantri Awas Yojana' to be implemented in the State in full strength. And accordingly it has issued G.R. on 9th Dec. 2015. Under this scheme the house would not be only of four walls but it will be with, facilities like water connection to every family, lavatory arrangement, 24 hours electricity etc. This scheme is especially applied to urban area.

Following four, components have been included in the State's Scheme:

- 1) By utilizing land as resources, to make redevelopment of slums on it at the same place.
- 2) To create affordable houses for economically weaker section and low income groups through the media of loan link interest grant.
- 3) To create affordable houses through private partnership.
- 4) Grants for building individual nature homes through the beneficiary in economically weaker section.

The Government has given its sanction for applying this scheme in the jurisdiction of 51 Urban Self Government. Minimum area of the house shall be as per standard provided by National Building Code. However if the area of land was not sufficient, then with the consent of the beneficiary, and by taking state level approval and approval of the Monitoring Committee, low area houses can be constructed. But while doing this the facility of lavatory shall be necessary.

Houses to be built in the campaign shall be in the name of the head of a female household or in the joint name of the male and female household and

where the female household was not a member then at that place the house shall be in the name of male head. The house to be built in the campaign should be given priority to form Co-operative Society. Beneficiaries should be encouraged for forming Co-operative Societies.



✕ RAMESH PRABHU
Chairman, MSWA
Mob.: 98201 06766

Beneficiary family shall be comprised of husband wife and their un-married children. For taking the benefit of grants/assistance from the Central Government under this scheme, the condition is that the beneficiary family should not have their own indelible house in any part of the country. Eligibility of the beneficiary under this scheme shall be as per guidelines of the 'Pradhan Mantri Awas Yojana, Housing for all (Urban)'.

The State Government shall implement the said scheme in the form of campaign (excluding loan-linked interest subsidy section) as a Central Sponsored Scheme. For implementation of this project following entities have been given power.

- 1) **For Component No. 1:-** Concerned Slum Rehabilitation Authority and Urban Self Government, Shivshahi Rehabilitation Project.
- 2) **For Component No. 2:-** As per guidelines of this campaign.
- 3) **For Component No. 3:-** Urban Self Government, CIDCO, MHADA, Shivshahi Rehabilitation Project, Pimpri Chinchwad New City Development Authority, Nagpur Development Trust and Corresponding Government and Semi Government Organizations.
- 4) **For Component No. 4:-** Concerned Urban Self Governments.

Our MSWA through its Affordable Housing Welfare Organization of India and combined with Swagat Housing Finance has also took initiative in this campaign. Any interested party who wants to take this opportunity may contact our office for further details.

लोकसत्ता,
तारीख: ३०.०४.२०१६,

गृहनिर्माण संस्थांच्या सभासदांनी द्यावयाची देयके



नंदकुमार रेगे

गृहनिर्माण संस्था या सेवाभावी संस्था आहेत. त्यांच्या उत्पन्नाचा एकमेव स्रोत म्हणजे सभासदांकडून मिळणारी वर्गणी, ती त्यांनी नियमित भरली पाहिजे. काही थकबाकी सभासद थकबाकीच्या रकमेवर सवलत मागतात. सहकारी संस्थांनी अशी सवलत मुळीच देऊ नये प्रामाणिक सभासद नियमितपणे देयके भरतात आणि थकबाकीदार सवलती मागतात, हे लांछनास्पद आहे.

सहकारी गृहनिर्माण संस्था या सेवाभावी संस्था असतात. त्यांना उत्पन्नाचा एकमेव स्रोत म्हणजे सभासदांकडून मिळणारी मासिक देयके-त्यामध्ये मुख्यतः देखभाल खर्च (मेन्टेनन्स चार्जेस) आणि सेवाशुल्क यांचा समावेश होत असतो. या मासिक देयकांतून मिळणाऱ्या पैशांमुळेच संस्थेचा कारभार चालतो. प्रत्येक सभासदाने आपली मासिक देयके नियमितपणे देणे हे त्यांचे प्राथमिक कर्तव्य आहे. वास्तविक या देयकांचा तपशील गेल्या कित्येक वर्षांपासून सोसायट्यांच्या उपविधीतून दिला जात आहे. परंतु आमच्या फेडरेशनकडे येणाऱ्या अनेक गृहनिर्माण संस्थांच्या पत्रांमध्ये देखभाल खर्च म्हणजे काय, सेवाशुल्क म्हणजे काय, ते कशावर आधारित असतात असे प्रश्न विचारलेले असतात. याचाच अर्थ बहुसंख्या

पदाधिकारी उपविधीचे वाचन करण्याची तसदी घेत नाहीत, म्हणून या लेखात या दोन महत्वाच्या देयकांचा तपशील देण्याचे योजिले आहे.

देखभाल खर्च कसा काढला जातो त्याची सविस्तर माहिती उपविधी क्रमांक ६५ मध्ये दिली आहे. हा उपविधी म्हणतो, आकार म्हणून निदिष्ट केलेला संस्थेचा खर्च व तिचे निधी उभारण्यासाठी सदस्यांकडून गोळा करावयाची वर्गणी यात पुढे दिलेल्या बाबींचा समावेश असेल, १) मालमत्ता कर २) पाणीपट्टी ३) सामायिक वीज आकार ४) दुरुस्ती व देखभाल निधीतील वर्गणी ५) संस्थेच्या लिफ्टची देखभाल व दुरुस्ती आणि लिफ्ट चालविण्यासाठी येणारा खर्च ६) सिकींग फंडासाठी काढावयाची वर्गणी ७) सेवा आकार ८) पार्किंग आकार (वाहन उभे करण्याच्या जागोचे भाडे ९) थकविलेल्या पैशांवरील व्याज १०) कर्जाच्या हप्त्याची परतफेड व्याज ११) भोगवटा शुल्क १२) विसा हप्ता १३) भाडेपट्टी भाडे १४) कृषोत्तर कर १५) विमा हप्ता १६) भाडेपट्टी भाडे कोणताही अन्य आकार समिती संस्थेच्या खर्चासाठी प्रत्येक सदस्याचा हिस्सा चौकटीत उल्लेखिलेल्या तत्वावर संभावीत राहिल.

देखभाल निधी, सेवाशुल्क ही देयके दर महिन्यास दिली पाहिजेत. काही संस्था विशिष्ट तारखेपर्यंत देयके दिली गेली नाहीत तर व्याज आकारले जाईल असा ठराव वार्षिक सर्वसाधारण सभेत करतात. मात्र संस्था २१ टक्क्यांपर्यंत सरळ व्याज लावू शकते. चक्रवाढ व्याज लावता येत नाही. सतत दोन महिने थकबाकी दिली गेली नाही, तर संबंधित सभासद थकबाकीदार म्हणून ओळखला जातो. अशा थकबाकीद्वारे सभासदाविरुद्ध १०१ कलमाखाली सोसायटी थकबाकी वसूल करू शकते. ही थकबाकी वसूल करण्यासाठी शासनाने गृहनिर्माण संस्थांनाच नव्हे, तर सहकारीपत संस्था, सहकारी बँका यांनासुद्धा अधिकार दिलेली आहेत.

१०१ कलमाची व्याप्ती

जमीन महसुलाची थकबाकी वसूल करण्यासाठी १०१ कलम करण्यात आले होते. परंतु सहकारी गृहनिर्माण संस्था, पतसंस्था, सहकारी बँका यांच्या थकबाकी कलमाखाली वसूल करता याव्यात म्हणून हे कलम दुरुस्त करण्यात आले. त्यामुळे विविध प्रकारच्या सहकारी संस्थांच्या थकबाक्या वसूल करण्यासाठी या कलमाचा मोठ्या प्रमाणावर उपयोग करण्यात येत आहे, त्यासाठी या संस्था विशेष वसुली अधिकारी नियुक्त करण्यात येतात. मात्र त्यांना जिल्हा उपनिबंधकांनी गॅझेटमध्ये मान्यता दिल्यावरच ते थकबाकी वसूल करू शकतात. मात्र ते शासकीय नसतात, तर संबंधित संस्थांचेच नोकर असतात.

हे लोक आपापल्या संस्थेच्या थकबाकीदारांकडून थकबाकी वसूल करू शकतात. मात्र हे अधिकार फक्त निबंधकांनाच असतात. ती वसूल करण्यासाठी शेवटचा उपाय म्हणून थकबाकीदार सभासदाची मालमत्ता जप्त करू शकतात आणि जाहीर लिलावही करून संस्थेची थकबाकी वसूल करू शकतात.

याशिवाय शासकीय वसूली अधिकारीही असतात. परंतु १०१ कलमाखाली थकबाकी वसूल करण्याची प्रक्रिया खूप वेळकाढू आहे. त्यामुळे थकबाकी वसूल करण्यासाठी फार विलंब लागतो, ही वस्तुस्थिती आहे. ठाणे हाऊसिंग फेडरेशनकडे थकबाकीची प्रकरणे येतात, त्यावरून सभासदांकडील थकबाकी वसूल करण्यासाठी संस्थांचे पदाधिकारीचे उदासीन असल्याचे चित्र दिसते. या पद्धतीऐवजी थकबाकी वसूल करण्यासाठी अधिक जालीम उपाययोजना करण्याची वेळ येऊन ठेवली आहे असे वाटते.

या लेखाच्या प्रारंभी नमूद केल्याप्रमाणे गृहनिर्माण संस्था या सेवाभावी संस्था आहेत. त्यांच्या उत्पन्नाचा एकमेव स्रोत म्हणजे सभासदांकडून मिळणारी वर्गणी, तो त्यांनी नियमित भरली पाहिजे. काही थकबाकीदार सभासद थकबाकीच्या रकमेवर सवलत मागतात, असा आमचा अनुभव आहे. सहकारी संस्थांनी अशी सवलत मुळीच देऊ नये असे आमचे मत आहे.

प्रामाणिक सभासद नियमितपणे आपण देयके भरतात आणि थकबाकीदार सवलती मागतात हे लांछनास्पद आहे.

(मुख्य कार्यकारी अधिकारी)
ठाणे डिस्ट्रिक्ट को-ऑप.हौसिंग फेडरेशन

दंडाचे 'मजले'

महाराष्ट्र टाइम्स, तारीख : २१/५/२०१६

➤ ओसी अभय योजना निष्फळ

➤ हजारो ठाणेकर अडचणीत

ठाणे : पालिकेची रीतसर परवानगी घेऊन उभ्या राहिलेल्या मात्र विविध त्रुटींमुळे भोगवटा प्रमाणपत्र (ओसी) न मिळालेल्या इमारतींसाठी पालिकेने न जाहीर केलेली अभय योजना निष्फळ ठरली असून जेमतेम ८ ते १० इमारतींनाच गेल्या दोन महिन्यांत ओसी मिळवता आहे. १८ मेपर्यंत या अभय योजनेतून ओसी घेतली नाही तर दीडपट पाणी आणि मालमत्ता कर भरावा लागेल, असा इशारा पालिकेने दिलेला आहे, त्यामुळे ओसी नसलेल्या शेकडो इमारतींमधील रहिवाशांवर पालिका ही दंडात्मक कारवाई करणार का, असा प्रश्न या निमित्ताने उपस्थित झाला आहे.

सर्व परवानग्यांची पूर्तता करणाऱ्या शहरातील अधिकृत इमारतींना नियमानुसार कर आकारणी केली जाते. तर, पूर्णतः अनधिकृत पद्धतीने उभ्या राहिलेल्या इमारतींना सरकारच्या आदेशानुसार दुप्पट कर आकारणी केली जाते. परंतु, रीतसर परवानगी घेऊन उभारलेल्या मात्र, त्यात वाढी व बांधकाम किंवा मजले उभारलेल्या

इमारतींना पालिकेने ओसी दिलेली नाही. तूर्त त्यांच्याकडून अधिकृत इमारतींप्रमाणे कर वसूल केला जातोय. मात्र, अशा ओसी नसलेल्या इमारतींकडून दीडपट मालमत्ता कर आणि पाणीपट्टी वसूल करण्याची आदेश आयुक्त संजीव जयस्वाल यांनी १८ मार्च, २०१६ रोजी दिले होते. ओसी नसलेल्या इमारतींनी पालिकेने जाहीर केलेल्या अभय योजनेतून ६० दिवसांत ओसी मिळवा अन्यथा दंडात्मक कारवाईला तयार रहा, असा इशारा आयुक्तांनी दिला होता. ही मुदत आता उलटली असून जेमतेम १० इमारतींनाच गेल्या दोन महिन्यांत ओसी मिळवता आल्याची माहिती शहर विकास विभागातील सूत्रांकडून हाती आली आहे.

अडथळे अनेक

दीडपट दंडाच्या भीतीने अनेक सोसायट्यांचे प्रतिनिधी आणि वैयक्तिक फ्लॅटधारकांनी ओसी मिळविण्यासाठी गेले दीड महिने खटाटोप केला. मात्र, त्यांच्या मार्गात अनेक अडथळे उभे ठाकले आहेत. पालिकेच्या परवानगीनुसार इमारत बांधली असली तरी अनेक ठिकाणी त्यावर अनधिकृत मजले उभारण्यात आले आहेत. काही ठिकाणी इमारतींमध्ये अंतर्गत बदल केलेले आहेत. पार्किंगच्या जागेत व्यापारी गाळे थाटण्यात आले आहे. फ्लॅटची अंतर्गत रचना बदलण्यात आलेली आहे, बाल्कनी फ्लॉवरबेड आतमध्ये घेण्याचे प्रकारही बहुतांश ठिकाणी आहेत. पालिकेच्या नियमानुसार हे मंजूर एफएसआयचे उल्लंघन असून अशा इमारतींना आीय योजनेतूनही ओसी मिळू शकत नाही. त्याशिवाय ओसीसाठी स्ट्रक्चरल स्टॅबिलिटीचे प्रमाणपत्र सक्तीचे असून ते मिळवतानाही आर्थिक आणि तांत्रिक अडथळे उभे



राहतात. या योजनेतील दंडात्मक रक्कम हप्तांमध्ये भरण्याची सवलत पालिकेने दिली असली तरी ती रक्कम अनेकांना जास्त वाटते. अनेक सोसायट्यांमध्ये ओसी घेण्यासाठी एकमत होत नाही. काही ठिकाणी विकासकाने पालिकेचा करभरणा न करताच पलायन केलेले आहे. तो भार रहिवासी उचलण्यास तयार होत नाही, असे अनेक अडथळे या अभय योजनेत उभे टाकले आहेत.

अटी शिथील व्हाव्यात

अभय योजनेतून ओसी मिळविण्यासाठी ज्या अटी आहेत त्याची पूर्तता बहुतांश सोसायट्यांना करताच येणार नाही, अशी परिस्थिती आहे. त्यामुळे या अटींमध्ये काही व्यवहार्य बदल व्हायला हवेत, असे पालिकेतील काही अधिकाऱ्यांचे म्हणणे आहे. अंतर्गत बदलांमुळे जे एफएसआयचे उल्लंघन झालेले आहे, त्या

इमारतींना तरी दिलासा मिळेल, असे बदल सरकारच्या परवानगीने करण्याचा विचार व्हायला हवा. तसे झाल्यास शेकडो ठाणेकरांना मोठा दिलासा मिळू शकेल, असे मतही काही अधिकाऱ्यांनी व्यक्त केले.

दंडाची तरतूद आहे?

ओसी नसेल तर पाणीपट्टी दीडपट करण्याचे अधिकार कायद्याने पालिकेला दिलेले आहेत. मात्र, मालमत्ताकरात वाढ करण्याबाबतचा निर्णय अद्याप झाला नसल्याची माहिती विश्वसनीय सूत्रांकडून हाती आली आहे. त्यामुळे पालिकेने घेतलेल्या दंडात्मक कारवाईच्या निर्णयाला कायदेशीर आधार आहे का, असा प्रश्नही भविष्यात उपस्थित होऊ शकतो.

मालमत्ता आणि मृत्यूपत्र

लोकसत्ता,
तारीख: ०४.०६.२०१६,

प्रत्येकाच्या आयुष्यात काही ठरावीक टप्पे येत असतात. बालपण म्हणजे मजा, नंतरशिक्षण आणि उद्योग, त्यानंतर सगळे स्थिरस्थावर झाल्यावर मजेत जगण्याचा काळ आणि शेवटचा टप्पा म्हणजे जेव्हा आपला प्रवास संपत आल्याची जाणीव होऊन आपली नजर पैलतीरी लागते तो, उतरायचे स्थानक जवळ आल्यावर जशी, आपण सामानाची आवराआवर करतो, तसेच काहीसे या शेवटच्या टप्प्यात करणे आवश्यक आणि इष्ट आहे.

आपण सक्षम असतानाच आपल्यानंतर आपण आपल्या आयुष्यात जी काही मालमत्ता विशेषतः अचल मालमत्ता म्हणजे घर, जमीनजुमला इत्यादी कमावली त्याची व्यवस्था कशी असावी याचा निर्णय करणे आवश्यक आहे. असा योग्य निर्णय केल्याने पुढील पिढीचे बरेचसे प्रश्न आपोआप निकाली निघतात.

मृत्यूपत्र हा आपल्या मालमत्तेची व्यवस्था लावण्याचा सर्वोत्तम उपाय आहे. आजही आपल्यापैकी अनेकांना मृत्यूपत्र करायचे म्हटले की, अनेकानेक प्रश्न सतावायला लागतात. वास्तविक मृत्यूपत्र ही अतिशय साधी सोपी गोष्ट आहे, त्यात घाबरून जाण्यासारखे काही नाही.

बऱ्याचदा अशी शंका येते की मृत्यूपत्र नक्की लिहायचे कसे? त्याचा ठरावीक मसुदा आहे काय? तर तसे काहीही नाही. मृत्यूपत्र ठरावीक साच्यात लिहिले पाहिजे असे कोणतेही कायदेशीर बंधन नाही. सर्वसामान्य लेखनाच्या नियमांचे पालन करून मृत्यूपत्र लिहावे, म्हणजे प्रथमतः ते वाचनीय असायला हवे, दोन-त्यातील मजकूर मृत्यूपत्र करण्याच्या इच्छा स्पष्टपणे कळेल असा असावा.



- अॅड. तन्मय केतकर

मृत्यूपत्र म्हटले की, ते साहजिकच कर्त्याच्या मृत्यूनंतरच उघडण्यात येते. त्यामुळे त्यातील मजकुराबाबत खातरजमा करण्यासाठी त्याचा कर्ता हयात नसतो. म्हणूनच सामान्यतः कोणत्याही मृत्युपत्राला मृत्युपत्रातील मजकूर ठाऊक असणारे किमान दोन साक्षीदार असावेत, जेणेकरून मृत्युपत्राबाबत वाद निर्माण झाल्यास अथवा मृत्युपत्र न्यायालयात सिद्ध करायची वेळ आल्यास, मृत्युपत्रातील मजकूर साक्षीदारांद्वारा सिद्ध करता यावा.

केवळ बौद्धिक आणि मानसिकदृष्ट्या सक्षम व्यक्तीच मृत्युपत्रासोबत कर्त्याच्या मानसिक आणि बौद्धिक सक्षमतेचा वैद्यकीय दाखला असावा. जेणेकरून नंतर कर्त्याच्या सक्षमतेबद्दल वाद निर्माण झाल्यास वैद्यकीय दाखल्याने किंवा प्रसंगी वैद्यकाच्या साक्षीने अशा वादाचे निराकरण होऊ शकेल.

कोणत्याही व्यक्तीला आपला अंत निश्चितपणे सांगता येणे केवळ अशक्य आहे. त्यामुळेच बदलत्या परिस्थितीनुसार आणि काळानुसार

मृत्युपत्र बदलायचे झाल्यास तसे करता येते. प्रत्येकास आपले मृत्युपत्र किती वेळा करावे यावर काहीही कायदेशीर बंधन नाही. प्रत्येक मृत्युपत्र त्याच्या अगोदरचे मृत्युपत्र रद्द करते आणि मयत व्यक्तीचे केवळ शेवटचेच मृत्युपत्र ग्राह्य धरण्यात येते. आपल्या मृत्युपत्राची अंमलबजावणी विशिष्ट व्यक्तीमार्फत व्हावी अशी इच्छा असल्यास, मृत्युपत्राव प्रशासक नेमता येतो. प्रशासकाची नेमणूक केल्यास, मृत्युपत्राची अंमलबजावणी करायची जबाबदारी आणि अधिकार प्रशासकास असतात.

नोंदणी कायदा हा सर्व प्रकारची कागदपत्रे आणि त्याची नोंदणी याबद्दल अत्यंत महत्वाचा आहे. या नोंदणी कायदानुसार मृत्युपत्राची नोंदणी ऐच्छिक आहे. इच्छा असल्यास मृत्युपत्राची नोंदणी करता येऊ शकते. मात्र नोंदणी करण्याचे बंधन नाही. वाद निर्माण झाल्यास अनोंदणीकृत मृत्युपत्राच्या तुलनेत नोंदणीकृत मृत्युपत्र सिद्ध करणे सोपे असते. म्हणूनच मृत्युपत्र नोंदणी करणे केव्हाही श्रेयस्कर ठरते.

मृत्युपत्राबाबत महत्वाचे मुद्दे

- अविवाहित व्यक्तीने विवाहापूर्वी केलेले मृत्युपत्र विवाह झाल्यावर आपोआप रद्द ठरते.

- मृत्युपत्रात परस्परविरोधी मजकूर असल्यास शेवटचा मजकूर ग्राह्य धरण्यात येतो.
- मृत्युपत्रात उल्लेखिलेल्या संपत्तीपैकी मृत्युपत्र करण्याच्या निधनाच्या वेळेस शिल्लक संपत्तीच केवळ विचारात घेतली जाते.

आजी अनेकांचा असा गैरसमज आहे की, मृत्युपत्र केले की सर्व मालमत्ता आपल्या इच्छेप्रमाणे आपोआप हस्तांतरित होते. मात्र असे नसते. मृत्युपत्रातील लाभार्थी अथवा प्रशासक यांस सक्षम न्यायालयात जाऊन न्यायालयामार्फत मृत्युपत्राची अंमलबजावणी करून घ्यावी लागते. त्याशिवाय मालमत्तेचे अभिलेखात लाभार्थ्यांच्या नावाची नोंद केली जात नाही.

वरील सर्व विवेचनावरून आपल्या असे लक्षात येईल की, मृत्युपत्र करणे ही एक अतिशय उत्तम सोय आहे. प्रत्येकाने सर्व कायदेशीर बाबी ध्यान्यात ठेवून किंवा तज्ज्ञांचे मार्गदर्शन घेऊन या सोयीचा लाभ अवश्य घ्यावा.



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लोकसत्ता,
तारीख: २८.०५.२०१६,

‘इमारतींचा पुनर्विकास का रखडतो?’



इमारतीसाठी किचकट मंजूरी प्रक्रिया, सतत बदलणारे नियम व राजकारण्यांचा त्रास ही इमारतींचा पुनर्विकास रखडण्यामागील प्रमुख कारणे आहेत.

‘कन्वेन्स’ ही पुनर्विकासाची पहिली पायरी आहे. ज्यांच्याकडे नाही त्यांचे काय? असा प्रश्न साहजिकच पडतो. पण आजच्या काळात अशक्य असे काही राहिलेले नाही. सोसायट्याचे कन्वेन्स करून त्यांच्या इमारतीचा पुनर्विकास करण्याची कामे आज बिल्डर या त्यांच्या कंपन्या करत आहेत. कारण बिल्डर हा पैशांच्या बाबतीच नेहमीच ‘हेवीवेटेड’ असल्याने तीसुद्धा आपली सर्व ताकद पणाला लावून अशी कामे सहजशक्य करू शकतो. तसेच आजच्या सर्वच सरकारी क्षेत्रांचा बिल्डर हा एक चांगला पदबवउमैनतबम असल्याने सरकारी बांबूपासून जे राजकारण्यापर्यंत सर्वांनाच हवाहवासा आदर्श असल्याने खिसक्या काढून बिल्डरपण आपले हित साधून घेत असतो.

बिल्डर व इमारतीतील रहिवाशी या दोघांचे ‘मिले सूर मेरा तुम्हारा’ झाल्यानंतर बिल्डर नवीन इमारतीचा प्रस्ताव नगरविकास विभागाच्या इमारत मजुरा प्रस्ताव विभागाकडे मंजूरी शुल्क भरून मालमतेसाठी दाखल करीत असतो त्यासाठी आपल्याकडे भरमसाठ ना हरकत पत्रांची पूर्तता करावी लागून असल्याने बिल्डरची सुरवातीलाच चांगलीच दमछाक झालेली असते. तसेच त्याचा

खिसासुद्धा चांगलाच खाली झालेल्या असतो. बिल्डरांच्या भागीदारीतील भांडणे, परिणामी होणारी वादावाद नि त्यामुळे इमारत पूर्ण होण्यास विघ्न येते. तर त्यातील रहिवाशांच्या प्रतीक्षेला काही कालमर्यादा राहत नाही.

भागीदारी म्हणजे आपल्या सर्वांचा सहज समज असा आहे की, नफा सारखा सारखा वाटून घ्यायचा त्याला आपण ‘फिफ्टी-फिफ्टी’ नावाने चांगलाच ओळखतो. मनुष्य जातीची स्वभावचरणाच अशी आहे की प्रत्येकाला पैसा, सुख मिळाले पाहिजे. कोणीही तोटा, नुकसान, दुःख यांचे भागीदार होण्यास तयार असतात पण असं काही होत नाही. धंदा म्हटला तर नफा-तोटा आहेच, त्याच समीकरणावर त्याचं गणित आहे. पण सर्वजण ते स्वीकारत नाहीत. त्याचा परिणाम असा होतो, की जे लोक नफा-तोटा स्वीकारतात त्यांचा धंदा बंद होतो. परिणामी भागीदारी तुटते व सर्वच व्यवहार अर्धवट अवस्थेत राहतात. त्याच मालिकेतील इमारतीचा पुनर्विकास जे लोक करण्यास तयार होतात व पैशांची जमवाजमव करू न शकणारे पुढे त्यांच्यात फाटाफूट होत राहते व परिणामी भागिदारी फूट पडल्याने हातात असलेला प्रकल्प रखडण्यास भाग पडतो.

नवीन धंदा, त्यातील हिशोब-किताब, त्या क्षेत्राचा अनुभव नसणे व त्याचे शिक्षण नसणे, इमारतीच्या कामांचा व वापरल्या जाणाऱ्या साहित्यांची ओळख, दर्जा, किमती यांचे ज्ञान बिल्डरांच्या आत्महत्या हा त्यांना होणारा त्रास अधोरेखित करतात. अशी घटना झाली तर इमारतीचे काम पूर्ण होणे कठीण होते व त्यात बरीच वर्षे खर्ची पडत राहतात.

वरील तीनही बाबी या इमारतीच्या पुनर्विकासातील ‘गतिरोधक’ आहेत. सरकारने त्यावर विचारमंथन करून नवीन सुटसुटीत व जलद मंजूरी प्रक्रिया केल्यावरच पुनर्विकासाची गाडी ‘एक्सप्रेस वे’ होऊ शकेल, अन्यथा नाही!

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



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प्रत्येक वर्षाला २० टक्के सदस्यांना प्रशिक्षण बंधनकारक

जा. क्र. प्रशासन/ कलम २४ क -
शिक्षण प्रशिक्षण/२०१५/१३२
सहकार आयुक्त व निबंधक, सहकारी संस्था,
महाराष्ट्र राज्य, पुणे यांचे कार्यालय
दिनांक १५/०५/२०१५

वाचावे :-

१. महाराष्ट्र सहकारी संस्था अधिनियम १९६० चा कलम २४ क
२. महाराष्ट्र सहकारी संस्था अधिनियम १९६० चा कलम ७५ (२) (Viii)
३. महाराष्ट्र सहकारी संस्था अधिनियम १९६१ मधील ३० क
४. महाराष्ट्र शासन - सहकार, पणन व वस्त्रोद्योग विभागाकडील अधिसूचना दि. १० सप्टेंबर २०१४

:- परिपत्रक :-

विषय:- सर्व प्रकारच्या सहकारी संस्थांमधील सदस्य, अधिकारी आणि कर्मचारी यांचे सहकार शिक्षण व प्रशिक्षणाबाबत कलम २४क (१) नुसार करावयाची कार्यवाही.

महाराष्ट्र सहकारी संस्था अधिनियम १९६० चे कलम २४ क (१) नुसार 'प्रत्येक संस्था, राज्य शासन, राजपत्रातील धिसूचनेद्वारे विनिर्दिष्ट करील अशा, राज्य संघीय संस्थांमार्फत किंवा राज्य शिखर प्रशिक्षण संस्थामार्फत आपले सदस्य, अधिकारी आणि कर्मचारी यांच्याकरीता सहकार शिक्षण व प्रशिक्षण आयोजित करील'. अशी तरतूद केली आहे.

त्यानुसार महाराष्ट्र शासनाने दि. १० सप्टेंबर २०१४ चे अधिसूचनेनुसार (वाचावे क्र. ३), महाराष्ट्र सहकारी संस्था अधिनियम १९६०(महा. १९६१ चा चौवीस) मधील कलम २४ क उप-कलम (१) नुसार खालील नमूद केलेल्या राज्य संघीय संस्था अथवा शिखर प्रशिक्षण संस्थांना राज्यामध्ये सहकार क्षेत्रातील शिक्षण व प्रशिक्षणासाठी मान्यता दिली आहे.

राज्यस्तरीय संस्था :-

१. वैकुंठ मेहता राष्ट्रीय सहकार प्रबंध संस्थान, गणेश खिंड मार्ग, पुणे.
२. यशवंतराव चव्हाण विकास प्रशासन प्रबोधिनी (यशदा), राजभवन आवार, बाणेर मार्ग, पुणे.
३. महाराष्ट्र राज्य सहकारी संघ पुणे.
४. महाराष्ट्र राज्य सहकारी बँक मर्यादित, मुंबई यांचे प्रशिक्षण केंद्र (शिखर) वाशी, नवी मुंबई.
५. पदमश्री डॉ. विठ्ठल विखे-पाटील, सहकार प्रबंध संस्थान, पुणे.
६. धनंजयराव गाडगीळ सहकार प्रबंध संस्थान नागपूर.
७. कृषि बँकिंग महाविद्यालय, विद्यापीठ मार्ग, पुणे.

जिल्हास्तरीय संस्था :-

१. पुणे जिल्हा नागरी सहकारी पतसंस्थांचा संघ मर्या. पुणे - या संस्थेला पुणे जिल्हा क्षेत्रामधील सहकारी

पतसंस्थांपुरती सहकार शिक्षण व प्रशिक्षण संस्था अशी मान्यता देण्यात आली आहे.

तेव्हा सर्व प्रकारच्या सहकारी संस्थांनी, राज्य शासनाने अधिसूचित केलेल्या वर नमूद संस्थांकडूनच आपले सदस्य, अधिकारी आणि कर्मचारी यांचे सहकार शिक्षण व प्रशिक्षण घेणे अनिवार्य आहे. राज्य शासनाने अधिसूचित केलेल्या संस्थांव्यतिरिक्त इतर संस्थांकडून घेतले जाणारे शिक्षण व प्रशिक्षण हे ग्राह्य (अधिकृत) मानले जाणार नाही.

तसेच महाराष्ट्र सहकारी संस्था नियम १९६१ मधील नियम ३० अ मध्ये सहकारी संस्थेचे सदस्य अधिकारी व कर्मचारी यांचे शिक्षण व प्रशिक्षणाकरिता पुढील तरतूद करण्यात आली आहे.

३० अ सदस्य, अधिकारी व कर्मचारी इत्यादींना सहकाराचे शिक्षण व प्रशिक्षण -

- (१) प्रत्येक संस्था ही, राज्य शासनाकडून अधिनियमाच्या कलम २४ क अन्वये अधिसूचित केलेल्या राज्य संघीय संस्था किंवा राज्य शिखर प्रशिक्षण संस्था यांच्यामार्फत दरवर्षी तिचे सदस्य, अधिकारी व कर्मचारी यांच्यासाठी शिक्षण व प्रशिक्षण कार्यक्रमांचे आयोजन करील.
- (२) शक्य असेल तेथवर, शिक्षण व प्रशिक्षणाचा कालावधी पुढील प्रमाणे असेल -
 - (अ) सदस्यांसाठी किमान एक दिवस व कमाल तीन दिवसांपर्यंत,
 - (ब) समितीच्या सदस्यांसाठी किमान एक दिवस व कमाल तीन दिवसांपर्यंत,
 - (क) संस्थेच्या अधिकाऱ्यांसाठी किमान दोन दिवस,

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पाणीप्रश्नी स्वयंपूर्णतेची गरज

पुढारी,
तारीख: २८.०५.२०१६,

एक लाख चौरस फुटांच्या बांधकामासाठी ६०० कोटी लिटरहून अधिक पाणी खर्ची पडते. एवढ्या पाण्यात ५० घरांची संपूर्ण वर्षाची पाण्याची गरज भागू शकते. हे लक्षात घेता पाण्याबाबत रिअल इस्टेट क्षेत्रातही जागरूक राहून पाणी बचतीला हातभार लावायला हवा.

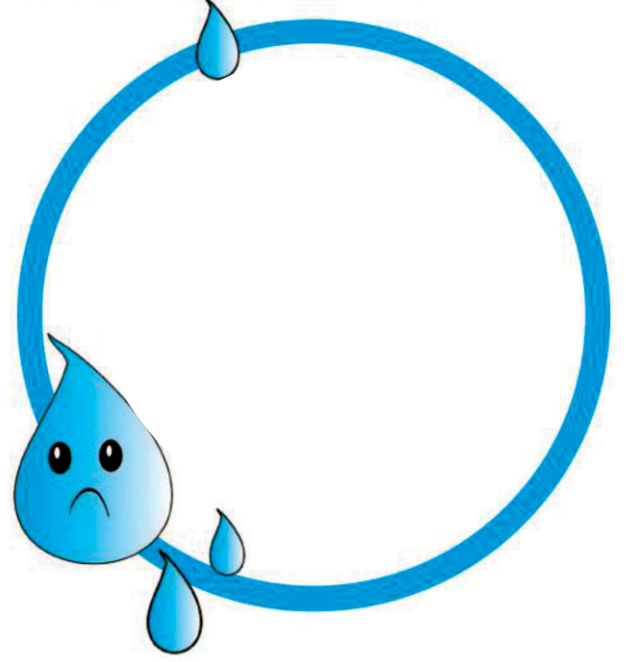
—सुधाकर मित्रा

गेले दोन वर्षे सततच्या दुष्काळाने होरपळलेल्या महाराष्ट्राला आता आगामी मान्सूनकडून मोठ्या अपेक्षा आहेत, पण या दुष्काळी स्थितीमुळे पाण्याचे महत्त्व व या संपत्तीचा काटकसरीने वापर करण्याचे भान अधोरेखित केले. यावेळी पाणी कपात जारी केल्याने शहरवासीयांनाही त्याची झळ जाणवली. पाणी आणि मानवी वस्ती यांचे खूप जवळचे नाते आहे. मानवी वस्ती नद्यांच्या, तलावांच्या काठीच बसविल्या जातात, हे इतिहासानेही सिद्ध केले आहे. सध्या शहरातच मोठी पाणीटंचाई जाणवत असल्याने शहरातील अनेक भागांना टँकरवर अवलंबून रहावे लागते.

ब्यूरो ऑफ इंडियन स्टॅंडर्सच्या पाहणीनुसार, शहरी भागातील पाण्याची रोजची दरडोई गरज १०० लिटरची आहे. पण, शहरी जीवनशैलीत बदल झाल्याने यापेक्षा अधिक पाण्याची मागणी होत आहे. उदरहरणार्थ अलीकडे एका घरात दोन कोर्स असतात. त्या स्वच्छ करण्यासाठी दुप्पट पाणी लागते. वॉशिंग मशीनमध्येही पिण्याच्या पाण्याचा वापर होतो. बागांनाही पिण्याची पाणी वापरले जाते.

रिअल इस्टेट क्षेत्रातील बांधकामालाही प्रचंड पाणी लागते. सध्या ही गती मंदावल्याने पाण्याची बरीचशी बचत होत आहेत, ही एका अर्थाने जमेची बाजूच म्हटली पाहिजे. बांधकाम चालू असतांना प्रतिमीटरला १ किलोमीटर पाणी लागते. या हिशेबाने एक लाख चौरस फूट बांधकामाला ६०० कोटी लिटर पाण्याची गरज लागते. यात ५० घरांच्या एक वर्षाच्या पाणी पुरवठ्याची गरज भासू शकते. सुदैवाने यातील मोठ्या प्रमाणावरील पाणी हे शुद्ध पिण्याचे नसते. पण, त्याचा वापर इतर घरगुती कामासाठी होऊ शकतो.

बांधकाम क्षेत्रातील मंडळी खासगी मार्गाने पाणी मिळवतात. प्रामुख्याने ते टँकरवर अवलंबून असतात. टंचाईच्या काळात उथळ विहिरीतून किंवा तळ्यातून किंवा पृष्ठभागावरील पाणी टँकरवाले



घेत असतात. जेव्हा हे पाण्याचे स्रोत आटतात, त्यावेळी पाण्याचे टँकर महागडे होतात. त्याचा फटका बांधकाम व्यावसायिकांनाही बसतो. पाणीटंचाई तीव्र होते, त्या काळात पाणी माफियांचे राज्य चालते.

अशा टंचाईच्या काळात प्रत्येकाने आपणहून पथ्ये पाळणे आवश्यक असते. साफसफाईसाठी बागांसाठी पिण्याच्या पाण्याची नासडी करण्याची आवश्यकता नाही. वाया जाणाऱ्या पाण्यावर प्रक्रिया करून ते वापरता येते. बांधकाम व्यावसायिकांनाही बांधकामाच्या साईटवर अशा पाण्यावर प्रक्रिया करणारे प्लँट उभारून त्याचा अधिक वापर केला पाहिजे. पाण्याचे दुर्भिक्ष्य असलेल्या भागात पावसाच्या पाण्याचा जास्तीत जास्त साठा करून ठेवण्याची पद्धत शतकानुशतके वापरली जात आहे. सध्याची तंत्रज्ञानातील प्रगती लक्षात घेता याची अंमलबजावणी शहरी भागात करता येईल. यापुढची मोठी जागतिक महायुद्धे पाणी प्रश्नावरून होतील, असे तज्ज्ञांचे म्हणणे आहे. साधनसंपत्तीच्या वाटपातील असमतोलातून हे संघर्ष उद्भवत असतात. त्या पार्श्वभूमीवर पाण्याचा काटकसरीने वापर करणे ही प्रत्येक क्षेत्राची जबाबदारी आहे. त्याला रिअल इस्टेट क्षेत्रही अपवाद नाही. पाण्याच्या उपलब्धतेबाबत या क्षेत्राने अधिकाधिक स्वयंपूर्ण असले पाहिजे.



WHATSAPP QUESTION AND ANSWERS

WhatsApp

Q.1. Is it E Order necessary ?. Federation office mumbai & bandra office management said there is no need of 'E order' what should I do ? Or

In other words a Housing Society had appointed the auditor in AGM however forgot to inform/ upload resolution on Mahasahkar site. Now the DDR has appointed another auditor who is insisting to show a copy of recpt of resolution filed with DDR . Let me who should audit the society for 2015-16

.....CA. S.D.Kharadkar

Ans by CA Prabhu Ramesh

As per Commisisoner's Circular dated 22.08.2015 (available on www.mswahousing.org) Every auditor has to generate e-order by 31st Oct 2015 to confirm their appointment. Where e-orders are not generated, DDR have generated e-order by appointing auditors from the panel. In case, the auditor could not generate e-order for 2015-16 and another auditor is appointed, he has two options:

- (1) Communicate to the society that he cannot do the audit as he could not generate e-order and advise the society to get the audit done by the DDR appointed auditor or
- (2) Approach the DDR by the society and auditor with copy of resolution and consent of the auditor to revoke the earlier appointed auditor by DDR and reconfirm and generate e order by the DDR about AGM appointed auditor. This authority and faculty in the online system has been given to DDR by advising by the hon'ble commissioner in the meeting held on 12.2.2016 of all the DDRs.

In case, you are not able to get the auditor appointed by DDR replaced in the system by AGM appointed auditor through DDR, you should not carry out the audit or accept audit for following reasons:

- (1) You will not be able to get the audit report submitted through auditor login as required u/s 81 (1)(a) of the MCS Act.
- (2) you will be going against the order of DDR and commissioner circular dated 22.8.2015 and may liable get show cause notice by DDR and need to give satisfactory explanation
- (3) Rectification report by the auditor cannot be uploaded as required u/s 82 of the MCS Act.
- (4) Society may get show cause notice and treat the audit not legal as audit is not done by the DDR appointed auditor since it was not revoked by DDR.

So you are advised to get your appointment confirmed in the system of Department by approaching DDR and then do the audit otherwise, allow the DDR appointed auditor to compete this year audit.

Q.2. Sir Please let me in view of Aurangabad courts stay for audit fees as per circular of 2014 of co operative department what is the fee to be charged for fy 2015-16 ie is it as old rates or as per 2014 circular..

Ans by CA Prabhu Ramesh

The one judgment reads as under:

"Rule prescribes lesser fees than notification dated 15/5/1992 stayed till the disposal of the petition."

That means the part of notification dated 29.10.2014 which provides for lesser fees are stayed and fees of 1992 is applicable to those type of societies... In other words, the fees as per 1992 or 2014 whichever is more is applicable and payable by the societies....

For example Sugar cooperatives and coop credit society fees rates were reduced in 29th October 2014 notification compared to notification dated 1992...now rates of 1992 shall be applicable to these type of societies or any other societies were fees have been prescribed lesser than 1992...

Q.3. I have one query if u can help. What are the payments which a society should do to federation of societies. Is it compulsory? If so how much whether per member or fix.

..... J P Sharma

Ans by CA Prabhu Ramesh

Federation normally provides common services like common security, house keeping, gardening , drainage etc..all such charges should be collected from the societies who are its members based on number of flats in the respective building/ society. For example there are five societies in the federation, first one has 50 flats, second one 20 flats, 3rd , 4th and 5th have 10 each....if the federation expenses are Rs.100000 per month...if we equal on all five societies , each society need to pay Rs.20,000 which means , each flat in 10 member societies need to pay Rs.2000 per flat per month and 50 member society need to pay Rs. 400 per flat per month... this is not prefer and justified. However if done on the number of flats it amounts to Rs.1000/= per flat.

For the sake of understanding it better, if all five buildings had one society of 100 members, it would have been collected equally. Therefore same logic need to be applied and just because they are registered as separate society different treatment at federation level can be made.

Q.4. Jointly held flat by husband and wife, they are divorced, she is married again and at present stays out of the country. The ground floor flat has been abandoned for about 25years now. Society maintenance never paid till date. The husband is at present bed ridden stays in another state.

He has gifted the flat to his niece and no consent from the divorced wife. She intern has gifted the flat to her husband, who is now claiming the flat. Till date maintenance amounting now to ₹10lakhs with interest is not yet paid.

Please advise, what would be the right thing to do?

..... Carlos Dsouza, Nallasopara.

Ans by CA Prabhu Ramesh

The society should file a recovery case u/s 101 of the MCS Act,1960 against the members as per their record . The society should make both the niece of husband whom his share is gifted and new husband of divorced wife as additional parties.

Once you receive recovery certificate u/s 101 of the MCS Act, a special recovery officer appointed by the federation or registrar can initiate actions to auction the flat to recover the dues. It may take three to six months to get recovery certificate but may take additional two to three years to auction the flat or recover the dues.

It is worth trying instead of sleeping on the issue.. pls do start charging interest at the rate of 21% p.a.simple by passing resolution in the AGM since the date of default..

Q.5. Could you explain and guide me for below my query. We are having a flat which was in the name of my mother unfortunate my mother expired last year but she has submitted Nomination form to society which is in the name of me and my younger brother. I have three married sisters. After submission of death certificate along with copy of nomination form can Society make the changes on share certificate? Secondly what other documents and legal procedures to be followed for regularised this transfer or nomination so will not have much trouble and barriers at the time of sale of property.

----- CA Anchekar.. Virar

Answer by Jagdish

Mr. Anchekar, you have to fill in the necessary forms along with your brother & get the flat & the shares transmitted, in the names of brothers. However, the transmission as Nominees shall not vest in you both to either sell, nor mortgage, nor sublet nor further nominate, in respect of the said flat & the said shares. At the time of sale or transfer of the flat if any such act is allowed you need to have your married sisters as well as your father(if Alive) to execute the said Indenture of Sale/Transfer to complete the title effectively.



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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- / / 2015

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

Sir,

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

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

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

Yours faithfully,

Name of the subscriber

ACKNOWLEDGEMENT

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

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

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

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

Date: _____

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

Sir,

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

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

2. Registered Address : _____

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

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

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

Yours faithfully

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

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

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

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

Proposed By : Shri _____

Seconded By : Shri _____

Carried Unanimously.
TRUE COPY

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

DATA SHEET

Name of the Society : _____

Address of the Society : _____

Land Mark to reach Society : _____

Registration No. : _____

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

Name of the Committee Members :

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

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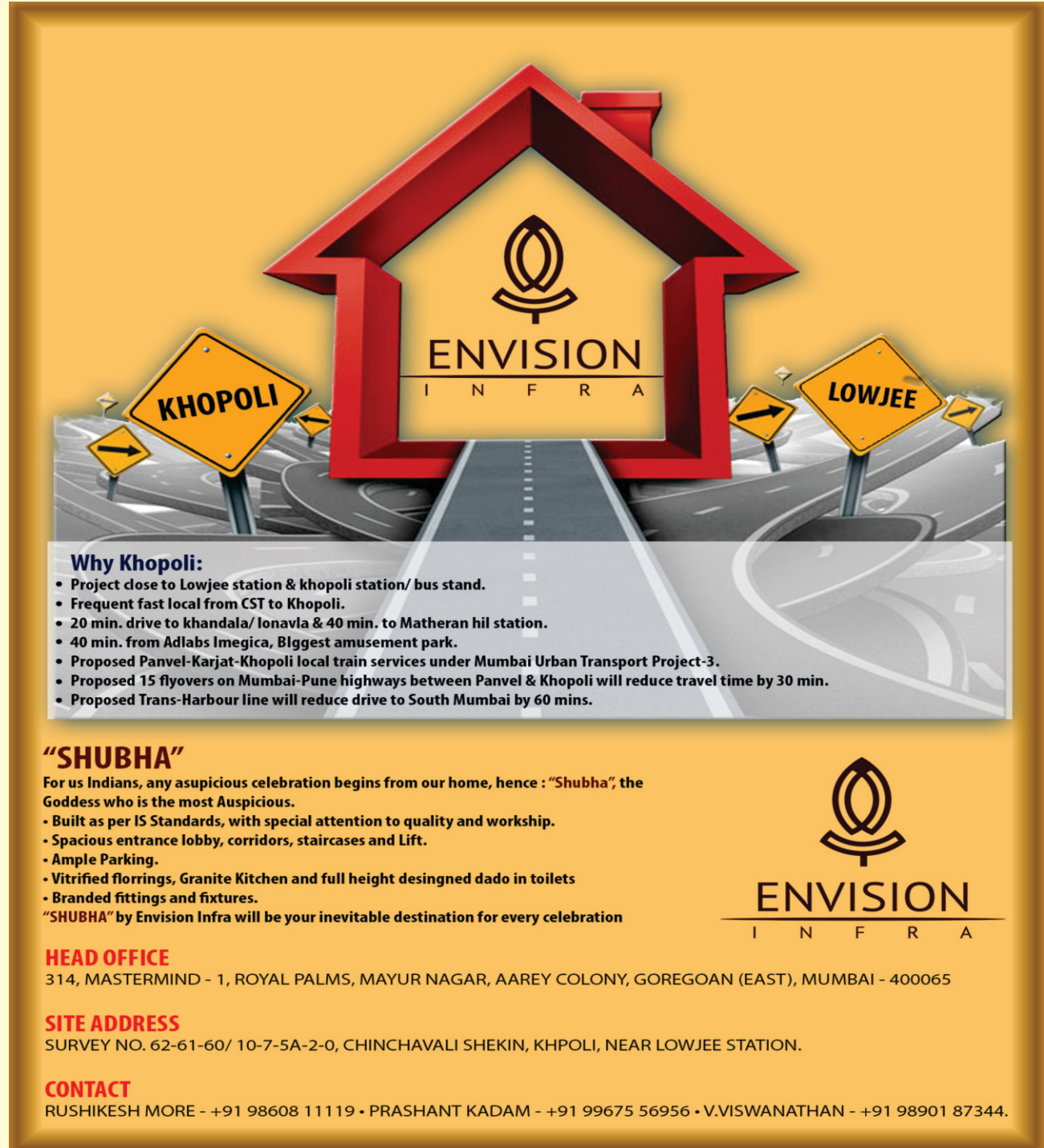


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Editor, Printed, Published & Owned By: Mr. V. Viswanathan

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