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May 2016

VOL.06 Issue 02

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	36	10	42076
Amt. per Month Rs.	Period	Rol	Maturity Amt. Rs.
1500	12	8	18795
	24	9	39151
	36	10	63115

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EDITORIAL



श्री. वि. विश्वनाथन

CONTAIN	PAGE NO.
AHWOI President Desk	06
एफएसआय नियमांतून ठाण्याला थोडा दिलासा	10
माईदरमध्ये समूह विकास?	10
'रेडी रेकनर'चे क्षेत्रनिहाय वाढीव दर जाहीर	12
नव्या प्रॉपर्टीतली गुंतवणूक फायदेशीर	14
एक खिडकी परवाना अपेक्षित	16
PROFESSIONAL OPPORTUNITIES OF CAs AS HOUSING APPRAISAL CONSULTANTS	20

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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.

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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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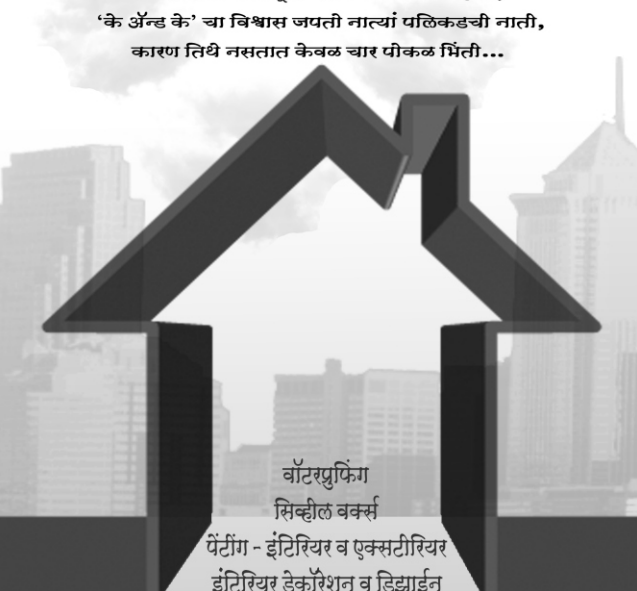
- (b) Establishment of Real Estate Regulatory Authority:** Establishment of one or more 'Real Estate Regulatory Authority' in each State/ Union Territory (UT), or one Authority for two or more States/UT, by the Appropriate Government for oversight of real estate transactions, To appoint one or more adjudicating 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;

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

(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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SWAGAT

Housing Finance Company Limited

CIN : U65922MH1996PLC101035

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COMPULSORY TRAINING OF 20% MEMBERS EVERY YEAR

Outward No. Adm/Section 24-C
Education Training/2015/132
Office of the Commissioner, Co-operation
and Registrar, Co-operative Societies,
Maharashtra State, Pune.
Date : 15/05/2015

Read :-

- (1) Section 24-C of the Maharashtra Co-operative Societies Act 1960.
- (2) Section 75 (2)(viii) of the Maharashtra Co-operative Societies Act 1960.
- (3) Rule 30 C of the Maharashtra Co-operative Societies Rules 1961.
- (4) Notification Dated 10th September 2014 of the Government of Maharashtra – Co-operation, Marketing and Textile Department.

CIRCULAR

Sub : Action to be taken according to Section 24 C(1) regarding co-operation education and training to the Members, Officers and Employees of all types of Co-operative Societies.

According to Section 24-C (1) of the Maharashtra Co-operative Societies Act 1960, provision has been made that, every society, State Government shall organized co-operation education and training for its members, officers and employees through State Federal Societies or State Apex Training Institute as specified by the notification in the Gazette.

Accordingly, the Government of Maharashtra has given recognition to following State Federal Societies or Apex Training Institutes for imparting education in co-operation sector and training in the state according to the notification dt. 10th September, 2014 (Read No. 3) and sub section (1) of section 24 C of Maharashtra Co-operative Societies Act 1960 (XXIV of Mah. 1961)

State Level Institutes :-

- 1) Vainkunth Mehata Rashtriya Sahakar Prabodha Sansthan, Ganesh Khind Marg, Pune.
- 2) Yashwantrao Chavan Vikas Prashasan Prabodhini (YSHASA), Rajbhavan Complex, Baner Marg, Pune.
- 3) Maharashtra State Co-operative Federation, Pune.
- 4) Training Institute (Apex) of Maharashtra State Co-operative Bank Ltd., Mumbai, Vashi, New Mumbai.
- 5) Padamshri Dr. Vitthalrao Vikhe-Patil, Sahakar Prabandha Sansthan, Pune.

- 6) Dhanajayrao Gadgil Sahakar Prabandha Sansthan, Nagpur.
- 7) Agricultural Banking College, University Road, Pune.

District Level Institutes :

- 1) Pune District Nagari Co-operative Credit Societies Federation Ltd. Pune – This institute has been given recognition as co-operation education and Training Apex Institute only for the Co-operative Credit Societies in Pune District jurisdiction.

Therefore it is mandatory to all types of Co-operative Societies to take Co-operation Education and Training for its Members, Officers and Employees from the above mentioned Institutes only. Education and Training taken from the institutes other than institutes notified by the State Government shall not deemed to be admissible (authorised).

Similarly following provision has been made in Rule 30A of the Maharashtra Co-operative Societies Rules 1961 for the education and training of the members, officers and employees of the co-operative societies.

30-A – Co-operation Education and Training to the members, officers and employees etc.-

ABOVE DETAIL CIRCULAR AVAILABLE IN OUR WEBSITE : www.vasaihousingfederation.com

CIRCULAR REGARDING COMPULSORY ANNUAL RETURNS TO FILED ONLINE

Sub: Submission of Application under section 79 of MCS Act 1960.

As per Section 79 (1A) of Maharashtra Co-operative Society Act 1960 within six months from the date of closure of financial year, all the co-op societies shall compulsorily submit the following Documents to the concerned Deputy Registrar or to the Authorities appointed by them Relevant Registrar or Authorised Officer.

- A. Annual Report of the Society.
- B. Audit Report of the Society.
- C. Proposed Plan to invest the balance amount as per the approval of the Annual General Meeting of Society.
- D. List of amendments to be made in the Bye – laws of the Society (if any).
- E. Appointed Date of Annual General Meeting or _____ & Affidavit with regard to date of Election of the Society. E.
- F. Any other information required to the Deputy Registrar as per the provisions.

As per section 79 (1B) all the Co-operative Societies from the list of Government approved and appointed in the General Body Meeting, shall required to submit the name of the Auditor or name of the Audit Firm, his/her/its written consent to conduct the audit of the society, to the Deputy Registrar within one month from the date of Annual General Meeting.

As per provisions of Section 79 (1A) & 79 (1B) the detailed document should be submitted as per following procedures:

The procedures for Submission of Documents:

The format of the detailed report is available in electronic form on the website of the co-op. department, [https:// mahasahkar.maharashtra.gov.in](https://mahasahkar.maharashtra.gov.in). All the co-op societies by filling up the correct details in the form shall submit the detailed report in the electronic form to the concerned Deputy Registrar by uploading the form in the website of co-op. department on or before 30th day of September each year. The information as per the provisions of section 79(1B) shall also be submitted to the Deputy Registrar in electronic format by uploading in the aforesaid website within one month from the date of Annual General Body meeting. It is further clarified that in the event of failure to upload the detailed report in the electronic format as aforesaid, it will be presumed as the Society has not submitted the to the Detailed Report. The Co-op. Societies, who have failed to comply the detailed report in the prescribed format and within the stipulated time, are become liable for action under section 73CA, 146(G) and 147(G) of Maharashtra Co-op. Society Act, 1960.

As per provisions of Section 73 (CA) to held committee and members responsible having failed to comply, provisions of section 146(G) to held responsible for submission of the report with incorrect details and as per section 87 to held responsible failed to upload detailed report will be presumed as having committed crime. The crime is punishable and as per Section 147 (G) by levying penalty to the extent of Rs.5000/-..

As per above information every week of August & September the Registrar should visit the website & took information that how many Co-operative Societies submitted the Application in his jurisdiction. As per above section the Co-operative Societies who has not submitted Application within stipulated time, the Registrar shall take action against them.

ABOVE DETAIL CIRCULAR AVAILABLE IN OUR WEBSITE : www.vasaihousingfederation.com

नवीन रीअल इस्टेट कायदा आणि महाराष्ट्र

लोकसत्ता, तारीख: ३०.०४.२०१६, अॅड. तन्मय केतकर



बांधकाम व्यवसाय या अत्यंत महत्त्वाच्या आणि आर्थिकदृष्ट्या मोठ्या क्षेत्रातील व्यवहार आणि एकंदरच कारभार यांचे नियमन करण्याकरता केंद्र शासनाने नवीन कायदा पारित केला आहे. हा कायदा फार व्यापक स्वरूपाचा असून त्याचा ग्राहकांना आणि बांधकाम व्यावसायिकांनादेखील फायदाच होणार आहे. आज आपण या नवीन कायद्यातील महत्त्वाच्या तरतुदीविषयी थोडक्यात माहिती घेऊ या.

महत्त्वाच्या व्याख्या- नवीन कायद्यात बांधकाम व्यवसाय आणि रीअलइस्टेटसंबंधित बऱ्याच गोष्टींच्या सुस्पष्ट व्याख्या करण्यात आलेल्या आहेत, ज्यामुळे संभ्रम निर्माण होणे किंवा संशयाचा फायदा मिळण्याची शक्यता काहीशी कमी झालेली आहे. या व्याख्यांमध्ये विक्री करारनामा, अलॉटी, कारपेट क्षेत्रफळ, सामाईक क्षेत्रफळ, बांधकाम प्रकल्पाची अंदाजे किंमत, पार्किंग, रीअल इस्टेट एजंट अशा काही महत्त्वाच्या व्याख्यांचा समावेश आहे.

नोंदणी- नवीन कायद्यातील तरतुदीनुसार नियामक मंडळाकडे बांधकाम प्रकल्पाची नोंदणी केल्याशिवाय कोणासही अशा प्रकल्पाची जाहिरात, मार्केटिंग अथवा विक्री करता येणार नाही. मात्र एखादा प्रकल्प ५०० चौरस मीटर्सपेक्षा कमी आकाराचा असल्यास अथवा पूर्णविकास प्रकल्प ज्याची जाहिरात किंवा मार्केटिंग होणार नाही अशांना नोंदणीपासून सूट देण्यात आलेली आहे. अशाप्रकारे नोंदणी न केल्यास बांधकाम प्रकल्पाच्या अंदाजे किंमतीच्या १०: पर्यंत दंड, दंड न भरल्यास तीन वर्षे कारावास किंवा अधिक १०: दंड अशी शिक्षेची तरतूद करण्यात आलेली आहे.

माहिती देण्याचे बंधन- नवीन कायद्यात बांधकाम व्यावसायिकाने कोणती माहिती देणे बंधनकारक आहे याबद्दल अगदी सुस्पष्ट तरतूद आहे, त्यानुसार प्रत्येक बांधकाम व्यावसायिकाने नोंदणीच्या वेळेस पुढील माहिती देण्याची आहे.

- व्यावसायिकाचे आणि व्यवसायाचे नाव.
- गेल्या पाच वर्षांतील प्रकल्पांची माहिती आणि मध्यस्थिती.
- मंजूर नकाशे आणि आराखडे.
- प्रकल्प पूर्ण होण्यास लागणारा अंदाजे कालावधी.
- प्रकल्पाच्या अलॉटमेंट लेटर, करार आणि खरेदीखताचा मसुदा.
- प्रत्येक मालमत्तेचा क्रमांक, पद्धत आणि कारपेट क्षेत्रफळ.
- गॅरजेसची संख्या आणि क्षेत्रफळ
- इस्टेट एजंटची माहिती.
- आर्किटेक्ट, ठेकेदार, स्ट्रक्चरल, इंजिनीअरची माहिती.
- व्यावसायिकांची नोंदणी बांधकाम पूर्ण करण्याकरता नमूद केलेल्या कालावधीपर्यंत असेल.

कोणत्याही व्यावसायिकाने खोटी माहिती दिल्यास, प्रकल्पाच्या अंदाजे किंमतीच्या ५% पर्यंतच्या दंडाची तरतूद करण्यात आलेली आहे.

नोंदणी आणि माहिती देण्याव्यतिरिक्तवर शर्तीचा भंग केल्यास प्रकल्पाच्या अंदाजे किंमतीच्या ५% पर्यंतच्या दंडाची तरतूद करण्यात आलेली आहे.

रीअल इस्टेट एजंटची नोंदणी- आजपर्यंत रीअल इस्टेट एजेंट म्हणजे कोण याची व्याख्या नव्हती आणि त्यांच्यावर कोणतेही विशिष्ट कायदेशीर बंधनदेखील नव्हते. मात्र नवीन कायद्यात रीअल इस्टेट एजंटना कायदानुसार रीतसर नोंदणी केल्याशिवाय रीअल इस्टेट एजंटला कोणत्याही नोंदणीकृत प्रकल्पामध्ये मालमत्तेच्या खरेदी/विक्रीकरता मध्यस्थ म्हणून काम करता येणार नाही.

रीअल इस्टेट एजंटची कर्तव्ये- नवीन कायद्यात रीअल इस्टेट एजंटची कर्तव्ये काय आहेत याबाबतदेखील सुस्पष्ट तरतूद आहे ती पुढीलप्रमाणे:-

- अनोंदणीकृत प्रकल्पांमधील मालमत्तांच्या खरेदी/विक्रीकरता मध्यस्थ म्हणून काम न करणे.
 - सर्व व्यवहारांचे विहित नमुन्यात हिशेब ठेवणे.
 - कोणतेही व्यावसायिक गैरप्रकार न करणे.
- रीअल इस्टेट एजंटने नोंदणी न केल्यास आवश्यक माहिती न ठेवल्यास प्रतिदिन रु. १०,०००/- (जो प्रकल्पाच्या अंदाजे किंमतीच्या ५: पर्यंत वाढू शकतो.) अशी शिक्षेची तरतूद करण्यात आलेली आहे.

प्रमोटर/व्यावसायिकाची कर्तव्ये- शोअर इस्टेट एजंटप्रमाणेच बांधकाम व्यावसायिक किंवा प्रमोटर यांनादेखील पुढील कर्तव्यांचे निर्वाहन करणे बंधनकारक करण्यात आलेले आहे.

- निवासक मंडळाच्या वेबसाईटद्वारे स्वतःचे पेज बनविणे आणि त्यात पुढील माहिती पुरविणे.
- नोंदणीची माहिती.
- बुकिंगची तिमाही माहिती.
- गॅरेज बुकिंगची तिमाही माहिती.
- विविध परवानग्यांची तिमाही माहिती.
- जाहिरतीत निवासक मंडळाची वेबसाईट दर्शविणे.

बुकिंग आणि अलॉटमेंट बंधनकारक आहे.

- मंजूर नकाशे, आराखडे.
- प्रकल्प पूर्ण करण्याचा वेळापत्रक.
- याशिवाय पुढील जबाबदाऱ्यांचे निर्वाहन करणे बंधनकारक आहे.
- बांधकाम पूर्ततेचा आणि रहिवासी दाखला प्राप्त करणे.
- खरेदीदारांची संस्था बनविणे.
- संस्थेच्या नावे जमीन हस्तांतरण करणे.

नवीन कायद्याच्या तरतुदीनुसार नोंदणीकृत करार करण्याच्या आधी मालमत्तेच्या एकूण किंमतीच्या १०% पेक्षा अधिक उक्ती/अॅडव्हान्स

रक्कम स्वीकारता येणार नाही आणि किमान २/३००२० खरेदीदार आणि प्राधिकरणाच्या/नियामक मंडळाच्या पूर्वपरवानगीशिवाय प्रकल्प हस्तांतरित करता येणार नाही. या दोन महत्वाच्या तरतुदींमुळे अवास्तवपणे स्वीकारता येणार नाहीत, तसेच सुरु केलेल्या प्रकल्पामध्ये दुसऱ्याला देऊन टाकता येणार नाही, या दोन्ही तरतुदी अत्यंत महत्वाच्या आणि खरेदीदाराच्या हिताच्या आहेत.

आपल्याकडील प्रचलित व्यवस्थेनुसार एकाच विषयावर जेव्हा केंद्र आणि राज्य सरकार कायदे बनविते, तेव्हा केंद्राचा कायदा लागू होतो आणि राज्याचा रद्दबातल होतो. मात्र महाराष्ट्राचा विचार करायचा झाल्यास, सध्या आपल्याकडे महाराष्ट्र सदनिका मालकी हक्क कायदा प्रचलित आहे आणि अत्यंत महत्वाची अशी मानीव अभिहस्तांतरण अथवा डीमड कन्व्हेन्सची तरतूद त्याचा कायद्यात करण्यात आलेली आहे. अश परिस्थितीत राज्याचा कायदा रद्दबातल केल्यास, मानीव अभिहस्तांतरणाचे काय? हा मोठा प्रश्न उभा राहिल. त्यामुळे राज्य शासनास हे प्रकरण अत्यंत कौशल्याने हाताळावे लागणार आहे.

घर हस्तांतरण महाग सिडकोच्या शुल्कात दहा टक्के वाढ

लोकसत्ता, तारीख: ०७.०५.२०१६,

जागतिक आर्थिक मंदीमुळे बांधकाम क्षेत्रात आलेल्या मंदीचा सामना सिडकोलाही करावा लागत असून भूखंडविक्रीला फारसा प्रतिसाद मिळेनासा झाला आहे. ५५ हजार घरे बांधण्याचे आश्वासन दिलेल्या सिडकोने मागील एक वर्षात नवीन गृहनिर्माण प्रकल्प हाती घेतलेले नाहीत, त्यामुळे दर वर्षी एप्रिलनंतर करण्यात येणाऱ्या हस्तांतरण शुल्कात दहा टक्के वाढ करण्याचा निर्णय सिडको प्रशासनाने घेतला असून शुक्रवारी झालेल्या संचालक मंडळाच्या बैठकीत त्यावर शिक्कामोर्तब झाले आहे.

सिडकोने ग्राहकांना दिलेली घरे ही भाडेपट्टा करारावर दिल्याने हे घर विकताना सिडकोला हस्तांतरण शुल्क भरावे लागत आहे. त्यामुळे जमीन अधिकार मुक्त करण्याची मागणी वाढत आहे, असे झाल्याने सिडकोचा भूखंडावरील अधिकार राहणार नाही.

विविध वित्त पुरवठा करणाऱ्या संस्थांकडे सिडकोच्या साडेसात हजार कोटी रुपयांच्या ठेवींची गुंतवणूक असल्याने राज्यातील श्रीमंत महामंडळांत सिडकोची गणना केली जात आहे. मात्र अलीकडे सिडकोकडे जमीन कमी शिल्लक राहिल्याने भूखंडाविक्री पूर्वीप्रमाणे केली जात नाही. त्यात विमानतळ, नैना, स्मार्ट सिटी, मेट्रो यांसारख्या बड्या प्रकल्पांकडे सिडकोचे प्राधान्य असल्याने

आता शुल्क ६६ हजार रुपये



चाळीस चौरस मीटर क्षेत्रफळाच्या घराला वा भूखंडाला सिडकोला साठ हजार रुपये शुल्क भरावे लागत आहे. त्यात आता दहा टक्के वाढ झाल्यानंतर ६६ हजार रुपये भरावे लागणार आहे. ही राखीव किंमत क्षेत्रफळानुसार बदलत असल्याने दरवाढही त्या प्रमाणात बदलणार आहे. अगोदरच सरकारने मुद्रांक शुल्कात वाढ करून घराचे स्वप्न पूर्ण करणाऱ्यांच्या खिशाला फोडणी दिली आहे. यानंतर सिडकोलाही दहा टक्के वाढीव हस्तांतरण शुल्क भरावे लागणार आहे.

मंदावली आहे. आर्थिक मंदीमुळे मध्यंतरी खारघर व नेरळ येथील दोन मोठे भूखंड सिडकोला विकासकांनी परत केले. त्यामुळे बांधकाम क्षेत्रातील मंदीचा फटका सिडकोलाही बसला आहे. ठेवीवरील व्याज आणि गतवर्षी घरविक्रीतून आलेल्या निधीवर सध्या सिडकोच्या कर्मचाऱ्यारी अधिकारी सल्लागारांचा पगार दिला जात असून काही महिन्यांपूर्वी एक ठेव रद्द

करण्याची वेळ सिडकोवर आली होती. त्यामुळे सिडकोने मालमत्ता हस्तांतरणावर दहा टक्के जास्त शुल्क आकारण्याचा निर्णय घेतला आहे.

सिडकोची नवी मुंबईत सव्वा लाख घरे असून शेकडो वाणिज्यिक गाळे आहेत. या मालमत्ता सिडकोने भाडेपट्टा करारावर ग्राहकांना दिल्या आहेत. त्यामुळे त्यांची विक्री करताना सिडकोला हस्तांतरण कर भरणे अनिवार्य आहे. त्या शिवाय नोंदणी होत नाही. त्यामुळे ग्राहकांना सिडकोकडे हस्तांतरण शुल्क भरून नोंदणी करावी लागत असून त्यात सिडकोने आता दहा टक्के वाढ केली आहे.

घर खरेदी करताना आवश्यक कागदपत्रे.....

अक्षय्य तृतीयेच्या मुहूर्तावर अनेकजण घरखरेदीच्या मुहूर्त साधतील, परंतु घर खरेदी करताना काही महत्त्वपूर्ण बाबी लक्षात ठेवणे गरजेचे आहे.



लोकसत्ता,
तारीख: ०७.०५.२०१६,

स्वतःचे हक्काचे घर असणे हा कुठल्याही व्यक्तीच्या आयुष्यातील एक महत्वाचा क्षण असतो. कारण ती त्याच्या आयुष्यातील सर्वात मोठी गुंतवणूक असते. घर ही संपूर्ण कुटुंबाची आणि येणाऱ्या पिढ्यांची एक स्थावर मालमत्ता असल्याने ही गुंतवणूक माणसासाठी कायमची स्मरणात राहील अशी असते. घर खरेदीत आर्थिक आणि भावनिक गुंतवणूक असल्यामुळे, आपण योग्य ती मालमत्ता योग्य त्या प्रक्रियेद्वारे विकत घेणे आणि त्यातील कायदेशीर बाबींचा घोळ टाळणे हे अत्यंत महत्वाची ठरते.

या दृष्टीने, मालमत्तेच्या स्वामित्व हक्क त्याच्या विद्यमान मालकाला विक्री करण्याचा आणि भविष्यात व्यवहार करण्याचा अधिकार देतो. एखाद्या मालमत्तेचा स्वच्छ आणि विक्रीयोग्य स्वामित्व हक्क हा आपले घराचे स्वप्न पूर्ण करण्याच्या प्रक्रियेतील सर्वात महत्वाचा घटक आहे.

खरेदीखतात/करारपत्रात, ज्याद्वारे मालमत्तेचे हक्क हस्तांतरित करण्याचे हक्क मिळतात. पुढील महत्वाच्या गोष्टींवर लक्ष ठेवणे महत्वाचे आहे.

मालमत्तेसंबंधित आवश्यक असलेल्या काही महत्वाच्या बाबी.....

- महसूल खात्यातर्फे योग्य ती बिगर शेती परवानगी.
- इमारतीचा नकाशा नगर विकास/पालिका अधिकाऱ्यांनी मंजूर केलेला असणे.
- इमारतीचा बांधणी नकाशा रचना अभियंत्याने मंजूर केल्यानंतर नगर विकास/पालिका अधिकाऱ्याकडे सादर करणे.

- नगर पर्यावरण, पीडब्लूडी, विमानतळ, पुरातत्त्व संरक्षण, राष्ट्रीय स्मारक, भूजल, रेल्वे आणि वन खात्याच्या अधिकाऱ्याची मंजूरी.
- मालमत्तेचे बांधकाम सुरु असल्यास सक्षम अधिकाऱ्याकडून बांधकामाच्या विविध पातळ्यांसाठी मिळालेले कार्यारंभ प्रमाणपत्र.
- सक्षम अधिकाऱ्याकडून मिळालेले बांधकाम पूर्ण झाल्याचे प्रमाणपत्र
- सक्षम नागरी अधिकाऱ्यांकडून (पाणीपुरवठा, वीजपुरवठा, गॅस, रस्ते, वाहतूक, मलनिःसारण आणि अग्निशमन) मिळणारे ना हरकत प्रमाणपत्र.
- सक्षम पालिका अधिकाऱ्यांकडून मिळणारे ताबा प्रमाणपत्र.

संबंधित व्यक्तींची ओळख आणि अधिकार सिद्ध करणे: मालमत्तेचा व्यवहार हा सक्षम व्यक्तींमध्ये व्हायला हवा, ज्यांना त्याविषयीचे करारपत्र करण्याचा (स्वामित्व हक्क, मुखत्यारपत्र, इत्यादीद्वारे) अधिकार आहे. ओळखपत्र आणि केवायसी पुरावे हे मालमत्तेचा ग्राहक आणि विक्रेता यांची ओळख सिद्ध करण्यासाठी मदत करतात.

परिपूर्ण आणि विक्रीयोग्य स्वामित्व हक्क: खरेदी करायच्या मालमत्तेचा परिपूर्ण आणि विक्रीयोग्य स्वामित्व हक्क असल्याची खात्री करणे अत्यंत महत्वाचे आहे. दुसऱ्या शब्दात सांगायचा झालं तर मालमत्तेवर कुठल्याही प्रकारचा कब्जा (आर्थिक/कायदेशीर जबाबदारी) नसणे महत्वाचे आहे. त्या उपनिबंधकाच्या कार्यालयातून मिळवू शकता, या प्रमाणपत्रावर विशिष्ट कालावधीत झालेल्या या मालमत्तेच्या सर्व व्यवहारांची नोंद असते.

एक विशिष्ट मसुद्यातील अर्ज भरून दिल्यानंतर हे प्रमाणपत्र मिळू शकते. हा अर्ज उपनिबंधक कार्यालयात सादर करावा लागतो आणि त्यासोबत पुढील गोष्टी जोडाव्या लागतात.

- अ. शिधापत्रिका किंवा निवासाचा अन्य कुठलाही पुरावा.
- ब. मालमत्तेची जागा आणि सर्व्हे क्रमांक नमूद करावा.
- क. कालावधी, मालमत्तेचे संपूर्ण वर्णन, मापे आणि सीमारेषा नमूद कराव्यात.

अर्ज केल्यापासून साधारण १५ ते ३० दिवसांत मालमत्तेचे प्रमाणपत्र मिळते.

योग्य त्या परवानग्या असणे: घर खरेदी करताना ग्राहकाने पुढाकार घेऊन खालील परवानग्या आणि त्यांची कालमर्यादा तपासून घ्यावी, जेणेकरून मालमत्ता तांत्रिक आणि कायदेशीररीत्या विकत घेण्यायोग्य आहे याची खात्री करता येईल.

नुकसानभरपाई कलम: या कलमाद्वारे ग्राहकाचे मालमत्तेवरील कुठल्याही कायदेशीर वादापासून होणाऱ्या नुकसानापासून संरक्षण होते. एकदा काळजी पूर्वक मसुदा तयार केला, सर्व शक्यता गृहीत धरल्या आणि त्याचा करारपत्रात अंतर्भाव केला, की या कलमामुळे मालमत्तेविषयी भविष्यात होणाऱ्या कुठल्याही कायदेशीर वादापासून ग्राहकाचे संरक्षण होते. या कलमानुसार, या कलामास नमूद केलेल्या कायदेशीर मुद्द्यांमुळे जर ग्राहकाला तोटा झाला, तर विक्रेत्याला त्याची भरपाई करावी लागते.

पूर्वीच्या व्यवहारांची साखळी कागदपत्रे: ग्राहकाने मालमत्तेचे पूर्वी झालेले सर्व व्यवहार दाखवणारी साखळी कागदपत्रे मूळ स्वरूपात मागितली पाहिजेत आणि विक्रेत्याने उपलब्ध करून दिली पाहिजेत.

कायदेशीर मान्यताप्राप्त साधने: विक्रेत्याला ठरलेली किंमत ही कायद्याने मान्यताप्राप्त साधनाद्वारे अदा केली पाहिजे आणि तसे

स्पष्टपणे खरेदीखतामध्ये नमूद केले पाहिजे. त्याच बरोबर ही रक्कम ग्राहकाने अदा केल्याची तारीख/करण्याची तारीखसुद्धा नमूद केली पाहिजे. खरेदीखताची नोंदणी करणे: शेवटी खरेदीखताची नोंदणी उपनिबंधक कार्यालयात मुद्रांक शुल्क (हे सक्षम शासकीय अधिकाऱ्यांद्वारे निश्चित केले जाते आणि प्रत्येक राज्यानुसार बदलते) भरून करणे आवश्यक आहे. नोंदणी न केलेल्या खरेदीखताच्या तुलनेत, न्यायालयात नोंदणी केलेले खरेदीखतच ग्राह्य धरले जाते. तसेच, खरेदीखताची नोंदणी केल्यानंतर त्याची नोंद मालमत्ता ताबा प्रमाणपत्रावर होते.

घर खरेदी करताना ग्राहकाने वर नमूद केलेले मुद्दे आणि खरेदीखतातील कलमे लक्षात घेतली पाहिजेत. ही करारपत्रे खूप मोठी असतात, पण आपल्या फायद्यासाठी त्यांचे सविस्तर वाचन करणे महत्वाचे आहे. त्यामुळे ते पूर्ण समजायला मदत होते आणि भविष्यात मोठी समस्या उद्भवत नाही. मालमत्ताविषयक वकिलाची सेवा घेऊन खरेदीखताचा मसुदा बनवणे. त्यातील कलमे तपासणे, ती ग्राहकाच्या हिताची आहेत याची खात्री करणे, हे व्यवहारात फायद्याचे ठरते.

लेखा परीक्षण न करणाऱ्या संस्थांवर कायदेशीर कारावाईचा बडगा....

लोकसत्ता, तारीख: २३.०४.२०१६

लेखा परीक्षण / दोष दुरुस्ती अहवाल सादर न करणाऱ्या सहकारी संस्थांच्या सर्व समिती सदस्यांना कलम १४६ खाली अपराधी समजून पुढील कायदेशीर कारवाईस जावे लागेल याबाबत माहिती देणारा लेख..



सहकारी गृहनिर्माण संस्थांचे सहकारी वर्ग वर्ष २०१५-२०१६ हे ३१ मार्च २०१६ रोजी संपुष्टात आले असून, संस्थेच्या व्यवस्थापक समितीने संस्थेचे लेखा/हिशेब पत्रके/पुस्तके अद्ययावत करून सहकार वर्ष समाप्तीच्या ४५ दिवसांच्या आत म्हणजेच १५ मे २०१६ पर्यंत संस्थेच्या लेखा परीक्षकाकडे सुपूर्द करणे आवश्यक आहे. लेखा परीक्षकाने ३१ जुलै २०१६ पर्यंत लेखा परीक्षण पूर्ण करावयाचे आहे. यापुढे राज्यातील ज्या सहकारी गृहनिर्माण संस्था लेखा परीक्षण अहवाल हा दोष दुरुस्ती अहवाल विहित मुदतीमध्ये व नियमानुसार सादर करणार नाहीत त्यांच्यावर कायदेशीर कारवाई करण्यात येईल याची नोंद घ्यावी. यासाठी राज्याचे सहकार आयुक्त व निबंधक यांनी एक परिपत्रक जारी करून जिल्हानिहाय 'जिल्हा विशेष लेखा परीक्षक वर्ग १' यांची नेमणूक करण्यात आली असून त्यांना कलम ८१ (१) (ग) अन्वये निबंधकाच्या वतीने अभिप्रेत खालील जबाबदारी पार पाडण्याचे आदेश देण्यात आले आहेत.

लेखापरीक्षण अहवालाची स्वीकृती व त्यावरील पुढील कार्यवाही:

(अ) सनदी लेखापालांच्या फर्मस, सनदी लेखापाल, प्रमाणित लेखा परीक्षक व खात्याच्या लेखा परीक्षकांच्या नेमणुका-

- (१) जिल्हा विशेष लेखा परीक्षक, वर्ग १, जिल्ह्यातील सहकारी संस्थांनी ३० सप्टेंबरपर्यंत कलम ८१(१) (अ) व कलम ७५(२) (अ) मधील तरतुदी अन्वये अधिमंडळाच्या वार्षिक बैठकीत चालू वित्तीय वर्षासाठी लेखा परीक्षकाची नेमणूक केली अथवा नाही याची संस्थानिहाय सुनिश्चिती करील. यामध्ये जिल्हा विशेष लेखा परीक्षक, वर्ग १ यांनी नामिकेवरील अहर्ता व अनुभव असणाऱ्या लेखा परीक्षकांची अधिमंडळाच्या वार्षिक बैठकीमध्ये चालू वित्तीय वर्षासाठी केलेली नेमणूक आणि अधिमंडळाच्या वार्षिक बैठकीच्या दिनांकापासून ३० दिवसांच्या कालावधीच्या आत, नेमणूक केलेल्या लेखा परीक्षकाचे नाव आणि संबंधित संस्थेच्या लेखा परीक्षणासाठी त्याची लेखी संमती हे विवरणाच्या स्वरूपात संबंधित निबंधकाकडे दाखल करण्यात आले आहे काय, याची संस्थानिहाय सुनिश्चिती करील.
- (२) जिल्हानिहाय ज्या संस्थांनी अधिमंडळाच्या वार्षिक बैठकीमध्ये चालू वित्तीय वर्षासाठी लेखा परीक्षकाची नेमणूक केलेली नाही आणि लेख परीक्षक नेमणुकीबाबतचे विवरण दाखल करण्यात कसूर केलेली आहे. याची खात्री झाल्यानंतर अशा संस्थांचे लेखा परीक्षणाचे आदेश काढण्यासाठीचा प्रस्ताव संबंधित निबंधकांकडे जिल्हा विशेष लेखा परीक्षक, वर्ग १, सादर करील.
- (३) प्रत्येक सहकार वर्ष संपल्यापासून ४५ दिवसांच्या आत (१५ मेपर्यंत) प्रत्येक सहकारी गृहनिर्माण संस्थेची व्यवस्थापक समिती संस्थेची आर्थिक पत्रके तयार करील आणि ती तयार करण्यात आल्याच्या तारखेपासून १५ दिवसांच्या आत, ज्यात संस्थेच्या लेखा परीक्षणासाठी संस्थेने किंवा निबंधकांकडून नेमण्यात आलेल्या लेखा परीक्षकाकडे पाठविण्यात आल्याची सुनिश्चिती जिल्हा विशेष लेखा परीक्षक, वर्ग १ सादर करील.

(नियम ६१)

- (४) ज्या संस्थांची गतवर्षी अधिमंडळाच्या वार्षिक बैठकीत आदेशाने लेखा परीक्षकाची नेमणूक केलेली आहे, त्या संस्थांना व जिल्हा विशेष लेखा परीक्षकास लेखा परीक्षण अहवाल विहित मुदतीमध्ये प्राप्त झाला अथवा नाही याची सुनिश्चिती करील लेखा परीक्षकाने ३१ जुलैपर्यंत लेखा परीक्षण पूर्ण करावयाचे आहे व आपला लेखा परीक्षा अहवाल, लेखा परीक्षा अहवाल, लेखा परीक्षा पूर्ण झाल्यापासून १ महिन्याच्या कालावधीचा आत आणि कोणत्याही परिस्थितीत अधिमंडळाच्या वार्षिक बैठकीची

नोटीस देण्यापूर्वी संस्थांना आणि जिल्हा विशेष लेखा परीक्षकाला सादर करवून घेण्याची कार्यवाही जिल्हा विशेष लेखा परीक्षक वर्ग १, संस्थानिहाय करील लेखापरीक्षण पूर्ण करवून घेणे व लेखापरीक्षण अहवाल प्राप्त करवून घेण्यासाठी जिल्हा विशेष, लेखापरीक्षक वर्ग १, पाठपुरावा करील.

- (५) लेखा परीक्षकांकडे आदेशाने सोपविलेले फेरलेखा परीक्षण, चाचणी लेखा परीक्षात फिरते, पथकाद्वारे परीक्षण व विशेष लेखा परीक्षण वेळीच पूर्ण होण्यासाठी पाठपुरावा करणे, अहवाल प्राप्त करवून घेणे व ज्या कारणांसाठी निबंधकाने सदर परीक्षणाचे आदेश पारित केलेले होते त्या कारणास अनुसरून योग्य त्या अभिप्रायासह अशा विशिष्ट परीक्षणाचे अहवाल जिल्हा विशेष लेखा परीक्षक निबंधकास सादर करील.

वरीलप्रमाणे जिल्हा विशेष लेखा परीक्षक सहकारी संस्थांची जिल्हानिहाय सूची, कार्यरत संस्थांची सूची, विहित मुदतीत ज्यांच्या लेख्यांची लेखा परीक्षा झाली नसेल अशा संस्थांची, त्याबद्दलच्या कारणासह सूची ठेवील. जिल्हा विशेष लेखा परीक्षक, संस्था व संबंधित लेखा परीक्षक यांच्याशी समन्वय मधील आणि प्रत्येक वर्षी सर्व संस्थांच्या लेख्यांची लेखा परीक्षा वेळेवर पूर्ण होत असल्याची सुनिश्चिती करील.

दोष दुरुस्ती अहवालाची स्वीकृती व त्यावरील पुढील कार्यवाही-

कलम ८२ अन्वये लेखा परीक्षण अहवालातील दोषांच्या दुरुस्तीची तरतूद आहे. राज्यातील एकूण संस्था संख्येच्या प्रमाणात दोष दुरुस्ती अहवाल प्राप्ती व त्यावरील पुढील कार्यवाही अल्प प्रमाणात होताना दिसून येते. लेखा परीक्षण अहवालावरील दोष पूर्तता वेळच्या वेळी न झाल्याने त्याच त्या दोषांची पुनरावृत्ती पुढील आर्थिक वर्षामध्ये कायम राहते आहे, ही बाब संस्थेच्या व सभासदांच्या आर्थिक व सामाजिक हितास बाधा पोहचवणारी आहे. पुढे जाऊन दोषांच्या पुनरावृत्तीमुळे याच संस्था आर्थिकदृष्ट्या कमकुवत होताना दिसून येतात. कलम ८२ अधीन लेखा परीक्षण अहवालामधील दोषांच्या दुरुस्तीवर वेळीच लक्ष देणे आवश्यक झालेले आहे.

- (१) लेखा परीक्षा पूर्ण करवून प्राप्त लेखा परीक्षण अहवालामधील दोषांची वस्तुस्थिती सापेक्ष दुरुस्ती करून विहित 'ओ' नमुन्यामधील दोष दुरुस्ती अहवाल संबंधित सनदी लेखापाल फर्मस, सनदी लेखापाल, प्रमाणित लेखा परीक्षक व खात्याच्या लेखा परीक्षकाकडे अभिप्राय नोंदविण्यासाठी संबंधित संस्थेने सादर केल्याची जिल्ह्यातील संस्थांची सुनिश्चिती जिल्हा विशेष लेखा परीक्षक, वर्ग १ करील. संबंधित लेखा परीक्षकाने सदर दोष दुरुस्ती अहवालावर

दुरुस्ती प्रकयश हा अहवाल तीन महिन्यांच्या लेखा परीक्षक वर्ग १, प्राप्त करून दुरुस्त न झालेल्या दोषांच्या यादीसह संबंधित निबंधकाकडे सादर करील.

- (२) दोष दुरुस्ती अहवाल तयार करून संबंधित सनदी लेखापाल फर्मस, सनदी लेखापाल, प्रमाणित लेखा परीक्षक व खात्यांच्या लेखा परीक्षकांकडे सादर न केलेल्या संस्थांची संख्या व संस्थेने नेमलेल्या लेखा परीक्षकास प्राप्त दोष दुरुस्ती अहवालावर अभिप्राय नोंदवून जिल्हा विशेष लेखा परीक्षक वर्ग १, यांच्याकडे सादर न केलेल्या संस्थांची संख्या व असे लेखा परीक्षक संबंधित जिल्हा विशेष लेखा परीक्षक वर्ग १, आढावा व पाठपुराव्याने निष्पन्न करील, तसेच सदर दोष दुरुस्ती अहवाल सादर करण्याबाबत संस्था व संबंधित लेखा परीक्षक यांच्याकडे पाठपुरावा करील. योग्य त्या पाठपुराव्या अंती ज्या संस्था व ज्या लेखा परीक्षक उचित प्रतिसाद न देता दोष दुरुस्ती अहवाल सादर करणार नाहीत, अशा संस्था व लेखा परीक्षकांची सूची पुढील कार्यवाहीसाठी संबंधित निबंधकास विशेष लेखा परीक्षक वर्ग १, सादर करील.
- (३) जिल्हा विशेष लेखा परीक्षकामार्फत प्राप्त दोष दुरुस्ती अहवालावर संबंधित निबंधकाने संस्थेस निर्गमित केलेल्या निर्देशाप्रमाणे संस्थेने दोषांची दुरुस्ती करून विहित कालावधीमध्ये संबंधित लेखा परीक्षकाचे अभिप्राय घेऊन फेर दुरुस्ती अहवाल जिल्हा विशेष आहे. तसेच निबंधकाच्या निर्देशास अनुसरून दोषांची झालेली दुरुस्ती व नादुरुस्त दोष याबाबतच्या अभिप्रायासह हा अहवाल संबंधित निबंधकास पुनःश्च सादर करावयाचा आहे.
- (४) संस्था लेखा परीक्षण अहवालातील दोषांची संपूर्ण दुरुस्ती करेपर्यंत, संस्थेच्या दुरुस्ती अहवालावर आपले बाबनिहाय अभिप्राय देणे आणि निबंधकाच्या वतीने जिल्हा विशेष लेखा परीक्षक वर्ग १, यांस आपला अहवाल सादर करणे ही संबंधित लेखा परीक्षाची जबाबदारी असल्याने संबंधित जिल्हा विशेष लेखा परीक्षक वर्ग १, संस्थेच्या संपूर्ण दोषांची दुरुस्ती होत असल्याची व संस्थेने नेमलेले सनदी लेखापाल फर्मस, सनदी लेखापाल, प्रमाणित लेखा परीक्षक व खात्याचे

लेखा परीक्षक दुरुस्ती अहवालावर वेळोवेळी वस्तुनिष्ठ अभिप्राय नोंदवीत असल्याची सुनिश्चित करील.

- (५) लेखा परीक्षण अहवालाद्वारे उघडकीस आलेले दोष दुरुस्त करण्यात किंवा निबंधकाने दिलेल्या निर्देशाप्रमाणे दोष दुरुस्त करण्यात संस्थेने कसूर केली तर जिल्हा विशेष लेखा परीक्षक वर्ग १, असे दोष दुरुस्त करून घेण्यासाठीच्या उपाय योजनेस्तव कलम ८७ (४) प्रमाणे प्रस्ताव संबंधित निबंधकास सादर करेल. संबंधित निबंधक अशा प्रस्तावित संस्थांचे दोष दुरुस्त करवून घेण्यासाठी उपायोजना करेल आणि त्यांच्या मते ज्याने किंवा अनेक अधिकाऱ्यांकडून उपाययोजनेसाठी झालेला खर्च वसूल करील.
- (६) ज्या संस्था दोष दुरुस्ती अहवाल तयार करून सादर करणार नाहीत अशा संस्थांच्या सर्व समिती सदस्यांनी कलम १४६ खाली अपराध केला असल्याचे मानण्यात येईल आणि त्यानुसार ते १४७ मध्ये तरतूद केल्याप्रमाणे शास्तीस पात्र ठरवण्याच्या तरतुदीस पूरक संस्थानिहाय प्रस्ताव संबंधित निबंधकाकडे जिल्हा विशेष लेखा परीक्षक वर्ग १, सादर करील. त्याप्रमाणे संबंधित निबंधक कलम १४६, १४७ व १४८ अन्वये पुढील कायदेशीर कार्यवाही पार पाडील. लेखा परीक्षण अहवाल, दोष दुरुस्ती अहवालाची स्वीकृती व संस्थांच्या लेखा परीक्षेची, दोष दुरुस्ती अहवालाची सुनिश्चिती निबंधकाच्या वतीने जिल्हा विशेष लेखा परीक्षक वर्ग १, करित असले तरी मूळ जबाबदारी निबंधकाची असल्याने सदरहू परिपत्रकाअधीन सूचनेप्रमाणे कार्यवाही करणे व करवून घेण्याची जबाबदारी संबंधित जिल्हा उपनिबंधकाची राहिल. आतापर्यंत राज्यात उघड झालेल्या घोटाळांचे मूळ आर्थिक गैरव्यवस्थापनात असल्याचे निष्पन्न झाले आहे. राज्यातील सहकारी चळवळीच्या गुणात्मक वाढीसाठी, संस्थेची आर्थिक व सांपत्तिक स्थिती सभासदांच्या निदर्शनास येण्यासाठी व सहकाराची तत्त्वे, मूल्ये याची जोपासना होण्यासाठी सर्व सहकारी गृहनिर्माण संस्थांचे १०० टक्के लेखा परीक्षण होणे गरजेचे आहे.

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



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1/1



WHATSAPP QUESTION AND ANSWERS

WhatsApp

Q. 1. We have a member who has rented his flat and staying in the society by hiring a flat of another member.

Society recovers NOC from both. Now member has requested of waiver of NOC on his flat.?

....CA. Narendra Rajani,

Ans : by CA Ramesh Prabhu

As per Govt resolution dated 01.08.2001, society can charge non occupancy charges on rental flats upto 10% of service charges as may be decided in the general meeting of the society. Thus by passing a resolution in general meeting you may wave or charge any amount between 1% to 10% of the service charges.

Q.2 . Can CA run his office from Flat purchased in co operative housing society? Can society take objection on it? Is there any case law available in this regard?

Ans: A CA can practice from a residential flat. However many societies do take objections. There are few case laws. I shall upload them on our association website: www.mswahousing.org

Q.3. What are the fines prescribed in Housing co operative act for non filling of audited financials with registrar of co-operative society?

Ans: Fines can go up to Rs. 5000 but most importantly the committee can be disqualified for 5 years and the committee can be dismissed. This is done by registrar by under section 77A of the MCS Act, 1960 for dismissal of committee and disqualification under section 73CA of the MCS Act.

Q.4. Possession of borrowers property is taken by bank 3 year ago. Now bank wants to sell that property. Who is liable for the interest

on loan for that period i e for possession period. Because that property already take over by bank 3 year ago from borrowers.

Ans by CA Ramesh Prabhu

The bank has taken the possession of security but had not squared the accounts. If at the time of taking the possession, if the value was fixed and the loan account was closed before 3 years, the acquired property would have been shown as assets of the bank instead of loan. Since loan is continuing in the books, the bank is entitled to receive interest till the account is closed. If after adjusting interest till the sale proceeds are received and Principle amount, any excess sale proceeds will be paid to borrower.

Q.5. I have one specific query. Can society collect refundable car parking deposit? This has been approved in the AGM but is not provided for in the model bye laws of MCS Rules.

- Mr. Rajeev Gupta, Juhu.

Ans by CA Ramesh Prabhu

Yes. As per section 72 of MCS act, General body is the Final authority to decide the matter within the provisions of Act, Rules , registered bye laws and Govt notification. There is no bar on accepting such deposits for proving car parking. So please prepare a detailed car parking policy in which the available car parking numbers, system of car parking, allotment, deposit to be paid, parking charges, refund or surrender of car parking etc

Q.6. Is there any defined scope of internal audit for housing society. Please help with one if any.

- CA. Archana.

Ans by CA Ramesh Prabhu

No such defined scope for internal audit. However the regular accounts verification and compliance of various provisions of Act, Rules , bye-laws and notifications by the committee

Q.7. Can CHS by way of resolution in General Body, restrict bachelors / spinsters as tenants?

-CA. Prakash Pamnani.

Ans by CA Ramesh Prabhu

As per the constitution of India every citizen has a fundamental rights to live at any place. Accordingly coop Housing societies cannot pass a resolution to not to allow bachelors and spinsters as tenants. Such resolution will be unconstitutional. Considering such incidents in few societies, the new model bye-laws no.43 provides that the member need not take prior permission to let his flat to tenants but need to inform the society with copy of information of tenant given to police station and registered copy of leave and license agreement.

Q.8. Is rent payable by developer during construction period to members for a redevelopment project subject to Tds?

- Ajay

Ans by CA Ramesh Prabhu

The builder is paying compensation to the tenant for paying rent of temporary accommodation taken by the tenant during construction period. If the premises is taken by the builder on rent and given to tenant for staying, TDS is required to be done. In the case where compensation for rent is paid to tenant, premises is not taken by the developer, so TDS legally speaking should not be applicable. However, to play safe, the developer deduct TDS.

If u deduct TDS even when not required, Revenue dept does not object but if revenue decides that it is rent indirectly paid, so TDS was required to be done, involve the developer as assessee in default. So developers play safe by deducted TDS. I do confirm the deduction of TDS as a safe step on developer.

Q.9. The secretary of our society has sold his flat by issuing NOC signed by himself without informing the managing committee or any other person. The sale document is also registered / whether there is any legal issue as far as society is concerned?

Ans by CA Ramesh Prabhu

As per Bye Law No. 38. (d) "No Objection Certificate" of the Society is not required to transfer the shares and interest of the transferor to transferee. However in case such a certificate is required by the transferor or transferee, he shall apply to the Society and Committee of the Society may consider such application on merit, within one month.

When such NOC is not required but secretary has issued it, does not affect the society in any way. However, a member ceases to be member of the society under following situations:

As per Bye Law No. 55. The person shall cease to be the Member of the Society:

- a) On his resignation from Membership of the Society having been accepted by the committee.
- b) On transfer of all his shares and interest in the capital/ property of the Society.
- c) On his death.
- d) On his expulsion from the Membership of the Society.
- e) On being adjudged as an insolvent or legally disabled from continuing as Member.
- f) If the whereabouts of the Member are not known for continuous seven years and if his shares and interest in the property / capital of the Society is not claimed by anybody else.
- g) On cessation of right/title and interest of a Member in the property of the Society, by way of legal attachment or sale.
- h) Any transfer if void as provided under bye law number 39 (d), the Committee shall take further action in the matter as indicated in the bye-law No.59..

Thus as per Bye-law 55 (b) due to sale of flat by the Secretary, he ceases to be member of the society and thus ceases to be the secretary of the society.

Therefore, society is required to call the managing committee to accept his resignation and select another person as secretary by inviting election officer to preside in such meeting.



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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 : -----
2. Address in full details of the subscriber : -----

Pin code -----
3. Land mark to reach up to society/house : -----

4. E-mail ID : -----
5. Contact no.: - Mob. No ----- Resident ----- Office -----

I/We do apply for the above said magazine for one year at Rs. 199/- for 12 monthly issue. The cheque of Rs. 199/- vide cheque no. ----- dated ----- drawn 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 / 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 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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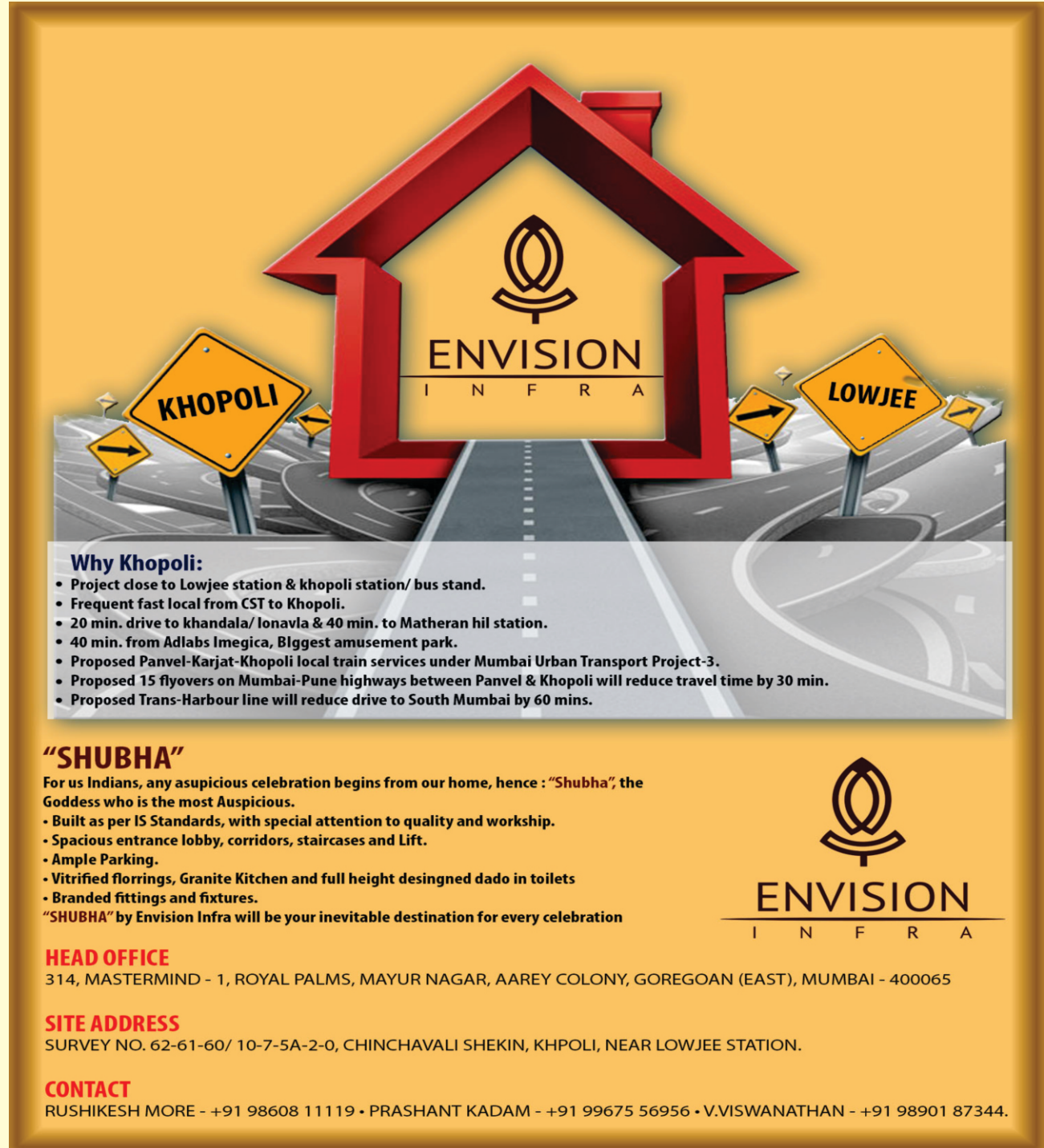


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