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Vasai Taluka

Housing
Federation

October 2018

VOL.08 Issue 07

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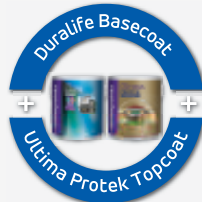
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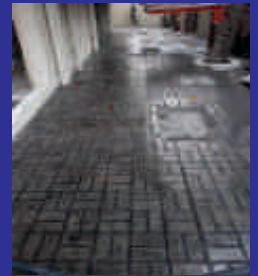
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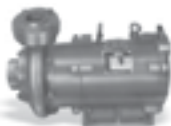


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EDITORIAL

Dear Readers,

Wish you Happy Dassera and seasons greetings.



राजिव
श्री. विह. विष्णुनाथन

Since last few years, Government is struggling to solve the problems of Solid Waste Management in Mumbai and State on a large scale.

The Vasai Taluka Co-operative housing federation is also trying its best to create awareness amongst the residents of the Co-operative Housing Societies in this regard by organizing exhibitions, seminars, workshops with the help of experts. We are happy that it has started yielding positive results. To make the drive of Swaccha Bharat Abhiyan successful, each and every member of the society should be motivated to take active part.

Municipal Corporation of Greater Mumbai has already served notices to 3029 societies in the city for not observing Solid Waste Management Rules. Out of these 1095 Societies have given positive response to these notices. 258 societies asked for extension. Suit filed against 963 housing societies. 278 cases are pending in the Court and action is pending against 309 societies. According to the Maharashtra Regional Town Planning Act, neglecting to the waste management, may impose penalty of Rs. 2000/- to Rs.5000/- on the societies.

Further, the Chairman, Secretary of the Housing Societies may be prosecuted and will be liable for imprisonment between one month and three years. The M.C.G.M. has already collected Rs. 16 lakh as penalty from the Societies who had violated Solid Waste Management Rules.

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TENANTS CHEER AS REDEVELOPMENT CONSENT DOWN TO 51%

The amendment of bringing down the consent of tenants for the redevelopment of buildings to 51 per cent from the existing 70 per cent has cheered up even the tenants of old buildings.

Currently, to redevelop a building consent of 70 per cent of its tenants is required. The chief officer of MHADA's repair and redevelopment board under whom the cessed dilapidated buildings fall said this move will mean faster redevelopment.



Even chief minister **Devendra Fadnavis** claims that this will help redevelop old and dilapidated buildings faster.

Ramesh Prabhu, chairman of Maharashtra Societies Welfare Association, an apex Housing society body said, "The amendment in the Maharashtra Apartment Ownership (amendment) bill, is a welcome move. This will not allow a handful people now halt the whole redevelopment process of the buildings. There are many buildings which are stuck because of some tenants. This amendment will allow a fast redevelopment of the building and most importantly will ensure the safety of the tenants."

Raju Dahiya, a tenant of Chawate building located in Girgaum said, "This is a good step, as this will mean faster redevelopment of old dilapidated buildings with lesser consent required."

Architect Arqam Shaikh who works on redevelopment project says that leader consent means people who are serious about development will think twice before saying no for flimsy reasons. There will be more consensus for choosing a developer now. Apart from redevelopment work, it will

generate housing stocks that can be sold in the open market.

Even Developers claim this to be a good move. Farshid Cooper, Managing Director, Spenta Corporation said, "The amendment is a long-awaited change which will specifically help redevelopment of old and dilapidated buildings in South Mumbai. The anticipated benefit of accelerating the process of redevelopment will not only improve the quality of the lives of those that inhabit these old and dilapidated structures but also in many cases reduce the risk to life that is posed by the occupation of these homes. We hope that the execution of this most recent amendment is swift and seamless."

Currently, there are more than 14,000 cessed dilapidated buildings, most of which are in South Mumbai.

FASTER DEVELOPMENT

- Currently, there are more than 14,000 cessed dilapidated buildings, most of which are in South Mumbai.
- Chief Minister Devendra Fadanvis has claimed that this amendment will help redevelop old and dilapidated buildings faster

Source : DNA

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IN REDEVELOPMENT, HOUSING SOCIETY WILL ALSO BE TREATED AS PROMOTER : MahaRERA

The developer entered into agreements and collected money from purchasers. He constructed till the 11th floor

Since there is no open plot in the city, the redevelopment activities flourished in the city. Flat purchasers have no option but to purchase the flat in the redevelopment project.

However many times they have to live upon the mercy of the society members, who on the pretext that they are original members of the society and owner of the land, annoyed the new flat purchasers. But they forget that because of new flat purchasers' investment in the project, they are getting new flat with additional area and modern amenities. If the promoter give up the project in mid-way or the society remove the promoter for some reasons, the new flat purchasers stands in a limbo positions because neither society nor promoter protect them. In such situation MahaRERA came to their protection.

The MahaRERA recently heard a complaint by purchasers of flats in the sale component of a project called Horizon. Udayanchal Goregaon Co-operative Housing Society, with 15 members, had appointed Jaycee Homes Pvt. Ltd in April 2013 to reconstruct their building with stilt and 15 floors and to sell and to sell additional flats.

The developer entered into agreements and collected money from purchasers. He constructed till the 11th floor. Due to non-compliance of development terms, the society terminated the developer and further refused to accept the rights of the purchasers to get their homes. Fifteen purchasers moved MahaRERA contending that their agreement with the developer are legal and binding on the society and the developer and they must be directed to hand over possession of their flats by completing the construction.



The society objected saying MahaRERA cannot hear their complaints as it is the owner of the land and not the promoter. Further, it claimed that there is no privacy of contract between the society and the complainants.

The purchasers' advocate **Lakshmi Murali** argued that the complaints are maintainable because the society being the owner of the land is promoter. She said the society had no right to terminate the development agreement without the consent of the purchasers and especially when they have also contributed towards the construction.

The society's advocate cited the High Court's order in Vaidehi's case which held that under Maharashtra Ownership of Flats Act, society is not a promoter and none of the purchasers can file a case for specific performance of their agreement. The Authority said HC drew conclusion that society being owner of the land is not responsible by relying on MOFA's definition of promoter. But with RERA, the legal position has changed. RERA's definition of promoter is comprehensive and clarifies that "redevelopment project is covered and that liability of the persons constructing or converting buildings into apartments and those who sell apartments to different persons shall be joint."

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- To comply with statutory requirements.
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Bye-Laws of Cooperative Housing Societies

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Such provision is not there in MOFA. The society by cancelling the development agreement of developer and revoking their power of attorney regains control and ownership of the sale component, said member and adjudicating officer B. D. Kapadnis, concluding that the purchasers'

complaints are maintainable.

The MahaRERA has given relief to the lakh of flat purchasers in redevelopment project, by delivering such land marking judgment.

Source : Times of India

Continued from page No. 06

MCGM had given incentive FSI to the 286 societies, constructed after the year 2007 for the waste management project, but they have misused the incentive and erected the pump house, parking etc. instead of Waste Management Project.

The Hon'ble Supreme Court has also taken cognizance of this lethargy on the part of the Government as well as general public at large and imposed a stay on all constructions in Maharashtra and slapped a fine of Rs. 3 lakh on the state for not framing a policy for Solid Waste Management. This will affect more than three thousand under construction projects in the city. Please realize the seriousness of the issue and start taking necessary steps for the betterment of one and all.

You may be aware that new Development Control and Promotion Regulations, 2034 has become effective from September 1. Even the excluded part of DCPR, 2034 also are approved and will become effective from 22nd Oct, 2018. The biggest setback is for the builders for the projects which have received only part commencement certificates under DCR 1991.

When they go for further permissions to complete their buildings, they are asked to come under the new regulations. According to

the revised DCR 2034, two and half FSI/ TDR depending on the road with has been declared for the suburb instead of two declared earlier. For the Mumbai island city FSI is three depending on road with. This FSI will be available by paying premium. Since rate of the premium will be 40 to 70 per cent of the rate of TDR, the monopoly of the TDR will break.

While concluding the editorial, let me quote here two important judgments delivered by the Hon'ble High Court, which details you can read in this issue on other pages. One is forced donations sought by housing societies are decided as illegal by the Hon'ble High Court and another is Flat owner is entitled to one parking space.

There is a confusion prevailing in the minds of the persons regarding the implementation of the new election rules for the societies to conduct election by themselves for societies having less than 200 members. Let me clarify that all the housing societies are required to follow the prevailing provisions to conduct the elections. All societies including less than 200 members need to get their elections done through the State Co-operation Election Authority.

With Best Regards,

Secretary, V. Viswanathan



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Many times Co-operative Housing Societies seeks hefty transfer fees in the guise of donation from the Transferor and Transferee of the flat. Hon'ble High Court while delivering the judgment in this regard ruled it illegal. The society may raised funds by way of entrance fee, issue of shares, loans and subsidies, deposits voluntary donations (but not from Transferor and Transferee), by contributions towards cost of building or buildings, by fee on transfer of shares, along with the occupancy right, assignment, by premium on transfer of occupancy right over the flats, by corpus fund from promoter builder, by any other mode permitted under these bye-laws, by way of statutory requirements, by way of non-occupancy charges, leasing/hiring of open spaces, by way of corpus fund, in case of redevelopment.

We are speaking here about forced donations seeks by Co-operative Housing Societies. By-law No.7(e) specifically state that the society may raised fund by voluntary donation but not from Transferor and Transferee.

By-law No.38 (ix) states that a member desiring to transfer his shares and interest in the capital/property of the society he has to pay payment of amount of premium at the rate to be fixed by the General Body Meeting but within the limits as prescribed under the circular, issued by the Department of Co-operation/Government of Maharashtra, from time to time. No additional amount towards

donation or contribution to any other funds or under any other pretext shall be recovered from transferor or transferee. Accordingly the Hon'ble Commissioner, Co-operation and Registrar, Co-operative Societies has issued Circular in the year 2001 in which he has stipulated maximum Rs.25,000/- as transfer fee. Society may take less than this, but no society can take more than specified in the circular. However many societies are taking hefty transfer fee to raise their funds.

But in a setback to housing societies who get members to make a 'voluntary donation' at the time of sale of flat, the Hon'ble Mubai High Court has ruled such payments are illegal. A housing society cannot recover excessive transfer fee from a member under the guise of voluntary donation.

A Pune based residents had claimed he was pressured by the Alankar Sahkari Co-operative Housing Society to pay around Rs.5 lakh a voluntary donation if he wanted to sell his bungalow property. The member claimed he was facing financial distress and hence had decided to sell the bungalow plot in the housing society. The member paid the amount in April 2005 and, once the sale was through, filed a dispute before the Co-operative Court in December 2005, seeking a refund of the amount paid under duress. The co-operative court ordered the refund, which was challenged by the society in the Hon'ble High Court.



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The society referred to a communication by the member that he was donating the amount voluntarily. The High Court refused to accept this admission.

"A person facing financial crises will not donate Rs.5/- lakh. There is ceiling of Rs.25,000/- for transfer fees," the judge said. A member can make a voluntary donation the housing society, but this donation should not appear to have been made under duress.

Non-occupancy charges :- Rules specify that a society cannot impose non-occupancy charges of more than 10% of service charges on a member who has let out his property.

Maintenance charges :- As per rules, the society has to equally divide maintenance charges between its members and charge them a flat rate. Many societies have tried to charge as per area of the flat or floor location, which courts have held to be illegal.

FLAT OWNER ENTITLED TO ONE PARKING SPACE: BOMBAY HC

The court was hearing a petition filed by a Bandra housing society challenging a cooperative court directive to create additional parking space for a new member's

No flat owner is normally eligible for more than one stilt or open parking space on housing society premises unless there is a vacant spot or another member does not want it, the Bombay high court has said. Justice Ramesh Dhanuka said that such vacant space will be allotted on a "year-to-year basis" to flat owners who want additional parking lots.

The court was hearing a petition filed by a [Bandra](#) housing society challenging a cooperative court directive to create additional parking space for a new member's car. Justice Dhanuka struck down the interim order and asked the society to decide the issue of whether the member was entitled to parking space on the premises within a year.

"A perusal of bylaw indicates that a member having a motor vehicle will be eligible to have stilt or open parking space. No member shall



normally be eligible for being allotted more than one stilt or parking space for parking car," said Justice Dhanuka.

The judge referred to a bylaw and said the "question of allotment of two car parking spaces would arise only if any member of the society who has not been allotted even a single stilt or parking space does not require such car parking. In that event, the only manner in which additional car parking can be allotted is by allotting car parking on a year-to-year basis".

The petition was filed by Royal Manor housing Society in Bandra, which was constructed in 2004. The society, with 20 members, had 19 stilt and five open parking spaces.

The builder allotted the parking spaces to 19 flat members, including five who got



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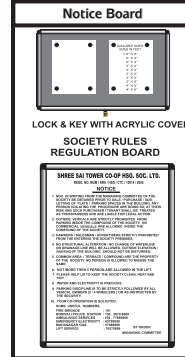
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additional space to park their vehicles. A new member who bought a flat in 2012 applied for a parking space, but this was rejected by the society on the grounds that the original member who had sold the apartment was not allotted any parking.

In 2015, in an interim order the cooperative court ordered the society to create an additional parking space for the new member. The society challenged this order on the grounds that it did not have any additional space and such an interim order could not have been granted.

The high court agreed that the interim order could not have been passed. "The (new flat owners) in my view, had not demonstrated any extraordinary circumstances for grant of such mandatory interim injunction by creating an additional car parking when all 24 car parking spaces are already allotted without rendering any finding that the double car parking spaces allotted to some of the members were in violation of bylaw of the petitioner society," said the high court.

Source : Times of India

You can help create a list of ERRANT BUILDERS

MUMBAI: To identify and crack down on builders violating the law, the **Mumbai Grahak Panchayat (MGP)** is now carrying out an online survey to determine the number of errant builders.

It has also asked Homebuyers to inform the Panchayat if the builder has not registered their project with **Maharashtra Real Estate Regulatory Authority (MahaRERA)**. Homebuyers can log on to <https://survey.mumbaigrahakpanchayat.org> and take part in the survey which started on September 26 and will conclude on October 10. The MGP will then prepare a list of errant builders and give it to the MahaRERA to initiate action against them.

According to **MGP chairman Shirish Deshpande**, the idea is to collate data and spread awareness among the Homebuyers. "This data will help us analyse the compliance of builders with the RERA rules. This survey also aims to spread awareness among buyers," said Deshpande.



He added as majority of the projects were on-going ones — started before MahaRERA came to force on May 1, 2017— many builders took more than 10% of the amount from buyers and have still not executed their agreements. "These buyers just have allotment letters and getting agreements is their right as it has a force of law and secures their rights."

Ever since the MahaRERA came into force, it has been strict on builders who violate laws and has also been able to induce confidence in the real estate sector.

Source : Hindustan Times



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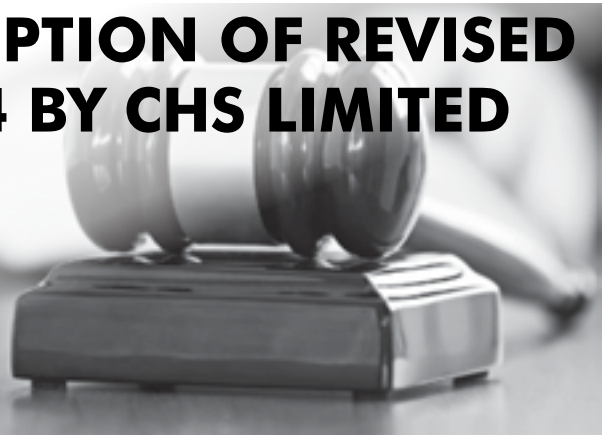
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Institution of Valuer	2002
Mumbai Building repair & reconstruction board (MHADA UNIT)	2002
License of site surveyor	1988
License of site supervisor	1997
American society of civil Engineers (ASCE)	2004
Institute for steel development & growth	2001
Indian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

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PROCEDURE OF ADOPTION OF REVISED BYE LAWS OF 2014 BY CHS LIMITED



Adv. Arun Bendkhale
Mob.: 8976295881



Dear members and office bearers of Cooper-ative Housing Societies in Maharashtra, in this article, we are going to understand how to adopt revised bye-laws by the co-operative housing societies.

It is observed that most of the Cooperative Housing Societies in Maharashtra have not adopted Revised Bye laws of 2014. According to the law it is Compulsory to adopt Revised / amended Bye laws by each and every Cooperative Housing Society. If it is found that any Cooperative Housing Society has not adopted Revised Model Bye laws in prescribed time period. In such circumstances Deputy District Registrar can dismiss managing committee of such society and it can be penalized too.

Under provision of Rule No. 12(2) of the Maharashtra Cooperative Societies Rules, 1961, it prescribes the Procedure to be followed for Amendments to the Bye Laws. As per this rule, Hon. chairman/secretary of society has to give due notice to all the members of the society for consideration of Amendment in its Bye laws.

The Bye law No. 166 in the Existing Model Bye laws deals with Amendments to the bye laws. Proposal of Amendments in Bye Laws has to be communicated to all members, clear 14 days (two weeks) before AGBM / SGBM at which it is to be considered. In the meantime copy of existing Bye laws and Copy of Revised set of Model Bye laws proposed to be adopted at

General Body Meeting should be kept in office of the society for inspection purpose by the members at the convenient time. In this regard Notice should be put up on the notice Board of Society for awareness of members.

To consider adoption of the Revised set of Model Bye laws of 2014 introduced by Commissioner for Cooperation and Registrar Cooperative Societies, Maharashtra State, Pune in place of Existing Bye Laws of Society, following steps should be executed :-

- (1) The resolution has to be passed by not less than $2/3^{\text{rd}}$ majority of members present and voting at the meeting of General Body of the society.
- (2) Resolution to be passed in AGBM/SGBM with respect of Adoption of Revised Bye Laws that Hon. Chairman, Secretary & One Committee Member of society are authorized to sign the proposal for Amendment of Bye laws (i.e. Adopting Revised set of Bye laws in the place of Existing Bye Laws)
- (3) A proposal for Amendment in Existing bye laws is required to be submitted to the Authority (Deputy Registrar) with five enclosures i.e. No. I to V in given specimen format.
- (4) Information in Enclosures No. I & IV could be filled in from the records of the society
- (5) Columns of enclosures No. II, III & IV are to be filled up to serve as per guidance
- (6) The proposal of adopting the set of Revised Bye laws in the place of existing set of bye



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- laws of society should be prepared as shown in the specimen format and submitted to Registering Authority.
- (7) If proposal is not submitted within the prescribed time limit it becomes invalid. Hence entire fresh process will be necessary to be executed.
- (8) For Adoption purpose, the names & signatures of only Chairman, Secretary & Authorized member of managing committee are necessary
- (9) Names & Signatures of all promoters (Members) are necessary for submitting registration proposal only.
- (1) Affix Rs. 25/- non-judicial Court Fees stamp on the Application
- (2) Submit one certified copy of existing Bye laws of the society
- (3) Submit Four (4) Copies of Revised Model Bye laws to be adopted bearing society's Name & Stamp
- (4) Enclose a certified copy of the Notice of AGBM/SGDM in which proposal was considered & approved
- (5) Submit four copies (4) of Enclosure No. IV duly signed & stamped by authorized signatory.
- (6) Submit the proposal within two months (60 days) from the date of its approval in the General Body Meeting
- Important Guidelines to be followed:**

Attachments:

A	APPENDIX “A”	Application to Deputy Registrar(Registering authority) for approval of adoption of Revised bye laws	
(1)	ENCLOSURE NO. I	Certification by Secretary/ Chairman/Authorized Member of Managing Committee about Notice & Agenda, Amendments	
(2)	ENCLOSURE NO. V	Details of Society Share Capital, Reserve Funds Audit date, Deposits, Loans, Profit loss for last three year	
(Enclosure No. I & V should be filled up from Society Records)			
(3)	ENCLOSURE NO. II	Details of Bye laws- Original & Amended i.e. (1) Bye laws No. 1 to 175 (2) Appendixes 1 to 28 of various forms	
(4)	ENCLOSURE NO. III	Details of Bye laws No.1 to 175 Appendix 1 to 28 Addenda & Corrigenda to Bye laws as per copy of Revised set of Bye laws	Reason for Amendments:- Because present Bye laws of society are not adequate to regulate the entire working of society
(5)	ENCLOSURE NO. IV	Four Separate Copies of enclosure No. IV shall be supplied which are duly signed & stamps by Chairman, Secretary & One authorized member of managing committee	

(ENCLOSURE No. II, III, And. IV should be filled up as per guidance and requirement mentioned in specimen format)

I request you to follow this procedure and avoid the penalty/action from the Registrar, Co-operation. If you have any query/guidance in the matter please feel free to call our office or me .











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INCOME TAX RULES APPLICABLE FOR COOPERATIVE HOUSING SOCIETIES

Now a days, office bearers of the co-operative housing societies have to go through various rules, regulations, bye-laws while conducting day to day working of the society. Cooperative housing societies also fall under the ambit of income tax laws. Therefore we have to look at the tax rates, benefits available, procedure for filing returns and deduction of TDS that are applicable on housing societies



CA VISHAL GALA
Mob - 981951 3758

As housing societies are not apparently engaged in any income earning activities, there is a perception that they are not required to comply with any income tax provisions. This impression is heightened by the fact that housing societies are managed by honorary office bearers, who are generally not well-versed with the laws. A housing society is a legal entity and therefore, is treated as separate from its members. It has to comply with various legal laws, including income tax laws.

- **Status of housing societies under the income tax laws**

Section 2 (31) of the Income Tax Act defines the entities that are treated as persons, for the purpose of income tax. A person is the basic entity under the income tax laws, which has to comply with various income tax provisions, including filing of returns, payment of taxes, deduction of tax at source, etc. The definition includes 'an association of persons or body of individuals, whether incorporated or not'.

All housing societies are registered under the cooperative society laws of their respective states. In Maharashtra, housing societies are registered under the Maharashtra Cooperative Societies Act 1960. Being an association of persons registered under a law, a cooperative housing society has to comply with the income tax laws, wherever applicable.

As it is a tax entity under the income tax laws, it needs to have a Permanent Account Number (PAN), even for opening a bank account.

- **Tax benefits available to a cooperative housing society**


Section 80 P of the Income Tax Act, allows certain deductions to cooperative societies, including cooperative housing societies.

While computing the total income of a housing society, any income derived by it by way of interest or dividends from any other cooperative society, is fully treated as exempt. As housing societies are mandated to keep their deposits with cooperative banks, all of the interest received by it on its deposits with the cooperative bank, shall be fully excluded from the income of the housing society. However, in case the housing society invests its funds with other entities like public sector banks or private banks, income from there shall become taxable in its hand.

- **Liability of housing societies to file income tax returns**

Unlike an individual and HUF, for whom the law provides a basic exemption limit beyond which they are required to file their income tax returns (ITR), there is no such basic exemption limit for cooperative societies.

Hence, all housing societies are required to file



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their ITR by the due date, which is September 30 of the year following the financial year, as the accounts of the housing society are required to be audited under the provisions of their respective cooperative society laws. If the housing society fails to file its ITR by the due date, it has to pay interest on the outstanding tax liability in case the liability is not already discharged by way of TDS or by payment of advance tax, for the period of delay, in addition to interest liability on the shortfall in payment of balance tax after adjusting TDS and advance tax.

In case the housing society fails to file its ITR by the due date, it can still file the same by March 31 of the year next to the period for which the ITR belongs. For the delay, the society has to pay a mandatory fee of Rs 5,000 if the delay is up to December but the fee will be Rs 10,000 if the delay goes beyond December of the next year. The mandatory fee for delay in filing of the return shall be restricted to Rs 1,000, in case the taxable amount of the housing society does not exceed Rs five lakhs.

The society needs to pay advance tax, in case its advance tax liability exceeds Rs 10,000 for a year in four instalments on June 15, September 15, December 15 and March 15, in the ratio of 15 per cent, 30 per cent, 30 per cent and 25 per cent of the aggregate advance tax liability.

¶ Taxation of housing societies

The tax rates and slabs applicable to housing societies, are different from those of individuals and companies. Since there is no basic exemption, every rupee of the taxable income of the housing society suffers income tax.

For the first Rs 10,000 of the taxable income, after excluding the items

discussed above, the society is required to pay income tax at the rate of 10 per cent. For the next Rs 10,000, the applicable rate is 20 per cent. On the income above Rs 20,000, the society has to pay tax at 30 per cent of the income.

In addition to the above, the society will have to pay a surcharge of 12 per cent on the tax, in case the income exceeds Rs one crore in the year. The tax calculated shall also attract an education cess of three per cent.

¶ Liability to deduct tax, deposit and file TDS returns

Like the liability to have a PAN, pay advance tax and file its income tax returns, housing societies are also required to deduct tax on certain payments, like salaries to its staff, payments to contractors for carrying out any activity in the society's buildings, on interest on money borrowed, etc. In order to fully comply with the TDS requirements, the society is required to obtain a Tax Deduction Account Number (TAN), so that it can deposit the TDS to the credit of the central government and also to file the TDS returns periodically.

Though there are auditors appointed by the respective society. It is their headache to take care of tax deduction, filing returns etc. but we should also know that how much our liability, how much we have to pay, is auditor is doing his job correctly or not?



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Long awaited Development Plan for Mumbai for the period from 2018 to March, 2034 has been come into force from September 22, 2018. After many suggestions and objections from Mumbaikars on the Development Plan – 2034, the government has divided the plan prepared by the Municipal Corporation of Greater Mumbai into two parts the first time. The part in which there were no amendments were implemented from 1st September, 2018 by promulgating Government Notification. And in second part, the Government suggested changes in it and called suggestions and objections from the citizens. The second part which is called as Excluded parts with some modifications were notified on 22nd September, 2018 and will be implemented from 22nd October, 2018.

The object of the development plan is to envisage entire development of the city for the next 20 years. The development should not be only of Housing but it should be of total infrastructure of the city. And the same is not reflected in the Development Plan – 2034. In the thrust of slum free city and Housing for all by 2022, the Government has given additional F.S.I. and other facilities to take care of the slum development, cess buildings' redevelopment, cluster development, MHADA building redevelopment etc.

The earlier condition of 70% approval of the residents for the development has been removed in the new development plan and it has been reduced to 51%. Mill workers will get benefit of 405 sq. ft. carpet area flat instead of

earlier 250 sq. ft. carpet area. Though this new DP will not applicable with retrospective effect, but the ongoing projects and incomplete projects in the city can take benefit of the provisions or addition FSI provided in the new Development Control and Promotion Regulations, 2034.

Even though this new development plan is not going to be applied with retrospective effect, the present ongoing and incomplete housing projects may take benefits of this additional F.S.I according to the new development plan and make their projects viable. Therefore housing projects in Mumbai and Suburbs may get impetus. Now in suburb also one can take benefit of cluster development which was earlier applicable to the Mumbai City only. Those Housing Societies who do not have sufficient place for redevelopment may by coming together redevelop their buildings by taking benefit of additional FSI.

However, on the other hand developer/ Builders are not satisfied with the new Development Plan and New DCPR, 2034. They accused that the new Development Plan will hamper the development in the city as Accommodation Reservation (AR) and Road FSI benefits are withdrawal from the new DCPR. This will severely hamper redevelopment in the city. The BMC officials are saying there are still some human errors in the New DP, and the officials are engaged in correcting the same. Therefore there is still no clarity in the DEVELOPMENT PLAN 2034.

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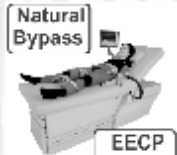
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PROVISIONS OF THE MODEL BYE LAWS OF HOUSING SOCIETY ON CONVEYANCE

PROVISIONS OF BYE-LAWS ON CONVEYANCE	
Bye-law No.	Provisions
5(a)	Main Objects of Registration is to obtain Conveyance
73	Committee to sign Conveyance Deed
88 (a) (vi)	First General Body to have agenda of conveyance
154 (b)	The committee to finalize with the advocate draft conveyance deed
174 C (c)	Approach civil court on grievances of conveyance

In metropolitan and other cities, due to paucity of land, apartments are constructed as per the approved plan by the planning authorities by a group of people and such group of people are governed by forming a society to administer the property which belongs to all the members.

Later business communities started constructing buildings having many flats in one building and started selling the individual flats / shops to many persons. Persons carrying out such activity were called builders/ developers. To regulate such transaction between the flat/ Shop purchasers and the builder, the Maharashtra government enacted a law called Maharashtra Flat Owners Act, 1963.

Accordingly, a Society formed by different purchasers of the residential tenements or shops under Maharashtra Ownership Flats (Regulation of Promotion of Construction, Sale, Management and Transfer) Act, 1963 (MOFA) is called Flat Owners Society. These types of societies are registered under the Maharashtra Co-operative Societies Act, 1960 along with the applicable Model bye-laws approved by the Commissioner. The model Bye-law of states that the object of a Flat Owners Society is to obtain the conveyance of the plot of land along with the building containing the tenements/ shops thereon and to manage, maintain and administer the same.

Whenever the Flat Owners type of Society is registered, the bye-law contained the following objects, which states the main purpose of registration of the Society.



S. R. Desai, Consultant,
Mob.: 98206 87418

1. AS PER BYE LAW NO.5 - THE OBJECTS OF THE SOCIETY SHALL BE AS UNDER :

"a) To obtain conveyance from the owner/Promoter (Builder), in accordance with the provisions of the Ownership Flats Act and the Rules made thereunder, of the right, title and interest, in the land with building/ buildings thereon, the details of which are as hereunder :

The building/buildings known/numbered as _____ constructed on the plot/ plots Nos. _____ of _____ admeasuring ____ sq. meter, more particularly described in the application for registration of the Society.

2. AS PER BYE LAW NO.73

In the General Body Meeting, members to authorize a member of the committee to attest deed of conveyance, share certificates and any other documents to which the seal of the society is affixed.

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3. AS PER BYE LAW NO.88 (A) (VI)

At the first General meeting of the Society, the following business, among other things, shall be transacted:

Authorizing the committee to secure conveyance or the right, title and interest in the property, in the name of the Society from the Promoter (Builder).

4. AS PER BYE-LAW NO.154 (B)

The Committee shall examine, in consultation with the Solicitor or the Advocate of the Society, the deed of conveyance of the land and the building/buildings thereon prepared by the Builder and place the same before the meeting of the general body of the society for its approval.

5. AS PER BYE LAW NO.174 (C)(C)

In respect of disputes pertaining to Conveyance –

If the member/members are not satisfied by the decision of the Committee or does not receive any communication from the committee within the time specified above, he/they may approach competent authorities, depending upon the nature of the complaints. In case of Conveyance they have to approach Civil Court for obtaining conveyance.

Comments: This provision of the Bye-law has clearly indicated that the Committee should approach the Civil Court for the grievances against the conveyance. This being the breach of contract between the flat purchasers and the

builder, a case can be filed in the Civil Court under specific Relief Act. However, you will see there are other remedies like filing a Criminal Case or filing a Complaint in the Consumer Court etc.

Obtaining the conveyance being the main object of registration of the society, the office bearers should initiate the actions without waste of much of time. It is possible that many office bearers are not getting the required guidance to begin the process of conveyance. This book in detail gives the required practical guidance to the office bearers to begin their efforts under different situations.

Very often we see that the society office bearers forget about the main object of registration of the society i.e. obtaining the conveyance of land and building in favour of the society and carry on other objects like raising of funds, maintaining the property etc. Normally such clauses are incorporated in the Memorandum of Association and articles of Association, when the Company is formed to manage its complex by the flat purchasers under Companies Act, 1956.

Similarly, when the Declaration is made under Maharashtra Apartment Ownership Act, 1970, the Bye -laws for management of Condominium or Association of Apartment Owners is annexed. Such Bye-laws of the Condominium or Association of Apartment Owners provide for conveyance of individual apartment along with the undivided interest of the land for the respective apartments is conveyed to the Apartment owners



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41	Ghatkopar (E)	Krishna N Renukuntla	7900002741/9082165946
42	Naya Nagar-Mira Road	Ishrar Shaikh	8976666798/9867677676
43	Chembur	Badelal Vishwakarma	9930752751/9224184896
44	Mulund (W)	Santosh Shivram Mane	7977961618/9699606687
45	Mulund (W)	Rajesh Dalvi	9653654980/7738605817
46	Kalwa	Laximikant Yadav	9867167169/7738677384
47	Dombivli (W)	Akshay Kadam	9702468517
48	Dombivli (E)	Sunil Jadhav	9221001350
49	Kanjurmarg / Bhandup	Vinayak Padloskar	7201680462
50	Mankurd/Govandi	Vinod Yamuna Prasad Prajapati	9702669276
51	Pune	Salunkhe K Bapurao	8485053504/7020117819
52	Sakinaka-Andheri	Siddhi Sunil Jadhav	9167566472/9653654980
53	Kandivali-Poisar To Nursing Lane	Hitendre Limbachiya	9819955236
54	Bhayandar (W)	Nitin Jadhav	8652113979
55	Bhayandar (E)	Malti Michael	9930732055
56	Nallasopara (W)	Umesh Padia	9765120805
57	Goregaon (E)	Arun Tumma	9768107758/7977980961
58	Kalwa / Mumbra	Mohammad Abdul Hakeem	9987797149/9892354898
59	Thane / Airoli	Upendra Raghunath Mahamunkar	8976555598
60	Parel	Amit Arvind Achrekar	9730641898/8082134495
61	Dahisar (W)	Rajiv Pandya	8976902503
62	Kandivali (W)-Charkop	Bhavna Pandya/Cynthia Pujara	9967840406 / 9833967434
63	Vileparle(W) & (E)	Avinash Sathe	9324089046
64	Ghatkopar (W)	Vinaya Padloskar	9969657042
65	Malad East	Dattaram Murkar	9987248533
66	Matunga	Murugan Muthiah	9653654980

CREATION OF WhatsApp Group by VTHF

The Social media has been spreading very quickly. Every person who wants to have the instate information on various aspects been using WhatsApp as means and getting enrolled in different WhatsApp group.

At the request of many members and public at large at different Seminars we had organised the **VTHF** has created the areawise WhatsApp group. any person who want to be part of their respective

areawise group are requested to send your request to : WhatsApp Mobile No. : 9665774229 or E-mail to: vasaihosuingfederation@gmail.com with following details :

(1) Name, (2) Designation like Committee member or Secretary etc. (3) name of Society (4) Area for e.g. model town, Shastri ngr., or Road (5) Railway Stn. (6) E-mail Address _____

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

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

Date- / / 2018

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.

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

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

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Yours faithfully,

Name of the subscriber

ACKNOWLEDGEMENT

Received the subscription for VTHF Magazine for one year, starting from -----, 2018 to -----, 2018. 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

DATA SHEET

Name of the Society : _____

Address of the Society : _____

Land Mark to reach Society : _____

Registration No. : _____

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

Name of the Committee Members :


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

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BS - 06	Registration of Housing Society	` 120	` 100	
BS - 07	Statutory Obligation of Society	` 80	` 60	
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BS - 14	Redevelopment - Tender Process	` 150	` 120	
BS - 15	Redevelopment - Documentation	` 200	` 150	
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BS - 19	Circular of Housing Societies	` 150	` 120	
BS - 21	Rights and Duties of Members	` 120	` 100	
BS - 22	Managers Manual	` 250	` 200	
BS - 23	Election Rules	` 250	` 200	
BS - 24	Minutes Writing	` 150	` 120	
BS - 26	Secretarial Manual	` 100	` 80	
BS - 29	Sinking Funds	` 70	` 50	
FAQ - 02	Deemed Conveyance - FAQ	` 200	` 150	
FAQ - 13	Redevelopment - FAQ	` 120	` 100	
BS - 15A	Permanent Alternate Acco. Agreement	` 100	` 80	
	Bye - Laws English	` 70	` 60	
	Bye - Laws Marathi	` 70	` 60	
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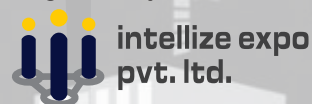


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