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KARIAT-KHALAPUR-KHOPOLI

To,  
**Dr. Nitin Kareer (I.A.S.),**  
Additional Chief Secretary,  
Revenue Department,  
Government of Maharashtra

10/02/2022  
लिपिक  
अनुस (महसूल)  
महसूल व विभाग  
मंत्रालय, मुंबई

**Sub: Suggestion from CREDAI MCHI with regard to Ease of Doing Business  
in Revenue Department**

Respected Sir,

At the onset please accept our deepest gratitude for meeting and hearing us on 28<sup>th</sup> January 2022. We must acknowledge that under your guidance so many processes have been simplified by revenue department and our suggestions are accepted and implemented.

Sir, there are few areas where some improvement is requested and can be simplified in order to bring Ease of Doing business in the process.

As discussed in the meeting, we are submitting the following suggestions, details of which are annexed herein with the letter. Brief descriptions are as follows:

**1) For Revenue Department under EoDB (Annexure I)**

- Suggestions for DIVISIONAL COMMISSIONER'S OFFICE (Mumbai and MMR) to be implemented within 30 days and 100 days. Other suggestions in detail are annexed.
- Suggestions for SETTLEMENT COMMISSIONER'S OFFICE (Mumbai and MMR) to be implemented in 30 days under EoDB.

**2) For IGR department (Annexure II)**

- Rationalization of Land ASR rates to 1/3 of Sale rates
- Suggestions for Stamp Duty Payable on Instruments Executed for The Purpose of Rehabilitation of Slum Dwellers
- Suggestions for Valuation of Resi/Comm Properties where land falls under different CTS Nos. / revenue divisions / diff villages with different RR Rates
- PAAA to be executed on Rs. 1000 stamp Paper for all Redevelopment schemes

We humbly request to please grant us a detail hearing as per your convenience on the suggestions submitted by us.

Thanking you for your continuous support

Yours faithfully,  
**For CREDAI-MCHI**



**Boman Irani**  
President



**Dhaval Ajmera**  
Secretary

Encl : As above

**Maharashtra Chamber of Housing Industry**

Maker Bhavan II, 4<sup>th</sup> Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.  
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## Annexure-I

### INDEX

SR.NO.	PARTICULAR
1.	EXECUTIVE SUMMARY
2.	VOLUME I : EoDB IN DIVISIONAL COMMISSIONER OFFICE
3.	VOLUME II : EoDB IN SETTLEMENT COMMISSIONER OFFICE
4.	VOLUME III ( PART - I & PART II ) : REGULATIONS , CIRCULAR & ORDER DIVISIONAL COMMISSIONER
5.	VOLUME IV : GOVT. REGULATIONS , CIRCULAR & ORDER SETTLEMENT COMMISSIONER

## EXECUTIVE SUMMARY : EoDB REVENUE & AUTOREVENUE

### KEY OBJECTIVES OF EoDB IN REVENUE

1	Land records and its entire interface with the development of the state should be virtual & online;
2	For bringing in reliability of land records, online system needs to be implemented and should be the primary goal - this would ensure issues related to reliability of survey number, exact boundary demarcation & area;
3	The ultimate objective of this exercise being to achieve indefeasible reliability in terms of title and mutation;
4	GST has achieved "One Nation, One Tax"; this exercise shall realise <u>"One Land - One Record"</u> ; _and
5	The downloaded land record should be the prime evidence for the boundary, its survey number and the ensuing area, village number, the tenure, its owners along with those deriving rights out of it and all mutations as per the development like sub-division, amalgamation, roads, gardens, amenity open space, built up reservation etc. which are conditions precedence of an approval; as a process, this needs to be made online with minimum human interface. In line with AutoDCR, this system could be called Auto REVENUE.

KEY SUGGESTIONS UNDER POST EoDB : DIVISIONAL COMMISSIONER'S OFFICE	
TO BE IMPLEMENTED WITHIN 30 DAYS	
1	To outsource the work for online entries and payment mechanism.
2	Conversion Tax should be paid to SPA/ ULB at the time of approval along with other premiums.
3	Fixed conversion rates to be published in the Government Gazzete.
4	All payments needs to be done online through GRAS. ( Government Revenue Accounting System ).
5	Excavation permission and NA conversion tax should be linked automatically along with the Building Permission in ULB/SPA.
6	Condition for Sanad to be removed ( circular to be scrapped).
7	All lands to be defined by their class and to be uploaded on the website.
8	NA measurement survey to be avoided as it is duplication of work.
9	All the approvals should be time bound as per the new EoDB rules.
10	In case of transfer of land CTSO / Talathi should update the records as sent to them by the registration office. For this separate application should not be done u/s 154 of MLRC Act 1966 .(This Implementation can be done urgently)
11	Separate cell to be made for all RTI cases.
12	After receipt of conversion Tax concerned CTSO/Talathi should change status from Agriculture to Non Agriculture on Property Registered Card or 7/12 Extract
13	Basic computer training to be given to staff for simplifying work and man power should be increased.
14	Link should be established between CTSO / TALATHI office.

TO BE IMPLEMENTED WITHIN 100 DAYS	
1	Role of collector to be redefined; some of his Powers to be delegated to SLR/SDO; like Area Correction, Sub Division / Amalgamation, Appeal etc.
2	All data should be updated on government websites for ease in achieving mutation records.
3	Reforming Land Titling system like Torrens system .
4	Name to be transferred automatically.

KEY SUGGESTIONS UNDER POST EoDB : SETTLEMENT COMMISSIONER'S OFFICE	
TO BE IMPLEMENTED WITHIN 30 DAYS	
1	All payments needs to be done online through GRAS (Government Revenue Accounting system). The procedure for issuing challan to be removed.
2	Payment for various processes to be done as per the Published Fixed rates depending on area of plot which needs to be surveyed.
3	The survey of same property for different approvals like subdivision, boundary fixation , etc to be avoided, it should be done once to avoid duplication and error. <u>(ONE LAND - ONE RECORD &amp; ONE LAND - ONE SURVEY)</u>
4	All the processes to be time bound as per the EoDB depending on the area of plot.
5	Notice period should be reduced to 5 days instead of 15 days.
6	Time limit to be set for preparing survey drawings.
7	In case of subdivision and paiki 7/12 extracts , the NOC from corporation to be avoided as the plans are already given by corporation.
8	Measurement plan should be issued in 3 days from the date of survey .
9	For area correction file to be submitted to SLR only .
10	NA measurement to be avoided.
11	Survey done by Private Licenced Surveyor should be accepted .
12	Measurement fees to be taken once, even if the survey date is postponed or all the parties are not present, till the final copy is issued.

TO BE IMPLEMENTED WITHIN 100 DAYS	
1	In case of Area correction and Boundary fixation, The Government should be issue GR directing all SLR to carry out survey of developed / undeveloped plots and fixed the boundries and record the actual area in P.R. card / 7/12 extract and also correct the survey sheets so that issue of Area correction and bondary fixation automaticully solved.
2	Trimble Geo-spatial machine should be used for online survey plans.
3	Survey along with contours, HFL , HTL to be uploaded on website.
4	Role of collector to be redefined , some of his powers to be delegated to SLR, like Area Correction, Sub-Division / Amalgamation, Appeal etc .
5	Digitised map to be confirmed as done by SLR ( SRA ) and similar survey mechanism to be extended in MMR.

Under the Proposed EoDB exercise, it is being proposed to carry out business processes by restructuring some of the processes under the Divisional Commissioner's Office and also Settlement Commissioner's Office. Presented below is a bird's eye view of those identified processes, and the impact of EoDB exercise in terms of no. of steps and time taken in each of those said processes.

#### UNDER DIVISIONAL COMMISSONER

##### For MCGM

SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKEN	NO OF STEPS	TIME TAKEN		
1	Conversion Tax & Sanad (N.A)	33	75	2	10	Fixed conversion rates to be declared.	No
						Conversion tax to be collected by SPA /ULB	No
						CTSO should take cognizance of SPA/ULB letter & implement PRC within 2 days.	No
						NA measurement to be avoided.	No
2	Excavation Permission	18	23	1	5	SPA/ULB to issue demand note and receive payment from applicant.	No
						After receipt of payment,SPA/ULB will intimate the same to Talathi/ Circle/ SDO.	No
3	Revenue Tribunal Suit (RTS) Appeal Revision for correct revenue record i.e	11	293	7	60	To reduce hearing period to 15 days.	No
						Reduce number of hearings.	No
						Decision to be taken in stipulated time period.	No
4	(A) Name Transfer on 7/12 Extract by Registered document. (B) Name transfer on 7/12 Extract by Legal heirs etc.	8	50	2	10	Notice No. 9 to be issued within 2 days.	No
						Notice period to be reduced from 15 to 5 days.	No
						Jawab (statement) should not be insisted upon.	No
						7/12 extract should be issued within 2 days after completion period of Notice No 9.	No
5	Revenue Tribunal Suit (RTS) Appeal for correct revenue record i.e 7/12 at SDO office	29	479	8	60	To reduce hearing period to 15 days.	No
						Reduce number of hearings.	No
						Decision to be taken in stipulated time period.	No

UNDER DIVISIONAL COMMISSIONER							
For Rest of MMR							
SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKE	NO OF STEPS	TIME TAKEN		
6	Sale Permission ( u/s 43 )	17	33	14	20	Circle officer report to be avoided.	No
						Notice period to be reduced from 15 to 5 days.	No
7	(A)Name Transfer on 7/12 Extract by Registered Document (B) Name Transfer on 7/12 Extract by Legal heirs etc.	2	27	2	10	Link should be established between Talathi office and Sub Registrar office.	No
						Notice period to be reduced from 15 to 5 days.	No
						Jawab (statement) should not be insisted upon.	No
						Re-submission of documents in talathis office to be avoided.	No
8	N.A. Conversion tax	19	44	2	10	Fixed conversion rates to be declared.	No
						Conversion tax to be collected by ULB/SPA	No
						CTSO/Talathi should take cognizance of ULB/SPA letter & implement PRC/7/12 Extract within 2 days.	No
						NA measurement to be avoided.	No
9	Excavation Permission	24	30	1	5	Concern ULB/SPA to issue demand note and receive payment from applicant	No
						After receipt of payment, concern ULB/SPA will intimate the same to Talathi / Circle / SDO.	No

UNDER SETTLEMENT COMMISSIONER							
For MCGM							
SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKEN	NO OF STEPS	TIME TAKEN		
1	Area Correction Measurement and issue PRC	50	172	20	30	Application to be submitted in CTSO only.	No
						Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						SLR to arrange hearing & give decision for the area correction within 20 days time limit .	No
						CTSO to issue PRC within 2 days.	No
						File should not be forwarded for collector's Order.	No
2	Boundary Fixation Measurement	20	60	6	10	Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						CTSO to issue MR Plan within 2 days.	No
3	Joint Measurement	21	62	6	10	SPA/ULB NOC should be avoided.	No
						Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						CTSO to issue Joint Measurement Plan within 2 days.	No
4	Sanad (N.A.) Measurement	28	63	-	-	Sanad (N.A.) Measurement to be abolished.	No
						SPA/ULB to receive NA conversion tax and intimate CTSO, Tahsidar, Talathi to implement the same on PRC.	No

SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKEN	NO OF STEPS	TIME TAKEN		
5	Sub- Division / Amalgamation Order & Measurement and issue PRC	54	118	12	20	Application to be submitted in CTSO only , collector order to be avoided.	No
						Payment to be done through GRAS.	Yes
						Subdivision /Amalgamation order should be issued by SLR.	No
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						CTSO to issue PRC within 2 days.	No
6	T.P. Implementation in PRC	43	120	12	20	Application to be submitted to CTSO only, initial SLR approval to be avoided.	No
						Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						TP Implementation finalised by SLR within 7 days.	No
						CTSO to issue PRC within 2 days after SLR order.	No
7	Name Transfer in PRC MSD (A)Name Transfer by Registered Document (B) Name Transfer by Legal heirs etc.	18	45	4	10	Notice No.9 to be issued within 2 days.	No
						15 days notice period reduced to 5 days.	No
						Jawab (statement) not required.	No
						Re- submission of documents in CTSO office to be avoided .	No
						PRC should be issued within 2 days from completion of Notice period.	No
						By giving effect to the Notification issued by Settelement Commissioner & Director of Land Records ( State of Maharshtra	

8	PRC in word MSD	9	18	1	1	)Pune Dated 16.02.2015. , In all cases of land where the PRC already contains the mutation entry and the area of the land in words, in such cases M.C. G.M should not insist P.R. Card Inwords.	No
						Property card should be issued online on the same day of Application.	No

**UNDER SETTLEMENT COMMISSIONER**

**For Rest of MMR**

SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKEN	NO OF STEPS	TIME TAKEN		
9	Area Correction in 7/12 Extract	76	219	19	35	Application to be submitted to SLR only.	No
						Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						SLR to arrange hearing and give decision within 20 days; collector approval should not be required.	No
						Talathi issued 7/12 extract within 2 days from SLR order.	No
10	Subdivision / Amalgamation Measurement - CTSO	47	82	24	30	Application to be submitted to CTSO only, initial SLR	No
						Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						ULB/SPA NOC should be abolished.	No
						CTSO to issue PRC & MR Plan within 2 days after receipt of sub division /amalgamation order from SLR.	No

SR.NO.	PROCESSES	CURRENT SCENARIO		POST EoDB		KEY SUGGESTIONS FOR IMMEDIATE IMPLEMENTATION	Implement done/ not done ( Yes & No)
		NO OF STEPS	TIME TAKEN	NO OF STEPS	TIME TAKEN		
11	Boundary Fixation Measurement - CTSO	18	53	6	10	Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						CTSO to issue MR Plan within 2 days.	No
12	Boundary Fixation Measurement - TILR	20	54	6	15	Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						TILR to issue MR Plan within 2 days.	No
13	Subdivision- TILR	53	133	36	40	Payment to be done through GRAS.	Yes
						15 days notice period reduced to 5 days.	No
						Measurement surveyor should prepare plan within 3 days from measurement done on site.	No
						ULB/SPA NOC should be abolished.	No

**Annexure II****Suggestions for IGR Department**

- 1. Suggestions on rationalisation in the R.R. Rates to 1/3 of Resi. sale rates for Mumbai City & Suburbs**
  - GST authorities in their circular have mentioned that the value of land shall be deemed to be 1/3 of the sale value. (dtd. 28<sup>th</sup> June 2017)
  - Currently premium and charges payable to the ULBS and/or State Government are almost at 40% of the sale value of a project.
  - 30% of the sale price goes towards the construction cost of the project.
  - Administrative, Marketing and Finance costs add to 12% of the sale values. Hence, land rates cannot be, under any scenario be more than 20% of the residential sale rates.
  - Hence, CREDAI-MCHI requests you to peg it at 1/3% of the residential sale rate. Such benefits if offered, can be passed on to the ultimate consumer, by way of reduced prices.
  - Hence, CREDAI-MCHI suggests to rationalise the land rates to 1/3 of residential sale rates for Mumbai and to make sure that the revision of ASR should be done only once in five years. We are submitting a detailed note of our suggestions herewith.
  
- 2. Suggestions for Stamp Duty Payable on Instruments Executed For The Purpose of Rehabilitation of Slum Dwellers**
  - 45% of slum encroached lands in Mumbai are privately owned. These lands are subjected to submission of a registered conveyance / sale deed / development agreement by the developer, before SRA considers the sanction of S.R. scheme.
  - Prior to registration of all privately owned slum land transactions, adjudication is required to be done by department of Stamps for assessing FMV. While doing so, FMV or transaction price – whichever is higher is considered for calculating stamp duty by the IGR as well as assessment of income tax payable by landowners and developers, under the Income Tax Act. FMV value assessment is done under the following procedure:
    - 3 FSI is considered for slum density of upto 650 T/H to assess maximum development potential of the said land.
    - No. of slum dwellers x 30 sq.m. is determined as BUA of rehabilitation for the said scheme. Area in proportion to rehab area is considered as sale area (1:1 in suburbs).
    - Sale area is multiplied by RR rate to determine sale potential of the said plot. Rehab Construction Cost is determined using prevailing construction cost of the R.R. FMV is determined by deduction of rehab const. cost from sale potential of the said plot.

- The said calculation method does not consider the ground realities of the slum encroached land – such as :
  - a) Buildable / non buildable reservation in place like schools, hospitals, retail, PG, RG, DP roads and their effect on rehab of existing slum dwellers on subjected land,
  - b) Proximity of airport, water bodies or other planning restrictions which can severely affect FSI utilisation on site due to height restrictions etc.
  - c) Higher density slums which makes in situ rehabilitation difficult.
  - d) Effects of all of above on excess TDR generation and realistic valuation of TDR which impacts profitability of the scheme.
  - e) Apart from rehab construction costs, no other deduction for all legitimate costs are considered in the valuation process.
  - f) Valuation dept. does not assess if the scheme is a nascent early stage slum scheme or a scheme which has been sanctioned by the way of issuance of LOI, IOA / CC etc.
- To facilitate effective implementation of the said Slum Rehabilitation Scheme, Govt. of Maharashtra vide order dtd.19/12/1997 issued by Revenue & Forest Department, has reduced Stamp duty chargeable under Article 5 (g-a), 25 & 36 in Schedule-I to the Bombay Stamps Act, 1958, on the instruments executed for purpose of rehabilitation of slum dwellers as per the Slum Rehabilitation Scheme under Maharashtra Slum Areas (IC&R) Act, 1971 in respect of properties situated within city of Mumbai District & Mumbai Suburban District, to Rs.100/- (Rupees One hundred only).
- However, Revenue & Forest Department, Govt. of Maharashtra had issued order dtd.04/03/2008 which stated that, reduction of Stamp duty as per the above mentioned order dtd.19/12/1997 shall not be applicable to the instruments executed in respect of free sale component under the Slum Rehabilitation Scheme. However, the phrase, “or any other instrument of the developer” in the said order dtd. 04/03/2008 led to the interpretation that, the benefit of reduced stamp duty as per order dtd.19/12/1997 shall not be applicable to the instruments such as Conveyance Deed, Development Agreement, Deed of Assignment etc.
- Please restore the order of 1997 wherein Stamp Duty on conveyance or agreements for development or joint venture agreement, or any arrangement or contract in respect of any land declared as slum or slum rehabilitation under the Maharashtra Slum Act, which qualifies for SRA scheme under DCR 33(10) or section 3 of Slum Rehabilitation Act must be INR 100/- only.

OR

- Levy of stamp duty by adopting value of the land at 25% of the ASR for developed land on instruments such as conveyance deed, development agreement, deed of assignment for transfer / assignment / development rights executed in respect of private lands occupied by slums for the purpose of implementation of the slum rehabilitation scheme.
- As the subject matter is affecting scores of development agreements across the MMR and the state of Maharashtra, CREDAI-MCHI humbly requests your kind attention on the subject matter.

3. **Suggestions for Valuation of Resi/Comm Properties where land falls under different CTS Nos. / revenue divisions / diff villages with different RR Rates**
- As of now, sub registrar offices calculate agreement value on basis of RR value of CTS no. which is higher than other CTS no. in such project lands. Due to this, customers have to bear high stamp duty and registration charges.
  - The Hon. State Govt. has been proactive to support home buyers, with stamp duty concessions, allowing registration offices to be kept open on holidays, extension of registration periods etc. This has helped fulfilling the dreams of tens of thousands of home buyers as well as enriched the state with record collection of stamp duty in last 1.5 years.
  - For your information, MCGM & other ULB's while deriving at amount of premium to be charge for similar layout with different RR rates, uses the method of Weighted average for the said calculation.
  - **CREDAI-MCHI prays your good office to issue a policy wherein cases with different RR rates of land, the registration offices values the property for stamp duty by using weighted average method based on RR values and areas of different CTS No. in project land.**
4. **PAAA to be executed on Rs. 1000 stamp Paper for MHADA redevelopment**
- MHADA vide letter dated 27th June 2019 has requested the Revenue Department to charge nominal stamp duty of Rs.1000/- in respect of redevelopment project undertaken on MHADA land.
  - The submission is based on the fact that in case of MHADA land, MHADA is the owner of the land whereas the Society is the lessee. The developer is only acting as a contractor as the developer does not become the owner or lessee of the land and therefore counterproductive to the process of redevelopment.
  - Request of MHADA was based on the fact that vide Notification dated 20th June 2019, the Revenue Department has notified that in respect of MCGM land undertaken for redevelopment, nominal stamp duty of Rs.1000/- will be levied.
  - There has been no response from the Revenue Department in this regard. In view thereof it is requested to the Revenue Department to issue notification on the same line of MCGM for charging nominal stamp duty in redevelopment of MHADA land.