

PRESIDENT
Vimal Shah

IMMEDIATE PAST PRESIDENT
Paras Gundecha

PRESIDENT-ELECT
Dharmesh Jain

VICE PRESIDENTS
Mayur Shah
Nayan Shah
Deepak Goradia
Boman Irani

HON. SECRETARY
Nainesh Shah

HON. TREASURER
Sukhraj Nahar

CEO
S. Shahzad Hussain
I.A.S. (Retd.)

HON. JOINT SECRETARIES
Harish Patel
Ashok Mohanani
Sandeep Runwal
Bandish Ajmera

JOINT TREASURERS
Lakshman Bhagtani
Mukesh Patel

CO-ORDINATORS
Rasesh Kanakia
Jagdish Ahuja
Pujit Aggarwal
Parag Munot

COMMITTEE MEMBERS
Sujal Shroff
Rajan Bandelkar
Vikas Walawalkar
Jayesh Shah
Nayan Bheda
Sanjay Chhabria
Rajendra Chaturvedi

PAST PRESIDENT
Sunil Mantri
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Niranjan Hiranandani
Rajni S. Ajmera
G. L. Raheja
Lalit Gandhi
Babubhai Majethia

MCHI-CREDAI UNITS

President, Thane
Shailesh Puranik

President, Kalyan-Dombivli
Johar Zojwalla

President, Raigad
Rajesh Prajapati

President, Navi Mumbai
Arvind Goel

Hon. Secretary, Mira Virar City
Shailesh Sanghvi

Ref. No. MCHI/PRES/13-14/010

July 9, 2013

To,
All Members of MCHI-CREDAI

Sub: Contribution of Rs. 1 Lakh to Legal Fund A/c of MCHI-CREDAI

Greetings from MCHI-CREDAI

We are pleased to inform that the function of the Change of Guard of the Managing Committee was organized on 9th may 2013. Shri Vimal Shah (MD Hubtown) as the President, Mr. Nainesh Shah (ED, Terraform) as the secretary & his team is inducted in the Managing Committee from the outgoing President Shri Paras Gundecha (Gundecha Builders) & Mr. Boman Irani secretary (Rustomjee Group)

MCHI-CREDAI has immense pleasure in conveying all its members that for the position of CEO, Shri S.S.Hussain an IAS (Retd), served as an Add. Chief Secretary of State of Maharashtra has been brought in since April 2013.

You are aware that MCHI-CREDAI is taking up issues & policy matter on legal points & challenging some of the Order's which are apparently against the interest of the housing/real estate industry. MCHI-CREDAI has been spending about 2 Crore ++ on the legal experts & filing different W.P. in High Court. This entails a considerable expenditure which becomes burdensome for the Association at times. Because of this we would like our esteemed members to participate & contribute their might towards legal expenses. You would appreciate that if individual member/company fights cases in the court it would be much more expensive. Hence, our mutual sharing would reduce the cost for everybody, if done collectively.

ACHIEVEMENTS OF MCHI IN LEGAL MATTERS:-

• **MOEF: W.P.NO.1180 OF 2012**

Challenging the Office Memorandum Dt: 7th February 2012

We took up the matter, filed in High Court & at several times made representation to the Government, both State as well as Central, along with the Ministry of Environment and Forest.

And we succeeded in getting the Office Memorandum dt.7th February 2012 modified by issuance of OM dated 6th June 2013. And in the light of modified guideline the petition was disposed off on 24th June 2013. Thus with the efforts on all side we got a thumping success.

<http://www.mchi.net/newsletters/MOEFWPFinalOrder.pdf>

MCHI-CREDAI (ISO 9001:2008)

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel.: 4212 1421, Fax : 4212 1411 / 407 • Email: secretariat@mchi.net
Website : www.mchi.net

- **7% PREMIUM: SLP (C): NO:16197 OF 2011**

MCHI has challenged the levy of Transfer Fee from lessee, who has not obtain prior permission for assignment of leasehold rights, the Hon'ble High Court has set aside the demand letters & ordered refund of Transfer Fee. The MCGM file a SLP in Supreme Court. Wherein the Hon'ble Supreme Court confined the High Court Order to the petitioners.

<http://www.mchi.net/newsletters/Judgmenton7%25matterdated12.09.2011.pdf>

- **ROYALTY EXCAVATION : W.P.NO:6702 OF 2011**

MCHI has filed petition challenging the demand of the Government for Royalty for excavation, we have obtained stay from recovery.

<http://www.mchi.net/newsletters/OrderinRoyaltyExcavationmatter.pdf>

- **SERVICE TAX (SLP) : NO: 9313 OF 2012**

MCHI filed in HC & HC ordered in favor of state government

MCHI has filed SLP in Service Tax matter which is pending for final hearing in Supreme Court.

- **VAT PETITIONS (SLPS) :**

- **NO: 21052 OF 2012**

- **NO: 1257 OF 2013**

MCHI has filed two SLP's in Supreme Court. In one SLP Judgment is expected shortly and the other one is pending for final hearing.

- **RERA : [Real Estate(Regulation and Development) Bill of 2013]**

MCHI has organized seminars on RERA, filed suggestions and objections. We have several meetings to explain the hardships caused to the real estate industry. Maharashtra Government has pushed RERA & pending for President's Assent. Central Government is also taking steps to bring RERA.

- **ULC: (URBAN LAND & CEILING ACT): W.P.NO: 9872 OF 2010**

We have filed petition challenging various circulars issued by the Government in spite of the repealed Act. The ULC matter will be placed before larger bench.

Some Legal matters to be adjudicated are as under:

- In the matter of Clause 8 V (iii) (b) 2 of Notification issued by Ministry of Environment & Forest dated 6th January, 2011 in respect of CRZ - II Areas and Slum Rehabilitation Scheme providing for stake of the State Government or its parastatal entities to be not less than 51%.

<http://www.mchi.net/newsletters/CRZNotification2011%286January2011%29.pdf>

- Notification dated 29th March, 2011 issued by MoEF to Notification dated 6th January, 2011 for making substantive changes in the original CRZ Notification without following due procedure of land.

- In the matter of notice dated 31st July 2012 in respect of proposed List of Sites to be declared as heritage sites under Section 67 of D. C. Regulation 1991.
- Municipal Corporation is charging 100% premium for the deficit of open space arising out of use of Fungible FSI. We are filing Writ Petition challenging this policy of MCGM.
- The State Government has formed the committee deciding the proposals relating to High Rise buildings. In DC regulation there are no special provisions for High Rise buildings. The High Rise committee is examining the issues beyond their scope of work. We are intending to file Writ Petition challenging the same.

All members are aware that to fight litigation is extremely expensive & we cannot achieve the encouraging results unless we fight legally. MCHI needs your financial support in the interest of all.

All members are requested to pay Rs. 1 Lakh towards Legal Expenses within 30 days.

Your Cheque/DD should be made in favor of;

MCHI Legal Fund:

For any Legal Queries mail in to:

secretariat@mchi.net or Adv. Archana Tibrewal - **archana.legal@mchi.net**

For any further clarification contact Mr. C. P. Goyal on **42121421** or **9322507593**

Yours faithfully
For **MCHI-CREDAI**



Vimal Shah
President