

MINUTES

[illegible]

Sr. No. Agenda	DISCUSSION & DECISION	
1.	To read and confirm the Minutes of the meeting held November 26, 2013 Minutes of the Managing Committee Meeting held on November 26, 2013 were taken as read and confirmed.	
2.	To grant leave of absence to members. As mentioned on Page 1, leave of absence granted to names mentioned (Nos.1 to 16).	
3.	Discussion on ATR- Action Taken Report on last Managing Committee Meeting. Discussion on the work allotted to the Task Owners concerned. Above point is not discussed	
4.	Legal Matters for discussions.	
	i.	Writ Petition 2572 of 2013 filed by M/s. Redstone Realtors (Doppler Radar Issue) <i>As per instruction issued by President of MCHI-CREDAI in last Core Committee Meeting to arrange a meeting with Petitioner. Therefore, meeting with Chairman of Redstone Realtors has been fixed up on December 11, 2013. Writ Petition copy also received from Petitioner.</i> Disucssion held with the concerned in this matter we are filing interveners application through M/s. Wadia Ghandy & Co. the Writ Petition appear for admission on January 20 th , 2014.
	ii.	Discussion about GR and Gazette Notification of 20% EWS/LIG scheme to challenge in Court. <i>All the papers are forwarded to Shri Rahul Dwarkadar for preparing points to be taken in Writ Petition to draft Writ Petition.</i> All the members are requested to give their suggestions and objections regarding this notification. BMC is also sending their objection to Government regarding difficulties in implementing this notification.
	iii.	Discussion of Heritage Matter. <i>Municipal Corporation received the written opinion from the Counsel Shri Kamdar. The Opinion is very clear stapes be taken with administration to issue commencement and or OC in the light of written opinion.</i> President, Shri Vimal Shah explain the gist of the legal opinion of Senior Counsel Shri Kamdar. The heritage matter will appear for admission on December 20, 2013.
	iv	Discussion of ULC Matter. <i>Application will be made for constitution full bench before Hon'ble Chief Justice Shri Mohit Shah as Justice Oak decline to preside in these matters.</i> In ULC matter the application for forming full bench will be made before chief Justice after reopening of Court in January 2014.
	v.	Letter received from Jaykaran Gupta - Satra Properties (India) Ltd. for permission to file review petition in SLP No. 21052 of 2012. <i>M/s. Satra Properties Pvt. Ltd. had requested to give written consent to file review petition in</i>

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		<p><i>Supreme Court in SLP file by MCHI-CREDAI. M/s. Satra Properties (India) Ltd. has been informed to furnish their draft review petition.</i></p> <hr/> <p>This matter is not discussed in the meeting.</p>
	vi.	<p>Draft received from Advocate, Shri Naresh Jain to file a new Writ Petition at Bombay High Court for challenging Sec. 43(CA)</p> <p><i>Advocate, Shri Naresh Jain has sent draft petition challenging the provisions under section 43 (CA) of Income Tax Act. Shri Vimal Shah will finalize the Writ Petition.</i></p> <hr/> <p>The Writ Petition will be filed at the end of this month.</p>
	vii.	<p>VAT 2nd SLP at Supreme Court.</p> <p><i>The 2nd SLP filed in Supreme Court on VAT issued is likely to come for final hearing on December 13, 2013 and application will be made to club our SLP with the SLP filed by BAI.</i></p> <hr/> <p>Challenging 58A. It was informed by President, Shri Vimal Shah that about 180 items would have to be considered and deducted if they see all cases. Our point was purchase and declared gross profit should be considered to reach the value. He informed that the meeting with Finance Secretary, where the issue is pending, would be fixed up after 4th January, 2013. We are waiting for the State Government direction to modify rule 58A.</p>
5.		Liaison:
	i	<p>Discussion on Civil Aviation circular clarifying the height restrictions issues in the surrounding area of Navi Mumbai Air Port.</p> <p><i>It was followed up vigorously at every forum in order to get clarification about the development restrictions in and around Navi Mumbai Airport area. We also took up this issue in Hon'ble Chief Minister's meeting and CEO was constantly following up with the MD, CIDCO and Joint Secretary for Civil Aviation, Government of India, New Delhi. Now we received clarification and it is put up for further information.</i></p> <hr/> <p>Hon. Secretary, Shri Nainesh Shah pointed out this matter related to the subject of Civil Aviation. Navi Mumbai Unit's President, Shri Arvind Goel expressed his views on the same and explained the difficulties from CIDCO authorities, which Navi Mumbai Developers are still facing. CEO, Shri S. S. Hussain explained the current status on the same.</p> <p>Shri Goyal further added that the work of almost 500 builders are stuck as in spite of clarifications and circulars issued by Civil Aviation and informed by CIDCO officials are not issuing any clearance and NOC's, they are particularly not issuing NOC's for areas beyond NAINA areas.</p>
	ii	<p>Discussion on GR and Notification on 20% EWS/LIG Housing Scheme</p> <p><i>The Government Resolution and the Notification for 20% EWS/ LIG Housing Scheme has been circulated to all our members and expecting suggestive points from them. Also we intimated all of them by mobile SMS also. As per instruction by President of MCHI-CREDAI, after compiling the suggestions objections within next 7 days MCHI-CREDAI will write a representation to Principal Secretary (I) of UDD and Hon'ble Chief Minister.</i></p> <hr/> <p>President, Shri Vimal Shah appealed all the members to submit their suggestive points on GR and Notification on 20% EWS/LIG Housing Scheme at earliest. He also informed that MCGM will</p>

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		<p>send the letter to UDD which will for the clarifications on some points applicable to the EWS/LIG Housing Scheme. He also added that MCHI-CREDAI will also suggest some points to MCGM which can be incorporated in the letter to UDD.</p> <p>MCHI-CREDAI will compile all collective suggestions received by various members and will submit a representation to State Government after compiling the same.</p> <p>After analyzing the above process the MCHI-CREDAI will be going to file a Writ Petition for the same.</p>
	iii	<p>Discussion on GR and Notice related to the Affordable Housing scheme.</p> <p><i>The Government Resolution and the Notice for Affordable Housing Scheme has been circulated to all our members and expecting suggestive points from them. Also we intimated all of them by mobile SMS also. After compiling the suggestive points, MCHI-CREDAI will submit the same to Joint Director Town Planning, Government of Maharashtra with copy to Government in UDD.</i></p> <p>President MCHI-CREDAI appealed to all the members to give suggestive points on GR and Notice related to the Affordable Housing scheme. MCHI-CREDAI will write representation to Joint Director Town Planning and Principal Secretary, UDD-I after compiling collective suggestion points.</p> <p>The members were also requested to send their responses / suggestions to Shri Deepak Goradia.</p>
	iv.	<p>Discussion on DCR for A, B and C Municipal Councils and Municipal Panchayats</p> <p><i>The Government Resolution and DCR Copy for A, B, C. Municipal Councils and Municipal Panchayats has been published by UDD and it has been already circulated to all our members for their information and necessary action.</i></p> <p>Hon. Secretary, Shri Nainesh Shah informed that uniform DCR and notification for A, B and C Municipal Councils and Municipal Panchayats have been circulated to all Members for their information and necessary consideration. Shri Shailesh Puranik appreciated the steps taken by the State Government by forming this DCR and notification which is very much useful to all developers which are doing their projects in jurisdiction of Ambarnath, Badlapur and Khopoli etc. which comes under MMR. It would boost development/ growth creating Affordable Housing. It would also encourage the increased number of residential project in fringe areas.</p> <p>Hon. Secretary informed all the members to take advantage of the same accordingly.</p>
	v.	<p>Discussion on DCR for Regional Planning Area</p> <p><i>The Government Resolution and DCR Copy for Regional Plan Area has been published by UDD and it has been already circulated to all our members for their information and necessary action.</i></p> <p>Hon. Secretary, Shri Nainesh Shah informed that DCR and notification for Regional Planning Area have been circulated to all Members for their information and necessary consideration. Shri Shailesh Puranik appreciated about the steps taken by the State Government by forming this DCR and notification which is very much useful to all developers which are doing their projects in jurisdiction of Ambarnath, Badlapur and Khopoli etc. which comes under MMR.</p> <p>Hon. Secretary informed all the members to take advantage of the same accordingly.</p>

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6.	Finance:	
	i	<p>Seminar with Service Tax Commissioner, Shri Sushil Solanki on December 13, 2013 on VCES and other Service Tax related issues.</p> <p><i>Guidance given by Shri Sushil Solanki in respect of VCES and other Service Tax related issues.</i></p> <p>Shri Sushil Solanki suggested to all the members that there was a Service Tax on floor rise at the rate of 12.36% prior to 1st July 2012 thereafter, Service Tax on Floor rise has been abolished so he has requested to all the members to pay service tax on floor rise under the VCES scheme before 31st December 2013, if not, by June next year, to get the benefit of no interest, no penalty.</p>
	ii	<p>Discussion the Bulk Procurement.</p> <p><i>Feedback received from the Procurement Heads from the various companies and the Cements suppliers.</i></p> <p>It was decided that initial trial run with 2-3 bidding for cement procurement should be started immediately. MCHI-CREDAI will co-ordinate with suppliers for the payment for the buyer but not responsible for the payment and no guarantee etc. This System of bulk purchase would benefit and the material could be available at lesser cost. It has been decided that the buyer will give the PDC, which is better option, cheques to suppliers.</p>
7.	Exhibitions:	
	i	<p>To discuss the statistics of 22nd Mega Exhibition held from 17th to 20th October 2013 and also discuss the plans for future exhibitions.</p> <p><i>Our Property Exhibition was held during 17th to 20th October 2013 at MMRDA Ground at BKC. It proved to be success and it was informed that the exhibition was in profit. Details will be submitted in this meeting.</i></p> <p>The above point was deferred as Chairman- Exhibition Committee, Shri Bandish Ajmera not present in the meeting.</p>
	Secretariat :	
8	i	<p>To approve the induction of new Invitee members in the Managing Committee and to welcome them in the meeting.</p> <p><i>The invitees have accepted the invitation to join the Managing Committee and we have invited them to participate in the 7th Managing Committee Meeting for the year 2013-2014. They have accepted all terms & conditions and agreed to meet the obligations</i></p> <p>It is decided that we have to send one more circular to all members of MCHI-CREDAI for inviting interested members to join Managing Committee of MCHI-CREDAI. –</p> <p>Shri Shailesh Sanghvi join as Managing Committee Member, Shri Jitendra Jain and Shri Domnic Romell Join as Invitee Member of MCHI-CREDAI</p>
	ii	<p>Discussion on attendance of members in Managing Committee & Core Committee meetings</p> <p><i>It has been decided by President of MCHI-CREDAI in last Core Committee Meeting that President will write a letter to concerned member who attendance in Core and Managing</i></p>

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		<p><i>Committee meeting is less than 50% and also President will speak to them.</i></p> <p>Letters have been sent to Managing Committee Members requesting for being more participative.</p> <p>It is decided that we have to send updates to Managing committee members about their attendance on quarterly basis.</p>
9		Any other matter with the permission of chair
	i.	<p>Legal protocol to be followed & supported by appropriate resolution.</p> <p>It was discussed in the Meeting that many times individual committee Members give instruction to any Advocate and/or Solicitor for an advice and/or filing Writ Petition, this creates complications.</p> <p>Therefore, it is unanimously decided and resolution has been passed Proposed by Shri Ashok Mohanani, Hon. Jt. Secretary Seconded by Shri Harish Patel, Hon. Jt. Secretary</p> <p>“Resolved that Task Owner, President and Secretary are only empowered to instruct Advocate on Record regarding advice and/or filing Writ Petition and/or taking any other legal proceedings. The fees of the Advocate should be discussed in advance before the work is assigned to the Advocate. In case of urgency President and/ or Secretary will authorize the Task Owner for the particular assignment and resolution to that effect be ratified in the next Managing Committee Meeting”.</p>
	ii	<p>In spite of the status quo order and intimation from Collector, Tahasildar is demanding royalty charges from our members. We have received details from M/s. Keystone Realtors.</p> <p>Whether we should take out the contempt proceedings in our pending-Royalty matter for such act of Tahsildar against our member, in contravention of Court’s Order.</p> <p>In spite of the Status quo order Tahashildar is taking coercive action and recovering penalty for the excavate material from the site. During discussion it was informed that we should urgently fix meeting with Advocate Shri Varunjikar and if required to file contempt petition. We have received the details from M/s. Rare Township Private Ltd, M/s. Keystone Realty.</p> <p>CEO would write DO to the collector B.S.D with all facts and figures and apprise him for suitable action on formal meeting.</p>

Meeting ended with thanks to the chair.

For MCHI-CREDAI,

Sd/-
Nainesh Shah
Hon. Secretary