

Ref. No.: MCHI/PRES/13-14/045

December 30, 2013

To,
All Members of MCHI-CREDAI

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

Dear Friends,

Prosperous New Year Greetings !

MCHI-CREDAI is pleased to inform all its member's that under the leadership of Shri Vimal Shah, President and Shri Nainesh Shah (Hon. Secretary) and CEO Shri S. S. Hussain, IAS (Retd.), the association is taking prompt legal actions for important issues and Government Policies and notifications, which are affecting its members at large. And as an association we appreciate our members for coming forward and sharing their difficulties with us and we as association take prompt action in the interest of our members and our industry.

In today's scenario the legal expenses are being mounted by leaps & bounds. MCHI-CREDAI is spending more than 2 + crores on legal expenses for filing Writ Petitions in High Court and Supreme 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-CREDAI

- **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/MOEFWPFfinalOrder.pdf>

- **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>

PENDING WRIT PETITION AND SLPs

- **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 (SLP NO: 1257 OF 2013)**

MCHI has filed SLP in Supreme Court. The SLP 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. Now it is reported that the center has passed our State Bill.

- **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. The Issue has been taken up at the highest level time and again and it is under active consideration.

- **CRZ Petition:**

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%. The petition is filed, the Government has filed reply and the matter is kept for hearing on 15th November 2013 for Admission.

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

- **HERITAGE PETITION (W. P. NO.1564 OF 2013)**

MCHI has filed Writ Petition under No.1564 of 2013, challenging the notice dated 31-07-2012 proposing modification to the existing Heritage List. The Petition came up on hearing on 23rd December 2013, where in the State Government is required to file an affidavit in reply by 24th October 2013. The State Government is yet to file its reply. The Hon'ble Court asked the State Government to file its reply by 17th January 2014 and the matter shall come up for hearing on 3rd February 2014.

PETITION'S IN PIPELINE

- **43C (A) OF INCOME TAX ACT:**

We have engaged Adv Naresh Jain for filing new W.P. challenging the Constitutional validity of S.43C (a) of Income Tax.

Friends, help us to help you.

- **DOPPLER RADAR (W.P. NO. 2572 OF 2013):**

In this matter BMC notified that the developers have to obtain/ no objection from Indian Meteorological Department, Ministry of earth science in connection with putting up high-rise buildings. Thereafter further CC will be issued. Aggrieved by this condition the petition is filed by M/s Redstone Realtors. This is a very important issue relating to high-rise in Mumbai interveners application is filed by MCHI on behalf of our Members and the matter is also taken up with the CMO

- **KOHINOOR REVIEW PETITION:**

It was decided in the meeting to file Intervener's Application through M/s. Parimal Shroff and Co.

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 A/c.**

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**.

KINDLY IGNORE IF PAYMENT IS ALREADY DONE.

Yours faithfully

For **MCHI-CREDAI**



Vimal Shah
President