

**MANAGING COMMITTEE
2011 – 2012**

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IMMEDIATE PAST PRESIDENT

Sunil Mantri

PRESIDENT-ELECT

Vimal Shah

VICE PRESIDENTS

Dharmesh Jain

Mayur Shah

Nayan Shah

Deepak Goradia

HON. SECRETARY

Boman Irani - President

(MCHI Mira Virar City Unit)

HON. JOINT SECRETARIES

Rasesh Kanakia

Harish Patel

Nainesh Shah - President

(MCHI Thane Unit)

TREASURER

Ashok Mohanani

JT. TREASURERS

Mukesh Patel, L. P. Bhagtani

CO-ORDINATORS

Sukhraj Nahar, Pujit Aggarwal

Sandeep Runwal

COMMITTEE MEMBERS

Sandeep Raheja

Bandish Ajmera - President

(MCHI Kalyan-Dombivali Unit)

Sujal Shroff, Parag Munot

Rajan Bandelkar, Vikas Walawalkar

Jayesh Shah, Nayan Bheda

Sanjay Chabria

Rajendra Chaturvedi

INVITEE MEMBERS

Mukesh Mehta, Rakesh Sanghvi

Jagdish Ahuja

Ajay Ashar - Secretary

(MCHI Thane Unit)

Shrikant Shitole - Secretary

(MCHI Kalyan-Dombivali Unit)

Shailesh Sanghvi - Secretary

(MCHI Mira Virar City Unit)

Rajesh Prajapati - President

(MCHI Raigad Unit)

Suresh Haware - President

(MCHI Navi Mumbai Unit)

PAST PRESIDENTS

Pravin Doshi, Mohan Deshmukh

Mofatraj Munot

Niranjan Hiranandani

Rajni S. Ajmera, G. L. Raheja

(Late) Lalit Gandhi

(Late) Babubhai Majethia



Ref. No. MCHI/SEC/11-12/245

April 13, 2012

To,

All Members of MCHI-CREDAI & MCHI-CREDAI Units

Dear Sir,

Sub: VAT Petition – Dismissed by High Court

**Ref: High Court, O.O.C.J.
Writ Petition No. 2022 of 2007
Maharashtra Chamber of Housing
Industry & Ors. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents**

MCHI-CREDAI had filed the above Petition challenging the amended provisions of Maharashtra Value Added Tax Act, 2002.

The above Petition reached for final hearing on 02nd April 2012 before the division bench of His Hon'ble Shri Justice Dr. D. Y. Chandrachud & Hon'ble Shri Justice S. K. Sankalecha. Shri Milind Sathe, Sr. Counsel appeared on behalf of MCHI-CREDAI and Shri Dariaus Khambatta, Advocate General appeared on behalf of State of Maharashtra. The Writ Petition was very well contested. His Lordship Justice Dr. D. Y. Chandrachud, after hearing the submission of all counsels, **dismissed the Writ Petition** on 10th April 2012.

On 21st September 2007 and 8th February 2008, two interim orders were passed by which "Such members of the Petitioner No.1, who on a regular basis furnish information and data to the Sales-Tax authorities will not be compelled to be registered as 'dealers' liable to pay tax under the Maharashtra Value Added Tax, 2002. No order of assessment shall be passed in respect of 'sale of flats' under the Maharashtra Ownership Flats Act in building/s constructed/under construction by

Maharashtra Chamber of Housing Industry (ISO 9001:2008)

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.

Tel: 42121421, Fax : 4002 0361/62. Email : secretariat@mchi.net

Website : www.mchi.net

the members of the Petitioner No. 1 as 'unregistered dealers' or as 'registered dealers'. It will be open to the Respondents to process the information up to the stage of passing of assessment order/s".

The Hon'ble High Court did not continue the above referred interim order. Therefore;

- (1) **Those members who have not registered their companies with Sales Tax Authority have to take immediate steps to register their companies and complete all the formalities.**
- (2) **We advise all our members to consult their respective VAT consultants and discharge their liability immediately since there is no order as to stay on the past liability.**

MCHI-CREDAI is taking urgent & immediate steps to file an SLP in the Supreme Court, challenging the order of dismissal in this matter. Copy of the order will be forwarded after receipt of the same.

Also please note, Shri Vinayak Patkar, Sales Tax Consultant, will address a Seminar on VAT on Wednesday April 25 2012 from 4.00pm to 6.00 pm at **MCHI-CREDAI's Babubhai Majethia Conference Hall, Maker Bhavan II, New Marine Lines, Mumbai - 400 020**. An invitation for the Seminar will be sent to you in due course.

Thanking you,

Yours truly,
For MCHI-CREDAI

Sd/-

Boman Irani
Hon. Secretary