

Ref. No. MCHI/PRES/19-20/625

August 11, 2020

PRESIDENT
Nayan A. Shah

IMMEDIATE PAST PRESIDENT
Mayur Shah

PRESIDENT-ELECT
Deepak Goradia

VICE PRESIDENTS
Boman Irani
Harish Patel
Nainesh Shah
Domnic Romell

ADDL. VICE PRESIDENT
Sukhraj Nahar

HON. SECRETARY
Bandish Ajmera

TREASURER
Mukesh Patel

SPECIAL PROJECTS
Parag Munot
Sandeep Raheja
Jayesh Shah
Sanjay Chhabria
Rasesh Kanakia

HON. JT. SECRETARIES
Navin Makhija
Sandeep Runwal
Shailesh G. Puranik
Dhaval Ajmera
Pratik Patel

JT. TREASURERS
Nayan Bheda
Munish Doshi

CO-ORDINATORS
Tejas Vyas
Shailesh Sanghvi
Pritam Chivukula

COMMITTEE MEMBERS
Jagdish Ahuja
Jitendra Jain
Deepak Gundecha

INVITEE MEMBERS
Praful Shah
Raajesh Prajapati
Sachin Mirani
Nikunj Sanghavi
Rajeev Jain
Shyamal Mody
Digant Parekh
Rushank Shah
Samyag Shah
Jayesh C. Shah
Sunny Bijlani
Sahil Parikh
Naman Shah
Suhail Khandwani
Ricardo Romell
Harshul Savla

PAST PRESIDENTS
Dharmesh Jain
Vyomesh Shah
Paras Gundecha
Pravin Doshi
Mohan Deshmukh
Mofatraj Munot
Rajnikant Ajmera
Late G. L. Raheja
Late Lalit Gandhi
Late Babubhai Majethia

CREDAI-MCHI UNITS
PRESIDENT, THANE UNIT
Ajay Ashar

PRESIDENT, KALYAN DOMBIVLI
Deepak Mehta

PRESIDENT, MIRA VIRAR CITY
Ashit Shah

PRESIDENT, RAIGAD
Kiran Bagad

PRESIDENT, NAVI MUMBAI UNIT
Vijay Lakhani

To,
Shri Ajit dada Pawar
Hon'ble Deputy Chief Minister
Government of Maharashtra

Dr Jitendra Ahwad ji
Hon'ble Minister for Housing
Government of Maharashtra

Shri Shamrao Patil (Balasaheb)
Hon'ble Minister for Co-operation
Government of Maharashtra

Sub: Directive under Section 79(A) of Maharashtra Co-operative Societies Act 1960 bearing No.SGY/2018/PK 85/14-S dated 4th July 2019 issued by the Co-operation, Marketing and Textiles Department

Respected Sir,

We refer to the above and this regard we submit that on 3rd January 2009, the Ministry of Co-operation, Marketing and Textiles Department had issued a direction under Section 79(A) of Maharashtra Co-operative Societies Act 1960 bearing No. CHS 2007/CR554/14-C governing the re-development of buildings of Co-operative Housing Societies (Annexure -1).

On 4th July 2009, the Ministry of Co-operation, Marketing and Textiles Department has issued a revised direction under Section 79(A) of Maharashtra Co-operative Societies Act 1960 bearing No. SGY/2018/PK 85/14-S for re-development of buildings of Co-operative Housing Societies. (Annexure -2)

In the last decade or so, it has been noticed that in many housing societies having dilapidated buildings are unable to undertake re-development due to planning constraints such as road setback, buffer zones or location of societies. In such cases, most members of the Society agree with the implementing agency and/or the developer to acquire the entire land and building since in-situ rehabilitation is not possible or feasible. However, it is noticed that in most cases the minority of shareholders of a Society hold up sale acquisition of 100% stake. As the minority holds up such offers, the buildings get further dilapidated and the project gets held up. We think that there is an urgent need to address this situation, since it involves the life and safety of our citizens being held to ransom by the few. As we are aware, the cases of dilapidated collapsing has increased from year to year. The Corporation and MHADA have also come out with their own policies for compulsory acquisition.

It is submitted that the building in a Co-operative Housing Society is owned by the Society and the member by virtue of owning the shares has only a right to occupy / enjoy the premises. It is submitted that once an over whelming majority i. e: 75% of the members decide to sell their shares then the minority i.e: 25% ought not to restrain the society from selling/ surrendering its rights to an acquiring entity.

From this perspective, it is humbly submitted for your consideration to include in the aforesaid Directive dated 4th July 2019 as below :

"21. REDEVELOPMENT NOT POSSIBLE DUE TO PLANNING CONSTRAINTS OR DUE TO OTHER ISSUES :

If redevelopment is not possible due to planning constraints or if 75% of the members of a society (whose buildings are dilapidated) in a meeting of the general body, resolve to sell their shareholding in the society to an selected entity, the remaining 25% of the members shall sell their shareholding in the society to such entity, subject to however that the consideration payable to such members shall not be less than the entitlement of the members under the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or the highest consideration paid to remaining 75% of the members or market value, whichever is higher."

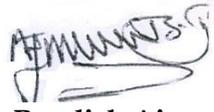
We request to please convene a joint meeting as per your convenience and allow us to explain the proposed amendment, which is required to expedite redevelopment of dilapidated societies.

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Nayan Shah
President



Bandish Ajmera
Hon. Secretary