

PRESIDENT
Mayur Shah

IMMEDIATE PAST PRESIDENT
Dharmesh Jain

PRESIDENT-ELECT
Nayan Shah

VICE PRESIDENTS
Deepak Goradia
Boman Irani
Harish Patel
Nainesh Shah

HON. SECRETARY
Domnic Romell

HON. TREASURER
Sukhraj Nahar

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

SPECIAL PROJECTS
Navin Makhija
Rasesh Kanakia

HON. JOINT SECRETARIES
Parag Munot
Sandeep Runwal
Lakshman Bhagtani
Bandish Ajmera

JT. TREASURERS
Mukesh Patel
Jayesh Shah

CO-ORDINATORS
Nayan Bheda
Munish Doshi
Tejas Vyas
Pratik Patel
Dhaval Ajmera
Sandeep Shah

COMMITTEE MEMBERS
Jagdish Ahuja
Sanjay Chhabria
Shailesh Sanghvi
Jitendra Jain
Deepak Gundecha

INVITEE MEMBERS
Sandeep Raheja
Rajesh Prajapati
Shailesh Puranik
Pratul Shah
Sachin Mirani
Rushank Shah
Rajeev Jain
Diipesh Bhagtani
Shyamal Mody
Nikunj Sanghavi
Digant Parekh
Pritam Chivukula

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

MCHI-CREDAI UNITS
PRESIDENT, THANE
Ajay Ashar

PRESIDENT, KALYAN-DOMBIVLI
Manoj Rai

PRESIDENT, MIRA VIRAR CITY
Ashit Shah

PRESIDENT, RAIGAD
Vikas Kothari

PRESIDENT, NAVI MUMBAI
Prakash Baviskar

Ref. No. MCHI/PRES/17-18/065

November 22, 2017

To,
Dr. Bhushan Gagrani (I.A.S.)
Vice Chairman & Managing Director
City & Industrial Development Corporation
Government of Maharashtra
Mumbai - 400 021

CIDCO NIRMAL			
Inw No.	G/NT/0/00		
No.	P 8306		
Date	29/11/17		
Marked for			
G.M.	J.M.D.	M.D.	

Sub.: Representation concerning the non-entitlement of Levy of Development charges by NAINA/CIDCO in respect of development works which has already commenced before NAINA becoming the Special Planning Authority

Ref: MCHI Letter to the Principal Secretary of Urban Development Department bearing No. MCHI/PRES/17-18/034 October 31, 2017

Respected Sir,

Please refer our earlier representation submitted to Dr Nitin Kareer (I.A.S.) Principal Secretary-I of Urban Development Department, Govt of Maharashtra, Mumbai.

We already requested the government that we need the clarity on the question of permissibility of levy of development charges in respect of the development and construction on the land which the developers had undertaken when Mumbai Metropolitan Regional Development Authority (MMRDA) was the Project Implementing Agency, under the Rental Housing Schemes as per the Rental DCR and the Collector Raigad was the planning Authority. Now as per the new Notification of 10th January 2013, these two authorities have been substituted with Navi Mumbai Airport Influence Notified Area (NAINA) and CIDCO as the Planning Authority.

The factual background on which the clarification is sought:

1. Subsequent to the said Notification dated 10th January, 2013, the developers who had already obtained the Development Permission / Commencement Certificate / Occupancy Certificate and had preferred an application to NAINA / CIDCO for revision of plan and Occupation Certificate, were asked to pay the development charges.
2. Please refer to the Gazette Notification published on 27th April, 2017 under Section 31(1) of MR & TP Act, 1966, State Government sanctioned "Development Control and Promotion Regulations for Interim Development Plan of NAINA i.e. DCR proposed by CIDCO for NAINA. Clause 6.2.14 of the said D.C. Regulations reads as follows:

"6.2.14. Development Charges: Development charges as required under Section 124B of the Maharashtra Regional and Town Planning Act, 1966 and as enhanced by SPA-NAINA from time to time with approval of the Government, shall be deposited with SPA-NAINA before issue of development permission/ commencement certificate. In case of revised permission where no development is carried out in pursuance of the earlier permission, amount of difference of development charges, if any, shall be levied and recovered....."

We understand that in pursuance of the aforesaid Clause 6.2.14 of the said D.C. Regulations of CIDCO for NAINA, when the plans are sanctioned by the previous Planning Authority and the relevant infrastructure development charges already paid, by the developer and the construction as per the earlier sanctions has commenced, NAINA / CIDCO will not be entitled to levy, demand and recover the development charges in respect of that development, even if the plans are revised because the work is already commenced. The new Planning Authority - NAINA / CIDCO could be entitled to levy, demand and recover the development charges in cases of already sanctioned plans only, **if the development had not commenced before.**

In view of the above the position should be that CIDCO/NAINA is not entitled to levy, demand and recover again the development charges where Development Permission / Commencement Certificate has already been obtained from the then relevant competent authority and the construction has already commenced before the 7th September 2015 and where only revision of plan and occupancy certificate is sought.

Therefore, you kindly clarify to us and advice the concerned officials accordingly please.

Thanking you

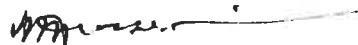
Yours faithfully,
For CREDAI-MCHI



Mayur Shah
President



Domnic Romell
Hon. Secretary



S. S. Hussain, I.A.S. (Retd.)
Chief Executive Officer

List of Annexure:

- Copy of Notification dated 10th January, 2013, whereby CIDCO has been appointed as the Special Planning Authority for NAINA.
- Relevant Extract of "Development Control and Promotion Regulations for Interim Development Plan of NAINA i.e. DCR proposed by CIDCO for NAINA.

4. On 27th April, 2017 by a notification published under Section 31(1) of MRTP Act, 1966, State Government sanctioned "Development Control and Promotion Regulations for Interim Development Plan of NAINA i.e. DCR proposed by CIDCO for NAINA. Clause 6.2.14 of the said D.C. Regulations reads as follows :
- "6.2.14. Development Charges:** Development charges as required under Section 124B of the Maharashtra Regional and Town Planning Act, 1966 and as enhanced by SPA-NAINA from time to time with approval of the Government, shall be deposited with SPA-NAINA before issue of development permission/ commencement certificate. In case of revised permission where no development is carried out in pursuance of the earlier permission, amount of difference of development charges, if any, shall be levied and recovered....."
5. In pursuance of the aforesaid Clause 6.2.14 of the said D.C. Regulations of CIDCO for NAINA, When the plans are sanctioned by the previous Planning Authority and construction has commenced, NAINA / CIDCO will not be entitled to levy, demand and recover the development charges in respect of that development even if the plans are revised to which the Developers have to go to NAINA / CIDCO. The new Planning Authority - NAINA / CIDCO would be entitled to levy, demand and recover the development charges in cases of already sanctioned plans only if the development had not commenced.
6. In view of the above we are seeking clarification from your kind authority as regards , that CIDOC/NAINA is not entitled to levy, demand and recover the development charges where Development Permission / Commencement Certificate has already been obtained and the construction has already commenced before the 7th September 2015 where revision of plan and occupancy certificate is sought.

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Mayur Shah
President

List of Annexure :

1. Copy of Notification dated 10th January, 2013, whereby CIDCO has been appointed as the Special Planning Authority for NAINA.
2. Relevant Extract of "Development Control and Promotion Regulations for Interim Development Plan of NAINA i.e. DCR proposed by CIDCO for NAINA.