

Ref. No: MCHI/SEC/11-12/099

September 12, 2011

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Immediate Past President
Sunil Mantri

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Vimal Shah

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Nayan Shah
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Boman Irani – President
(MCHI Mira Virar City Unit)

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Harish Patel
Nainesh Shah – President
(MCHI Thane Unit)

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Ashok Mohanani

Jt. Treasurers
Mukesh Patel
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Pujit Aggarwal
Sandeep Runwal

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Bandish Ajmera – President
(MCHI Kalyan-Dombivli Unit)
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Parag Munot
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Rakesh Sanghvi
Jagdish Ahuja
Ajay Ashar (Secretary –Thane)
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(Late) Lalit Gandhi
(Late) Babubhai Majethia

To,
All Members of MCHI

7% PREMIUM ON LEASEHOLD PROPERTY
QUASHED BY SUPREME COURT

Sub: SLP (C) No. 16197 of 2011
(From the judgement and order dated 15/02/2011 in Writ Petition No. 2370 of 2006 in the High Court of Bombay)
Municipal Corporation of Greater Bombay & Ors.
V/s.
Maharashtra Chamber of Housing Industry & Ors.
With
SLP (C) No. 16636 of 2011,
SLP (C) No. 16709 of 2011 and SLP (C) No. 16713 of 2011 (**7% matter**)

The above four SLP's reached for hearing before Justice Aftab Alam & Justice R. M. Lodha on September 12, 2011 for Admission. Shri Milind Sathe, Sr. Counsel appeared on behalf of MCHI, Shri. A.M.Singhvi appeared for Novel Properties Pvt. Ltd., Smt. Indu Malhotra & Chirag Shroff appeared on behalf of other Respondent. Shri Gulam Vahanvati appeared on behalf of Municipal Corporation.

All the Respondents have filed compilation enclosing the Lease Deed and the Demand Notice issued by Municipal Corporation. All parties have filed the respective Lease Deeds of the two Petitioners and the Demand Notice in the compilation.

Shri Vahanvati made the statement that he concedes that BMC cannot levy transfer fee in respect of leasehold property, where prior consent is not required as there is no contractual and or statutory power. The Hon'ble Court, in view of this statement, ordered that BMC cannot demand the Transfer Fee.

Shri Vahanvati contended that there was no detail about lease deed executed by its members before the Hon'ble Court. Therefore the order of Trial Courts shall be operative for the MCHI Members who were party to the Petition only. However, this order being passed by Supreme Court, it is a law of the land and it will be binding on Municipal Corporation on all the matters similarly situate. In the light of above observation all these four SLP's are disposed off. The written order is awaited.

Thanking you,

Yours truly,
For Maharashtra Chamber of Housing Industry

Sd/-
Boman Irani
Hon. Secretary



Maharashtra Chamber of Housing Industry

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