

**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

Ref. No. MCHI/PRES/19-20/387

June 15, 2020

To,  
**Shri. Balasaheb Thorat**  
**Hon'ble Minister of Revenue**  
**Government of Maharashtra**

**Subject:- Clarification with regard to 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, 1948 ("Act" for short) - User of Land**

Respected Sir,

1. Maharashtra Chamber of Housing and Industry ("MCHI") is an apex body consisting of members from the Real Estate Industry *inter alia* among Mumbai Metropolitan Region (MMR). It is the most prominent and the only recognized body of Real Estate Developers in Maharashtra. We represent the interest of our members before various administrative, government, judicial and quasi-judicial authorities.
2. In terms of its policy to permit to development of Special Township Projects under the then newly amended provisions of Section 63-1A of the Act, by and pursuant to various Government Orders, the Government of Maharashtra *inter alia* granted permission to various developers to acquire/purchase agricultural lands for the purpose of development of Special Township Project. Pursuant to the said Government Orders, many of our members acquired several pieces and parcels of agricultural land for the purpose of development of Special Township Projects.
3. Section 63-1A of the Act came to be amended in the year 2016 whereby the Special Township Project is now nomenclated as Integrated Township Project ("ITP"). The amendment further reiterates the intent of the Government of Maharashtra to permit the development of such large townships. Over last several years, our members have acquired and continue to acquire several pieces and parcels of agricultural lands through private negotiations for the purpose of development of Integrated Township Project ("ITP").
4. Be that as it may, we, however, note that the Government Orders contain a condition ("the said Condition No. 2") to the effect that that the agricultural lands that are purchased need to be put to use for development within a period of 15 years from the date of purchase of such land. We respectfully submit that the said condition ought and deserves to be deleted/waived. A perusal of the section 63-1A of the Act, whether before or after its amendment in 2016, would clearly establish that there is no condition that is imposed on the purchaser of agricultural lands to put the lands in question to use for the purpose of development of ITP. It is evident that the Government of Maharashtra did not intend to impose such a condition and the reasons for the same are not far to be seen:-

- a. The requirement for development of an ITP is acquisition of a minimum of 100 acres of contiguous land.
- b. It takes a lot of time for a developer of ITP to acquire pieces and parcels of lands from the Villagers and ensure that the condition of contiguity is met.
- c. It is only after the above conditions have been fulfilled that the developer is eligible to apply for and obtain locational clearance and other clearances and planning approvals.
- d. It is only after the aforesaid approvals are obtained that a developer is able to commence the development of the ITP.

Having regard to the clear provisions of Section 63-1A of the Act as also the intent of the Government to promote the development of ITPs in Maharashtra, we have to respectfully submit that the said Condition contained in the Government Orders requiring that the lands be put to use within 15 years is in effect redundant. It in fact runs counter to the provisions of the Act and also the intent of the Government to promote development of ITPs.

5. Without prejudice to the aforesaid, we would also like to bring to your notice that in terms of the provisions of the newly added sub-section (1C) the restriction on sale of agricultural lands would not be applicable to lands within the limits of a Municipal Corporation or a Municipal Council or a Special Planning Authority or New Town Development Authority constructed under the Maharashtra Regional Town Planning Act, 1966 or to any land allocated to residential, commercial, industrial or any other non-agricultural use in the draft or final Regional plan or Town Planning Scheme, as the case may be. It is respectfully submitted that in light of the provisions of 63 (1C), the said Condition would not be applicable to many of the lands acquired by our members as the lands acquired by them fall within the Municipal Corporations or within the jurisdiction of MMRDA as the Special Planning Authority. In fact and to that extent, the lands that fulfill the provisions of Section 63 (1C) of the Act will deemed to have been put to use and the said Condition deemed to have been complied with.
6. It also needs to be noted that in the meanwhile several policies of the Government, rules and regulations concerning development of lands has undergone many changes. For instance, agricultural lands within the MMR region are being acquired for various infrastructural projects that are passing through the MMR region such as the Multi Modal Corridor, Metro Lines, Bullet train, Mumbai Nagpur Corridor and other projects. Many pieces and parcels of lands acquired by our members are the subject matter of acquisition for these projects. This has resulted in drastic reduction in the area of the lands that are available for development and also seriously impacted the fulfilment of the condition of contiguity. Further, as the finalization of these projects take a considerable time, it has become difficult for our members to plan and design a project. The acquisition of new pieces and parcels of adjoining/adjacent lands for developments of ITP has also become difficult.
7. Sir, you are aware that the real estate industry has been going through an economically rough phase for the last two years and facing challenging times. Credit is not even made available by the banks or NBFCs for development of ITPs – which would logically include acquisition of lands as well. Further, Covid-19 and the lockdown announced by the Government has not only severely and adversely impacted the Indian economy but also brought the entire operations to a standstill. There is no visibility when this impasse is going to end. Due to this, it will be very difficult to implement a project designed on these acquired agricultural lands within the time frame stipulated in the Government Orders.

For the reasons aforesaid and without prejudice and in the alternative to our submission that the said Condition ought to be deleted or compliance thereof waived or deemed to have been complied with, it is imperative and in order to ensure that development ITPS in Maharashtra is promoted, the period of 15 years stipulated in the Government Orders be extended by a further period of 10 years.

8. In view of the above, we have to humbly pray and request your good self to:-
  - a. Clarify that, in view of the amended provision of Section 63-1A of the Act, compliance of Condition No. 2 contained in the Government Orders granting permissions to acquire agricultural lands for development of ITPs stands waived or deleted or deemed to have been complied with by us; or
  - b. Extend by a further period of 10 years the compliance of the condition imposed in (the said Condition) of the Government Orders to put to use the lands acquired for development of ITP.
  
9. The request made herein is *bona fide* and in public interest. We shall be glad to clarify any further query upon hearing from you.

Thanking you,

Yours Sincerely,  
**For CREDAI-MCHI**

**Nayan A. Shah**  
President

**Bandish Ajmera**  
Hon. Secretary