

O/c

**PRESIDENT**  
Paras Gundecha

**IMMEDIATE PAST PRESIDENT**  
Sunil Mantri

**PRESIDENT-ELECT**  
Vimal Shah

**VICE PRESIDENTS**  
Dharmesh Jain  
Mayur Shah  
Nayan Shah  
Deepak Goradia

**HON. SECRETARY**  
Boman Irani

**HON. JOINT SECRETARIES**  
Rasesh Kanakia  
Harish Patel  
Nainesh Shah

**TREASURER**  
Ashok Mohanani

**JT. TREASURERS**  
Lakshman Bhagatani  
Mukesh Patel

**CO-ORDINATORS**  
Sukhraj Nahar  
Pujit Aggarwal  
Sandeep Runwal

**COMMITTEE MEMBERS**  
Bandish Ajmera  
Sujal Shroff  
Parag Munot  
Rajan Bandelkar  
Vikas Walawalkar  
Jayesh Shah  
Nayan Bheda  
Sanjay Chhabria  
Rajendra Chaturvedi  
Jagdish Ahuja

**INVITEE MEMBERS**  
Sandeep Raheja  
Mukesh Mehta  
Rakesh Sanghvi  
Suhail Khandwani

**MCHI-CREDAI UNITS**  
Shailesh Puranik, President,  
Thane  
Shrikant Shitole, Hon. Secretary  
Kalyan-Dombivli  
Shailesh Sanghvi, Secretary  
Mira Virar City  
Rajesh Prajapati, President  
Raigad  
Arvind Goel, President  
Navi Mumbai

**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/PRES/12-13/117

February 27, 2013

To

1. Hon'ble, Shri Prithviraj Chavan  
Chief Minister,  
Chief Minister's Secretariat,  
Govt. of Maharashtra  
Mantralaya,  
Mumbai - 400 032

2. Shri. Sanjay Bhatia  
Commissioner, Sales Tax  
The Office of Sales Tax Commissioner,  
Vikrikar Bhavan, Mazgaon,  
Mumbai - 400 010

ssu  
०१/०३/१३  
CLERK  
बिश्नीकर आमुक्त  
महाराष्ट्र राज्य, मुंबई.

Re: High Court - O.O.C.J.  
Writ Petition No. 2502 of 2012  
Maharashtra Chamber of Housing  
Industry & Others .. Petitioners  
Versus  
State of Maharashtra & Ors .. Respondents

AND

Re: Judgment and Order of Hon'ble Dr. Justice  
D.Y. Chandrachud and Hon'ble Mr. Justice  
R. G. Ketkar dated 30<sup>th</sup> October, 2012

AND

Re: Supreme Court of India  
Civil Appellate Jurisdiction  
S.L.P. ( C ) No. 1257 of 2013  
Maharashtra Chamber of Housing Industry  
& Ors... .. Petitioners  
V/s.  
State of Maharashtra & Others. .. Respondents

AND

Re: Judgment and Order of Hon'ble Supreme Court  
Dated 28<sup>th</sup> January, 2013 in the above SLC (C)  
No. 1257 of 2013.

Respected Sir,

You are aware that we were Petitioners along with others in Bombay High Court Writ Petition No. 2502 of 2012 challenging the constitutional validity of certain provisions of Maharashtra Value Added Tax Act, 2002 ("MVAT Act"). You are aware that the said Writ Petition No. 2502 of 2012 was disposed off by the Bombay High Court by the Judgment

**MCHI-CREDAI** (ISO 9001:2008)

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.  
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Website : www.mchi.net

and Order of Hon'ble Dr. Justice D.Y. Chandrachud and Hon'ble Mr. Justice R. G. Ketkar dated 30<sup>th</sup> October, 2012. You are aware that in the said Judgment there is specific reference in Paragraph 22 as follows and we quote:

*"During the course of the hearing we have been informed by counsel appearing on behalf of the Petitioners that representations have been submitted to the State Government for extending the benefit of the composition scheme to agreements which were registered between 20 June 2006 and 31 March 2010. We clarify by way of abundant caution that this Judgment would not stand in the way of the State Government taking an appropriate decision on the representations that have been submitted in that regard".*

You are aware that the Representation referred in the said Order is the Representation dated October 25, 2012 made by us to the Hon'ble Chief Minister inter alia for application of Composition Scheme and MVAT @ 1% for the retrospective period from 20<sup>th</sup> June, 2006 to 31<sup>st</sup> March, 2010. ("Representation").

You are aware that the said Representation is not decided till today by you and is pending with you.

You are aware that the Special Leave Petition (Civil) No. 1257 of 2013 filed by us against the said Order dated 30<sup>th</sup> October, 2012 came up before the Hon'ble Supreme Court on 28<sup>th</sup> January, 2013 and notice was issued by the Hon'ble Court when your Counsel was also present before the Court.

We have to draw your attention that the Impugned Circular dated 26<sup>th</sup> September, 2012 which is subject matter of the above Special Leave Petition inter alia provides that if any short payment is made by the Developer by choosing other than four options given in the Circular, the balance Tax shall be recovered according to the provisions of law.

You will appreciate that on the one hand our Representation is pending before you for consideration and on the other hand our Members apprehend that the Sales Tax Authorities may initiate Recovery action in pursuance of the Impugned Circular dated 26<sup>th</sup> September, 2012.

It will be highly unfair not to give us hearing in respect of our Representation and decide our Representation and cause prejudice and hardship to our Members by enforcing the Impugned Circular dated 26<sup>th</sup> September, 2012.

In the circumstances we hereby once again call upon you to give us immediate hearing in respect of the said Representation and decide the same and not to enforce or implement the Impugned Circular dated 26<sup>th</sup> September, 2012 which is subject matter of the above Special Leave Petition before the Hon'ble Supreme Court.

Please confirm that the Authority will not initiate any Recovery proceedings without deciding the Representation by enforcing the Impugned Circular dated 26<sup>th</sup> September, 2012 immediately on receipt of this letter by you.

We now await your immediate response.

With Best Regards,  
For MCHI-CREDAI

Paras Gundecha  
President

Mob: 9821092439

CC to:

**Shri. Ashish Kumar Singh (I.A.S.)**  
Principle Secretary (II) to Hon'ble Chief Minister,  
Chief Minister's Office  
Government of Maharashtra,  
Mantralaya,  
Mumbai - 400 032

*APSK*  
1/3/13

प्रधान साचेवाच स्वाय सहायक  
मुख्यमंत्री सचिवालय