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Domnic Romell

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Bandish Ajmera

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Mukesh Patel

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Late Lalit Gandhi
Late Babubhai Majethia

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Ajay Ashar

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Prakash Baviskar

Ref. No. MCHI/PRES/19-20/129

February 7, 2020

To,
The Dy. Chief Engineer - III
Slum Rehabilitation Authority
Bandra (E), Mumbai - 400051

Sub: Applicability of office order dated 23.03.2015 under no. SRA/CEO/Officer Order/19/2015 for Slum Schemes under Reg. 33(11) of DCPR 2034 & Reg. 33(14) of DCR 1991.

Ref: 1) Office Order dated 23.03.2015 under no. SRA/CEO/Officer Order/19/2015 (copy attached)

Dear Sir,

In view of the above subject matter and in reference to office order mentioned in serial no. 1, we would like to present to you the hardship faced in the case of schemes under 33(11) of DCPR 2034 & 33(14) under the DCR 1991 for the creation of Permanent Transit Camps.

- Under schemes developers offer their lands along with construction of PTC units thereby creating land bank and housing stock. The same housing stock is a great boon for the Hon. Prime Ministers vision of 'Housing for All'. These PTC units are often used to accommodate people affected by Infrastructure Projects and Natural Calamities on urgent basis. The same is done in lieu of FSI and in such cases development is proposed on **private lands only**.
- For such schemes where there is no existing slum dwellers and obligation of rehabilitation of existing slum dwellers, for which SRA is liable is hence not prevalent. As such SRA/Govt. stand stock earn both housing stock and land bank from such development and there is no question of trading Public Lands thereby denying the Government & Public both revenue and Housing Stock.
- In certain cases, Developers who are unable to complete such schemes undertaken and have thereby transferred the obligations to other capable Developers, to complete the construction of PTC. At such time in view of the existing obligations, conveyance between vendor & sellers may not be possible and hence registered instruments like Development Agreements, MOU's, Joint Developments are registered. The registration of such documents attract **stamp duty on the Built Up Area which is much more the premium collected under the office order**. As a result, no loss of revenue to the state is incurred in view of large amounts of stamp duty.

4. Considering the fact that there is no liability of existing slum dwellers or no usage of Public lands for the purpose of trading, further large sums of stamp duty paid during the execution of registered deeds which is more than the premium accrued under the above office order thereby not amounting to any revenue loss to the State and nor is there any scope of freely trading schemes. Hence the said office order should not be applicable for schemes under Reg. 33(14) of DCR 1991 & Reg. 33(11) of DCPR 2034.

For your kind consideration.

Thanking you,

Yours Sincerely,
For CREDAI-MCHI



Nayan A. Shah
President



Bandish Ajmera
Hon. Secretary



SLUM REHABILITATION AUTHORITY

No SRA/CEO/Office Order/ 19 /2015

Date: **23 MAR 2015**

Subject: Fees payable after change of Developer/Partner/Director while implementing the Slum Rehabilitation Schemes.

OFFICE ORDER

Slum Rehabilitation Authority has frequently noticed the instances, wherein, after the submission of Schemes by Developer/Partnership Firm/Company/Joint Venture etc., changes are effected by these entities in the Shares/Stakes etc. of their respective Partners/Directors etc. at different stages of the Scheme. Sometimes, the Partnership Firm, Joint Venture or Company is totally replaced or taken over by new Partners or Directors. Up till now SRA has not formulated any procedure to recognise such changes for effective and accountable implementation of the S.R. Schemes. It felt necessary that Slum Rehabilitation Authority should be made aware of such changes immediately so as to effectively supervise the redevelopment work. Henceforth, whenever there is any change in Partner/Director etc. or their Shares/Holdings etc., the following procedure should be followed:

- All changes have to be intimated to SRA within 30 days of making formal change, failing which, a fine equal to five times below shall be charged.
- In the event of change of Partner / Director in partnership firm/ company, Society/ Trust, or LLP of developer, the certificate from the concerned Registration Authority such as Registrar of Firms, Registrar of Companies (RoC), Registrar of Society/ Charity Commissioner, etc. about having taken changes in the ownership on record shall be submitted on record of SRA within 90 days from the date of such changes.

Shirga
23/03/15

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दिनांक **24 MAR 2015**

सलेख/उपलेखापाल/स्वीय सहायक/वारणकर/वाचप्यारे

पत्रकार/पत्रकार/पत्रकार

Shirga
24/3

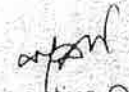
नेवा अधिकारी



SLUM REHABILITATION AUTHORITY

- iii) In the event of change of developer, 5% of land cost of Sale plot area [(i.e. approximately 50% of the net scheme area calculated as per ASR (Annual Schedule of Rates)] payable thereon should be recovered from the new Developer
- iv) The charges mentioned in clause (i) hereinabove, shall also be payable in the event of retirement of any Partner / Director proportionate to the share of incoming partner when the Developer is a partnership firm or a Private Limited Company / or LLP.
- v) The newly appointed Developer shall deposit the amount mentioned in clause (i) and (ii) hereinabove as per Rules, Regulations of SRA before issuance of LOI/revised LOI or further approval by SRA.
- vi) These charges are applicable for changes in developer or its share holding patterns in developer company / organisation / partnership etc. after the stage of formal submission of the scheme.
- vii) The newly appointed developer shall indemnify SRA and its officers against any litigation, in future.
- viii) The Circular will not be applicable in cases where non-performing developer is terminated by the CEO/SRA at the request of society.
- ix) The charges mentioned in clause (i) and (ii) shall not be payable if the changes are effected on account of death of Sole Developer or Partner or Director etc., towards legal heir(s) of the same.

The guideline prescribed hereinabove shall be followed by all the concerned henceforth scrupulously.

 25/3
Chief Executive Officer/SRA

Copy to :

- 1) Secretary/SRA
- 2) Dy. Chief Engineer/SRA
- 3) Dy. Collector/SRA
- 4) Asstt. Registrar/SRA
- 5) The Finance Controller/SRA