

MINUTES

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Sr. No. Agenda	DISCUSSION & DECISION						
1.	To read and confirm the Minutes of the meeting held December 17, 2013 Minutes of the Managing Committee Meeting held on December 17, 2013 were taken as read and confirmed.						
2.	To grant leave of absence to members. As mentioned on Page 1, leave of absence granted to names mentioned (Nos.1 to 14).						
3.	Discussion on the work allotted to the Task Owners concerned. Above point is not discussed						
4.	Legal Matters for discussions.						
	<table border="1"> <tr> <td data-bbox="232 646 293 722">i.</td><td data-bbox="293 646 1468 1115"> Kohinoor Matter. <i>Discussion regarding review petition filed by MCHI-CREDAI in Supreme Court.</i> It was informed that opinion of Justice B. N. Srikrishna has been received, which categorically opines that layout approval is the approval of plan and once IOD obtained, this Supreme Court Judgment will not apply. President informed that Review Petition has been filed on various grounds. The same is likely to come up in next week or later. A special request has been made that the Review should be held in open court and not in camera which is usual practice. It was also informed the Govt. of Maharashtra has hurriedly and expeditiously decided to implement all points in the Supreme Court Judgment in words & spirits; that means the part of the DC rules stay. a. It was also suggested that we should forward this well reasoned opinion to Hon'ble Municipal Commissioner for necessary consideration with a covering letter. b. Writ petition challenging 154(1) directions to be filed. </td></tr> <tr> <td data-bbox="232 1115 293 1562">ii.</td><td data-bbox="293 1115 1468 1562"> Writ Petition 2572 of 2013 filed by M/s. Redstone Realtors (Doppler Radar Issue) <i>MCHI-CREDAI has intervened in this Writ Petition for affidavit in reply. The matter was placed on board on January 23, 2014.</i> The information was provided by Shri Pujit Agarwal and CEO. He informed that shadow analysis would help in giving some relief. The matter has been taken to Government of India which will take some time. We have asked for the date of the meeting with New Chief Secretary, Shri J. S. Saharia (I.A.S.). It was suggested by the President that we should seek advice and opinion from some international agency as is available in Civil Aviation like 'ICAO' about study regarding cloud distances & height, its impact on very heavy rainfall, storm, high wind etc. We should request for expeditious date from Chief Secretary. </td></tr> <tr> <td data-bbox="232 1562 293 1961">iii.</td><td data-bbox="293 1562 1468 1961"> Heritage Petition (Writ Petition No. 1564 of 2013) <i>The Writ Petition along with other petition came up before Hon'ble Chief Justice Mohit Shah and Justice Sanklecha on 3rd February 2014.</i> It was informed that Hon'ble High Court has passed interim order which is received and is available. All precincts declared in last notification to be heritage building, not required to be in the list. That means it is applicable to Grade 1 & Grade 2 Heritage Buildings only. 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iv	To file a new Writ Petition at Bombay High Court for challenging Sec. 43 (CA)
	It was informed that the Petition is not yet ready, may be in next 15 days.
v.	VAT 2nd SLP at Supreme Court.
	<p>The VAT SLP came up for final hearing on 31st January 2014, before Justice Lodha and Justice Shiva. The Hon'ble Supreme Court clarified that the petitioners will be entitled to appropriate remedy against amendment to rule 58a as per notification dated 29/01/2014.</p> <p>It was reported that second SLP order is advantageous to us with right to file as per the old order of Supreme Court or rule 58 (1A) vide notification dated 29.1.2014. VAT is applicable on the material which is incorporated after date of agreement. Sales Tax Commissioner agreed but the staff and Additional Chief Secretary (Finance) did not agree.</p> <p>It was also informed that the date of filing Audit Report extended from 15th February to 31st March (Trade Circular received) and revised New Writ Petition to be filed in 58 (1A).</p>
vi.	To discuss about MOEF Writ Petition to be filed against NGT order
	<p>We have received the draft petition finalized by Senior Counsel Shri Milind Sathe. Petition is finalized for filing in the Court. Two references were made, one was order from Delhi High Court and Bombay High Court, in Nashik case which is already filed and decision is expected shortly.</p> <p>3 Writ Petitions to be filed –</p> <ul style="list-style-type: none"> i) One which is already settled to be filed. ii) Based on Delhi HC order, file another WP iii) On the various points raised by Shri Mayur Shah about concept plan, that MOEF should not go ahead with DCR related issues, 105 days deemed approval.
vii.	Royalty :
	<p>In spite of the stay order from High Court Tahsildar is taking action to recover penalty. We have taken opinion of Advocate, Shri Warunjikar for advice.</p> <p>And also steps are taken to file contempt petition against the action taken by the Tahsildar.</p> <p>CEO of MCHI-CREDAI has written reminder DO letter to ACS (Revenue) on January 21, 2014 related to the issue of Royalty matter and have personally talk to the ACS and the Deputy Secretary.</p> <p>The CEO apprised the committee that the meetings with collector and additional collector, Mumbai Sub-Urban and Additional Chief Secretary, Revenue were held. He had personally discussed the matter with Shri Gutte, Dy. Secretary, Revenue Department who said that the clarification has been issued and copy to be mailed to CEO. It will be verified if it serves the purpose or the Contempt Petition has to be filed.</p>
viii	Service Tax:
	Service Tax is not payable on the construction prior to 1 st July 2010. Notification by Commissioner is bad in law as it declared that entire construction after July 2010 is applicable for payment. The Circular being challenged as, 1) Service Tax not payable. 2) Where O.C. not issued should also be exempted.

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5.	Liaison:	
	i	Discussion about next meeting with Hon'ble Chief Minister This matter is not taken up for the discussion.
	ii	Discussion on circular issued by the Environment Dept. reg. IOD/IOA/Concession documents etc. Letter to Principal Secretary Environment is under approval process as the draft prepared and submitted for approval of President.
	iii	Discussion on Government Notification of Housing Department about change of Architect in SR Schemes. <i>Office Order No. CEO/Office Order/11/2014 issued by Slum Rehabilitation Authority by CEO SRA on 4th January 2014 regarding Appointment of Architects and their Termination for the SRA Scheme. CEO of MCHI-CREDAI sent a DO to CEO SRA accordingly with suggestions.</i> Not discussed
	iv.	Discussion on hearing of Cluster Development <i>Suggestions/Objections for the notice regarding Cluster Development Scheme No. TPB-4313/CR-185/2013/UD-11 already submitted and hearing will conduct at Deputy Director Town Planning Office on February 20, 2014. Already informed to Shri Rajendra Chaturvedi and Shri Sandeep Shah from HBS Realtors about hearing so according to that Shri Rajendra Chaturvedi attended the hearing and gave clear views of MCHI-CREDAI to Deputy Director Town Planning.</i> This matter is not taken up for the discussion.
	v.	Discussion on Ready Recknor Issue <i>MCHI-CREDAI informed all the members to submit their suggestions to government in the prescribed format for further necessary action in this connection for the implementation regarding stay on footnotes/guidelines to 2014 Ready Recknor Rates as well as new 2014 R & R.</i> This matter is not taken up for the discussion.
6.	Exhibition	
	i	To give the final outcomes from last October exhibition and to discuss about the forthcoming exhibition. It was decided that the subject to be taken up in the Core Committee for deciding the dates as well as venue for the exhibition to be held in September-October. Statement of the profit earned in last October 2013 Exhibition submitted. For conducting next exhibition, Shri Bandish Ajmera to present differential costing between holding of the exhibition at BKC versus NSE Grounds, Goregaon
7.	Secretariat :	
	i	To discuss collection of Rs. 1 lakh against Legal Fund. The Hon. Secretary said that we should request our members to pay the legal fund share expeditiously as we have shortage of fund. The suggestion was given that each Managing

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		Committee Member could take up the responsibility personally and follow up with respective members. At least with 10 members whom they have close contact.
	ii	Discussion on redevelopment of MCHI-CREDAI Website. The work of redevelopment of our website i.e. mchi.net has been assigned to our existing Vendor, M/s. Digicraft for total remuneration of Rupees 33,000/- and will be developed within 10-15 days.
	iii	Discussion the Bulk Procurement. This point is not discussed in the meeting hence it deferred for the next meeting.
	iv	MCHI-CREDAI News Letter. MCHI-CREDAI Published news letter in the month of January – March 2014. Positive responses are being received. It was informed by CEO the first Newsletter of MCHI-CREDAI is issued in January 2014. We have received positive response. Idea was to reach out to all our members and apprise them about the efforts and issues taken up, which is of prime importance to the Real Estate Developers. Many of our efforts, whether it is a legal matter or administrative, meetings with various authorities and the outcome, is not known to our members. Hence newsletter will be great means to reach to them. Suggestions are welcome.
	v	Restructuring of MCHI-CREDAI Secretariat CEO informed that 4 persons have joined, interviews of some candidates are already completed and some candidates are to be called for interviews - Heads for Events, Secretariat, PR. Secretary requested the committee members to suggest any candidate, if they find suitable, to be considered. Shri Nayan Shah suggested addition to some qualification in Head Research and Legal.
8.		Any other matter with the permission of Chair.
	i.	It has been decided that thorough debate on MoFA and New DCR should be held somewhere outside Mumbai (Khandala) on 8 th & 9 th March for the future course of action. Only Managing Committee Members can participate.
	ii	20% EWS Writ Petition: DB Realty Writ Petition is on Board for final hearing. If the matter does not progress till 30th March, MCHI will file the first week of April.
	iii.	Digital Marketing – Shri Ashok Mohanani and Shri Nayan Shan to present the plan in the next MC meet
	iv	Cricket Update

Meeting ended with thanks to the chair.

For MCHI-CREDAI,

Sd/-
Nainesh Shah
 Hon. Secretary