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KARJAT-KHALAPUR-KHOPOLI

Ref. No. MCHI/PRES/22-23/148

Date: 18/4/2022

To,
Shri. Iqbal Singh Chahal (I.A.S.),
Municipal Commissioner,
Municipal Corporation of Greater of Mumbai
Mumbai – 400 001



Sub: Request to reconsider the revised scrutiny fees levied by CFO for the period 1st April 2022 to 31st March 2023

Ref: MCGM Fire Brigade BR circular no 141 dated 31st March 2022

Respected Sir,

This letter is with regard to levy of scrutiny fees levied by CFO which are revised w.e.f. 31st March 2022 for the period from 1st April 2022 to 31st March 2023. The levy of fees is exorbitantly higher in comparison to fees charged till 31.3.2022.

Height of the Building	BUA (Sq Mtr)	21-22 (Old)	22-23 (Revised New)
Less than 32m	10000	Rs. 4,30,000	Rs 10,00,000
more than 32m upto 70 mtrs	10000	Rs 6,50,000	Rs 20,00,000
More than 70 mtrs upto 120 mtrs			Rs 30,00,000
120 mtrs & above			Rs 40,00,000

We pray that the fees can be charged only to an extent where department is making expenses.

The MCGM may work out Valuation of property for recovery of Tax as per MMC Act 154 Clause (e) of Sub-section (1A), sub section (1B), sub section (1C) in this section - General Tax includes Fire Tax as per Table one of Rules for Fixing Capital Values OF Lands

We draw your attention that Fire Tax is already recovered in property tax hence increased scrutiny fees can certainly be avoided.

There is a clear distinction between Tax & Fees: As submitted above the principle of Quid Pro quo is applicable for Scrutiny Fees. We humbly request that CFO to only recover Administrative Charges in the form of Scrutiny fees for the following tasks:

- Scrutiny of Building proposal and issue of CFO NOC
- Issuing Fire Safety requirements for various proposals
- Change of user / activity Permission

We also humbly draw your kind attention to the following:

- 1) Maharashtra Fire Act 2006 interalia provides as follows: -

Clause 11. regarding Levy, collection, and recovery of Fire Service Fees

In our case scrutiny fees is for the providing list of fire safety requirements (Not for services) Vide this act fees can be recovered for the Fire services provided.

Clause 12. Increase in fee shall be by publishing official gazette by state government

Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

Clause 13. annual fees can be charged for checking of Fire Installations

Clause 14. Assessment and collection of Fees for building under construction to be paid by

Clause 15. No fees for central or state govt

Clause 16. Fire protection fund fees can be enhanced by state government

Clause 17. Validity of assessment

Clause 25. Constitution of Special fund with special order of State govt

- 2) Schedule II reflects the fees for providing fire services to a building Maximum Fees of Rs 15 per sqm in the year 2007. It is surprising that the same is now increased to 20 to 33 times. Moreover, in 2020 it was Maximum Rs. 65 per sqm and now it is suddenly increased to Rs 300 to 500 per sqm from Rs 65 per sqm.

CREDAI-MCHI Prayers

- 1) We request you to review the revised fees by the MCGM Chief Fire Officer, as the circular will have a detrimental effect on the real estate industry and buyers. We suggest considering nominal increase of 10% in every 2 years to ensure approved as policy on current rates.
- 2) Once a file is submitted for amendment, the CFO department should only calculate the charges on the additional BUA and not on the entire BUA. We pray for this clarification as even the Building Proposal Department of the MCGM charges fees only on the additional / amended BUA, they deduct the earlier approved area and not the earlier paid amount /fees in case of amendment applications.
- 3) CFO fire service fees to be charged only after award of CC as post CFO NOC, developer has to go through various stages of IOD, Environment NOC and then apply for CC as RERA also mandates for commencing the work post CC. Hence, annual CFO fire service fees to be charged retrospectively only post award of CC without charging any interest.

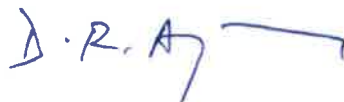
We hope that our request will be considered positively and immediate instruction will be given to the respective department on the same.

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Boman Irani
President



Dhaval Ajmera
Hon. Secretary