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Azim F. Tapia  
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Nikunj Sanghavi  
Rushank Shah  
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Samyag Shah  
Rushi Mehta  
Rajeev Jain

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**PROCUREMENT CONVENOR**  
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**WOMEN'S WING CHAIRPERSON**  
Mona Ajmera

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KALYAN-DOMBIVLI  
MIRA VIRAR  
RAIGAD  
NAVI MUMBAI  
PALGHAR BOISAR  
BHIWANDI  
SHAHAPUR-MURBAD  
URAN-DRONAGIRI  
ALIBAG  
KARJAT-KHALAPUR-KHOPOLI

To,  
Shri Devendra Fadnavis  
Hon'ble Deputy Chief Minister  
Hon'ble Housing Minister  
Government of Maharashtra

Sub: Execution of Tripartite Agreement between MHADA, Society and the Developer for the redevelopment of various proposals under section 33(5) of DCPR- 2034 to be carried out on lands belonging to MHADA.

Ref: Government resolution No. 2021/S.No. 54 / Gruhnirman Bhavan dated 16th March 2021, Government of Maharashtra, Department of Housing.

Respected Sir,

We refer to the above Government resolution dated 16<sup>th</sup> March 2021, wherein it was instructed that the Societies and Developer would have to execute and register a Tripartite Agreement with MHADA for all proposals to be developed under section 33(5) of DCPR 2034 on lands belonging to MHADA. The intention of such a circular was to enable the Societies and Developers to stamp such Tripartite Agreements with a duty of Rs 1000/-, bring them at par with the redevelopers being carried out on MCGM lands under section 33(7).

The matter of stamping of the Agreements between Society, Developer and MHADA on MHADA lands with stamp duty of Rs 1000/- is pending for approval at Revenue Department and it seems very unlikely that such proposal would eventually see the light of day.

Currently, MHADA is not issuing / processing NOCs for various redevelopment projects even where entire premiums have been paid without receipt of duly registered Tripartite Agreements. We would like to bring to your attention that with MHADA being a party under all proposals of 33(5), MHADA shall be saddled with a plethora of litigations between Society / Individual Member and Developer. Even a small litigation or dispute between any member with the Developer shall require legal department of MHADA to respond to such litigation by being part of the proceedings and filings its say vide affidavits, written statements, replies, rejoinders, written submissions etc. This would put undue pressure and stress on already short staffed legal department of MHADA and would ultimately lead to cropping of several issues to MHADA's end.

Another reasons for bringing the above referred circular was to bring the redevelopments under control of MHADA. However, MHADA, even currently has all powers under the statute to monitor and govern all redevelopments under section 33(5) of DCPR as it is involved in each and every step of redevelopment of MHADA properties

- Appointment of Developer (under section 79A of MCS, Act by Dy Registrar, MHADA),
- Demarcation of society land/property (by Executive Engineer, relevant Division of MHADA),
- Consent verification of all members of society (by relevant Division of MHADA), finalization of proposal (Chief Officer, MHADA),
- Grant of FSI/ Offer letter (by Resident Engineer, MHADA),
- Grant of redevelopment / NOC (by Resident Engineer, MHADA), grant of Concessions for entire scheme (by VP & CEO, MHADA),
- Grant of Intimation of Approval (IOA) (by Executive Engineer, SPA, MHADA),

25/8/22  
लिखित

**Maharashtra Chamber of Housing Industry**

Maker Bhavan II, 4<sup>th</sup> 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](http://www.mchi.net)

उपमुख्यमंत्री यांचे कार्यालय  
महाराष्ट्र शासन  
मंत्रालय, मुंबई ४०० ०३२

- Compulsory eviction of non-cooperative members (under section 95 of MHAD Act),
- Grant of Commencement Certificate (CC) (by Executive Engineer, SPA, MHADA),
- Grant of all Further Commencement Certificates (FCC) (by Executive Engineer, SPA, MHADA),
- Grant of NOC for Occupation Certificate (by Chief Officer, MHADA),
- Grant of Occupation Certificate / Building Completion Certificate (by Executive Engineer, SPA, MHADA).

Therefore, we would hereby like to request you to set aside the above referred Government Resolution dated 16<sup>th</sup> March 2021 with immediate effect.

We hope that our above request will be considered positively and necessary action will be carried to boost the redevelopment of MHADA properties.

Thanking you for your continuous support.

Thanking you,

**Yours faithfully,  
For CREDAI-MCHI**



**Boman Irani**  
President



**Dhaval Ajmera**  
Hon. Secretary

Regarding Execution tripartite agreement between MHADA concerned housing society and developer for redevelopment of building under Maharashtra Housing and Area Development Authority (MHADA).

## **Government of Maharashtra**

**Department of Housing,**

**Government Circular, No. Distribution-2021 / S.No. 54 / Grinibhu,**

**Madam Kama Marg, Hutatma Rajguru Chowk,**

**Mantralaya, Mumbai - 400 032**

**Date: March 16, 2021**

### **Government Circular:**

Various redevelopment proposals are approved at the level of Maharashtra Housing and Area Development Authority. There is no information about those proposals at the government level. If there are irregularities in some of the proposals, complaints are received by the government. However, since the government does not have any information in this regard, no information can be given from the government level in such cases and complaints cannot be resolved. Therefore, in order to have coherence and uniformity in the work of MHADA and the government, the important matters that MHADA has at present must be done with the approval of the government.

MHADA has 56 colonies in Mumbai. Similarly, there are buildings owned by MHADA elsewhere in the state. The buildings in these colonies are redeveloped by the concerned co-operative housing societies by appointing developers at their level. The land is owned by MHADA. However, MHADA will proceed with the issue of no-objection certificate only after receiving the proposal for redevelopment of Co-operative Housing Society on such plots from the Co-operative Housing Society / concerned developer. MHADA has no control over this redevelopment process. As there is only a bilateral agreement between the concerned housing society and the developer regarding redevelopment, no intervention can be made by MHADA in case of violation of its terms and conditions. Redevelopment projects of many housing societies in MHADA have been stalled for years. Similarly, rent and other grievances of the concerned residents are not being resolved properly.

Therefore, as per the provisions of Section 164 (1) of the Maharashtra Housing and Area Development Act, 1976, the following directions / instructions are being given as per the authority vested in the Government: -

For the redevelopment of the building in the colony under MHADA, it will be mandatory to enter into a tripartite agreement between the MHADA related housing Society and the developer concerned with MHADA.

This circular has been made available on the website of Government of Maharashtra [www.maharashtra.gov.in](http://www.maharashtra.gov.in) and its code number is 202103161439076209. The orders are being issued with digital signature.

By order and in the name of the Governor of Maharashtra,

Sd/-

(Srinivasa Moklikar)

Under Secretary, Government of Maharashtra

To: -

- 1) Hon'ble Chief Minister, Additional Chief Secretary, Mantralaya, Mumbai - 400 032
- 2) Hon'ble Minister, Private Secretary to Housing, Mantralaya, Mumbai-400 032
- 3) Hon'ble Minister of State, Private Secretary to Housing, Mantralaya, Mumbai-400 032
- 4) Senior Personal Assistant to Principal Secretary (Housing), Housing Department, Mantralaya, Mumbai-400 032
- 5) Vice President and Chief Executive Officer, Maharashtra Housing and Area Development Authority, Housing Building, Bandra (East), Mumbai - 400 051
- 6) All Chief Officers, Mumbai / Konkan / Pune / Nashik / Aurangabad / Amravati / Nagpur Housing and Area Development Board
- 7) Housing Department Joint / Deputy Secretary and all Under Secretaries and all Room Officers
- 8) Elections, Grinibhu Karyasan, Housing Department, Mantralaya, Mumbai-400 032

महाराष्ट्र गृहनिर्माण व क्षेत्र विकास  
प्राधिकरण (म्हाडा) अंतर्गत इमारतींच्या  
पुनर्विकासाठी म्हाडा संबंधित गृहनिर्माण  
संस्था व विकासक यांच्यामध्ये त्रिपक्षीय  
करार करण्याबाबत..

## महाराष्ट्र शासन

### गृहनिर्माण विभाग,

शासन परिपत्रक, क्र.वाटप-२०२१/प्र.क्र.५४/गृनिभू,

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,

मंत्रालय, मुंबई-४०० ०३२

दिनांक:- १६ मार्च, २०२१

#### शासन परिपत्रक:-

महाराष्ट्र गृहनिर्माण व क्षेत्रविकास प्राधिकरण यांच्या स्तरावरून विविध पुनर्विकास प्रस्तावांना मान्यता देण्यात येतात.याबाबत शासनस्तरावर कोणत्याही प्रकारची माहिती नसते. काही प्रस्तावांमध्ये अनियमितता असल्यास त्याबाबतच्या तक्रारी शासनाकडे येतात. परंतु याबाबत शासनाकडे कोणतीही माहिती नसल्याने शासनस्तरावरून अशा प्रकरणांमध्ये कोणतीही माहिती देता येत नाही व तक्रारींचे निराकरण करता येत नाही. त्यामुळे म्हाडा व शासन यांच्या कामामध्ये सुसूत्रता व एकवाक्यता असावी यासाठी सद्यस्थितीमध्ये म्हाडाकडे असलेल्या महत्वाच्या बाबी शासन मान्यतेने होणे आवश्यक आहेत.

मुंबईमध्ये म्हाडाच्या ५६ वसाहती आहेत. त्याचप्रमाणे राज्यात अन्यत्रसुद्धा म्हाडांच्या मालकीच्या इमारती आहेत.सदर वसाहतींमधील इमारतींचा पुनर्विकास संबंधित सहकारी गृहनिर्माण संस्था त्यांच्या स्तरावर विकासकाची नियुक्ती करून करतात. सदर भूखंडाची मालकी म्हाडाची आहे. तथापि, अशा भूखंडावरील सहकारी गृहनिर्माण संस्थांच्या पुनर्विकासाचे प्रस्ताव सहकारी गृहनिर्माण संस्थाकडून/संबंधित विकासकाकडून प्राप्त झाल्यानंतर केवळ ना-हरकत प्रमाणपत्र देण्याबाबतची कार्यवाही म्हाडाकडून करण्यात येते. सदर पुनर्विकास प्रक्रियेवर म्हाडाचे कोणतेही नियंत्रण नसते. पुनर्विकासासंदर्भात केवळ संबंधित गृहनिर्माण संस्था व विकासक यांच्यामध्ये द्विपक्षीय करार झालेला असल्याने त्यामधील अटी व शर्ती यांचे उल्लंघन झाल्यास म्हाडाकडून कोणताही हस्तक्षेप करता येत नाही. म्हाडातील अनेक गृहनिर्माण संस्थांच्या पुनर्विकासाचे प्रकल्प वर्षानुवर्षे रखडतात. त्याचप्रमाणे संबंधित रहिवाशांच्या भाड्यासंदर्भातील तसेच अन्य तक्रारींचे निवारणही योग्यरितीने होत नाही.

यास्तव, महाराष्ट्र गृहनिर्माण व क्षेत्र विकास अधिनियम, १९७६ च्या कलम १६४ (१) मधील तरतूदीनुसार शासनास प्राप्त झालेल्या अधिकारानुसार, पुढीलप्रमाणे निदेश/ सूचना देण्यात येत आहेत:-

म्हाडाअंतर्गत वसाहतीमधील इमारतींच्या पुनर्विकासासाठी म्हाडा, संबंधित गृहनिर्माण संस्था व विकासक यांच्यामध्ये त्रिपक्षीय करार करणे बंधनकारक राहिल.

२. सदरहू परिपत्रक महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०२१०३१६१४३९०७६२०९ असा आहे. हे आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहेत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

Shrinivas Bhagvanrao  
Mokalikar

Digitally signed by Shrinivas Bhagvanrao Mokalikar  
DN: cn=Shrinivas Bhagvanrao Mokalikar, o=Government Of Maharashtra, ou=Housing  
Department, postalCode=400032, st=Maharashtra,  
3.3.4.30=6626ca0864061d0c3804087282576431e1b56a3d51c3b  
a0538445372a3ba09125, cn=Shrinivas Bhagvanrao Mokalikar  
Date: 2021.03.16 14:44:32 +05'30'

(श्रीनिवास मोकलीकर)

अवर सचिव, महाराष्ट्र शासन.

प्रत :-

- १) मा. मुख्यमंत्री, यांचे अपर मुख्य सचिव, मंत्रालय, मुंबई-४०० ०३२
- २) मा. मंत्री, गृहनिर्माण यांचे खाजगी सचिव, मंत्रालय, मुंबई-४०००३२
- ३) मा. राज्यमंत्री, गृहनिर्माण यांचे खाजगी सचिव, मंत्रालय, मुंबई-४०००३२
- ४) प्रधान सचिव (गृहनिर्माण) यांचे वरिष्ठ स्वीय सहायक, गृहनिर्माण विभाग, मंत्रालय, मुंबई-४०००३२
- ५) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, महाराष्ट्र गृहनिर्माण व क्षेत्र विकास प्राधिकरण, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई-४०० ०५१
- ६) सर्व मुख्य अधिकारी, मुंबई/कोकण/पुणे/नाशिक/औरंगाबाद/अमरावती/नागपूर गृहनिर्माण व क्षेत्र विकास मंडळ
- ७) गृहनिर्माण विभागातील सह/उप सचिव व सर्व अवर सचिव व सर्व कक्ष अधिकारी.
- ८) निवडनस्ती, गृनिभू कार्यासन, गृहनिर्माण विभाग, मंत्रालय, मुंबई-४०० ०३२

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