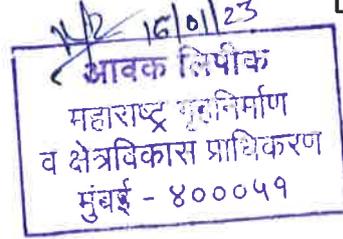


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Deepak Guradia**PRESIDENT-ELECT**
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Jayesh Shah
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Parag Shah
Sukhraj Nahar**HON. SECRETARY**
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Pritam Chivukula**SPECIAL PROJECTS**
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Parag Munot
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Parth Mehta**HON. JT. SECRETARIES**
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Rushank Shah
Ricardo Romell
Samyag Shah
Rushi Mehta
Rajeev Jain**YOUTHWING CONVENOR**
Naman Shah**PROCUREMENT CONVENOR**
Nimish Ajmera**WOMEN'S WING CHAIRPERSON**
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BHIWANDI
SHAHAPUR-MURBAD
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ALIBAG
KARJAT-KHALAPUR-KHOPOLI**CREDAI - MCHI**

Ref: MCHI/PRES/22-23/380

Date: 16.01.2023



To
Shri. Anil Diggikar (I.A.S.),
Vice President and Chief Executive Officer,
MHADA.
Bandra East – Mumbai

Subject: Demand Notices being the subject matter of various Writ Petitions filed by the Developers / Builders in respect of Development Charges.

Respected Sir,

We are addressing this representation on behalf of the Maharashtra Chambers of Housing Industry ("MCHI") which is a body established to promote the housing and real estate industry, which aims to satisfy the most basic necessity of housing supply in Mumbai, Kalyan-Dombivali, Mira-Bhayander, Thane, Navi-Mumbai, Vasai-Virar, Raigad, and Palghar Boisar.

You are aware that more than 100 Writ Petitions were filed by the members of MCHI challenging the levy of Development Charges on the projects which were / are on the land of State Government, Central Government or Local Authorities. As the levy of Development Charges in such category is exempted under Section 124F of the Maharashtra Regional Town Planning Act 1966 ("MRTP Act"). The Hon'ble High Court was pleased to grant interim reliefs in favour of the Developers / Builders / Societies against the planning authorities / special planning authorities that not to insist on the payment of Development Charges for processing their applications for the permissions on the terms and conditions in a specific orders of the respective Writ Petitions respectively.

You are aware that the said Writ Petitions were finally heard by the Hon'ble High Court, Bombay and thereafter the High Court was pleased to dismiss all the Writ Petitions on 20th October 2022, however, continued the interim orders in the respective Writ Petitions for a period of four weeks to enable the respective Petitioner to avail the remedy of challenging the said Order before the Hon'ble Supreme Court. It is pertinent to note that the Hon'ble Court was pleased to record that there is no order as to costs.

Accordingly, the few of the Developers / Builders / Societies / Petitioners challenged the Order dated 20th October 2022 by filing Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court on 21st November 2022 was pleased to grant leave in the SLPs filed. However, did not grant stay.

You will appreciate that the various projects are in the process of completion and therefore the additional costs of demand of Development Charges will affect the financial outflow in the project. Hence, it is requested that the Development Charges may be collected / recovered only before the grant of Occupation Certificate. It shall not be out of place to mention here that no interest / penalty possibly be levied while recovering / collecting the Development Charges as there is no default on the part of the Developer / Builder / Society / Petitioner in

Maharashtra Chamber of Housing Industry

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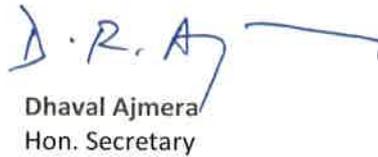
payment of Development Charges. The Development Charges were not insisted by the Planning Authority / Special Planning Authority under the orders of the Hon'ble Court. You will appreciate that there is no provision either under the MRTP Act or applicable Development Control Regulations or under any other relevant statute to levy any interest / penalty unless the default is committed by the Developer / Builder / Society / Petitioner. You will further appreciate that the court was pleased to refuse the grant of any cost while disposing of the Writ Petitions challenging the levy of Development Charges.

In the circumstances, we as a represented body of the Developers would be grateful for considering the representation and acceding to our request which is not only on behalf of the Developers but also on behalf of the citizens of lower income group and middle income group housing whose projects are nearing completion.

Thanking you in advance in anticipation of positive outcome of our representation

Yours faithfully,
For CREDAI-MCHI


Boman Irani
President


Dhaval Ajmera
Hon. Secretary