

Date: 28/3/2023

PRESIDENT
Boman Irani

IMMEDIATE PAST PRESIDENT
Deepak Goradia

PRESIDENT-ELECT
Ajay Ashar

VICE PRESIDENTS
Dominic Romell
Shrikant Joshi
Jayesh Shah
Shailesh Puranik
Parag Shah
Sukhraj Nahar

HON. SECRETARY
Dhaval Ajmera

TREASURER
Pritham Chlvukula

SPECIAL PROJECTS
Shahid Bawla
Parag Munot
Raajesh Prajapati
Harshul Savla
Parth Mehta

HON. JT. SECRETARIES
Pratik Patel
Tejas Vyas

JT. TREASURERS
Mukesh Patel

COMMITTEE MEMBERS
Harish Patel
Nainesh Shah
Bandish Ajmera
Sandeep Raheja
Subodh Runwal
Rakesh Kanakia
Deepak Gundecha
Gurminder Singh Seera
Sunny Bijlani

SPECIAL ADVISORS
Abhishek Lodha
Gautam Chatterjee
Ar. Hafeez Contractor
Anuj Puri
Ankur Gupta
Adv. Parimal Shroff

INVITEE MEMBERS
Mohit Malhotra
Jackbastian Nazareth
Venkat K. Narayan
Abhishek Kapoor
Amit Thacker
Munish Doshi
Nishant Agarwal
Cherag Ramakrishnan
Azim F. Tapia
Jayesh C. Shah
Shailesh Sanghvi
Blinitha Dalal
Sahil Parikh
Nikunj Sanghvi
Rushank Shah
Ricardo Romell
Samyag Shah
Rushi Mehta
Rajeev Jain
Harmohan Sahni

YOUTHWING CONVENOR
Naman Shah

PROCUREMENT CONVENOR
Nimish Ajmera

WOMEN'S WING CHAIRPERSON
Mona Ajmera

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

To,
Shri Anil Diggikar (I.A.S.)
Vice President
MHADA
Bandra East, Mumbai

Sub: Demand notices in matter of various Writ Petitions filed by the Developers/Builders in respect of Development Charges.

Ref: This office letter no. MCHI/PRES/22-23/380 dated 16.01.2023

Respected Sir,

We would like to bring to your kind attention on more than 100 Writ petitions that were filed by MCHI members challenging the levy of Development Charges on the projects which are / were on the land of State Government, Central Government or Local Authority.

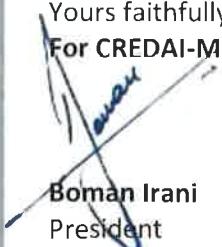
You are aware that Hon High Court had dismissed all the Writ Petitions on 20th October 2022, however continued the interim orders in the respective Writ Petition for a period of 4 weeks to enable the respective Petitioner to avail the remedy of challenging the said order before the Hon'ble Supreme Court. It is pertinent to note that the Hon'ble court was pleased to record that there was no order as to cost.

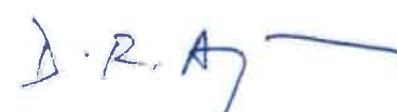
Accordingly, few Developers/ petitioners challenged the order dated 20th October 2022 by filling Special Leave Petition before the Hon'ble Supreme Court and in response Hon'ble Supreme court was pleased to grant leave in the SLPs filed but did not grant any stay.

Currently, there are various projects that are in different stages of completion and therefore the additional cost of demand of development charge and its interest will affect the financial outflow of the project. Hence, we request you to collect the Development Charges without insisting interest / penalty as there was no default by the Developers as the relief was granted by Hon. High Court till final disposal of the matters.

Thanking you,

Yours faithfully,
For CREDAI-MCHI

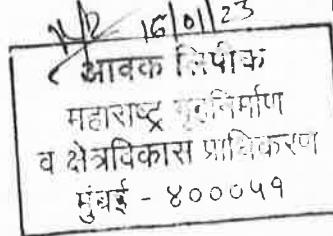

Boman Irani
President


Dhaval Ajmera
Hon. Secretary



PRESIDENT
Boman Irani
IMMEDIATE PAST PRESIDENT
Deepak Guraula
PRESIDENT-ELECT
Ajay Ashar
VICE PRESIDENTS
Dominic Romell
Shrikant Joshi
Jayesh Shah
Shailesh Puranik
Parag Shah
Sukhraj Nahar
HON. SECRETARY
Dhaval Ajmera
TREASURER
Pritam Chivukula
SPECIAL PROJECTS
Shahid Balwa
Parag Munot
Rajendra Chaturvedi
Raajesh Prajapati
Harshul Savla
Parth Mehta
HON. JT. SECRETARIES
Pratik Patel
Tojas Vyes
JT. TREASURERS
Mukesh Patel
COMMITTEE MEMBERS
Harish Patel
Nainesh Shah
Bandish Ajmera
Sandeep Raheja
Subodh Runwal
Rakesh Kanakia
Gautam Ahuja
Deepak Gundecha
SPECIAL ADVISORS
Abhishek Lodha
Gautam Chatterjee
Ar. Hafeez Contractor
Anuj Puri
Ankur Gupta
Adv. Parimal Shroff
INVITEE MEMBERS
Mohit Malhotra
Jackbastian Nazareth
Venkat K. Narayan
Abhishek Kapoor
Amit Thacker
Gurminder Singh Seera
Munish Doshi
Nishant Agarwal
Cherag Ramakrishnan
Azim F. Tapi
Jayesh C. Shah
Shahid Sanghvi
Sunny Bajani
Binita Dalal
Sahil Parikh
Nikunj Sanghavi
Rushank Shah
Ricardo Romell
Samyag Shah
Rushi Mehta
Rajeev Jain
YOUTHWING CONVENOR
Naman Shah
PROCUREMENT CONVENOR
Nimish Ajmera
WOMEN'S WING CHAIRPERSON
Mona Ajmera
CREDAI-MCHI UNITS
THANE
KALYAN-DOMBIVLI
MIRA VIRAR
RAIGAD
NAVI MUMBAI
PALGHAR BOISAR
BHIVANDI
SHAHAPUR-MURBAD
URAN-DRONAGIRI
ALIBAG
KARJAT-KHALAPUR-KHOPOLI

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

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
Boman Irani
President

D. R. A
Dhaval Ajmera
Hon. Secretary