


Ref. No. MCHI/PRES/23-25/022

Date: 17/5/2023

To
Shri Devendra Fadnavis
Hon'ble Deputy Chief Minister
Government of Maharashtra
Mantralaya,
Nariman Point, Mumbai - 400032


47/5/23
लिपि
उपमुख्यमंत्री यांचे कार्यालय
महाराष्ट्र शासन
महाराष्ट्र शासन

Re: Recent Media Coverage for deemed conveyance for homebuyers.

Respected Sir

1. This is with reference to a recent media report on the deemed conveyance of land in favour of co-operative housing societies in cases where a developer doesn't transfer conveyance in the name of the Societies – separately attached. We understand from the media report that the Maharashtra government is considering a policy for deemed conveyance in favour of the societies.
2. While the government should take all actions as required for protection of consumers, we wish to bring to your attention certain important points and how they are being addressed currently:
 - 2.1. Before conveyance can be granted of the underlying land, a real estate project has various components which need to be dealt with systematically depending on type of development, whether it is single building project or multi-phase development.
 - 2.2. The broad steps are:
 - 2.2.1. In case of a single building project – registration of association of allottees (typically as a society), obtaining OC and building conveyance.
 - 2.2.2. In case of a multi-phase development - for each of the buildings in such development: registration of association of allottees (typically as a society), obtaining OC, conveyance of building structure. Once all the buildings and amenities are ready and OC obtained, then the land is conveyed to an apex body (being parent body of individual societies).
 - 2.3. In case of a multi-phase development, if land conveyance were to be done before OC of all the buildings are obtained, it is likely to create several complications. If footprint land were to be conveyed only, then such footprint land conveyed may not be able to support the construction of that building as FSI utilised will emanate from the larger property (including RG and amenities area etc.,). Also, in such cases, inter-se obligations of members with respect to using common areas and amenities need to be codified by forming an apex body of all the individual building societies prior to conveyance so that they can peacefully enjoy such amenities and there is no dispute later on between the members. Typically, these aspects are taken care by agreements. A policy decision may not be able to cover all such aspects which may create further complications.

Maharashtra Chamber of Housing Industry

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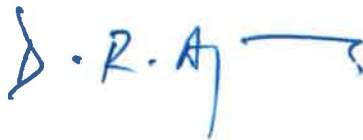
- 2.4. The RERA and the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Rules, 2017 ("**Rules**") already provide for rules addressing the above complications:
- 2.4.1. Section 11(4)(e) of the RERA and Rule 9(1) provides for timelines with respect to registration of association of allottees.
- 2.4.2. Section 17 and Rule 9(2) provides for conveyance in case of a single building project and in case of multi-phase development – Rule 9(2) provides that in case of a layout (multi-phase development), land will be conveyed within 3 months from the date of issue of occupancy certificate to the last of the buildings or wings in the layout, whichever is earlier.
- 2.5. Further, pursuant to Order 38 issued by MahaRERA on 13 December 2022, every agreement with a customer needs to provide for conveyance provisions in line with the aforementioned Rules.
- 2.6. For multi-phase development projects launched before RERA but being completed after RERA, we submit that RERA provisions will apply as well with respect to conveyance to the apex body. In any event, because of nuances highlighted above in such cases, we submit that such nuances are best addressed by an agreement and conveyance can be done only after OCs for all the buildings are received (in line with the approach prescribed by the Rules).
3. Considering the above, we urge you to consider if such a move is desirable, specifically in relation to multi-phase development with its own set of complications.
4. Further, if the Government still wishes to consider such a policy, we will humbly request you to provide our chambers (CREDAI MCHI) and other stakeholders an opportunity to be heard before announcing such a policy in order to avoid any conflict with existing laws.

Thanking you and looking forward to your continuous support.

Yours sincerely,
For **CREDAI-MCHI**



Dominic Romell
President



Dhaval Ajmera
Hon. Secretary