

Ref. No. MCHI/PRES/23-25/075
Date: 30/6/2023

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Domnic Romell

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Boman Irani

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Anil Thacker
Jackbastian Nazareth

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Dhaval Ajmera

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Pratik Patel
Sunny Bijlani
Rushi Mehta

JOINT TREASURER
Gurminder Singh Seera

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Parth Mehta
Harmohan Sahni
Jayvardhan Goenka
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Samyag Shah
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Adv. Parimal Shroff
Anuj Puri

STATISTICS AND RESEARCH
Dr. Adv. Harshul Savla

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Harsh Hiranandani
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Azim F. Tapia
Cherag Ramakrishnan
Vijay Lakhani
Jayesh Chauhan
Aditya Shah
Shraddha Goradia
Sudhanshu Agarwal
Hussain Lalani
Sahil Parikh
Aditya Mirchandani
Rushi Ajmera

YOUTHWING CONVENOR
Naman Shah

PROCUREMENT CONVENOR
Nimish Ajmera

WOMEN'S WING CHAIRPERSON
Sejal Goradia

To,
Shri. Sanjeev Jaiswal (I.A.S.),
Vice President & Chief Executive Officer,
MHADA Bandra (E),
Mumbai – 400051.

Sub.: To Request for action on letter submitted on date 16.01.2023

**Ref.: CREDAI-MCHI letter no. MCHI/PRES/22-23/380 & 429 on dated 16.01.2023
& 28/03/2023 Submitted to Vice President & Chief Executive Officer, MHADA**

Respected Sir,

We would like to draw your kind attention towards our letter submitted on 16.01.2023 to Vice President & Chief Executive Officer, MHADA regarding the subject of **Demand notices being the subject matter of various writ petitions filled by the developers / builders in respect of development charges** (copy attached)

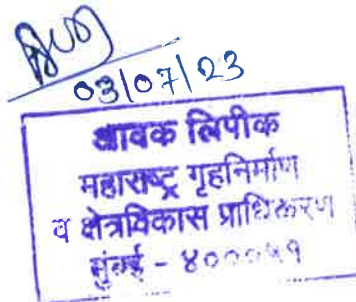
we as a represented body of the developers would be grateful for considering the representation and acceding to our request which is not only on behalf of the developers but also on behalf of the citizens of lower income group and middle income group housing whose projects are nearing completion.

Thank you for your kind attention to this matter. We look forward to a favourable response.

Yours sincerely,
For **CREDAI-MCHI**

Domnic Romell
President

Dhaval Ajmera
Hon. Secretary



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

CREDAI-MCHI CHAPTERS : THANE | KALYAN-DOMBIVLI | MIRA BHAYANDAR | RAIGAD | NAVI MUMBAI |
BHIWANDI | PALGHAR BOISAR | SHAHAPUR-MURBAD | URAN-DRONAGIRI |
VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

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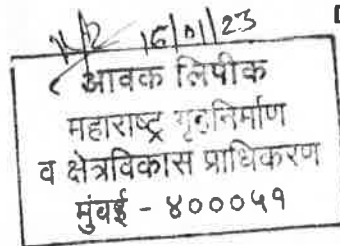
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To

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-Dombivli, 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

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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 MRTD 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

Building Permission Cell, Greater Mumbai / MHADA

(A designated Planning Authority for MHADA layouts constituted as per government regulation

No. TPB4315/167/CR-51/2015/UD-11 dt.23 May, 2018.)

O.No.CE/BPS/GM/MHADA/ET- 337/2023

Date: 20 FEB 2023

To,

✓ President / Hon'ble Secretary.

CREDAI MCHI,

Maker Bhavan II, 4th floor, 18,

V. Thackersey Marg, New Marine Lines,

Mumbai- 400 020

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

Reference: Your letter No. 380 dated 16.01.2023

Respected Sir,

Adverting to your above referred letter, it is to inform you that Development Charges collected by MHADA under provision of MRTP Act while granting development permissions are entirely handed over to MCGM.

You are aware that on the matter of Development Charges, Hon'ble High Court has dismissed all the writ Petitions and Hon'ble Supreme Court has also not granted any stay in the respected matter. In light of this, it is mandatory to pay Development Charges prior to grant of construction permission as per the provision of MRTP Act.

You have requested vide your letter under reference for not to levy any interest, penalty on the Development Charges amount. As it is already pointed out, this amount is being transferred to MCGM. You may approach MCGM & UDD-1, Government of Maharashtra for granting relief requested by you.

It is also to inform you that MHADA will abide by the legal opinions, MCGM's opinions and UDD's directions and will act accordingly.

Thanking You

Yours Faithfully,



Chief Engineer-II/Authority
MHADA

Copy to: Chief Engineer/Development Plan, MCGM for information along with CREDAI MCHI letter & requested to give opinion to MHADA

Copy to Dy. Chief/BP Cell/GM/A

विषय: विकास शुल्का संदर्भात (Development Charges) नियोजन प्राधिकरण म्हाडा कार्यालयात प्राप्त होणा-या याचिकेच्या अनुषंगाने मा. उच्च न्यायालयात दाखल दाव्याबाबत.

C-13

२०-१५

संदर्भ: CREDAI MCHI यांचे पत्र क्र. ३८० दि. १६.०१.२०२३

कार्यालयीन टिप्पणी:

दिनांक:

मा. उपाध्यक्ष/प्राधिकरण यांनी दिलेल्या निर्देशानुसार सादर.


CREDAI MCHI यांनी त्यांच्या दिलेल्या पत्राद्वारे विकास शुल्क (Development Charges) वर कोणतेही व्याज, दंडात्मक रक्कम आकारु नये अशी मागणी केली आहे.

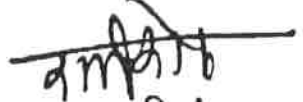
याबाबत असे सादर करण्यात येते की, विकास शुल्क (Development Charges) हा संपूर्णपणे महानगरपालिकेकडे हस्तांतरीत होत असल्याने महानगरपालिका किंवा नगर विकास विभाग-१, महाराष्ट्र शासन यांचेकडे CREDAI MCHI यांनी मागणी करणे उचित ठरेल. संबंधित विभागाकडून निर्णय झाल्यावर तो म्हाडास बंधनकारक राहील. त्या आशयाचे पत्र CREDAI MCHI यांना पाठविण्याचे प्रस्तावित असून सदर पत्राचा मसूदा मंजूरीस्तव सादर केला आहे.

मा. उपाध्यक्ष यांची मंजूरी प्राप्त झाल्यानंतर मुख्य अभियंता-II/प्राधिकरण यांच्यातर्फे पाठविण्यात येईल.

 21/01/23

कार्यकारी अभियंता

 इमारत परवानगी कक्ष/बृक्षे/प्रा.



उपमुख्य अभियंता

इमारत परवानगी कक्ष/बृक्षे/प्रा.

मुख्य अभियंता-२/प्रा.

मा. उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी
प्राधिकरण, म्हाडा

Ref. No. MCHI/PRES/22-23/429

Date: 28/3/2023

PRESIDENT
Boman Irani

IMMEDIATE PAST PRESIDENT
Deepak Goradia

PRESIDENT-ELECT
Ajay Ashar

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KARIAT-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.

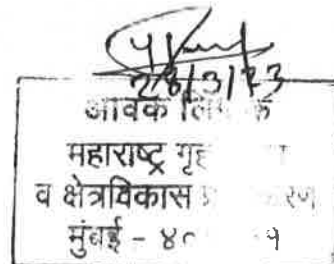
Currently, there are various projects that are in different stages of completion and therefore the additional cost of demand of development charge and its interest will affect the financial outflow of the project. Hence, we request you to collect the Development Charges without insisting interest / penalty 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



Maharashtra Chamber of Housing Industry

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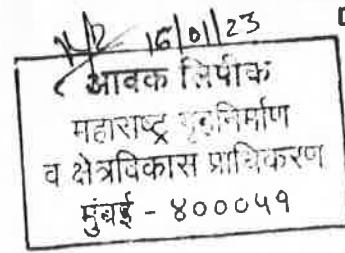
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To

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.

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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

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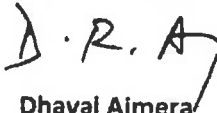
payment of Development Charges. The Development Charges were not insisted by the Planning Authority / Special Planning Authority under the orders of the Hon'ble Court. You will appreciate that there is no provision either under the MRTP Act or applicable Development Control Regulations or under any other 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