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To,

Shri. H.S. Sonawane (I.A.S.),

Inspector General of Registration & Controller of Stamps,

Ground Floor, Opp. Vidhan Bhavan (Council Hall),

New Administrative Building,

Pune – 411001, Maharashtra.

Sub.: To Request for action on letter submitted on date 18.01.2023

Ref.: CREDAI-MCHI letter no. MCHI/PRES/22-23/382 on dated 18.01.2023

Submitted to Inspector General of Registration & Controller of Stamps.

Respected Sir,

We would like to draw your kind attention towards our letter submitted on 18.01.2023 to Inspector General of Registration & Controller of Stamps regarding the subject of **Charging of stamp duty twice on existing member's New premises in redeveloped buildings (New Buildings) undertaken by Developers in Co-operative Housing Societies.** (copy attached)

In any redevelopment scheme, principal agreement is the development agreement (hereinafter referred to as 'DA'), executed between the developer and the society. The DA of such projects are duly adjudicated by the competent authority and then registered at the office of sub-registrars of assurances. The levy of the stamp duty on the DA is based on various parameters like construction cost for rehab components, rents in lieu of transit accommodation, corpus, transportation charges, brokerage, car parking's to each existing member, construction cost for society office & security cabin/other amenities etc. It is pertinent to note that the DA invariably enumerates detail entitlement of each member of society in the redevelopment project.

At the time of registration of permanent alternative accommodation agreements (hereinafter referred to as 'PAAA') for individual society members, again stamp duty payment from such member is being insisted upon based on *IGR's Circular No. K.5/Stamp-17/Pra.Kr.10/13/303/17 dated 30th March 2017* (hereinafter referred to as 'said circular') unless if members are parties to the DA. A copy of the said circular is enclosed herewith for ease of your reference.

The said circular is now a subject matter of challenge before the Hon'ble High Court of Judicature at Bombay in Writ petition (L) Nos. 13218 of 2021, 13224 & 13225 of 2021. The Hon'ble High Court of Judicature at Bombay by its order dated 9th December, 2021 was please to issue rule and grant interim reliefs in favour of petitioner in said Writ petitions. A copy of said order dated 9th December, 2021 is enclosed herewith for ease of reference.

It is submitted that it is abundantly clear from section 4 of the Maharashtra stamp act, 1958 that each member of the society is not required to be a party to the DA to avail benefit of section 4 of the Maharashtra stamp act, 1958 on his/her/their permanent alternative accommodation agreement.

In light of above fact and circumstances, we earnestly request you to issue clarificatory circular permitting all existing members of society to avail benefit of section 4 of the Maharashtra stamp act, 1958 on their respective permanent alternative accommodation agreement, once the DA of society is duly stamped, irrespective of the individual member being party to such DA.

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 |
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VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR