



To,
Dr. Bhushan Gagrani (I.A.S.)
Municipal Commissioner,
Brihanmumbai Municipal Corporation,
Fort, Mumbai - 400 001

Sub: Implementation of judgment of Hon'ble Supreme Court in SLP No. 17009 of 2019

Ref: 1) Common judgment pronounced by the Division Bench of the Hon'ble Bombay High Court on 24th April, 2019 in Writ Petition No. 2592 of 2013 and other connected writ petitions inter alia including Writ Petition No. 2375 of 2016 (Central Mumbai Developers Welfare Association & Anr. Vs. MCGM & Ors.) ("Judgment").
2) Supreme Court order SLP 17009 of 2019 dated 7th Nov 2022
3) Review petition (civil) no 298 of 2023

Respected Sir,

This is to bring to your information that the BMC officers in different wards continue to charge property tax (LUC) based on the FSI, considering future potential at the time of CC. This causes enormous financial strain on smooth implementation of the projects. This is also in contempt of the High Court and Supreme Court orders.

As you are already aware that Supreme Court has observed and pronounced on 7th Nov 2022 that the part of the Capital Value Rules, 2010 and 2015 relating to fixation of capital value on the open land which includes land being built upon/land under construction.

Pursuant to the Judgment, the Impugned Rules i.e. Rule No. 20, 21 and 22 which deal with capital value fixation in respect of open land, and which is the concerned matter of this organization have been struck down; and MCGM has been directed to refix the capital value, issue revised bills and refund the amounts paid by developers.

Therefore, our humble submission that the department should start implementing the Hon'ble Supreme Court order.

Further, CREDAI-MCHI request that it should be charged corresponding to CC issued to the project proponent. Absence of such central directive is causing unnecessary ambiguity amongst developers and officers in raising bills and obtaining CC/OC, wherein developers are forced to abide by the dictates of the officers. This also be linked to AutoDCR, this will help BMC in collecting the revenue in a more efficient and transparent manner.

If needed, we propose to call for a meeting as per your convenience to discuss the issued order in detail.

Thank you and looking forward to hearing from you.

Yours Sincerely,
For CREDAI-MCHI

Domnic Romell
President

Dhaval Ajmera
Hon. Secretary

PS: Contact Person Mr. Sanjay Phope - +91 9619345193

Maharashtra Chamber of Housing Industry

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