

# HOUSING SOCIETY MATTERS



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MANAGING COMMITTEE MEMBERS, RESIDENTS OF CO-OP. SOC. & FRIENDS,

## 1. STAMP DUTY READY RECKONER 2013.

There is no limit to the speed of your thoughts. Your thoughts are the architects of your destiny. The jump in market value of property in the year 2013 has created a situation whereby the common man will suffer. Buying / Selling flats in old buildings would become tougher. The reason is seller will have to pay more amount towards capital gains tax and the purchaser will pay more amount towards stamp duty. This will also have an impact on property tax in Municipal areas. As of date stamp duty is the second highest source of revenue for the state government. From a revenue of Rs. 68 crores about two decades ago now the magic figure of about Rs. 9000 crores is collected as stamp duty by the Maharashtra government and the momentum is still increasing. Courtesy Financial position of the Maharashtra government. Even the construction cost has increased creating a stumbling block for redevelopment. No wonder there is no substitute for touts at the stamp and registration offices. On one hand government wants money. On other hand one cannot log on to the server of stamp duty department for taking a token. If you have property at various places and wish to take a bank loan by offering security as a collateral than the ground reality is for more than six months there is no officer to do the stamp duty valuation of such document. In fact the business community and the business of bankers is hit by such acts but unfortunately nothing is being done in the above said matter. The address of various offices of the Joint Sub Registrar of Assurances in Mumbai with their timings are as under.

Sr. No.	Designation	Address, Telephone No. & Timings
1.	Joint Sub Registrar Mumbai City 1 	Ground Floor, Old Custom House, Saheed Bhagat Singh Road, Fort, Mumbai 400 023. Timings. 10=00 am to 6=00 pm. Tel. No. 2263 40 01
2.	Joint Sub Registrar Mumbai City 2 	Ground Floor, Old Custom House, Saheed Bhagat Singh Road, Fort, Mumbai 400 023. Timings. 10=00 am to 6=00 pm.
3.	Joint Sub Registrar Mumbai City 3	Ground Floor, Old Custom House, Saheed Bhagat Singh Road, Fort, Mumbai 400 023. Timings. 10=00 am to 6=00 pm.
4.	Joint Sub Registrar Mumbai City 4	Ground Floor, Old Custom House, Saheed Bhagat Singh Road, Fort, Mumbai 400 023. Timings. 7=00 am to 2=00 pm.
5.	Joint Sub Registrar Mumbai City 5	First Floor, Worli Telephone Exchange, Hatiskar Marg, Worli, Mumbai 400 025. Timings. 2=00 pm to 9=00 pm.
	If one goes for registration for properties situated at Mumbai City the pay order has to be drawn in favor of Joint Sub-Registrar, Mumbai City-1.	
6.	Joint Sub Registrar, Andheri-1, Mumbai Suburban District.	Family Court Building, Ground Floor, Opp. MMRDA Building, Before Sales Tax Building, Bandra Kurla Complex, Bandra (E), Mumbai 400 051. Timings. 10=00 am to 6=00 pm. Tel. No. 2659 20 19
7.	Joint Sub Registrar, Andheri-2, Mumbai Suburban District.	Family Court Building, Ground Floor, Opp. MMRDA Building, Before Sales Tax Building, Bandra Kurla Complex, Bandra (E), Mumbai 400 051. Timings. 10=00 am to 6=00 pm. Tel. No. 2659 09 20
8.	Joint Sub Registrar, Andheri-3, Mumbai Suburban District.	Khar Telephone Exchange Building, S. V. Road, Khar (W), Mumbai. Timings. 7=00 am to 2=00 pm. Tel. No. 2600 85 13
9.	Joint Sub Registrar, Andheri-4, Mumbai Suburban District.	Khar Telephone Exchange Building, S. V. Road, Khar (W), Mumbai. Timings. 2=00 pm to 9=00 pm.
10.	Joint Sub Registrar, Andheri-5, Mumbai Suburban District.	Jogeshwari Telephone Exchange Building, S. V. Road, Jogeshwari West, Mumbai. Timings. 7=00 am to 2=00 pm.

11.	Joint Sub Registrar, Andheri-6, Mumbai Suburban District.	Jogeshwari Telephone Exchange Building, S. V. Road, Jogeshwari West, Mumbai. Timings. 2=00 pm to 9=00 pm.
	If one goes for registration for properties situated at Andheri Taluka the pay order has to be drawn in favor of Joint Sub Registrar, Andheri-1, Mumbai Suburban District.	
12.	Joint Sub Registrar, Borivali-1, Mumbai Suburban District.	Goregaon Telephone Exchange Building, S. V. Road, Goregaon West, Mumbai 400 062. Timings. 7=00 am to 2=00 pm.
13.	Joint Sub Registrar, Borivali-2, Mumbai Suburban District.	First Floor, New Tahasildar Office Building, Natakwalla Lane, Borivali (W), Mumbai 400 092. Timings. 7=00 am to 2=00 pm. Tel. No. 2861 77 75.
14.	Joint Sub Registrar, Borivali-3, Mumbai Suburban District.	Magathane Telephone Exchange Building, Vasant Galaxy, Near Haloba, Kandivali (E), Mumbai 400 101. Timings. 2=00 pm to 9=00 pm.
15.	Joint Sub Registrar, Borivali-4, Mumbai Suburban District.	Ground Floor, Shree Shreemal House, Jain Mandir Road, Off. Aarey Road, Goregaon (W), Mumbai 62. Timings. 10=00 am to 6=00 pm. Tel. 2877 46 85.
16.	Joint Sub Registrar, Borivali-5, Mumbai Suburban District.	Magathane Telephone Exchange Building, Vasant Galaxy, Near Haloba, Kandivali (E), Mumbai 400 101. Timings. 10=00 am to 6=00 pm.
17.	Joint Sub Registrar, Borivali-6, Mumbai Suburban District.	Goregaon Telephone Exchange Building, S. V. Road, Goregaon West, Mumbai 400 062. Timings. 2=00 pm to 9=00 pm.
18.	Joint Sub Registrar, Borivali-7, Mumbai Suburban District.	Shop No. 5, Kusum Bharti Building, opp. Tata Steel, near Suswagat Hotel, Borivali (E), Mumbai 400 066. Timings. 10=00 am to 6=00 pm.
19.	Joint Sub Registrar, Borivali-6, Mumbai Suburban District.	Magathane Telephone Exchange Building, Vasant Galaxy, Near Haloba, Kandivali (E), Mumbai 400 101. Timings. 2=00 pm to 9=00 pm.
	If one goes for registration for properties situated at Borivali Taluka the pay order has to be drawn in favor of Joint Sub-Registrar, Borivali-1 Mumbai Suburban District.	
20.	Joint Sub Registrar, Kurla-1, Mumbai Suburban District.	New Administrative Building, Phase II, Ground Floor, Ramkrishna Chemburkar Marg, Near Amar Mahal Flyover, Near Rationing Office, Chembur, Mumbai 71. Timings. 7=00am to 2=00pm Tel. 2529 51 41.
21.	Joint Sub Registrar, Kurla-2, Mumbai Suburban District.	Shop no. 3, Ground Floor, Exim Link Complex, Opp. Indira Container Yard, Link Road, Bhandup (W), Mumbai 400 078. Timings. 10=00am to 6=00pm Tel. 2566 11 22.
22.	Joint Sub Registrar, Kurla-3, Mumbai Suburban District.	New Administrative Building, Phase II, Ground Floor, Ramkrishna Chemburkar Marg, Near Amar Mahal Flyover, Near Rationing Office, Chembur, Mumbai 71. Timings. 2=00pm to 9=00pm Tel. 2529 66 42.
23.	Joint Sub Registrar, Kurla-4, Mumbai Suburban District.	Shop no. 3, Ground Floor, Exim Link Complex, Opp. Indira Container Yard, Link Road, Bhandup (W), Mumbai 400 078. Tel. 2566 11 33.
24.	Joint Sub Registrar, Kurla-5, Mumbai Suburban District.	Vikhroli. It is likely to start shortly.
25.	Joint Sub Registrar, Kurla-6, Mumbai Suburban District.	Vikhroli. It is likely to start shortly.
	If one goes for registration for properties situated at Kurla Taluka the pay order has to be drawn in favor of Joint Sub-Registrar, Kurla-1 Mumbai Suburban District.	

## IN MATTERS RELATED TO REDEVELOPMENT

- The approximate all inclusive expenses (Construction Costs, TDR Costs, Fungible FSI Costs, Speed Money) could be approx. Rs. 8,000/- per sq. Feet built up area.
- Insist for lien of 10% till the society gets building completion certificate.
- Have a clause in the agreement that the total construction would not exceed \_\_\_\_ sq. Feet carpet area.
- Make it clear to the builder that in the initial stage itself he will have to give draft copy of (a) the alternate accommodation agreement, (b) power of attorney (c) agreement that he is going to execute with the new flat purchaser.
- Specific clause should be there that all expenses directly or indirectly related to construction including service tax, vat, registration fee, stamp duty will have to be paid by the builder alone.
- Builder should not be allowed to take loan against the said property.
- Keep at least a few parking spaces reserved for car parking of visitors.

## 2. DISTRICT DEPUTY REGISTRARS APPOINTMENT IN MUMBAI IS IT VALID?.

**By Adv. Dharmin Vinod Sampat & Mithil Vinod Sampat (Law Student)**

Having regards to the work load the co-operative department has bifurcated Bombay District into 3 Districts earlier. Now a fourth District has also been added. **The crux of the issue which requires to be examined is does such authority vest in the Authorities?** Section 3 of the Maharashtra Land Revenue (MLR) Code authorizes the authorities to divide the state into divisions and one or more districts. Section 4 of MLR authorises the State Government to bifurcate the Constitution of Revenue areas into District, Sub Division, Taluka, Village, Local Area that too after publishing the same in Official Gazette. We understand that as per the web site of Maharashtra Government there are 6 divisions and 35 districts in Maharashtra. Which includes Mumbai Suburban Area which is formed on 1/10/1990. District Deputy Registrar of Co-operative Societies (DDR) for Mumbai Suburbs have been appointed as under

Sr. No.	Office	Power Conferred by Order No.	Jurisdiction	Observation
1.	DDR 2	CSL-1493/1162/CR/4/7/15-C dated 7/8/1993	Municipal Wards L, M, N, S & T Wards	In our humble opinion the territory is not a notified territory as mentioned under section 4 of the MLR Code 1966. In view of the same would it be correct to carry the title District. In our humble opinion it cannot be a district level office.
2	DDR 3	CSL-2012/CR/269/15-C dated 11/9/2012	Municipal Wards H-EAST, H-WEST, K-EAST, & K-WEST Wards	In our humble opinion the territory is not a notified territory as mentioned under section 4 of the MLR Code 1966. In view of the same would it be correct to carry the title District. In our humble opinion it cannot be a district level office.
3.	DDR 4	CSL-2012/CR/269/15-C dated 11/9/2012	Municipal Wards P-SOUTH, P-NORTH, R-SOUTH, & R-NORTH Wards	In our humble opinion the territory is not a notified territory as mentioned under section 4 of the MLR Code 1966. In view of the same would it be correct to carry the title District. In our humble opinion it cannot be a district level office.

In the light of the above said observation the question that requires to be debated is can the word District be utilized by these officers when the Mumbai Suburban Area is just one District? In the event these offices are not district level offices can they act as election officers? Can these officers act as competent authority and utilize the powers that have been utilized by them under section 5A of the Maharashtra Ownership Flats Act 1963 as per the notifications issued by the Housing Department on 25/2/11 vide order No. MOF./2008/CR.24 (Part II)/RR2.? In the days to come we shall see a number of orders related to conveyance matters being passed by these officers? If there appointment is illegal will the orders passed by them be justified? Not to mention the fact that if an order is passed inadvertently, Why is no provision made under MOF Act that the higher authority namely Joint Registrar of Co-operative Societies can act as an appellant authority? We appeal to the authorities to take the view of the legal department as this can result in hardships and precious time, money and energy of the tax payers could be wasted if timely clarification is not done.

We would like to clarify that most of us are not against deemed conveyance. What many of us are objecting is not the deemed conveyance but the formalities pertaining to the same are not properly being clarified till date by government authorities. What stops the government from amending central acts like Transfer of Property Act and Indian Registration Act before going for deemed conveyance? If government wants to make deemed conveyance **successful they should appoint officers to co-ordinate and get the information from different departments of the government** like BMC, City Survey Office, Stamp Duty & Registration Department. This will make the work of office bearers of CHS simpler and reduce speed money. No one is against the government recovering the expenses by increasing the court fees to cover the expenses.

**IT IS ALWAYS ADVISABLE TO FILE CASE FOR CONVEYANCE BEFORE CONSUMER COURTS AND METROPOLITIAN MAGISTRATES COURT. THE REASONS ARE**

- You can claim difference in stamp duty after the period of four months from the date of formation of society from the builder.
- You can insist for transfer of property card by the builder in favor of your Co-operative Housing Society.
- You can demand copy of building completion certificate, copies of building plan, audited statement of accounts as well as original documents of title to the property from the builder.
- The procedure is transparent, cheaper and faster. It does not require any speed money.

**3. HOW TO PAY MONEY TO THE BUILDER WHILE PURCHASING A FLAT.  
FORM V OF MODEL AGREEMENT.**

Statute always supersedes contractual obligations. Form V Clause No. 2 of the model agreement stipulates that most of the payment has to be made only after the slab work is completed by the builder. The same is reproduced here under.

The Flat Purchaser hereby agrees to purchase from the Promoter and the Promoter hereby agrees to sell to the Flat Purchaser one flat No.\_\_\_\_ of the Type \_\_\_\_ of carpet area admeasuring \_\_\_\_ Sq. Meters (which inclusive of the area of balconies) on \_\_\_\_\_ floor as shown in the floor plan thereof hereto annexed and marked Annexures D/ Shop No. \_\_\_\_ / Covered / Open Garage No. \_\_\_\_ in the \_\_\_\_\_ building (hereinafter referred to as the “Flat”) for the price of Rs. \_\_\_\_\_ including Rs. \_\_\_\_\_ being the proportionate price of the common areas and facilities appurtenant to the premises, the nature extent and description of the common / limited common areas and facilities / limited common areas and facilities which are more particularly described in the Second Schedule hereunder written. The Flat Purchaser hereby agrees to pay to the Promoter balance amount of purchase price of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only) having been paid to the Promoter on or before the execution of this agreement in the following manner : -

- i) 10 per cent . Plinth
- ii) 20 per cent, Slab
- iii) 7 per cent, Walling
- iv) 10 per cent Doors and Windows
- v) 7 per cent Flooring
- vi) 7 per cent Plaster (Internal and External)
- vii) 10 per cent Sanitary Fittings and Plumbing
- viii) 14 per cent or Remaining at the time of Occupation.

Now what happens if the builder has collected money in advance? In our opinion this could be a fit case to demand interest **(obviously after taking possession of the flat)** {in any case you do not lose anything} on the amount demanded wrongfully by the builder. Similarly money cannot be collected by the builder for sale / allotment of open/stilt car parking. In fact Development Control Rule Table 15 is very clear that your guests are also entitled to park vehicles in your society. Of course the limit is 10% of the total parking space. The big question is in how many societies these provisions are followed in letter and spirit? When one goes to pay money or meet the prospective parties it could be advisable to record the incident by using spy pen or such other devise, The reason is a) Clarity, b) Honoring the commitment, c) Factual position can be clarified in a better manner d) In case of dispute the facts will speak for itself. e) Commitments are more likely to be complied with if there is documentary evidence to back the commitment.

**4. CO-OPERATIVE SOCIETY AND CRIMINAL LAW**

Many of us are residing in Co-operative Housing Societies. It is normally seen that when a member has grievances with the Co-operative Housing Societies, he makes various allegations against the Managing Committee Members. Similarly, the Managing Committee Members, who are normally rendering honorary services, at times misuse their position and make allegations against the members of the Society. Now let us examine what are the Acts of the members as well as Managing Committee and/or representative of the Society could be Criminal Acts.

**The acts of the Managing Committee Members, which can be criminal acts –**

- 1. Demanding exorbitant amount as Non-Occupancy Charges.
- 2. Demanding exorbitant amount at the time of transfer of Flat.
- 3. Abusing members of the Society.
- 4. Physically hitting the members of the Society.
- 5. Locking the member of the Society in the Society’s office.
- 6. Not opening the gates of the building when the vehicles of the members are coming (As per Table-15 of the Development Control Rules, 10% parking space has to be reserved specially for visitors’ parking.
- 7. Making allegations / defamatory statements against the members of the Society, be it on the character of the person.
- 8. Publishing the name of the defaulter at place other than the Notice Board of the Society.
- 9. Signing papers knowing that they are false.
- 10. Issuing false certificate.

**The acts of the individual members, which can be criminal acts -**

- 1. Making wrongful allegations against the Managing Committee Members that they have swindled the funds of the Society.
- 2. Not parking the vehicles in the parking space allowed by the Society.
- 3. Physically hitting the Managing Committee Members.
- 4. Damaging the property of the Society.
- 5. Insulting the Managing Committee Members.

**LANDMARK JUDGMENTS**

Bye laws do not have the force of law (Supreme Court Judgment)  
Member can sub let his flat (Supreme Court Judgment)  
If donation is given voluntarily member cannot claim back the said amount (Supreme Court Judgment)  
Co-operative societies under Tamil Nadu Co-op. Soc. Act are public authorities (High Court of Madras).  
Section 2(f) of RTI act stipulates that information even means information relating to private body which can be accessed by the public authority(CIC Delhi)

Some of the offences are cognizable in nature for which police has to take action. Some offences are non-cognizable in nature for which Police Authorities have a right to grant Bail.

The lists of offences which are cognizable and non-cognizable are as under:-

### 1) Related to Public Justice

<u>Section</u>	<u>Offence</u>	<u>Kinds of offence</u>
194	Giving or fabricating false evidence with intent to procure conviction of capital offence	Non-Cognizable Non-Bailable
195	Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment	Non-Cognizable Non Bailable
197	Issuing or signing false certificate	Non-Cognizable Bailable
199	False statement made in declaration which is by law receivable as evidence	Non-Cognizable Bailable
203	Giving false information respecting an offence committed.	Non-Cognizable Bailable
204	Destruction of [ document or electronic record] to prevent its production as evidence.	Non-Cognizable Bailable
209	Dishonestly making false claim in court	Non-Cognizable Bailable
211	False charge or offence made with intent to injure	Non-Cognizable Bailable

### 2) Related to Body

<u>Section</u>	<u>Offence</u>	<u>Kinds of offence</u>
323	Voluntarily causing hurt.	Non Cognizable Bailable
324	Voluntarily Causing hurt by dangerous weapons or means	Cognizable Non Bailable
325	Voluntarily Causing Grievous hurt	Cognizable Bailable
339	Wrongful Restraint	Cognizable Bailable
340	Wrongful Confinement	Cognizable Bailable
350	Criminal Force	Non-Cognizable Bailable
351	Assault	Non-Cognizable Bailable
354	Assault or criminal force to women with intent to outrage her modesty	Cognizable Bailable
357	Assault or criminal force in attempt wrongfully to confine a person	Cognizable Bailable

### 3) Related to Property

<u>Section</u>	<u>Offence</u>	<u>Kinds Of Offence</u>
379	Theft	Cognizable Non-Bailable
380	Theft in dwelling house, etc	Cognizable Non-Bailable
383	Extortion	Cognizable Non-Bailable
385	Putting a person in fear of injury in order to commit extortion	Cognizable Bailable
403	Dishonest misappropriation of movable property	Non-cognizable Bailable
406	Criminal breach of trust	Cognizable Non-Bailable
417	Cheating	Non-Cognizable Bailable
420	Cheating and dishonestly inducing delivery of property	Cognizable Non-Bailable
426	Mischief	Non-Cognizable Bailable
429	Mischief by killing or maiming cattle, etc. of any value or any animal of the value of fifty rupees	Cognizable Bailable
447	Criminal Trespass	Cognizable Bailable
448	House trespass	Cognizable Bailable
452	House-trespass after preparation for hurt, assault or wrongful restraint	Cognizable Non-Bailable

### 4) Offences Related to Document

<u>Section</u>	<u>Offence</u>	<u>Kinds of offence</u>
463	Forgery	Non-Cognizable Bailable
477	Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security	Non-Cognizable Non-Bailable
477A	Falsification of accounts	Non-Cognizable Bailable

Let us examine the line of action that has to be followed by the Complainant if he apprehends that a criminal act has been committed. The line of action is as under:-

1. Lodge a police complaint and tell the Police Officer to take action for the cognizable/non-cognizable complaint.
2. If no action is taken by the Station Duty Officer, meeting the Senior Inspector of Police.
3. If no action is taken by the Senior Inspector of Police, sort out your grievances with Assistant Commissioner of Police / Dy. Commissioner of Police.
4. If the Police is not taking action, then approach the Metropolitan Magistrates Court u/s. 156(3) of the Criminal Procedure Code.

## 5. SCRUTINY SHEET FOR A CONSUMER COMPLAINT FILED BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM MITHIL VINOD SAMPAT (LAW STUDENT)

If you are filing a case in consumer forum you are requested to ensure that there is compliance as per the scrutiny sheet. This is the recent direction from the state commission.

Sr. No.	Particulars
1.	Whether a complaint is presented by (i) The Complainant in person (ii) Through an advocate (iii) Through an authorized representative of power-of-attorney holder (iv) (a) received through post by RPAD (b) If 'Yes', Date
2.	Whether the complaint is typed on a Ledger Paper?
3.	Whether the Complainant has left 1/4 <sup>th</sup> Margin on left hand side?
4.	Whether the Complainant has left 1/8 <sup>th</sup> Margin on right hand side?
5.	Whether the complaint is typed in double-space?
6.	Whether the first half top page of the complaint is left blank for official endorsement?
7.	Whether the Complainant has left space for Stamp Number and Complaint Number?
8.	Whether the Complainant has stated Category & Sub-Category of consumer dispute?
9.	Whether the complaint is addressed – Before the District Consumer Disputes Redressal Forum _____?
10.	Whether the full name of the Complainant with father's and/or husband's name is given?
11.	Whether the Complainant has mentioned his (i) Age (ii) Occupation (iii) Detailed postal address for Correspondence with Tel. No., Mobile No. & E-mail ID
12.	In case of a complaint presented or filed by a power-of-attorney holder and/or Authorized representative, whether the full name of the power-of-attorney holder and/or authorized representative is given in the case-title alongwith the Complainant?
13.	Whether the documents relating to Power-of-attorney and/or authorized representation are annexed with the complaint?
14.	Whether the name of the Opponent in full with father's and/or husband's name and surname is given?
15.	Whether the Complainant has furnished the Opponent's (i) Age. (ii) Occupation (iii) Detailed postal address for Correspondence with Tel. No., Mobile No. & E-mail I.D.
16.	In case of a juristic person or legal person whether proper description of the said juristic person or legal body alongwith name of the person in management is shown in the cause-title?
17.	Whether a resolution of the Managing Body of the juristic person authorizing him to sign the complaint and other documents is filed.
18.	In case of juristic person being an Opponent whether the person responsible in the past-management for deficiency alongwith present persons in the management are shown in the cause-title?
19.	Whether pecuniary value is shown below 20,00,000/-
20.	Whether all Opponents are residing within territorial jurisdiction of District Forum?
21.	In case of juristic person, whether Opponent is carrying on business within territorial jurisdiction of District Forum?
22.	In case, Opponent being branch office, whether it is located in territorial area of District Forum?
23.	If Opponents are more than one, and one of the Opponents is not residing and/or carrying on business in territorial area of District Forum, then whether Complainant has filed application seeking permission of the District Forum to file such complaint?
24.	Whether the cause of action, in whole or partly arisen within territorial jurisdiction of District Forum?
25.	Whether details of fees/deposits proportionate to the claim are given in the complaint along with Demand Draft and/or postal orders?
26.	Whether every paragraph of the complaint is consecutively numbered?
27.	Whether concise statement of cause of action is stated?
28.	Whether a paragraph showing as to how the complaint is within limitation is incorporated.
29.	Whether the Complainant has made a statement that except for this complaint no other legal proceeding is pending before the Civil Court and/or any other quasi-judicial authority and/or High Court and/or Supreme Court. (a) If the proceedings are pending whether the particulars of the proceeding have been disclosed?
30.	Whether specific and distinct prayers as per Section-14 of the Consumer Protection Act, 1986 have been made?
31.	Whether the complaint is signed by the Complainant?
32.	Whether the complaint is signed by the Complainant and his advocate if the complaint is presented through advocate?
33.	Whether the complaint is verified by the Complainant duly attested by the Registrar of the District Forum or notary public or authorized officer vested by law to administer oath?

34.	In case of representative complaint whether an application for seeking permission of the Consumer Forum under Section-12(1)(c) of the Consumer Protection Act, 1986 is annexed?
35.	In case of a representative complaint whether alongwith an application under Section-12(1)(c) of the Act seeking permission a further application under Order-1, Rule-10 of Code of Civil Procedure is submitted alongwith the complaint or not?
36.	In case of delayed complaint whether a separate delay condonation application is filed supported by an affidavit of the Complainant?
37.	In case the complaint is filed through an advocate -
	(a) Whether there is Vakalatnama in prescribed form?
	(b) Whether the Advocate has affixed 10/- Court Fee Stamp on the Vakalatnama?
	(c) Whether the Advocate is a member of Welfare Fund?
	If – ‘Yes’, whether he has affixed Welfare Stamp?
	(d) Whether the advocate has furnished his detailed postal address for correspondence with telephone number, mobile number and e-mail I.D.?
	(e) In case of more than one advocate whether all other advocates have signed the Vakalatnama incorporating their names in the Vakalatnama?
	(f) In case of Vakalatnama containing more than one name of the advocates and only one advocate appears whether other names are scored out or not?
38.	In case of an authorized representative and Power-of-attorney holder whether detailed address, telephone number, mobile number, e-mail I.D. is given or not for communication?
39.	Whether the complaint is annexed with gist of the complaint?
40.	Whether every document which is not in original is attested by the Complaint and/or by an advocate and/or by an authorized representative and/or power of attorney holder as ‘true copy’?
41.	Whether the documents and copies are legible and readable?
42.	Whether the complaint is annexed with index as shown below:- Sr. No.    Description of documents No. of documents Remark Original/copy Page
43.	Is there any interim application in the complaint?
	If – ‘Yes’, whether the said interim application is properly verified and supported by an affidavit?
44.	Whether the Complainant has given each document in quadruple as required under Rule-6(2) of the Maharashtra Consumer Protection Rules, 2000?
45.	Whether the 03 sets and sets to be provided to the Opponents are having same continuous pagination?

**Scrutinized there are no objections consumer complaint be numbered and registered**  
**OR**  
**There are following objections and the Complainant is directed to comply with those objections within a period of 15 days.**

Seen, I undertake to comply  
Sd/- xxx  
Signature of the Complainant  
Advocate and/or authorized  
Representative of power of  
Attorney holder  
All the objections raised are complied with on  
Signature of the Complainant  
Advocate and/or authorized  
Representative or power of  
Attorney holder

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Signature of person before whom complied

REGISTRAR

In view of compliance of objection complaint be numbered and registered.

REGISTRAR

OR

Objections raised are not complied within a period of 15 days and, therefore, place the matter before the District Forum

REGISTRAR

Objections stands complied with in view of order of District Forum. Office is directed to Register and Number the complaint.

REGISTRAR

<p><b><u>STAMP DUTY READY RECKONER 2013 MUMBAI</u></b></p> <p>(1) In 352 Wards rates have increased by 1% to 10%.</p> <p>(2) In 242 Wards rates have increased by 11% to 20%.</p> <p>(3) In 136 Wards rates have increased by 21% &amp; more (Pl don't ask authorities for the % increase).</p> <p>For RCC Construction the rates are as under</p> <p>(a) Mumbai City Rs. 19,200/- &amp; (b) Mumbai Suburbs Rs. 17,600/- per sq. meter built up area.</p> <p>(The increase in construction cost will effect redevelopment projects in Mumbai).</p>
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## 6. LINE OF ACTION IF THE BUILDER IS NOT EXECUTING THE CONVEYANCE AND COMPLYING WITH STATUTORY OBLIGATIONS

1. Issue a notice to the builder for not giving statement of accounts, not obtaining the building completion certificate, not executing the conveyance, not transferring the property card in the society's name.
2. In response to the notice if the builder is giving verbal assurances, then tell the builder to execute a memorandum of understanding specifying the time limit within which he will execute the statutory obligations. This will help the Society if the aim of the builder is just to kill time.
3. Approach the police authorities with a request to lodge FIR. You may also take up the issue with the DCP when he visits the local police station. Details of the visit are available on the police website: [www.mumbai police.org](http://www.mumbai police.org).
4. Lodge First Information Report (F.I.R.). If the police authorities are reluctant to lodge an FIR, then your Society is within its right to approach a Metropolitan Magistrate with a prayer to direct the investigating officer to record an FIR for the offences committed by the builder.
5. Write to the Home Ministry which is under the charge of the Dy. Chief Minister, Shri R. R. Patil with details of the letters written to the government officers for taking action against the builder.
6. Approach Municipal Corporation. The Intimation of Disapproval (IOD) issued by the Corporation makes a mention of various conditions that have to be complied with by the builder.
7. If the builder has taken ISO Certificate, lodge a complaint with ISO authorities.
8. Make use of Right of Information Act to get the necessary information from various departments like BMC, ULC.
9. Approach urban land ceiling authority. The condition as regards formation of Society and giving conveyance to the Society is insisted by the authorities when they are releasing the plot. They have a right to cancel the NOC. This authority is rarely approached by Co-operative Societies.
10. Approach Housing Ministry.
11. Write letters to senior bureaucrats including Chief Secretary, Principal Secretary.
12. Take up the matter on Lokshahi Din.
13. We may add that by taking up the issue with press, there is a possibility that someone may find substance in the various submissions being made by you. This can be of help to you when letters are written by you to the Chief Minister, Dy. Chief Minister, Chief Secretary, Principal Secretary (Housing) Mantralaya Police Authorities, and BMC Authorities. Obviously, the press persons, if they are interested, would talk to the Government Authorities which in turn can help in building pressure.
14. Approach Consumer Court.
15. File a complaint with the Metropolitan Magistrate for violation of statutory obligations by the builder as per the provisions of MOF Act and for offences under the Indian Penal Code. There are instances where the builder has been jailed for not executing the conveyance as well as for not forming a Co-operative Society.

### **PARKING RELATED TIPS.**

- 10% of parking space has got to be reserved for visitors as per table 15 of Development Control Rules.
- Using RTI you can ask the BMC officers to specify which all parking spaces are meant for visitors. It is a common practice amongst architects not to specify the visitors parking space while submitting the plan to Municipal Authorities.
- If your flat is above a specific size you are entitled for a parking space.
- Just because some flat purchasers have purchased one or more parking space/s from the builder that does not mean that parking space belongs to them.
- Builder has got no right to sell car parking space or issue a letter of allotment for the said space.
- Such acts of the builders can be criminal in nature.
- Many times recreational ground area is used in co-operative societies for car parking purpose.
- There is no provision in MOF Act which permits a builder to sell open space to a flat purchaser.
- The judgment delivered by the supreme court as well as high court in the case of Nahalchand Laloochand Pvt. Ltd v/s. Panchali Co-op. Housing Society Ltd. Is crystal clear that builder has no right to sell open parking, stilt car parking space.





## CO-OPERATIVE SOCIETIES RESIDENTS, USERS & WELFARE ASSOCIATION

(REG NO. MAH/MUM 1360/06 OF 2006 G.B.B.S.D.)

201, "Shrimad Darshan", Plot No. 92, 2<sup>nd</sup> Floor, Opp. Tilak Road Lions Garden,  
TPS III, Off. Shrimad Rajchandra Lane, Ghatkopar (E), Mumbai - 400 077.  
Tel. No. 2102 36 32 / 2102 49 51 / 2102 21 95 Fax No. 2102 16 89

93240 38 095

E-mail: [csruwamumbai@gmail.com](mailto:csruwamumbai@gmail.com)

Date 14/1/13.

1. **Hon'ble Chief Justice.**  
Supreme Court of India,  
Delhi.
2. **Hon'ble Chief Justice,**  
Bombay High Court,  
Mumbai.
3. **Hon'ble Law Minister,**  
Government of India,  
Delhi.
4. **Hon'ble Home Minister.**  
Government of India  
Delhi.
5. **Hon'ble Chief Minister,**  
Government of Maharashtra,  
Mantralya,  
Mumbai.
6. **Hon'ble Home Minister.**  
Government of Maharashtra.  
Mumbai.
7. **Hon'ble Law Minister.**  
Government of Maharashtra.  
Mumbai.

Sir,

**SUB. : DIFFICULTIES FACED BY COMMON MAN WHILE ATTENDING THE COURT.**

All are not rich to have luxury of litigation. We all know that at some point of time or another. The courts are used as a weapon to weaken the opponent, one is not against Justice being delivered to one and all, but the system under which justice is delivered should be transparent, efficient and quick. I offer my suggestions pertaining to the same.

1. Every week, one day should be kept for Lok Adalat sort of approach. The need of the day is to educate the common man as regards how disputes can be settled amicably, mutually, beneficial to all. All those parties who wish to refer the dispute should be intimated, should come prepared with their reply on the particular day. This will help in resolving the disputes efficiently.
2. Instructions should be given to quasi judicial authorities to display in advance if they are not able to conduct the hearings and reasoning should be given by them as to why they could not conduct the hearings.
3. If a party wants a date huge amount should be ordered to be paid towards costs which should go to the bar association. This will ensure that parties do not waste the time of the court.
4. Senior Officers of the Government should be told to visit the junior officers chambers and have personal interaction with the Complainants on a particular day. The venue of the meeting should be intimated in advance. All matters which are not attended to, within a particular span of time on the said day should automatically be taken up on the next day. This will result in timely compliance.
5. The board of the day should be bifurcated into half an hour and one-hour slots. This will help in optimum use of time for one and all, the scenario today is such that some matters drag on indefinitely and some matters are disposed of in a fraction of second. Presuming the board is divided in half an hour timeslot and if there are advocates of both the parties willing to take up the matter, then such matters can be taken up after the half an hour slot is completed. If the same is not workable at least slot should be of an hour.
6. This simple things will go a long way in resolving, in making optimum use of time.

**FOR CO-OPERATIVE SOCIETIES RESIDENT USERS AND WELFARE ASSOCIATION**

**ADVOCATE VINOD SAMPAT**

THE CRIMINAL LAW (AMENDMENT) BILL, 2012 has been published on the 19th October, 2012. This may result in amendment of Criminal Procedure Code & Indian Penal Code.

### **NEGOTIATING A DEAL PERTAINING TO PURCHASE OF FLAT**

While negotiating a deal, purchaser is advised to give a token amount with a condition that if the seller backs out from the deal **he has to refund an equivalent amount taken by him as token.** This will ensure timely commitment from sellers side.

**Next Issue Specially for Estate Agents & Property Laws** (a) How to secure your brokerage, (b) Tips and Tricks in Leave & Licence Agreements, (c) Precautions to be taken by purchaser of a flat.

<p>2012</p> <p>CO-OPERATIVE SOCIETIES READY RECKONER</p> <p>Rs. 750/-</p>	<p>2012</p> <p>ANSWERS TO YOUR QUESTIONS ON CHS (ENG)</p> <p>Rs. 150/-</p>	<p>2012</p> <p>CONVEYANCE FOR CO-OPERATIVE SOCIETIES</p> <p>Rs. 250/-</p>	<p>2012</p> <p>ANSWERS TO YOUR QUESTIONS ON CHS (GUJ)</p> <p>Rs. 450/-</p>
<p>2012</p> <p>CO-OPERATIVE SOCIETIES &amp; CRIMINAL LAW</p> <p>Rs. 350/-</p>	<p>2012</p> <p>REDEVELOPMENT OF CO-OPERATIVE SOCIETIES</p> <p>Rs. 300/-</p>	<p>2012</p> <p>SERVICE TAX ON CONSTRUCTION &amp; CO-OPERATIVE SOCIETIES</p> <p>Rs. 200/-</p>	<p>2012</p> <p>CO-OPERATIVE SOCIETIES GUIDE</p> <p>Rs. 250/-</p>
<p>2012</p> <p>SPECIMEN RESOLUTIONS, TRANSFER OF FLAT &amp; PRACTICAL SUGGESTIONS</p> <p>Rs. 200/-</p>	<p>2012</p> <p>ANSWERS TO YOUR QUESTIONS ON CHS IN HINDI</p> <p>Rs. 150/-</p>	<p>2013</p> <p>STAMP DUTY READY RECKONER MUMBAI</p> <p>Rs. 450/-</p>	<p>2012</p> <p>ANSWERS TO YOUR QUESTIONS ON CHS (MARATHI)</p> <p>Rs. 200/-</p>
<p>2012</p> <p>SPECIMEN PETITIONS IN CO-OPERATIVE COURTS</p> <p>Rs. 400/-</p>	<p>2013</p> <p>STAMP DUTY READY RECKONER NAVI MUMBAI</p> <p>Rs. 350/-</p>	<p>IF YOU WISH TO HAVE BOOK/S DELIVERED AT YOUR PLACE PLEASE SEND RS. 100/- EXTRA PER BOOK AS POSTAGE/COURIER CHARGES. IF THE ORDER IS BELOW RS.1,000/-. CHEQUE SHOULD BE DRAWN IN FAVOUR OF SMT. HEENA VINOD SAMPAT. DELIVERY OF BOOKS WILL TAKE FIVE DAYS AFTER ENCASHMENT OF CHEQUE. FOR BOOK INQUIRIES PLEASE SEND EMAIL <a href="mailto:hsg.soc.sampat@gmail.com">hsg.soc.sampat@gmail.com</a> or CALL 9324 06 86 89.</p>	

- ❖ **REDEVELOPMENT TIPS.** Registrars permission is not required by your society if you are going for redevelopment. Judgment of High Court is crystal clear on the said topic.
- ❖ Funds cannot be distributed by society to its members. Yet at the time of redevelopment of building, many societies give the funds to their members.
- ❖ Insist for the appointment of a court receiver, if the member is not vacating the flat inspite of a resolution passed by the society to vacate the flat by the member. In a co-operative society, the flat belongs to the society and the member gets the right to use and occupy the flat on the basis of the share certificate allotted by the society to the member.
- ❖ Purchasers, you may do video recording of the event when cash and cheque payments are made at the time of purchase of flat from builder/vendor.
- ❖ Insist for written opinion on income tax, service tax, vat liability before giving your consent for redevelopment.

TO PUT ON SOCIETIES NOTICE BOARD, NOTICES RECEIVED FROM GOVERNMENT AUTHORITIES AS REGARDS **ATTACHMENT OF FLAT**. PLEASE DO NOT TRY TO PROTECT SOME MEMBERS IN THE SOCIETY WHO HAVE NOT PAID GOVERNMENT DUES. THIS WILL LEAD TO MORE TRANSPARENCY AND WILL HELP THE PROSPECTIVE PURCHASERS.

*I can offer my services for work related to*

RETAINERSHIP OF CO-OP. SOCIETIES	RECOVERY OF DUES	SOCIETY FORMATION
CHARITY COMMISSIONER'S OFFICE	INITIATING ACTION AGAINST BUILDER IN CONSUMER COURTS	DOCUMENTATION LIKE TRANSFER OF FLAT / SHOP / OFFICE
LIASONING WITH MHADA, SRA, BMC, CIDCO, MIDC	STATUTORY REGISTERS MINUTE WRITING OF MC / GENERAL BODY	TRANSFERRING PROPERTY IN CITY SURVEY RECORDS
MARRIAGE CERTIFICATE	SERVICE TAX	VAT
RETAINERSHIP FOR BUILDERS / ESTATE AGENTS / CHS	DOCUMENTATION REDEVELOPMENT OF BUILDING	DRAFTING WORK LIKE PARTNERSHIP AGREEMENT
REGISTRATION OF AGREEMENT	CONVEYANCE IN FAVOUR OF SOCIETY	STAMP DUTY ADJUDICATION
DEEMED CONVEYANCE	MANTRALAYA LIASONING	MHADA TRANSFER
PROPERTY CARD RELATED MATTERS.		


*Contact:*  
*Mithil Vinod Sampat (Law Student)*  
*201, Shrimad Darshan, Plot No. 92, Off. Rambaug Lane,*  
*Opp. Tilak Road Lions Garden, Ghatkopar (East), Mumbai - 400 077.*  
*Tel. 3240 21 55*

*Documentation will normally not take more than three hours provided all the necessary information is made available to us.*

*Wanted retired government officers to help us in matters connected with real estate.*

The time taken normally by me (after receipt of all the information) for drafting different types of documents is as under.			
Transfer Set	(Two Hours)	Registration of Agreement	(One Hour)
Transmission Set	(Two Hours)	Notice for Initiating action against Builder in Consumer Court	(One Hour)
Recovery Application	(Two Hours)	Leave & License Agreement	(One Hour)
Membership Appeal	(Two Hours)	Will	(One Hour)

*Advertisement.*



*Taj Mahal would not have looked so beautiful and everlasting if Emperor Shah Jahan had called for quotations and awarded the contract as per the lowest tender*

WANTED ASSOCIATES WHO CAN GET WORKS DONE IN DIFFERENT LOCALITIES.  
WANTED RETIRED GOVERNMENT OFFICERS TO HELP US IN PROPERTY RELATED MATTERS.  
WANTED PERESONS WHO ARE GOOD AT LIASONING WORK.  
WANTED PERSONS WHO CAN GET WORK DONE FROM MANTRALAYA.  
WE WELCOME CONSTRUCTIVE SUGGESTIONS.  
WE SHALL APPRECIATE IF YOU WILL DROP IN EMAIL INFORMING US ABOUT THE RECENT DEVELOPMENTS IN PROPERTY RELATED MATTERS.  
TAX PLANNING TIPS AND TRICKS WILL BE HIGHLY APPRECIATED FROM ONE AND ALL.

**WE UNDERTAKE DEEMED CONVEYANCE WORK**  
**WE CANNOT SPELL SUCCESS WITHOUT “U”**

