



# MSWA'S HOUSING SOCIETIES REVIEW

February 2024

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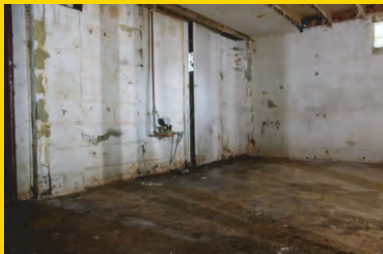


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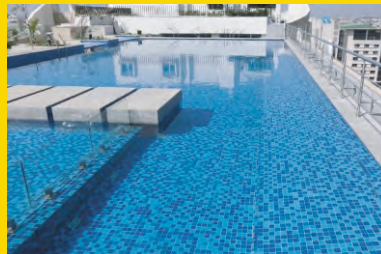


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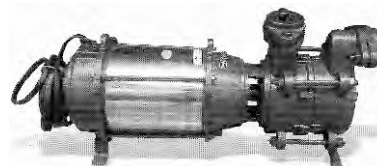


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## EDITORIAL



**Shri Abhishek Ghosalkar**  
Chairman, MUMBAI Suburban District  
Co. Op. Housing Federation Ltd



**CA. Ramesh Prabhu**  
Chairman, MahaSeWA

Dear Members,

MahaSeWA and Mumbai Suburban Housing Federation extend their warm greetings to one and all!!!

The New year has begun with a bang as we have witnessed the consecration of the Ram Temple in Ayodhya. Along with that India has become the 4<sup>th</sup> largest stock market in the world in the month of January 2024. We have just celebrated the 75<sup>th</sup> Republic day of our great Nation. In the midst of all these, the Stamp duty Amnesty scheme is gaining steam in the state of Maharashtra and the citizens are availing the benefits extended by the government. MahaSeWA is assisting the people in and around Mumbai to get their instruments/ documents duly stamped in order to avoid any kind of legal issues in the future.

Continuing with the Stamp duty Amnesty scheme, MahaSeWA has set up a separate department exclusively to cater to all the persons who wish to avail the benefit of the scheme. Our organization is working on a war footing not only to consult those desirous of gaining information of the scheme and the method of arriving at the exact stamp duty payable, but also shall assist in uploading the documents/ instruments online on the government site to proceed for adjudication of the same.

I personally appeal to one and all to utilize this unique amnesty scheme and get the instrument stamped and legalize the same. The government off late has categorically

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सत्यमेव जयते

## STAMP DUTY AMNESTY SCHEME- 2023

The Government of Maharashtra has introduced the Maharashtra Stamp Duty Amnesty Scheme- 2023 in order to remit or reduce stamp duty and penalty on the instruments executed for the period between 01.01.1980 to 31.12.2020 i.e. 40 years.

| Documents executed between 01.01.1980 to 31.12.2000   |               |                         |                              |  |               |                       |             |
|---|---------------|-------------------------|------------------------------|--|---------------|-----------------------|-------------|
| Stamp Duty (50) payable between<br>Rs. 1/- to Rs. 1,00,000/-  |               |                         |                              | Stamp Duty (SD) payable<br>Rs. 1,00,001/- and above        |               |                       |             |
| For<br>Application<br>bw<br>01.12.2023<br>to<br>31.01.2024  |               | Payable                 | Rebate                       | For<br>Application<br>bw<br>01.12.2023<br>to<br>31.01.2024 |               | Payable               | Rebate      |
|   | Stamp<br>Duty | Nil                     | 100%                         |  | Stamp<br>Duty | 50%                   | 50%         |
|   | Penalty       | Nil                     | 100%                         |  | Penalty       | Nil                   | 100%        |
| For<br>Application<br>bw<br>01.02.2024<br>to<br>31.03.2024  |               | Payable                 | Rebate                       | For<br>Application<br>bw<br>01.02.2023<br>to<br>31.03.2024 |               | Payable               | Rebate      |
|   | Stamp<br>Duty | 20%                     | 80%                          |  | Stamp<br>Duty | 60%                   | 40%         |
|   | Penalty       | 20%                     | 80%                          |  | Penalty       | 30%                   | 70%         |
| Documents executed between 01.01.2001 to 31.12.2020   |               |                         |                              |  |               |                       |             |
| Stamp Duty [SD] payable between<br>Rs 1/- to Rs 25.00.00.000/-                                      |               |                         |                              | Stamp Duty (SD) payable<br>Rs 25.00,00,001/- and above     |               |                       |             |
| For<br>Application<br>bw<br>01.12.2023<br>to<br>31.01.2024  |               | Payable                 | Rebate                       | For<br>Application<br>bw<br>01.12.2023<br>to<br>31.01.2024 |               | Payable               | Rebate      |
|   | Stamp<br>Duty | 75%                     | 25%                          |  | Stamp<br>Duty | 80%                   | 20%         |
|   | Penalty       | (a) 10%<br>(b)25L.      | (a)90%<br>(b)Rest<br>Amt     |  | Penalty       | Upto<br>Rs.1<br>Crore | Rest<br>Amt |
| * Note: (a) 10% SD payable (90% rebate) for cases where penalty amt. payable is less than 25 Lakhs. |               |                         |                              |  |               |                       |             |
| For<br>Application<br>bw<br>01.02.2024<br>to<br>31.03.2024  |               | Payable                 | Rebate                       | For<br>Application<br>bw<br>01.02.2024<br>to<br>31.03.2024 |               | Payable               | Rebate      |
|   | Stamp<br>Duty | 80%                     | 20%                          |  | Stamp<br>Duty | 90%                   | 10%         |
|   | Penalty       | (a) 20%<br>(b) 50<br>L. | (a)80%<br>(b)<br>Rest<br>Amt |  | Penalty       | Upto<br>Rs.2<br>Crore | Rest<br>Amt |
| * Note: (a) 20% SD payable (90% rebate) for cases where penalty amt. payable is less than 50Lakhs.  |               |                         |                              |  |               |                       |             |



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| 2             | All type of Allotment documents by MHADA –CIDCO- SRA - Society [Resi Comm]   | 2                                  | Form to be filled as per Order dated 07.12 2023   |
| 3             | All types of Documents in relation to Redevelopment - Development Agreement -Conveyance Assignment                             | 3                                  | Original Instrument to be submitted   |
| 4             | All types of Documents in relation to Amalgamation Merger Demerger - Arrangement Reconstruction                                | 4                                  | Stamp Duty Paid (via Stamp Paper, Franking, E- Stamp. E-SBTR) shall be verified before application  |
| 5             | All types of Documents executed by MHADA -CIDCO-SRA –MIDC-MCGM Council- Nagar Panchayat  | 5                                  | Society NOC (declaring the details of instrument and property)  |
| 6             | Agreement lodge with department and not cleared-Pending Docs - previous Amnesty- Appeal cases                                  | 6                                  | Affidavit<br><br>Supporting Document for Execution Proof (anyone): Electricity Bill, Telephone bill, Ration   |
|               |  | 7                                  | Card, Income tax return, Passport, Voter card/List, Bank Pass Book, Bank Statement, Form 'A' of the society color Xerox, LIC/Postal Insurance, Any other Government Proof |
|               |  | 8                                  | Supporting Document for Valuation: Occupation Certificate/Building Completion Certificate/ BMC Assessment Bill  |

**IMPORTANT NOTE :**

1) The applicant should complete the process of paying all the 3) amounts due as shown in the demand notice issued under the scheme, before 31" March 2024.

2) Non-compliance with the Mahara-shtra Stamp Duty Amnesty Scheme 2023 by parties or individuals who do not take advantage of the scheme and clear their pending dues within the designated period will result in stringent government action.

3) Should there be a failure to clear outstanding dues and penalties under this act, recovery may ensue in accordance with Section 46 of the Maharashtra Stamp Duty Act, involving property seizure and subsequent auction, Deliberate stamp duty evasion may attract penalties, including rigorous Imprisonment and fines, as prescribed by Sections 59 and 62 of the aforementioned Act.

## COMPENDIUM OF SELF Re-DEVELOPMENT FOR CO-OPERATIVE HOUSING SOCIETIES

This book will be open for sale from 7<sup>th</sup> February, 2020 and also available in MahaSeWA Office at A-2/302, Laram Centre, Opp. Railway Station, Andheri (W), Mumbai – 400 058., Tel : 022 - 4255 1414 / 25 / 32

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# MAHARASHTRA STAMP DUTY AMNESTY SCHEME 2023-24 Law & Practice

Published by - MahaSewa

This book presents an insightful and practical discussion of the 'Maharashtra Stamp Duty Amnesty Scheme 2023-24.' It offers clarity on stamp duty, registration, and related provisions, presented in a user-friendly format with flow charts, FAQs, examples, and QR codes spread across four parts. The book serves as an essential reference for both non-specialists and professionals.

## Description :

This book is a comprehensive guide to provide an in-depth understanding of the new Maharashtra Stamp Duty Amnesty Scheme for 2023-24. It is a blend of theoretical and practical elements, designed not only as a guide but also as a reference manual for professionals in the field. This book is divided into four parts:

- **Part I** discusses the new Stamp Duty Amnesty Scheme, elaborating on its provisions, processes, practical tips, and FAQs and providing valuable tools like checklists, flow charts, and QR codes for additional resources
- **Part II** focuses on Stamp Duty & Registration provisions, including FAQs and practical examples
- **Part III** compiles Notifications, Orders, and other relevant administrative documents, offering a comprehensive view of the Scheme's operational framework.
- **Part IV** discusses Representations to



Ministers & Authorities, providing insights into the challenges of implementing the Scheme and proposing measures for its success.

It is a valuable resource for housing society members, new flat purchasers, builders, developers, real estate agents, advocates, and stamp duty and registration professionals.

The Present Publication is the 1<sup>st</sup> Edition, authored by Adv. Shyamsundar Patil, CA. Ramesh S. Prabhu and CA. Shreyash Prabhu with the following detailed coverage:

## About Stamp Duty Amnesty Scheme

- Stamp Duty Amnesty Scheme (Abhay Yojana) 2023-24
- Background – Stamp Duty Amnesty Scheme 2023-2024
- Types of documents covered under the Scheme
- Avail benefits of the Scheme for pending deemed conveyance
- Determination of market value by the ready reckoner for stamp duty
- Online application for the Amnesty Scheme
- Payment of stamp duty and its process

## About Stamp Duty and Registration

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- Registration of Documents
- Stamp duty applicable on conveyance from

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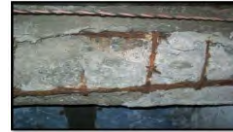
Fire  
Moisture  
Modification in structure



Beam crack



Exposed slab



Leakage Issues



Column Crack

## Purpose of Structural Audit

- To save human life and buildings.
- To understand the condition of building.
- To find critical areas to repair immediately, like damages, corrosion
- To comply with statutory requirements.
- To enhance life cycle of building by suggesting preventive and corrective measures like repairs and retrofitting.

## Bye-Laws of Cooperative Housing Societies

As per clause No.77 of revised model Bye- Laws of Cooperative Housing Societies:

1. For building aging between 15 to 30 years once in 5 years
2. For building aging above 30 years once in 3 years
3. As per municipality-it is mandatory for building aging 30 year +.

## Advantages of Structural Audit

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- To proactively assist the residents and the society to understand the seriousness of the problems and the urgency required to attend the same.
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time to time in favour of co-operative housing societies

- Stamp Duty on conveyance in co-operative housing societies from the beginning of the Stamp Act
- FAQs from the government (IGR) Website
- QR Code for articles, important government sites and YouTube videos on

Stamp Duty Amnesty Scheme 2023

## Appendix Covering Orders & Circulars

### Representation Made to the Government to Address Challenges & Concerns by Mahasewa

#### Continued from Page No. 4

announced that they shall penalize those who fail to pay the stamp duty and shall go to the extent of attaching their property or impounding the instruments. The government expects that if they have come out with such a welfare scheme, all the citizens who have not paid the duty or have paid deficient duty should volunteer to pay the same. By doing this not only a huge quantum of the duty and penalty are waived off, but the instrument becomes a legally enforceable one. MahaSeWA has represented to the Govt. to extend the 31<sup>st</sup> January deadline for the first phase and has written to them. While writing this message, I am hopeful that the government shall take some decision regarding the subject matter which shall be beneficial to the public at large. The details of the scheme is available in this magazine for your reference.

Similarly MahaSewa & the Mumbai Suburban Federation has appealed and requested to the government that they should also come out with an amnesty scheme for registering the documents which are stamped. As we aware that documents are also required to be registered with the Sub Registrar of stamps, so that the record of the documents/ instruments are available on the government site. MahaSewa is in regular communication with the government departments involved and we are hopeful that the government will come up with the required amnesty thereon.

I am delighted to inform you all that the second edition of Maharashtra Law and Practice is ready and the stakeholders can avail the copy of the same from any of the TaxMann outlets.

This edition is also comprehensive and all attempts have been made to incorporate the latest developments in MahaRERA along with the commentary.

On the Real Estate and redevelopment front, the National consumer Redressal Forum has ruled that if any society has terminated their developer who has taken up the redevelopment of the property through a development agreement, then after the termination of the developer, all the liabilities created on that project shall be transferred to the society and the society shall be responsible even for the bookings made by the developer. In a landmark judgment, which was upheld by the Hon'ble Supreme Court of India, the Consumer forum has held that the society is vicariously liable for all the acts of the developer, thereby over-ruling the earlier principle which held that the society does not have any privity of contract with the new flat purchasers and hence shall not be held liable to them. The judgment is passed in the matter of Goregoan Pearl Co-op Housing Society Vs Sandeep Grover and others. This is a huge victory for the flat purchasers who have booked their flats with their hard earned money and due to some unscrupulous elements were deprived of their homes.

I personally appeal to all our well-wishers that they subscribe for the membership of MhaSeWA as well as the Mumbai Suburban District Federation and take full advantage of the services provided by them. I once again thank one and all for your continued support.

Best Regards,  
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- sale before 10.12.1985 under the latest Stamp Duty Amnesty Scheme 2023
- APX-25 – Representation on payment of stamp duty under Stamp Duty Amnesty Scheme, 2023, on Certified Copy or Photocopy of Stamped executed Instrument
- APX-26 – Representation to accept online application to be under Stamp Duty Amnesty Scheme, 2023
- APX-27 – Representation on payment of stamp duty under Stamp Duty Amnesty Scheme, 2023, on share certificate and allotment letter issued by the co-operative housing society constructed on private land
- APX-28 – Representation regarding Policy Changes required for smooth completion of Redevelopment and Self Redevelopment Projects

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## AVAIL BENEFITS OF THE SCHEME FOR PENDING DEEMED CONVEYANCE



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### 01. OVERVIEW

Considering the huge number of agreements for sale and other instruments (which includes **Share Certificates**) not duly stamped as required under the Maharashtra Stamp Act, 1958 and to provide opportunities to the people to regularize such agreement for sale or instruments, the Stamp Duty Amnesty Scheme 2023 has been introduced by giving relief in stamp duty as well as in penalties.

The Government order dated 07<sup>th</sup> December, 2023 has an annexure covering the various types of instruments covered under the scheme. One of the instruments is the agreement for sale of members of co-operative society whose deemed conveyance is pending. This has been clearly mentioned in clause (b) of the Annexure to the Govt. order dated 07<sup>th</sup> December, 2023. The said order is in PART-III of this book as appendix- 1 which reads as follows:

**“Conveyance of allotment of residential or**

**non-residential units or houses in registered Co-operative Housing Societies or any apartments whose deemed conveyance is pending.”**

### 02 STAMP DUTY APPLICABILITY ON AGREEMENT OF SALE BEFORE 10.12.1985 VS AFTER 10.12.1985

#### 02.1 Misconception of no Stamp duty prior 10.12.1985 on agreement for sale:

It is very important to clear the misconception amongst the public that the stamp duty was not applicable for the 'agreement for sale' prior to 10.12.1985 and therefore during the deemed conveyance also the government cannot demand or will not demand any amount towards stamp duty. This is completely wrong. The provision of laws is to collect the stamp duty prior to 10.12.1985 at two stage. Nominal amount at the time of agreement (Rs. 5) and full duty at the time of conveyance. The same is explained in detail in this **chapter**.



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**02.02 The amendment in Stamp Act to consider agreement for sale as part conveyance:**

The Maharashtra Stamp Act, 1958 was amended by inserting the explanation 1 to the Article 25 of the Schedule I **which came into force w.e.f. 10th December 1985**. As per this explanation 1, an agreement for sale executed after 10.12.1985 which has a clause in the agreement to provide the possession on the future date, all such agreement for sale will be considered as conveyance.

Accordingly, the stamp duty applicable on the conveyance deed as per Article 25 of the Schedule I of the Act will have to paid at the time of execution of agreement for sale and cannot be postponed till the conveyance deed is registered. The Explanation I reads as follows:

**“[Explanation I].— For the purposes of this article, where in the case of agreement to sell an immoveable property, the possession of any immoveable property is transferred [or agreed to be transferred]**

**to the purchaser before the execution, or at the time of execution, or after the execution of, such agreement then such agreement to sell shall be deemed to be a conveyance and stamp duty thereon shall be leviable accordingly.”**

**02.03 : Stamp duty of Rs 5/- was payable prior to 10.12.1985 on Agreement for sale:**

Prior to 10.12.1985, such agreement for sale was charged under article 5(h) of the Schedule I Maharashtra Stamp At, 1958 by paying only nominal stamp duty of Rs. 5/- and stamp duty applicable on conveyance used to be taken at the time of registration of the sale deed or conveyance deed in the name of the society.

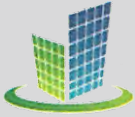
**03.Two stages of payment of stamp duty for agreements prior to 10.12.1985:**

As per the provisions of Maharashtra Stamp Act, 1958 there were two stages for payment of stamp duty on agreement for sale and on Conveyance as under:

| Stages                | Period   | Article Schedule I | Stamp 'duty Rate/ Amount (Rs.)   |
|-----------------------|--|--------------------|--|
| A.                    | From beginning of Maharashtra Stamp Act, 1958 till 9.12.1985   |                    |  |
| 1 <sup>st</sup> Stage | At the time of execution of Agreement for sale<br><b>Important Note:</b> There was no provision to collect <b>stamp duty leviable on</b> conveyance at the time of agreement <b>for sale</b> .   | 5(h)               | Rs.5/-   |
| 2 <sup>nd</sup> Stage | At the time of Execution and registration of the conveyance deed or sale deed in the name of the society or the purchaser.<br><b>Important Note:</b> Thus full stamp was required to be paid at the time of conveyance and not at the time of agreement. Thus there was a provision to postpone the liability of payment of stamp duty till the conveyance deed is executed. | 25                 | i) Upto market value of Rs. 50,000/- at 10%<br>ii) Between Market value of Rs.50,010 to Rs.1,00,000/- at 12% of the value<br>iii) Above Rs,1,00,010/- at 15% of the value. |
| B.                    | After 10.12.1985 to till date  |                    |  |



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|                       |  |  |  |
|-----------------------|--|--|--|
| 1 <sup>st</sup> Stage | At the time of execution of Agreement for sale<br><b>Important Note:</b> The provision was made to collect the stamp duty applicable on conveyance at the time of agreement for sale only by inserting the explanation 1 to the Article 25. Each agreement for sale was considered as part Conveyance.   | Explanation 1 to Article 25.           | Stamp duty is payable as Part deemed conveyance. |
| 2 <sup>nd</sup> stage | At the time of Execution and registration of the conveyance deed or sale deed in the name of the society or the purchaser.<br><b>Important Note:</b> Since applicable stamp duty on conveyance was paid at the time of agreement for sale itself, at the time of conveyance nominal stamp duty of Rs.100 - per flat is payable at the time of execution and registration conveyance deed | Proviso to Explanation 1 to Article 25 | Nominal stamp duty of Rs.100/- per flat only.    |

- (a) Thus at the time of agreement for sale till 9.12.1985 Rs. 5/- under Article 5(h) of Schedule I was charged as stamp duty. Full stamp duty was collected at the time of conveyance.
- (b) At the time of conveyance up to 9.12.1985 as per market value (as per agreement value till 3.07.1980) at 10% of the value up to Rs.50,000/-, from Rs.50,001/- to Rs.1,00,000/- at 12% of the value and 15% of the value in excess of Rs. 1,00,000/-.

However, a proviso was added to explanation 1, stating that at the time of conveyance, the stamp duty will be charged as per section 4 of the Maharashtra Stamp Act, 1958 considering such conveyance deed as incidental to the principle instruments on which stamp duty was paid on the agreement for sale.

#### 04 Reasons for amendment of Article 25 of the Act:

Since the execution and registration of the conveyance was attracting huge liabilities of the stamp duty many housing societies or purchasers were not registering the conveyance deed. The government was losing a huge amount of revenue. Therefore, government amended the Article 25 by inserting the explanation 1 which provided that the agreement for sale having a clause to provide the possession of the property in future, then such agreement for sale will be considered as part conveyance. Since it becomes a deemed conveyance the stamp duty applicable on conveyance under Article 25 was charged on the agreement for sale at the time of execution itself. Thus, the postponement of stamp duty on conveyance in future date was brought to the date of agreement for sale.



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# GOLDEN OPPORTUNITY IS OFFERED TO THE HOUSING SOCIETIES AND ITS MEMBERS TO PAY THE APPLICABLE STAMP DUTY UNDER THE NEW AMNESTY SCHEME

In order to remove all this confusion and encourage the society to go for deemed conveyance, the Government has issued new amnesty scheme on 7<sup>th</sup> December, 2023 giving relief not only of penalty but also stamp duty amount in certain cases.

Therefore, clause (b) of annexure to the Amnesty scheme order dated 7<sup>th</sup> December, 2023 has clarified that the societies whose deemed conveyance is pending are now entitled to apply for payment of stamp duty under this scheme. It is a golden opportunity for the housing society to impress upon the members to clear their respective members stamp duty under the scheme so that they will be able to obtain the deemed conveyance deed. In due course of time the members will be able to clear their stamp duty liability before hand. The fear of huge stamp duty also will go from the minds of the members of the society.

## CA. Ramesh Prabhu

Chairman, MahaSewa

Email: rsprabhu13@gmail.com

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## 1. Pending agreement for sale pending for deemed conveyance in favour of the society is covered under the Scheme:

The annexure to order dated 7<sup>th</sup> December, 2023 has prescribed the instrument covered under the scheme.

The first two clause of the annexure to stamp duty amnesty scheme order dated 7<sup>th</sup> December, 2023 are as under which are eligible to avail the benefits under the scheme.:

## ANNEXURE

- (a) Any type of Instrument related to the Conveyance or Agreement to sale or Lease or Sale Certificate or Gift or Agreement relating to deposit of title deeds, pawn, pledge or hypothecation of immovable property for the purpose of residential or non-residential or industrial use;
- (b) **Agreement or its records or Memorandum of agreement if relating to transfer of tenancy of immovable property for the purpose of residential use,** Conveyance of allotment of residential or non-residential units or houses from the Maharashtra Housing and Area Development Authority (MHADA) and its Divisional Boards, the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) and the Slum Rehabilitation Authority (SRA) to a slum dweller for the purposes of rehabilitation under approved Slum Rehabilitation Scheme and **also Conveyance of allotment of residential or non-residential units or houses in registered Co-operative Housing Societies or any apartments whose deemed conveyance is pending;**

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The above clause (b) of the annexure to stamp duty order dated 7<sup>th</sup> December, 2023 by exercising the powers of the government under section 9 of the Maharashtra Stamp Act, 1958 clearly has prescribed that "**Agreement or its records or Memorandum of agreement if relating to transfer of tenancy of immovable property for the purpose of residential use, and also Conveyance of allotment of residential or non-residential units or houses in registered Co-operative Housing Societies or any apartments whose deemed conveyance is pending;**"

Thus allotment of residential or non residential units or houses in the registered co-operative housing societies or any apartments whose deemed conveyance is pending are covered under the scheme. **The share certificate issued to the members on registration of the society is considered as allotment of the flats/shops purchased as per agreement for sale executed with the builder. Thus they will be able to avail the benefit of the scheme on the basis of share certificate or on the basis of letter of allotment issued by the society as per the bye-laws of the society which is compulsory to be issued to every member of the society. 'Form A' in which details of the members are included also will be enough evidence to such units having been allotted to the members of the society.**

## **2. Procedure to avail benefits under the scheme:**

The housing societies and its members may avail the benefit of the scheme to pay their stamp duty as applicable under the conveyance or deemed conveyance by doing the following procedure and submitting the necessary proofs

### **1. Society Resolution:**

Society needs to pass a resolution that they

would like to go for deemed conveyance either in the general body or in the managing committee. The committee should authorize the office bearers to apply for deemed conveyance and also issue the circulars to the members of the society to avail the benefits of this new Amnesty Scheme 2023.

### **2. Issue a letter to the members to avail the benefit of the scheme:**

Society needs to issue a letter to the members advising them to avail benefits of the scheme by enclosing copy of resolution passed to start with proceeding of deemed conveyance and also provide 'form A' copy in which his name is included or any other document to prove that such member was in possession of the flat.

### **3. Members need to file an application either in online or offline mode.**

#### **a. If application is filed online:**

Original copy of agreement needs to be submitted physically along with all the relevant self-attested supporting documents of possession.

**b. Offline Application:** Alternatively, they can also make an offline application along with the original instrument and all relevant supporting documents to the respective collector of stamps office.

### **4. The application need to made as conveyance deed:**

The application should mention that they want to make the payment as applicable under Article 25(b) or Article 25(d) considering the said agreement for sale as part deemed conveyance as per the provisions of MOFA as well as the circular dated 12<sup>th</sup> April, 2012 issued by the Government.

### **5. An Affidavit cum Indemnity Bond on stamp paper of Rs.500/-duly notarized:**

The applicant has to provide an affidavit cum Indemnity bond duly notarized on a stamp paper declaring that the applicant has the possession of the flat and also enclosed the

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necessary proofs for the same. Further he has made an under the Scheme to pay the stamp duty as conveyance under Article 25(b) of the Schedule I of the Maharashtra Stamp Act, 1958.

#### **6. Collect the Demand notice:**

Based on the above submission, the collector of stamps will issue a demand notice, if applicable and if nothing is payable the same will be informed in writing by the department.

#### **7. Pay the stamp duty, if any and collect the original agreement for sale:**

After making the stamp duty payment bh online by following the procedure and as may be applicable the applicant will be able to obtain the original agreement duly certified as 'proper stamp duty paid' on the application of conveyance.

#### **8. Complete Wavier of Stamp duty and Registration:**

In case the application is made in first phase i.e on or before 31<sup>st</sup> January, 2024 or any extended period as may be notified for the first phase and the stamp duty liability determined is less than Rs. 1lakh for the agreement for sale executed prior to 31<sup>st</sup> December, 2020( Schedule I instruments) , then the department will certify the instrument as exempted from stamp duty under conveyance as per the provisions of Amnesty Scheme 2023 and return the original agreement. Once such certification is done, no further stamp duty is required to be paid at the time of conveyance.

#### **3. Registration of Deemed Conveyance deed.**

After all the members have duly paid the stamp duty under the Amnesty Scheme or under any other provisions of the Act as applicable under Article 25 for the purpose of deemed conveyance, the society may apply to the Competent Authority for obtaining the deemed conveyance order and then register

the conveyance deed by paying only Rs.100/- per flat. A detailed procedure prescribed by the co-operative department by GR dated 22<sup>nd</sup> June, 2018 for the deemed conveyance is included in part III of the book as part of Appendix.

#### **4. Authors Guidance and MahaSewa Help Desk and Awareness Meetings.**

It is a golden opportunity for housing society and its members whose deemed conveyance is pending (have already applied or will apply in future) to avail the benefit of the scheme. The societies should immediately arrange an awareness program in the society. Maharashtra Societies Welfare Association (MahaSewa) and Mumbai Suburban District Co-operative Housing Federation Ltd have empaneled the trained stamp duty advisors. The societies may approach MahaSewa by filling up the form on:

[www.mahasewa.org/client/client-data/](http://www.mahasewa.org/client/client-data/)

to depute the trained stamp duty advisors to the society. A nominal fees of Rs. 5,900/- will be charged to the societies which are not members of the Federation and the societies who are members of both Federation and Association shall be charged only Rs. 2,950/-. You may also send your queries to :

[stampdutyamnesty2023@gmail.com](mailto:stampdutyamnesty2023@gmail.com) or [rsprabhu13@gmail.com](mailto:rsprabhu13@gmail.com) and

call association office on 022 42551414/25. The free consultation is available in the office to the members of the federation and the association.

No one should lose this golden opportunity and repent for not taking the timely action.

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## **“MEMBERSHIP IN CHSL: POWERS AND OBLIGATIONS OF MANAGING COMMITTEE”**

**Adv. H. M. Suthar | Mob.:91375 72651 | 93222 74969**  
E-mail : [info@hmsuthar.com](mailto:info@hmsuthar.com) | Website: [www.anantstrata.com](http://www.anantstrata.com)

**Friends, after my last article on “MEMBERSHIP IN CHSL: Powers and Obligations of Managing Committee” which is published in December Issue of MSWA, requests have been received to further clarify with examples of cases decided by the courts for benefit of readers.**

It is my pleasure to further elaborate because this is the most debatable issue and also most fought issue between the members and societies. Some of the unacceptable reasons for unjustifiable refusal of membership are unauthorized change of usage of flat, unauthorized alterations in flat, encroachment of common areas, non-submission of previous documents of title of the flat, claim of society & other members over the areas adjacent to flat, non-taking of NOC for sale or Transfer of flat, document is not duly stamped, unauthorised use of parking and such other issues which are other wise to be decided by the courts or other authorities and not the society or registrar. Today I have dealt with three cases: -

1. In a case the society rejected the membership application on the ground that flat was constructed by the builder after society had been registered and addition of one floor was without consent of the society and permission granted by the local authority to regularize the construction was illegal. Court held that it was not open for the society to reject membership on this ground. If the construction of flat was illegal, it could be adjudged by civil suit. It is subsequently held that it is established legal position that societies have the autonomy to decide who their members are, even if those members own additional floors in the building. Societies have greater control over their composition

and governance, but their decision has to be based reasonable grounds and good faith. It cannot arbitrarily exclude potential members.

2. In another case the society rejected the application for membership on the ground that the applicant has constructed an extension on his flat without approval from the society. The society challenged the legality of the construction through separate civil suit but had not established its illegality at the time of membership dispute. Other crucial factors were that applicant possessed an agreement with the builder and permission from the BMC for the construction. The society hadn't challenged the agreement or the permission through civil proceedings. Court ruled in favor of applicant and upheld his membership. This judgment is distinguished in subsequent cases based on the severity of the unauthorized construction and its detrimental impact on the society's functioning.

3. In another case the society rejected the application for membership on the ground that the applicant is unauthorised occupant of the construction. The applicants have an agreement in their favour and also permission in their favour from BMC for constructing the property. The court while confirming the order of Divisional Joint Registrar granting membership, held that what is required to be considered prima facie is whether the applicant are lawful occupiers and have right, title, and interest in the property on the basis of which they are seeking membership of society. The jurisdiction of Registrar under section 23 does not extend to determine the validity and or otherwise of the documents which are already executed in favour of the applicant person because that jurisdiction lies with the civil court. Friends, I will consider other important cases relied upon by me for my article referred to herein above by me.



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# WHY HAVING AN EFFECTIVE INSURANCE COVER FOR YOUR CO-OPERATIVE HOUSING SOCIETY IS IMPORTANT.

Co-operative Society insurance has always been a little-known area and there is always a scope where MC committee members would like to know more about the subject from the representatives of the insurance industry. So, this is our modest attempt to provide information on Co-operative housing society Insurance.

## Why is having an insurance cover for a co-operative housing society so important.

1) Mumbai city has gradually evolved and has been developed on reclaimed land of the original 7 islands and is surrounded by Arabian Sea. Mumbai's topography, its colonial-era storm water drainage system continues to struggle to keep the city unclogged during the monsoon season.

2) In the last few years, The Arabian Sea has seen an increase in the formation of cyclones during post monsoon season, hence there is a constant threat of cyclones hitting the coastal and surrounding areas of Mumbai including Thane, Palghar and Raigad and causing damages to properties. Some of the recent cyclones that caused losses are Biparjoy, Tauktae, Nisarg and Phyan.

3) While the major reason for property and premises losses are the above two, there is also a constant threat to housing society and its premises for losses due to FIRE and IMPACT DAMAGE to the premises.

4) Recently there has been a significant increase in fire accidents mostly originating from the common electric meter box. One of the prime reasons triggering these fires is short circuit. Short circuit can be caused by overload on the existing capacity of wires, cables. Use of aging and outdated wires and its supporting appliances.



5) Appropriate Insurance cover takes care to compensate the losses faced by the Co-operative housing society for the reinstatement expenses of the damaged property. And the cost of taking insurance cover is very nominal.

6) As per bye law no. 161 (a) of the model bye-laws of MCS act 1960, the cooperative Housing societies are required to insure their Building structure and other utilities adequately against the Fire and allied risks like Storm, Flood, Earthquake, Terrorism etc.

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**The Society reserves its right to accept or reject any or all Expression Of Interest without assigning any reason whatsoever.**

**For and on behalf of  
Rustom Villa Chs Ltd Secretary**



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# IMPORTANCE OF MOCK DRILLS, TRAINING FOR EMERGENCIES

Trainings, Mock Drills are essential for Saving of Human life. This was demonstrated by Safe Evacuation of 379 Passengers in Japan this week. Fire Engulfed one plane when it collided with another plane, Timely evacuation of passengers was possible due to Trained Crew Members and Cooperation of Passengers. Instructions given by crew members was followed by them and within 18 minutes all passengers were safe.

Even though international norms are 90 seconds. Recent Earth Quake in Japan of 7.6 Magnitude 94 deaths confirmed so far, if same magnitude earthquake happens in India death toll will be in lakhs., Trainings, Mock Drills is the norm in Japan. Each and every individual undergoes training. Japan is prepared for Earth Quakes Mock Drills, Trainings are mandatory not only in Aviation industry but essential for residential complexes, high rise buildings in India to save lives.

Are citizens prepared for such emergencies? If any fire starts in High Rise Buildings are occupants know what to do, what are escape routes, where to assemble. Who takes the responsibilities? Aged people, Children, Ladies know what to do?

Mock drills are conducted by Fire Departments in Municipal limits, Society can request Fire Department to help in conducting such mock drills in high rise buildings.

70 to 80 % fires start from electricity or related to electrical causes not only in common areas but inside the flats. Does society conduct Electrical Safety Audit? Which has been made mandatory as per CEA (Measures relating to Safety and Electric supply) Regulations 2023 introduced by Govt of India on June 8,2023. Periodicity is 5 years for residential buildings.

Many buildings 12-15 years old. 15 years back



Air Condition was a luxury but today it is a necessity, Earlier buildings design, Electrical System Designs were not made with Air Condition in Bedroom, but today most builders are providing AC in New Buildings. Naturally Overloading takes place in old buildings. Consumption of Electricity have gone up 3 times in Indian residential buildings. Plenty of Electronic Devices, Intelligent Fridge, Washing Machines, Laptop, PC, Android TV etc have DC system and we get power from Adani, MSEB in AC system. Which corrupts the overall electrical system and causing fires in Mumbai and other cities in India.

Residential Societies should utilize training contribution collected from occupants every month. Most of the societies are having huge funds in Training Head unutilized. In cooperation with Fire Departments, BMC Disaster Management departments should give training to residents in case of Fire or Any kindof emergencies what should a resident do, What procedures to be followed. Mock drills if conducted regularly it will help in saving live.

In each electrical circuit 30 mA RCD has been made mandatory for new CEA Regulation which is for saving human life from shock. As well as in case of fire it will trip the circuit and will not allow the fire to spread further. How many residential flats are having RCD installed in the circuit? Every year more than 15000 people are dying because of electrical shock in India. Is human life so cheap in India that an RCD device costing only Rs 3000 can not be installed in each and every residential unit?

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An average middle class family is spending Rs 3000 when they visit a mall or cinema on weekend. An individual flat owner can install an RCD device with his own money or society can collectively install in each and every flat with society funds.

Human Life and Safety of residents is important individually or collectively. But it should not be installed on recommendation of an ordinary wireman/ hardware shop owner in your vicinity. Proper load calculation is required, Different types of RCD are to be used depending on Load in the flat. Experts should

be involved with necessary technical as well as legal certifications. Electrical Safety audit, Safety Trainings for Emergencies is the need of hour in Mumbai City. Society Management Committee should take an initiative and ensure qualified people are involved and make it a safe for residents.

**Ravi Gowande**  
**Director of Govande Elecsafe Pvt Ltd.**

Committee Member of National federation of Engineers for Electrical Safety  
9619248490 /7666712794,

## FAQS ON STAMP DUTY APPLICABILITIES



### 01 What is meaning of Amnesty?

Ans: Amnesty means forgiveness, pardon, relief or waiver. The Government of Maharashtra has power under section 9 of the Maharashtra Stamp Act, 1958 to reduce stamp duty and penalties on specified instruments. Basis that power, Amnesty Scheme 2023 was launched to provide relief to people who have not paid stamp duty on their instruments for the last 40 years and to get it regularized, legalized and make it as an evidence in the court of law.

### 02 Is gift deed covered under this scheme?

Ans: Yes, this scheme covers all types of instruments related to immovable property which remained insufficiently stamped since 1980 such as conveyance, agreement for sale, gift deed, sale certificate, released deed, lease deed, development Agreement etc. Thus it covers a wide range of instruments and includes gift deed on which stamp duty has not been paid.

**03 Flat is purchased in 1999 and full stamp duty is not paid on the agreement which is done on stamp paper of Rs.100. Society informed that they paid stamp duty on behalf of the member during the deemed conveyance process. Is Amnesty scheme applicable upto 31<sup>st</sup> January, 2024 or 31<sup>st</sup> March 2024 for agreement executed in 1999?**

Ans: Yes. Your agreement for sale is not properly stamped. So you may avail the benefit of the scheme to regularize your document. If the society has paid the stamp duty, they have paid on the conveyance deed and not on your agreement. Thus your agreement continued to be insufficiently stamped. The future purchaser or the banks, if they want to grant the loan, they may insist for regularizing your documents. So you are advised to get your agreements regularized under this Scheme.

As explained earlier, the Amnesty Scheme instruments are divided in to two schedules, where in schedule I covers instruments from 1<sup>st</sup> January 1980 to 31<sup>st</sup> December 2000 and





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schedule II covers instruments from 1<sup>st</sup> January 2001 to 31<sup>st</sup> December 2020. Both schedules are being implemented in two phases.

First phase being from 1<sup>st</sup> December, 2024 to 31<sup>st</sup> January, 2024. For schedule I instruments, in this phase, maximum benefit is available with 100% exemption in stamp duty penalty and 100% exemption in stamp duty amount up to Rs.1,00,000 and 50% exemption in stamp duty amount above Rs.1,00,000.

The second phase is applicable from 1<sup>st</sup> February, 2024 to 31<sup>st</sup> March, 2024. For schedule I instruments, in this phase, for stamp duty amount up to Rs.1,00,000, 80% exemption in stamp duty penalty and 80% stamp duty amount is waived off. For stamp duty amount above Rs.1,00,000, 70% exemption in stamp duty penalty and 40% stamp duty amount is waived off.

#### **04 What documents need to be submitted along with application for availing amnesty scheme?**

- Original instrument on which some amount of stamp duty is paid or specified allotment letters issued by the Authorities or CHS on Government land.
- Copy of Society registration certificate
- Copy of BMC assessment bill
- Copy of IOD / CC / OC of building
- Copy of property card
- Copy of share certificate (front & back)
- Copy of aadhar card and pan card of applicant along with 2 recent passport size photographs
- A letter from the Society about the details of the flat/Apartment
- Authority letter
- Proof of having taken the possession of the flat/Apartment such as electricity bill, entry in form A of the society formation, Telephone bill, Passport, Election Card, Driving license, bank pass book having the address of the property etc.

#### **05 Whether Documents need to be submitted online or offline?**

Ans: The application can be made online as well as physically by offline. If the online application is made, the scanned copy of instrument on which stamp duty is applicable needs to be submitted online along with other proofs as stated above for having taken the possession of the property at the relevant time. Post online submission, along with the application form and number, the original instrument with relevant supporting documents needs to be submitted in offline mode for processing of the application. Online application can be submitted through <https://igrmaharashtra.gov.in website>.

#### **06 If flat is in joint name, do both parties need to be present in office?**

Ans: No party needs to be present in office during application stage. The application can be filed by either of the party himself/herself or through the Authorised representative by executing the authority letter or power of attorney.

#### **07 Once documents are submitted, stamp duty needs to be paid at current market value amount or amount paid while purchasing the flat or the market value prevailing at the time of execution of the instruments?**

Ans: Stamp duty is payable at consideration value or market value whichever is higher prevailing at the time of execution of the instruments.. Market value is determined using valuation factors mentioned in ready reckoner as applicable at the time of execution of the instruments.

Market value will be determined for the year in which instrument was executed provided relevant supporting documents of having taken the possession near to the date of instruments are available to prove that agreement was executed in earlier years.



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If supporting documents are not available, then current year market value will be considered for calculation of stamp duty. Thus you will not get the benefit of the scheme.

**08 If stamp duty and penalty paid before the scheme was announced, can I claim refund?**

Ans: No, refund is not possible. Once the stamp duty is paid, no refund is available in order to get benefits under the scheme.

**09. Agreement is present on a piece of paper without any stamp paper, can I avail the benefits under the scheme?**

Ans: No, benefit under the scheme cannot be availed as some amount of stamp paper prevailing from year 1980 to 2020 should be present. Amount of stamp paper can be Rs. 5 or Rs. 500, however a duly verified and authenticate stamp paper should be present on the agreement for availing benefits under the scheme.

**10. Flat was purchased in 2015 and approx. Rupees Two lacs stamp duty was paid as per ready reckoner calculation and agreement was registered. However, the earlier owner who had purchased directly from builder in 1979 had paid stamp duty of Rs. 5 and his name is also present in list of Form-A which was submitted for society formation.**

**(i) Is stamp duty payable on such earlier agreement?**

Ans: Currently, the scheme does not cover instruments prior to 1<sup>st</sup> January, 1980. However, we are seeking clarification for coverage of documents prior to 1980. In earlier schemes, documents prior to 10<sup>th</sup> December, 1985 were accepted and were subsequently returned without collection of any duty, stating that no stamp duty is attracted for the same. The provision to collect the stamp duty on agreement for sale was introduced in the stamp Act for the first time effective from

10.12.1985. Therefore, if the instrument is related to the Agreement for sale prior to 10.12.1985, no stamp duty is required to be paid more than Rs.5/- as per Article 5(h) of the Schedule I of the Maharashtra Stamp Act, 1958. However, all other instruments which are other than agreement for sale like sale certificate, lease deed, conveyance deed, sale deed, transfer deed, gift deed, release deed etc will be covered under the scheme which are executed between 1<sup>st</sup> January, 1980 to 31<sup>st</sup> December, 2020. Thus your earlier owner instrument having executed in 1979 is not presently covered under the amnesty scheme.

However, at the time of conveyance, stamp duty will be collected at old value of 1979 at current rate of 5% by department through the society, as you have earlier owner name in form A at the time of registration of the society. This is because, a circular was issued on 12<sup>th</sup> April, 2012 that, if the agreement for sale was not registered but the parties produce relevant proof of having taken the possession, the benefit of old market value is given to the societies who are obtaining the conveyance under the Deemed conveyance provisions. The relevant circulars is provided in this book as Appendix.

**(ii) If earlier owner had purchased from builder in 1989, then what? Whether, if any chain of agreements after 10.12.1985 is pending for stamp duty, should I avail the benefit of the scheme.?**

Ans: If initial agreement was of 1989 and stamp duty was paid on stamp paper of Rs. 5, then the said agreement can be applied under the scheme as there is deficient amount of stamp duty. Effective from 10,12,1985, all agreement for sale is considered as part conveyance as per the explanation 1 to the Article 25 of the Maharashtra Stamp Act, 1958. Also, it is important to note that to clear the title of an agreement, stamp duty needs to be paid on all chain of agreements executed from builder to first owner to the current

owner. The onus of paying the stamp duty and penalty charges will be on the current owner of the property. Hence, through this scheme stamp duty on all chain of documents can be paid and title of property can be cleared.

**11. Agreement is present on a piece of paper without any stamp paper, can I avail the benefits under the scheme?**

Ans: No, benefit under the scheme cannot be availed as some amount of stamp paper prevailing from year 1980 to 2020 should be present. Amount of stamp paper can be Rs. 5 or Rs. 500, however a duly verified and

authenticate stamp paper should be present on the agreement for availing benefits under the scheme.

**12. Will the scheme dates be extended in the coming days?**

Ans: As of now, there is no indication from Government whether dates of the scheme will be extended or not. It is advised to apply under the scheme within 31<sup>st</sup> January, 2024 to avail maximum benefits of the scheme and within 31<sup>st</sup> March, 2024 to avail some benefits under the scheme.

## “MahaSewa Branch office “

For more details and Information on **DEEMED CONVEYANCE** and **All Society related issues** and for **Books** contact our offices

| Location    | Address  | Tel No.                          |
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# CITIZENS PROPOSE REGULATORY AUTHORITY FOR REDEVPT PROJECTS

## Residents Argue it was Missed By RERA Act

Pune: Citizens, via the Maharashtra Society Welfare Association (MahaSewa), have written to the state housing minister, Atul Save, demanding a proper monitoring mechanism for redevelopment projects.

The MahaSewa has written to the minister with a proposal for regulatory authority to focus on the redevelopment of housing societies.

With maximum redevelopment projects being started in cities such as Mumbai, Pune, and Thane, residents cited that old structures that undergo redevelopment have no monitoring system pertaining to the time line of such projects and a penalty for delay. It is leading residents of such societies to take up matters legally.

“We have reached out to the state government to establish a regulatory body that can undertake not only the redevelopment of housing societies on private land but also structures that come under government, MHADA, SRA, cessed buildings, etc,” Ramesh Prabhu, chairperson of MahaSewa, told TOI.

Members of the association hope that the state government will take up this issue in the new housing policy coming up next month.

While the state implemented the Real Estate (Regulation and Development) Act, 2016, and

### SUGGESTED CHANGES IN LETTER

| SUGGESTED CHANGES IN LETTER   |   |
|---|---|
| <ul style="list-style-type: none"> <li>➤ A Separate regulatory authority through a special statute</li> </ul>                               | <p><b>Citizen Speak</b></p> <ul style="list-style-type: none"> <li>➤ Even through Maharashtra was one of the first states to implement RERA Act 2016, redevelopment was not considered under it</li> <li>➤ It was created unrest and anxiety among residents of such societies</li> <li>➤ We have only option to take up matters legally, which takes years to resolve</li> <li>➤ We hope the government will take up the issue in the new housing policy next month</li> </ul> |
| <ul style="list-style-type: none"> <li>➤ The authority should regulate and project rights of existing society members</li> </ul>            |   |
| <ul style="list-style-type: none"> <li>➤ The statute should regulate duties and obligations of developers and other stakeholders</li> </ul> |   |
| <ul style="list-style-type: none"> <li>➤ Provisions should be similar to those of RERA</li> </ul>   |   |
| <ul style="list-style-type: none"> <li>➤ There must be dispute redressal system and pathway to complete stalled projects</li> </ul>         |   |

“ We have reached out to the state government to establish a regulatory body that can undertake not only the redevelopment of housing societies on private land but also structures that come under government has been on redevelopment, there are several such challenges that need to be addressed

- **Ramesh Prabhu, Chairman, MahaSewa**

was among the first to set up the MahaRERA authority, it failed to include redevelopment in the act, citizens argue. “It is very unfortunate that the regulatory authority, RERA, which is supposed to regulate all real estate-related activities, does not consider the rights and interests of existing members. It is because the redevelopment projects are exempted from registration under Section 3(2)(c) of the RERA Act,” a homebuyer said.

As per the letter by the MahaSewa, such scenarios have created unrest and anxiety

among the existing members since they have spent their life's savings on buying homes in such projects.

“While the redevelopment activities in the state commenced in the 1990s with the introduction of the Unified Development Control and Promotion Regulations (UDCPR) for Maharashtra State, it is a matter of concern for most of the redevelopment projects that are stalled at various stages, added a member of one such stalled project.

**Times View:**

Several Old housing societies are opting for redevelopment. With land prices increasing and authorities offering additional FSI, these projects are becoming financially lucrative for both, the existing flat owners and the builders..

who execute these schemes for additional flats they get to sell.

However the rehabilitation components in such schemes do not fall within the purview of the RERA Act Which is applicable only for the new additional flats that are advertised and sold by the builder. in case of project delays or disputes, the old flat holders find it through to get a speedy redressal.

The Maharashtra Societies Welfare Association has rightly argued that there is an urgent need to appoint a regulatory authority to protect the rights of the existing society members.

**Source : The Times of India  
Dated : Dec 11, 2023**

# ISSUE OF SHARE CERTIFICATE



**Shivani Bordavekar  
Consultant  
Mobile : 85915 70159**

**Facts:**

1. A society is formed and registered under the provisions of Maharashtra Co-operative Housing Society Act, 1960, wherein the building is constructed in the year 1982 and there are 48 members in and total 48 share certificates are issued to each member of society. The society has issued five share of Rs. 50/- each (total Rs. 250) to each member.
2. The society went into redevelopment and after redevelopment, there are 48 existing and 48 new saleable flats i.e. 96 flats.



**Question 1. Will it be necessary to issue additional 5 shares of Rs. 50/- each to the existing 48 members to bring them at par with the new members to be included as per new amendment to the MCS Act?**

**Answer.** In the present circumstances it appears that the society has issued only 5 shares to the existing 48 members, accordingly it is necessary to issue additional 5 shares i.e. in total 10 shares to maintain uniformity. As per the amendment in the MCS Act and the provision of model byelaws, the society is required to issue 10 shares of Rs. 50/- each to all the members. Therefore, the society has two options in this case which are mentioned as under:

- a. The society can issue additional 5 shares to the existing 48 members by issuing additional share certificate; or
- b. Your society can collect all old share certificates of 5 shares each issued to all the existing 48 members and cancel the same and then issue new share certificate of 10 shares to the existing members.

Thus, as mentioned above a society has the above two options and same can be decided in the General Body Meeting as the General Body is considered to be the supreme authority as per the provisions of MCS Act and model bye laws.

**Question no.2. For the existing members will both the original share certificate and additional share certificate will continue to be valid and on which share certificate (original or additional) further transfer of memberships will be recorded?**

**Ans.** As mentioned in the above question, the society has 02 options wherein if your society goes with the 2<sup>nd</sup> option then the present question shall not arise.

Incase the society goes with the 1<sup>st</sup> option then both the original and additional share certificate will continue to be valid. Any future transfer of membership will be recorded on both the original and additional share certificate as the additional share certificate is in addition to the original share certificate & not in continuation of original share certificate.


**Question no.3. Is it necessary that the additional share certificates to be issued to the existing members before new share certificates are issued to the new members?**

**Ans.** In the present case, we are of the opinion that, in order to maintain the sequence it is advisable that the existing members are issued additional share certificates first and then the new share certificates are issued to new members.


**Question no.4. What will be the chronology for the additional share certificate to be issued to the existing members?**


**i.e. will it be necessary that first additional share certificate to be issued to the existing member bears number 50 (i.e. Sr. no. 50 to 97 at one lot) or it can be issued at any intermittent number along with the share certificates to be issued to the new members?**

**Ans.** As mentioned above in order to maintain the sequence it is advisable that the existing members are issued share certificate first considering that the last serial no of existing share certificate is 49 then the additional share certificate to be issued to the existing members shall start from sr. no. 50 and so on and then once all the existing members are issued the additional share certificate then the new members can be issued new share certificates from the next serial no.



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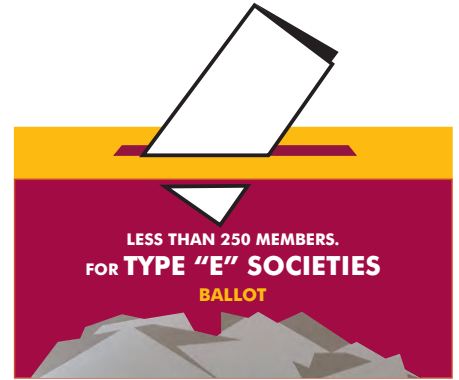
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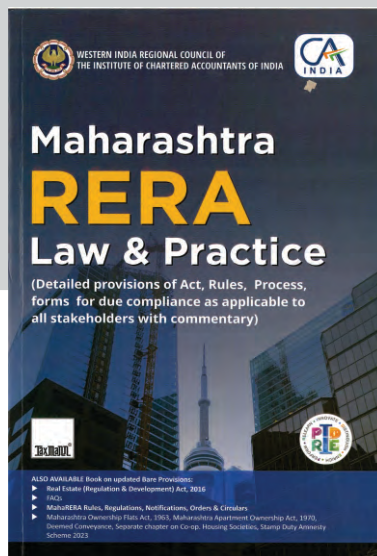
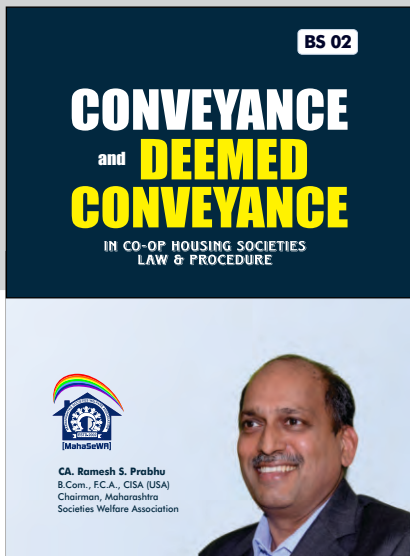
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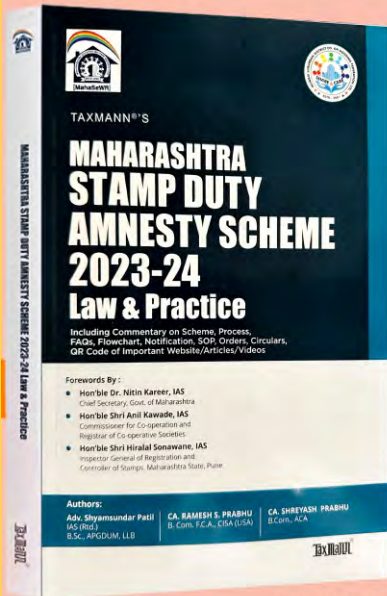
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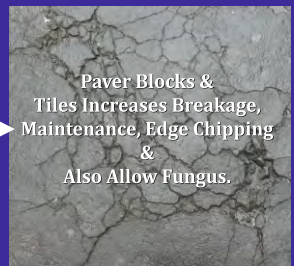
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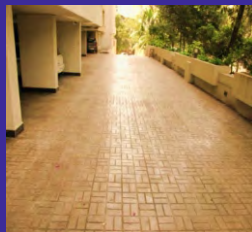
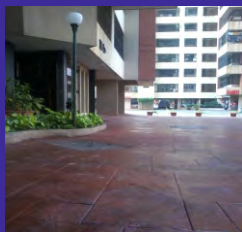
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