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March 2024

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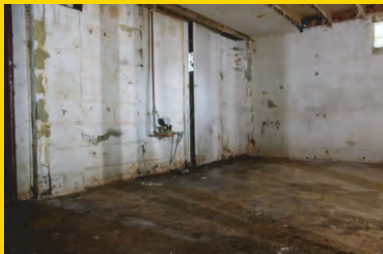


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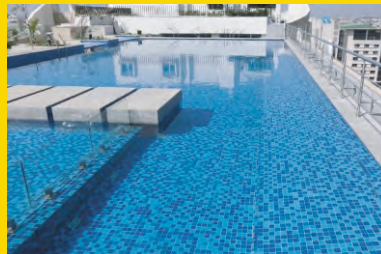


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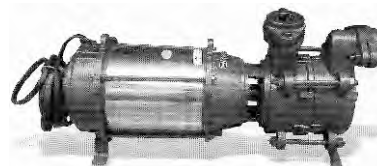


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## EDITORIAL



CA. Ramesh Prabhu  
Chairman, MahaSeWA

Dear Members,

With deep regret and utmost sorrow, we inform all our readers and well wishers that our beloved Shri. Abhishek Gosalkar, Hon. Chairman of The Mumbai Suburban District Coop Housing Federation, has passed away and left for his heavenly abode on 8<sup>th</sup> February 2024. On behalf of MahaSeWA and the Suburban Housing Federation, I express our heartfelt condolences to the departed Soul.

MahaSeWA and Mumbai Suburban Housing Federation shall carry forward the vision envisaged by Shri. Abhishek Gosalkar, in empowering the housing societies and being an able service provider to them. We shall endeavor to be committed to the housing societies and continue to serve them as ever.

The housing societies are busy as the month march has begun. The year end is on the anvil and the societies are collating and compiling their accounts related documents. Many of the societies are also busy trying to meet the 31<sup>st</sup> march deadline to comply with all the statutory requirement like conducting compulsory training and education, tallying their cash book, granting membership to those applicants who have submitted their membership applications, updating their minutes books, I, J, Nomination registers, updating all AMC contracts and executing any kind of mandate that has been received through the general body resolutions. This month will hence be very hectic for the societies in general and the office bearers in particular.

In the meanwhile, there is an important Government Resolutions which has been published. It is relating to postponement of the elections to the committee in cooperative societies, including housing societies.

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# MUMBAI: HOMEBUYERS SEEK RELIEF FROM MAHARERA WOES

**Delayed possession prompts surge in refund complaints, experts weighing Gujarat RERA Model adoption.**

## Key Highlights

1. Flat buyers are now raising serious concerns about ineffective order enforcement

2. Experts debate whether to penalise non-compliant developers or adopt Gujarat RERA Model

3. Despite appointing a retired collector for recovery, MahaRERA's objectives remain unmet

Flat buyers, aggrieved by delayed possession of their flats and who are flooding MahaRERA with refund complaints, are now raising serious concerns about ineffective order enforcement. Experts debate whether to penalise non-compliant developers or adopt the Gujarat RERA Model.

Despite appointing a retired collector for recovery, MahaRERA's objectives remain unmet. Litigants have reported fruitless pursuits with MahaRERA orders, and subsequent warrants, but to date, few have received any money, as the recovery and auction of property is handled by the revenue officials under the respective district collectors, after MahaRERA issues warrants.

## Numbers speak

**Ramesh Prabhu**, the founder chairman of Maharashtra Societies Welfare Association (MahaSEWA), mentioned that as of August 31, 2022, MahaRERA had issued 884 warrants under section 40 of RERA, aiming to recover a total of Rs 543.3 crore.

Source : Mid- Day | 27 February, 2024



*Flat buyers, dissatisfied with delayed possession, are flooding MahaRERA with refund complaints. Representation pic*

Mumbai city accounted for 33 warrants targeting Rs 78.40 crore, Mumbai suburban had 378 warrants for Rs 247.93 crore, Pune had 163 warrants seeking Rs 108.73 crore, and Thane had 140 warrants for the recovery of Rs 60.02 crore, among others.

## Justice delayed

"MahaRERA's lax recovery process, coupled with revenue officials' other priorities, results in prolonged suffering for litigants. Establishing a dedicated recovery department and amending the land revenue code, akin to GujRERA, is crucial for timely justice," said Prabhu.

## Sluggish recovery process

Expressing concern, Advocate Godfrey Pimenta said, "The need for an immediate and robust follow-up mechanism to enforce MahaRERA warrants swiftly, citing alarming delays undermining the regulatory framework and compromising homebuyers' rights and interests is imperative.

The delays in this process not only jeopardise the rights and interests of homebuyers but also erode confidence in the regulatory framework."



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## Association reacts

Advocate Anil D'souza, Secretary of the MahaRERA Bar Association, said, "When MahaRERA reports over 15,620 resolved cases, it's essential to note that this figure includes: a) cases settled through conciliation but hindered by builder reluctance to comply with their own consent terms, leading to additional legal complexities like builders cheque bounce and additional legal charges including court fees; b) cases marked as resolved after Maha RERA issues a final order/warrant, initiating a recovery process with subsequent legal hurdles; due to lack of compliance from builders; c) a new phase begins involving allottee advocates navigating government offices for property attachment or auction, a process spanning multiple locations like Mumbai, Thane, Raigad, and Pune."

"The retired Additional Collector, appointed by MahaRERA in December 2022, oversees the process until the warrant is dispatched to the Collector/Tehsildar's office. But what is more important is that MahaRERA needs to ensure the execution of warrants to prevent litigants' frustration with bureaucratic processes," he added.

"Errant builders should see MahaRERA orders implemented with lightning speed so that current and future orders of MahaRERA are not ignored or under non-compliance by them," he concluded.

## litigants speak


Haricharan Yadav, a 72-year-old retired MTNL employee, invested his retirement funds of Rs 22.51 lakh in a Virar (W) project registered with MahaRERA in 2013. Following a December 2020 MahaRERA order and warrant against the developer, Yadav is awaiting a refund of R43 lakh with interest, currently pending action by the Thane Collector. L "I wonder when I will get my money back; it has been a long wait," expressed Yadav.

Vishal Raut, a 45-year-old businessman, received a favourable MahaRERA order in June 2022, instructing a developer to refund over R14 lakh with interest. Despite continuous follow-ups with the Shahpur Tahsildar office, Raut is still awaiting his refund, facing unresponsive developers.

## Other side

As of December 15, 2023, MahaRERA issued 1,123 warrants, and by February 20, 2024, 1,214 warrants were issued, recovering Rs 763.66 crore and Rs 932.57 crore from 459 and 488 projects, respectively. The additional collector (retired) assumed charge in December 2022, and significant recovery occurred under his tenure. The process is time-consuming due to legal constraints on auctioning disputed properties, explained a MahaRERA insider, requesting anonymity.

## 884 No. of warrants issued by MahaRERA



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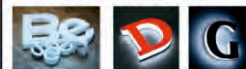
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# MAHARASHTRA GR PUTS SMALL HOUSING SOCIETIES IN A DILEMMA

**Government decision has made it mandatory for housing societies with 35 members or less to have only one member from open category and four from the reserved category in the five-member committee.**

Housing activists and state housing federation members are puzzled and irked with a recent government resolution (GR) pertaining to mandatory seats from the reserved category in the elected body of cooperative housing society with 35 members or less.

In three days Mumbai airport customs seizes 9.83 kg gold valued at Rs 5.18 crore While the government decision has brought down the minimum number of committee members from 11 to 5, the new circular has kept one seat for candidates from open category and remaining four seats are reserved (SC/ST, OBC, VJNT and woman candidate). The concern is how a committee would be formed, when small societies with 35 members or less do not have members to contest from the reserved seats.

Activists are now contemplating to take up the issue with the state cooperative minister, principal secretary of cooperation and state commissioner of cooperation in the coming week.

Advocate Shreeprasad Parab, expert director, the Maharashtra State Housing Federation said, "The government decision is restricted to only housing societies with 35 members or less and it is not applicable to societies with 100 members or less, that means we are referring to about 25,000 to 30,000 from the 1,25,000 registered housing societies in Maharashtra."

Advocate Parab said, "The GR is unclear in the scenario if such a society has no members from

Source: Mid-day 06 January, 2024



the reserved category. Will that mean that the society body be led by only one member from general category? Or else administrators be appointed, like it was done in the past," said Parab.

## What if

1. What if any of the above members from reserved category are not available, then only one member could be elected from the general category as per this GR, whereas the minimum quorum required is three ?
2. What if any such housing society has declared the elections and the process has started where the members have filled their nomination forms – will the GR be applicable?
3. What if in a housing society the strength of the elected body has fallen below five then whether this GR will be applicable to such a housing society?

"In a political system, if a group is not represented proportionately then its ability to influence policy-making is limited. Therefore, reservations are provided to make political justice and upliftment of all groups.

But while providing reservations the proportion shall be ascertained in such a manner that in majority of cases the elected body shall complete its tenure of five years with a smooth and proper administration of the society," said Parab.

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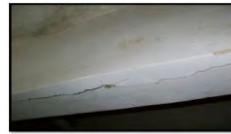


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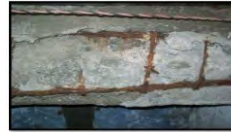
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## Separate chapter introduced

**CA Ramesh Prabhu**, founder Chairman of Maharashtra Societies Welfare Association, (MAHASeWA) said, "Considering the unique features of housing societies, a separate chapter XIII B Section 154B-1 to 154B-31 for housing societies was included in the MCS, 1960, effective from March 9, 2019.

The committee is constituted as per section 154B-19(2) and despite gaining more than two thirds of the strength of the committees these seats from reserved category remain vacant in number of housing societies and it creates a immense challenge to constitute the committee. This issue never gets resolved by the cooperative department because of their alleged nexus with the administrator."

"Such situations of impasse are rampantly witnessed in MMR region – Mumbai, Thane, Navi Mumbai and even Pune, where administrators can get appointed perpetually," said Prabhu.

## Quorum for the committee

"Considering the difficulties faced by cooperative housing societies in getting the candidates from reserved categories to constitute the committee, the above new chapter on cooperative housing societies was introduced, which provided that for the purpose of strength of the committee and quorum for the committee, the vacant seats in reserved categories may be ignored.

In other words, such seats will be filled only when candidates are available otherwise it should not affect the formation of the committee.

And the note clearly states that the majority of the Committee members in the office are considered as quorum," said Prabhu. However, with the recent GR, the housing societies cannot take benefit of the chapter introduced in 2019.

## Difficult composition

"In practice such composition in the CHS will be difficult and in the absence of members from reserved category the power will be concentrated in the hands of few managing committee members. Having spent over three decades in the legal field, my experience highlights a concerning trend where managing committee members often act high-handedly, in contravention of the fundamental principle of cooperation.

As such concentration of power in the hands of a select few, particularly in societies with lesser than 35 members and lacking representation from diverse groups like women, ST, SC, and OBC, risks fostering dictatorship and potential misuse and abuse of authority," said advocate Godfrey Pimenta, trustee of Watchdog Foundation.

## Solution – way forward

"Earlier rule was that a smaller housing society with less than hundred members were expected to have at least eleven committee members, of which five were reserved seats and six were open seats, however with the minimum number brought down to five, the way to resolve the hurdle is to allow additional open category member to replace the reserved seats, in case of smaller societies, where such reservations is not available or possible.

We will be discussing the landmark case of Tilak Safalya Co-operative Housing Society with the concerned authorities during our meeting," said advocate Parab. CA Ramesh Prabhu, has a different suggestion, "The solution would be have three members from general category and four members from each of the reserved category and thus the committee will have seven positions.

The committee can be formed with minimum three members from general category," said Prabhu.



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## Continued from Page No. 4

Due to the upcoming general elections, the Cooperative department has issued a notification dated 28<sup>th</sup> February 2024, putting a stay to the elections in the cooperative societies. The notification says that all societies, which have not reached the nomination stage in their election procedure, cannot proceed with the election process and the same is stayed till the 31<sup>st</sup> of May 2024.

This means that societies where elections cannot be conducted due to the above restriction, the present managing committee shall continue as the caretaker committee. This notification comes into effect immediately and has to be adhered by the societies.

In the RERA front, the RERA Authority is continuing its march in putting in place lots of regulations in order to not only bring transparency in the real estate sector, but also to protect the interest of the home buyers. Some of the measures undertaken by RERA include grading the project as stalled if the promoter has not updated the mandatory details on the RERA Website.

Projects, where the promoter has not sought extension of the registration, also fall under the same category. Communications have been sent to promoters of such projects to show cause why action should not be taken against them and why penalty should not be imposed on them under the provisions of the RERA Act. Some of the promoters have responded to the communications and have carried out the necessary compliances. For those who have not, the RERA Authority plans to blacklist them and take stringent action against them.

There is also information flowing that

MahaRERA may adopt the procedure followed by Gujarat RERA for recovering the amounts and penalties due from the promoters by the allottees, as per the order of the Authority and the Appellate Tribunal under section 40 of the RERA Act. This may be a game changer, as in the present, orders passed are not getting executed within a reasonable time and the homebuyers' are at the mercy of the promoter even after getting a favorable order. I am also trying to expedite the matter through the Bar Association of MahaRERA, in which I am also an office bearer.

MahaSeWA has successfully initiated the first coaching program for all the aspirants of the GDCA exams. We have decided to conduct coaching, both through online and offline mode. The Offline classes have already begun in the month of February 2024 and shall continue till April end. The Online classes are slated to begin soon. This is the first year that MahaSeWA has made an attempt to facilitate aspirants to clear the GDCA exams. This year's exams are slated in the month of May 2024.

I once again personally appeal to one and all to utilize this unique amnesty scheme and get the instrument legalized. The scheme is available till the 31<sup>st</sup> of March, 2024 in the second phase. Those who have missed to avail the benefit in the first phase can still utilize it in this phase and save the amount of stamp duty and penalty.

I once again express my condolences to the untimely and unexpected demise of Shri. Abhishek Ghosalkar and pray the almighty for his soul to rest in peace.

Best Regards,  
**CA. Ramesh S. Prabhu,**  
**Chairman, MahaSewa**  
E-mail: rsprabhu13@gmail.com

## 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  
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# SHREE SIDDHARTH CONSTRUCTION VS SHREE SARASWATI APARTMENTS

## CASE LAWS on DEEMED CONVEYANCE

**Petitioner:** Shree Siddharth Construction

**Respondent:**

1. Shree Saraswati Apartments
2. Reliable Constructions Company
3. Saraswati Co-operative Housing Society
4. DDR – 3
5. State of Maharashtra

**Court:** Bombay High Court

**Order date:** 17th October, 2013

**CORAM:** Hon'ble Justice Mohit S. Shah, C.J.  
and M.S. Sanklecha, J.

**Facts of the case:**

1. Original owners sold property to Respondent no. 2 on 12-11-198
2. Respondent no. 2 constructed Respondent no. 1 building in 1982 comprising ground plus 6 floors.
3. 19-12-1986, original owners conveyed the property to respondent no. 2
4. In 1991 – 92, Respondent no.2 constructed building of respondent no.3 comprising ground plus 3 floors.
5. Clause 16 in agreement for sale of flats in both building mentioned that once conveyance is done, they would simultaneously transfer area of 1300 sq. yards to Original Owners.
6. In 2007-08, original owners and Respondent no. 2 transferred the remaining rights in favour of petitioner stating that petitioner is in the shoes of respondent no. 2.
7. 1st April, 2011 – Deemed Conveyance application from respondent no.1 filed to respondent no. 4.
8. Respondent no. 3 was directed to be a part of the deemed conveyance application.
9. FSI consumed for building of respondent no. 1 was 0.81 and for building of respondent no. 3 was 0.80



10. FSI was consumed as follows:

- a. Respondent no. 1 (Shree Saraswati Apartments) – 2426.12 sq. meters.
- b. Respondent no. 3 (Saraswati Co-operative Housing Society) – 705.39 sq. meters.

11. 26/3/12 – Deemed Conveyance order passed and land distributed basis the FSI consumed. Land admeasuring 4568.70 sq. m. was distributed basis the FSI consumed above as follows:

- a. Respondent no. 1 – 3539.58
  - b. Respondent no. 3 – 1029.13
- (Out of the above, 415.76 sq. m. of land to be given to petitioner as his chawl exists)

**ORDER**

1. No obligation on the part of the Co-operative Society to whom the deemed conveyance is being granted by respondent No.4 to convey 1300 sq. yards around the chawls in favour of the original owners and/or its successors i.e. the petitioner

2. The respondent no.2 was under an obligation to convey the said property to respondent Nos. 1 and 3 societies in accordance with the agreement entered into with individual flat purchasers therein under Section 4 of MOFA. However, as the respondent No.2 failed to discharge its obligation, respondent No.1 was entitled to move respondent No.4 under Section 11 of the MOFA for deemed conveyance to enforce the obligation of the respondent No.2-



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Promoter under MOFA to convey all rights, title and interest in the land and building in accordance with the agreement executed under Section 4 of MOFA

3. The objection of application made by respondent No.1 for deemed conveyance under Section 11 of the MOFA is premature in as much as the same should have been made by federal society consisting of respondent Nos. 1 and 3 collectively. This objection is misconceived in law. The two societies viz. Respondent Nos.1 and 3 cannot together form a federal society. This is so as a federal society would require at the minimum not less than five members all of whom are in turn themselves societies.

This is so provided in Section-2(13) of the Maharashtra Co-operative Societiesz

In the present case there are only two societies and both have been independently formed. Consequently, even if they come together, they cannot be classified as federal society.

In any event, even if, the deemed conveyance is made in favour of two societies collectively, they would be entitled to aggregate 4568.70 sq. mtrs. and the petitioner would continue to be entitled to balance of 415.76 sq. mtrs. of the said property.

4. Basis agreement & other details, Respondent no. 2 had to convey the whole land to the society. Respondent no. 4 was well within his right to convey the land and conveyance was properly done basis the FSI consumed.

5. Accordingly, the petition was dismissed.



## DEEMED CONVEYANCE FOR MORE THAN ONE SOCIETY IN A LAYOUT PLOT

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### MARATHON NEXT GEN REALTY LIMITED AND ANR. VS THE COMPETENT AUTHORITY DISTRICT

Way back in the year 2017-18 there were many writ petitions filed in High Courts against the entitlement certificates issued in the matter of deemed conveyance application by the Competent Authorities.

Wherein the proper calculation of FSI and for giving equal and undivided right, title and interest for the respective units, all the parties along with the right and dues of surrounding area/land, without division and/or creating the individual rights, required to be tested and decided by the Competent Authority, before passing the order of deemed conveyance was totally ignored.



The issue was about the exact area of land to be conveyed. The Competent Authority can either grant land proportionate to the FSI utilized for construction of Society's building or the other option available to the Competent Authority is to convey footprint of the building and grant proportionate undivided share to the Society in respect of common amenities. The exact course of action to be adopted by the Competent Authority would depend on the facts and circumstances of each case.



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Later on govt. came up with a GR dated 22.06.2018 wherein the following points were mentioned in the GR;-

1. If there are many buildings on one plot and have a separate cooperative society of each building and if construction of some of them is incomplete then while making Deemed Conveyance of completed building, undivided share of occupancy right in the proportion of construction on the proportionate area of the construction of the building of such society or ground coverage or plinth area, similarly open space, common services and facilities, roads should be given.

2. While making Deemed Conveyance in respect of the buildings in the layout where T.D.R. is utilized, their conveyance should be made according to plinth and appurtenant area.

3. If there is more than one society in one layout and out of them only one society has made such application, similarly other societies are not co-operating for conducting measurement of the land of the applicant society then the District Dy. Registrar, Co-operative Societies, and Competent Authority Shall suggest the applicant society to conduct the measurement according to the approved plan from the Architect on the panel of the Competent Authority who approved the construction plans of the concerned society and submit the report regarding area of the society.

4. If the developer did not completed the project in expectation of getting additional F.S.I. OR T.D.R. in urban area, then in such cases, deemed conveyance of the number of flats proposed as per approved construction plan and that much flats are constructed then their deemed conveyance should be made.

5. By checking application in prescribed form of the society and the documents submitted

along with it, if application is fulfilled in all respect, then only the Competent Authority should issue Deemed Conveyance Order and Certificate to the concerned society.

6. While mentioning common easement in the Deemed Conveyance order, certificate and documents, it should be mentioned in it that the applicant society have the right with undivided rights of common easements in the proportion of the construction of the building of society.

7. The Competent Authority, therefore, is required to consider the whole land project FSI utilized for construction and the executed agreement between the parties, apart from the provisions of MOFA Act and also the various provisions for granting deemed conveyance and proportionate undivided share to the Society in respect of common amenities.

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# VALIDITY AND EXECUTION OF WILLS

**Adv. Darshana Manjrekar | 93218 70241**

The first thing to determine is whether a will is valid, and to identify whether the will has been completed correctly.

Since the will in effect disposes of a person's entire estate, property and goods, it has to comply with several requirements of the Indian Succession Act 1925 in order to be valid. The first requirement being that the person making the will must be aged at least 18 years when signing the will.

To be valid, a will needs to:

- Be in writing and signed by the person making the will.
- The person making the will must have signed it with the intention of creating a valid will.
- Two people must witness the will maker's signature. Those witnesses must either be present when the will maker signs or, the witness must be told by the will maker, that is his/her signature.
- The witness then either signs having seen the will maker sign, or signs in the knowledge that it is the will maker's signature on the document and that the will maker did sign it, with the intention of creating a valid document.

## **Be in writing and signed by the person making the will.**

It is understood that any form of writing is accepted. Therefore, handwritten, typewritten or a will printed in any form is accepted.

No specific material is required either and therefore, paper, cloth or almost anything is recognized, providing it can be produced to a Probate Registry. In addition, the will needs to be signed by the person making the will.



The purpose of this signature is to authenticate the document and confirm the contents match the intentions of the person making the will.

The person's signature can be in any form as long as it signifies their intention. A scrawl or personal stamp or their initial seal have been recognized as being a valid signature.

## **What if the person cannot physically sign?**

There may be situations where the person making the will is blind or paralyzed which may affect their ability to sign their will. In such circumstances, a will may still be validly executed by another person on behalf of the person who made the will. However, clear evidence is required confirming that the signing was done under the direction of the person making the will and legal advice should be sought.

## **Intention of the person making the will**

The signature of the person making the will is evidence of their intention. For deaths before, a will had to be signed "at the foot of each page and at the end of the will". However, this is not the position anymore. What is required is evidence that the person who made the will intended by their signature to give effect to the will.

## **Witnesses**

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To be valid, a person's signature on a will must be witnessed by two individuals who themselves are not beneficiaries. Since the person making the will is disposing of their entire estate, there is an exceptional need for authenticity. The essential requirement is that both witnesses should be present at the time when the person whose will it is signs or acknowledges their signature. It is important to note that the witnesses are not required to acknowledge or read the contents of the will.

The presence of the witnesses is merely to recognize that the person's signature on the document is indeed their signature. It therefore does not matter if the witnesses thought that the document they witnessed was a contract or another legal document.

### **Signature of witnesses**

Once the person making the will has signed or acknowledged their will, the witnesses must sign the will in their presence. It is important to note the witnesses do not need to sign in each other's presence. In such situations, the WILL will be recognized as valid.

### **Presumption of due-execution**

A WILL will be presumed as being duly executed if on the face of it, it is properly executed. Courts have been and continue to be robust in their application of the presumption of due-execution. In order to contest a will on the grounds of lack of due-execution, strong evidence is required or the court will revert to the application of the presumption.

### **Preliminary steps**

If you have strong grounds to suspect that a will is not valid, it is important to take action and legal advice as soon as possible. You may wish to enter a caveat with the Probate Registry to prevent a Grant of Probate being taken out and the assets of the estate distributed. You can also contact the solicitors who prepared the will and request details regarding the will's preparation and locate the witnesses to the will to find out the circumstances surrounding the execution.

If you obtain strong evidence from the witnesses who can confirm that the will was not executed correctly, you can then make an application to the High Court of Justice asking the court to confirm the will is invalid.

**Deceased :- Malti Parmanand Chatpar**  
**Petitioner :- Puran Jethanand Jattani**  
**Court :- Bombay High Court**  
**Case no. :- TESTAMENTARY PETITION NO. 1967 OF 2018**  
**Coram :- B.P. COLABAWALLA, J.**  
**Order Date:- 8th JANUARY, 2021**

### **Fact of the Case:-**

1. A caveat was filed by one Mrs Juthica Lalit Jhangiani who is the niece of the deceased. By an order dated 14th October, 2020, this Court set aside the caveat and further directed the office of the Prothonotary and Senior Master to process the grant for probate of the last Will and Testament of the deceased Malti Parmanand Chatpar, if it was otherwise found in order.

2. Pursuant to said order the above Testamentary Petition was listed before the Testamentary Registrar on 21st December, 2020 when the Registrar raised the objection that the said last Will and Testament dated 11.11.2008, has only been signed by the deceased and not by the attesting witnesses.

Further, the Registrar also observed that the attesting witnesses to the Will were present at the time of registration of the Will of the deceased and which was on the same date of its execution, i.e. 11th November, 2008.

3. According to the Testamentary Department, considering that both the attesting witnesses had not signed on the Will, the same was not valid as per Section 63© of the Indian Succession Act, 1925 (for short the "Act") and hence asked the petitioner to comply with the above objection.

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## NUMBER OF COMMITTEE MEMBERS IN COOPERATIVE HOUSING SOCIETIES HAVING LESS THAN 35 MEMBERS

**Adv. H. M. Suthar | Mob.:91375 72651 | 93222 74969**  
E-mail : info@hmsuthar.com | Website: www.anantstrata.com

**Friends, I was supposed to write next article based on cases decided by Bombay High Court on the issue of 'Membership of Cooperative Housing society.**

**However, in the meantime, De-partment of Co-operation, Government of Maharashtra has issued Circular under sections 154B-19 and 22 of Maharashtra Cooperative Societies act, 1960 (act) on 3/01/2024. I have therefore dealt with this issue on priority basis and will continue with previous series next month.**

Because the Notification relates to section 154B-19 and 154B-22, Firstly, it is necessary to understand what is provided in section 154B-19(1) of the act: It provides that **"Committee shall consist of such number of Members as may be decided by the State Government by Notification or special order, from time to time"**. It is obvious that the number of committee members in a housing society shall be decided by the Government.

Secondly, what is provided in section 154B-22 of the act: It is provided that "Till the time the Members of reserved categories are not available or elected to fill the reserved seats as provided in sections 154B-20 and 154B-21, such reserved seats shall not be counted for strength of managing committee for composition of quorum for conducting its meetings.

The circular says "३५ सदस्यांपेक्षा कमी सदस्य संख्या असणाऱ्या गृहनिर्माण संस्थेसाठी खालील मर्यादित व्यवस्थापक समितीमध्ये सदस्य संख्या निवडीचे अधिकार सहकारी गृहनिर्माण संस्थेस देण्यास शासनाची मान्यता देण्यात येत आहे"

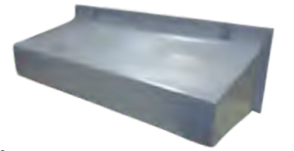
specified as minimum ONE and reserved seats have been specified ONE each for each of the four reserved categories. As such total is FIVE. It means the society has the right to decide the strength of the committee subject to the minimum as per the Notification. It is very good initiative in view of the fact that the smaller societies do face the issue of non-availability of members to work in the committee. There are attendant risk also but overall, this is appreciable. Let me say that the act has authorised the Executive to fix the number of members in Managing Committee which is legal obligations. Can this obligation be delegated to the society is the question. However, it is beneficial provision. My next article will be in continuation of the previous articles on the decided cases for membership of cooperative housing society.



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**Fire:** A fire insurance policy is a type of property insurance policy, which covers the damages and losses caused to a residential common property due to fire. This policy enables the policyholder ( Housing Society ) to claim compensation for costs incurred towards repairing, replacing or reconstructing a property damaged in a fire. *Note – This covers any type of fire including fire caused by human error, short circuits, over load on existing electric appliances.*

**Explosion or Implosion:** Explosions, whether from gas leaks or chemical reactions, can quickly escalate into fires that cause widespread destruction. Similarly, implosions may occur when a building collapses inwards due to an internal explosion. If your insured premise is damaged due to a fire caused by either explosion or implosion, a fire insurance policy will cover damages caused by both. The policy ensures that property owners can rebuild and recover from the aftermath of these unexpected events. However, the coverage excludes losses caused to: Economizers Boilers Machinery /apparatus in which steam is produced. *Note – This covers cylinder and gas blasts that we face in co-operative housing societies.*

**Lightning:** Damages caused due to lightning can cause fires that rapidly spread, leaving homeowners and property owners vulnerable to significant losses. Damage to the roof or the building caused by lightning is covered under the standard fire policy. *Note - There can be damages to the roof , terraces, Solar panels on terrace due to sudden lightening mostly caused during monsoon season.*

**Earthquakes:** Earthquake, volcanic eruption, or other like convulsions of nature.

**Storm, Cyclone, Typhoon, Tempest, Flood, Inundation:** This is the no 1 cause of insurance claims in Mumbai , Flood claims during rainy season and property damages during the storms are the major cause of insurance claims.

**Subsidence, Landslide, Rockslide:** Destruction or damage caused by Subsidence of part of the site on which the property stands or Land slide / Rock slide. *Note – There have been incidences in the past where few buildings were affected due to landslide, “ Wadala Society 2018 incident”*

**Bush Fire, Forest Fire, Jungle Fire Impact Damage:** Damage Caused due to collision caused by any external physical object – Damages caused majorly by property damages due to property and premises due to impact by outside vehicles and foreign objects.

**Missile Testing Operations- Riot, Strikes, Malicious Damage:** Unforeseen losses caused to the building and premises deliberately done with the intention to cause property damage.

**Acts of Terrorism- Bursting or Overflowing of Water tanks, Apparatus or Pipes:** Bursting followed by overflowing of water tanks leading to damage/losses to the CHS property.

**Leakage from Automatic Sprinkler Locations:** Theft within 7 days from the occurrence of and proximately caused. The above are the standard coverage's with all the insurance companies in India. For any clarifications on the coverages please feel free to contact on the below numbers.

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# MUMBAI: DEVELOPERS FLOUTING QPR RULES FACE MAHARERA ACTION

**Mumbai, February 26:** The Maharashtra Real Estate Regulatory Authority's (MahaRERA) strict action against erring developers has yielded good results, with stakeholders voluntarily updating quarterly progress reports (QPR) on the portal. However, there continues to be a sizable number of developers who are not complying with the regulations.

There is an increasing trend in the developers voluntarily or without show cause notice updating QPR. This has happened due to MahaRERA initiating strict action against violators such as suspension of projects by serving them notices back in January 2023, a press note issued by the regulatory body said. Out of 633 projects reported in June 2023, 333, i.e. 52.6% projects updated all the required forms and submitted them to MahaRERA prior to the due date. In January 2023, this ratio was just 2 out of 746, i.e. 0.03%.

## **Details Of QPR Compliance Without Notice (2023):**

- 131 out of 700 projects (19%) in February
- 150 out of 443 projects (34%) in March
- 222 out of 480 projects (46.3%) in April
- 190 out of 383 projects (49.6%) in May
- 333 out of 633 projects (52.6%) in June

According to MahaRERA chairman Ajoy Mehta, "comprehensive information on projects is publicly available through quarterly progress reports. In order to closely and effectively monitor these regulatory provisions, MahaRERA has implemented a Financial Quarter-Based Project Progress Reporting System from the first quarter of the projects registered from January 2023. "MahaRERA has also taken action to suspend direct registration of projects that do not submit quarterly forms. As a result, some discipline was created and the number of

Source: FPJ News Service: February 26, 2024



projects submitting progress reports without any notice is increasing month by month. Even though this is satisfactory, the number of those who actually do not submit the forms and still do not respond despite paying the penalty is significant. This is a serious matter. MahaRERA will not tolerate this indifference and irresponsibility towards customers under any circumstances," he said.

## **Some Developers Still Flout QPR Rules:**

While there has been positive outcome, there are developers who continue to not share quarterly updates. "There are 234 out of 886 developers who have not submitted the QPR despite paying the requisite penalty. Whereas, those who have not responded despite serving them with notices and initiating action stands at 323. Both categories put together, the number of non-responders stands at 557, which is 62.86%," the press note said. In addition to Section 11 Regulation Rules 3, 4 and 5 of the Real Estate Act, as per Section 3 and 4 of Order No 33/2022 dated July 5, 2022, every developer is required to submit the prescribed statement forms quarterly / annually to MahaRERA and update them on the website. This helps in providing the latest status of project's construction, cost and so on, and also points out errors in time. This enables the home buyers to conveniently access all the official information about any MahaRERA has initiated strict action such as suspension of projects, freezing of bank accounts, restrictions on sale of flats as well as project's marketing, etc, against those not complying with the mandatory periodical requirements.



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## QUALIFICATION OF MEMBERS TO BECOME COMMITTEE MEMBERS IN A CO-OPERATIVE HOUSING SOCIETY

Adv. Mehal Vora | Mobile No. 85915 70159

**Question:-** What is the criteria for contesting in the election of housing society under Maharashtra Co-operative Societies Act, 1960 in case of member who has more than 2 children and a member who is a defaulter?

**Ans:** The Maharashtra Co-operative Housing Societies election to the managing Committee is conducted depending on the number of members in the society as on the close of the preceding co-operative year. The Co-operative Housing societies with more than 250 members as on the close of preceding cooperative year fall under the category of "C" type of co-operative societies and less than and upto 250 members fall under "E" Type of co-operative Societies.

The Maharashtra Cooperative (Election to Committee) Rules 2014 was amended on 6 th April, 2021 by notifying the Maharashtra Cooperative Societies (Election to Committee) (Amendment) Rules, 2019 which shall now be applicable for all "E" type of co-operative Societies.

In a given case if society falls under 'E' type, the grounds for disqualification of committee and its members is as per the provisions of the **section 154B-23 of the Maharashtra Co-operative Societies Act, 1960 which is reproduced as under for your ready reference:**

"154B-23. (1) Without prejudice to the other provisions of this Act or the rules made thereunder, in relation to the disqualification of being a Member of the Committee, no person shall be eligible to be appointed, nominated, elected, co-opted for being a Member of Committee,



- (i) if he is a defaulter of any society, or
- (ii) if he carries on business of letting, subletting and selling of flats in the housing society of which he is a Member, or
- (iii) if he has been held responsible under section 79, 88, 154 B-8(2) or 154B-27 or for payment of cost of enquiry under section 85, or
- (iv) if he has incurred any disqualification under this Act or the rules made thereunder, or
- (v) if he incurs any of the disqualification similar to that mentioned in the provisions of clause (vii), (viii) or (ix) of clause (f) of sub-section (1) of section 73CA.

(2) A Member, who has incurred any disqualification under sub-section (1), shall cease to be a Member of Committee and his seat shall thereupon be deemed to be vacant.

(3) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification under clause (ii), (iii), (iv) or (v) of sub-section (1), shall not be eligible to be re-elected, re-co-opted or renominated as a Member of Committee for five years from the date on which he or she has so ceased to be a Member of the Committee.

(4) A Member of a Committee who has ceased to be a Member thereof, on account of having incurred disqualification other than disqualifications, referred to in sub-section (3), shall,





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unless otherwise specifically provided in this Act, be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee as soon as such disqualification ceases to exist.”

On the bare perusal of section 154B-23 sub section (v) wherein it is clearly mentioned that if a member incurs any disqualification similar to that mentioned in the provisions of clause (vii), (viii) or (ix) of clause (f) of sub-section (1) of section 73CA shall not be eligible to be re-elected, re-co-opted or re-nominated as a Member of Committee for five years from the date on which he or she has so ceased to be a Member of the Committee.

The relevant provisions of clause (vii), (viii) or (ix) of clause (f) of sub-section (1) of section 73CA is been reproduced as under for your ready reference:

**“Section 73-CA. Disqualification of committee and its members:**

*(vii) has more than two children: Provided that, a person having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 2001, (hereinafter in this clause referred to as “the date of such commencement”), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase:*

*Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.*

*Explanation.—For, the purposes of this clause,*

*(a) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity; (b) “child” does not include an adopted child or children]*

*[(viii) is held guilty for any offence under section 146 and convicted under section 147; or (ix) is convicted with imprisonment of not less than one year for an offence under the provisions of any law for the time being in force;]”*

It is evident from the perusal of the aforementioned section 73-CA sub section (vii) that if a member having more than two children on the date of commencement of the Maharashtra Co-operative Societies (Third Amendment) Act, 2001, i.e. 07/09/2001, shall not be disqualified so long as the number of children he had on the date of such commencement does not exceed 2 and that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Therefore, if the third child or more than one child in a single delivery is born before 7 th September 2002, that member shall be eligible to contest in the election and shall not be disqualified under the above provisions of the Maharashtra Co-operative Societies Act, 1960. In all other instances, the member shall be ineligible to contest in the election of the managing committee of the society. In so far as the disqualification of defaulters from contesting elections of the managing committee of the society, the provision of section 154B-23(1)(l) shall be applicable. The definition of a defaulter as well as definition of dues is provided under section 154B-1(11) and 154B-1(12) respectively of the MCS Act which are reproduced as under:

*(11) “defaulter” means a Member or flat owner or occupier who fails to pay the dues of the society within three months from the date of service of bill or notice or due date of payment, whichever is later;*

*(12) “dues” means the amount payable by a Member or flat owner to the society and demanded by the society by issuing bill or notice in writing and such demand is based on the provisions of this Act, rules and bye-laws of the society;*



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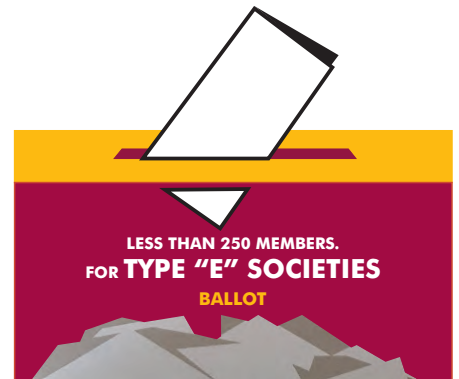
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# ELECTION MANUAL

## FOR CO-OPERATIVE HOUSING SOCIETIES

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Dear Members

We are happy to inform you that the **ELECTION MANUAL** is ready for circulation. We provide herewith the summarized **CONTENT** in this Magazine for your reference. The **MANUAL** is available for sale in our association office. Stocks are limited. Please call and Confirm your Copy immediately - Call - 022 42 55 1414 / 24

## 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),  
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# HOUSING SOC TO PAY RS 1.5L COMPENSATION TO JOINT SHOP OWNERS

**Borivli-based Breezy Corner Co-operative Housing Society was directed to pay Rs 1.50 lakh compensation for losses caused by structural changes in the flat above Jasmin Kapadia and Ketan Parmar's shop. They faced leakage and seepage due to unauthorized additions, resulting in damage to the shop.**

MUMBAI: Observing that the housing society was duty bound to provide proper service and to keep units, shops, residential flats in the building in proper and habitable condition, a consumer commission directed Borivli-based Breezy Corner Co-operative Housing Society to pay a compensation of Rs 1.50 lakh to two joint owners of a shop who had to face losses after the flat above their unit made structural changes causing severe leakage.

Ruling in favour of the joint owners, Dahisar residents, Jasmin Kapadia and Ketan Parmar, the commission said that the complainants have established that the society is liable for deficiency in services.

"Non-action of has resulted into monetary, physical and mental trouble to the complainants," the commission said.

The housing society and office bearers, against whom the complaint was filed, did not respond to the complaint.

The commission passed an ex parte order. Awarding Rs 1.50 lakh, the commission said, "Naturally, the complainants will require to spend money to keep their shop in good condition, even after removal of leakage problem."

Additionally, they were also awarded Rs 10,000 towards litigation costs.

Source: Times of India: Feb 19, 2024



The commission, however, said that the compensation will have to be paid only by the housing society and not the officer bearers. "...though opponent no 1 (housing society) acts through its managing committee, office bearers...cannot be held personally liable for non-action of Breezy Corner Cooperative Housing Society because they act on nonremuneration basis to manage affairs of the society," the commission said. Kapadia and Parmar moved the Mumbai Suburban District Consumer Disputes Redressal Commission on January 7, 2021.

The said that they were in possession of the shop since 2011 and had been paying maintenance charges. They alleged that the occupants residing exactly above their unit carried out internal unauthorized additions and alterations. They further submitted that this caused leakage and seepage through the walls.

The complainants further submitted that due to the persistent leakage and seepage through the wall, the ceiling, internal walls, paint, interior decoration, furniture and electric wiring of shop got damaged.

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# FORMATION OF CO-OPERATING HOUSING SOCIETY

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The **Constitution (Ninety-Seventh Amendment) Act, 2011** has granted constitutional status to co-operative societies. It is **fundamental right of every citizen of India to form an association or union or co-operative societies under Article 19(i)(c)** of Constitution of India.

The provisions and procedures pertaining to formation of co-operative societies are laid down in the **Maharashtra Co-Operative Societies Act, 1960 and Maharashtra Co-Operative Societies Rules, 1961** which is summarized as under:-

Process to be followed for registration of society:-

## 1. Election of chief promoter:

- i. The provisions of Maharashtra Co-Operative Societies Act, 1960 states that, before applying for the registration of the society, a meeting of at least 10 members should be called by circulating a notice and the agenda of the meeting to them well in advance.
- ii. In the said meeting, chief promoter of the society has to be elected to sign the application, various forms for the purpose of registration and other documentation on behalf of proposed society and members. It is advisable to prepare minutes of the meeting which may have to be submitted before the authority.

## 2. Application for name reservation:

- i. Once the chief promoter is elected, the proposed society may proceed with the application for reservation of name.

- ii. The elected chief promoter has to make an application for reservation of name of proposed society in prescribed Form.
- iii. The application shall be sent to registrar for reservation of name. After obtaining approval from registrar, the name shall be reserved for 3 months. If the proposed society fails to make an application for registration within 3 months, the proposed society once again has to submit an application for reservation of name.

## 3. Opening of bank account:

- i. After obtaining the approval/ confirmation from the Deputy Registrar, chief promoter shall open bank account to deposit the money received towards share capital, entrance fee etc.

## 4. Application for registration of society:

- i. Chief promoter shall make an application for registration of society in Form A, B and C, Y or Z along with one copy of Agreement for Sale (Agreement of Chief promoter is advisable), Index II of at least Ten flat purchasers, Copy of IOD, CC, OC and approved building plan.
- ii. Aforesaid **Form A, B, and C** contains the details which are as under:
  - a) Form A – Details of members and share capital of the proposed society
  - b) Form B – Details of land on which building is standing thereon
  - c) Form C – Details of promoter members

d) Form Y - Undertaking from chief promoter, in case the proposed society is formed without any co-operation from builder promoter, in case the Proposed society is formed with co-operation of builder

e) Form Z – Undertaking from the builder.

**NOTE: The documents which will be submitted along with application have to be self attested by the chief promoter.**

## 5. Issue of Registration Certificate:

I. The Deputy Registrar, after verifying and scrutinizing the application submitted along with required documents, if he is satisfied that a proposed society has complied with the provisions of the Act and the rules, then Deputy Registrar shall issue the registration certificate of society u/s 9 of Maharashtra Co-Operative Societies Act, 1960 within Two months from date of receipt of the application.

ii. In case where the Deputy Registrar has failed to issue the Registration Certificate of the proposed society, then Registrar shall

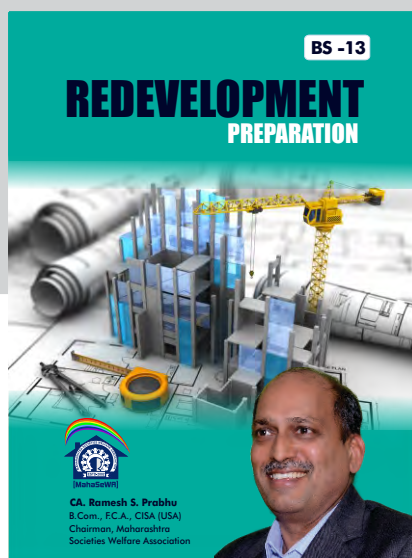
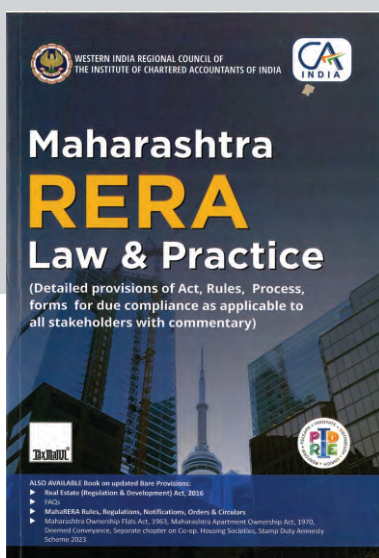
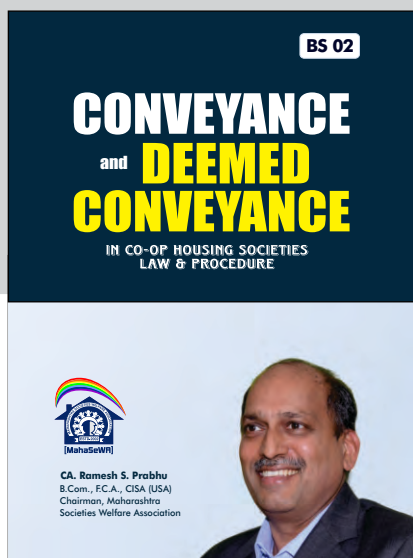
within 15 days from expiry of Two month shall refer the application to the higher authority.

iii. The higher authority, shall within Two months take necessary action in order to grant the registration certificate.

In case where the higher authority fails to issue the registration certificate within prescribed time period, the proposed society and its bye laws are deemed to be registered.

Thereafter the chief promoter of the proposed society may approach registrar to register the society under his seal and signature and the registrar has to issue such certificate within Fifteen days.

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# FAQS ON STAMP DUTY APPLICABILITIES



**CA. Shreyash Prabhu,**  
**S.Com., ACA**  
**Mobile: 9820601890**

## **01. What is procedure for people who are eligible under the scheme but have lost their original agreement?**

Ans: Currently, no rules or procedures mentioned for people who have lost their original agreement and want to avail the benefits of the scheme. We have made a representation to the IGR of Maharashtra to consider certified true copy or photocopy of agreement along with relevant supporting documents for availing benefits under the scheme.

### **In the meantime, it is advised to do the following two steps:**

1. Submitting application along with photocopy of the agreement in online portal. If subsequently, the Government allows the photocopy of agreements then at least the application is submitted from the buyer's end.
2. Also, subsequently the photocopy should be self-attested and notarized. A police complaint should be lodged and a public notice should be issued for agreement lost. This will help in making the documents today more authenticated. Thereafter, send the xerox copy with the copy of online application by speed post acknowledgment due to the respective stamp duty office. This is because, the stamp duty department will not accept the xerox copies of the agreement physically.

## **2. A conveyance deed was executed in**

**1997 and applicable stamp duty was paid and registered. There was an error in area mentioned in plot area while signing the conveyance deed basis which in 2002, a supplementary agreement was signed on stamp paper and notarized correcting the area of plot. The supplementary deed so made was not registered and stamp duty on the corrected area was not paid.**

### **i) Is stamp duty payable on the supplementary agreement?**

Ans: Yes, stamp duty is applicable on such supplementary agreement also. Each instrument is considered as stand alone instruments and applicable stamp duty has to be paid. However, if there are more than one instrument between the same parties for the same property transaction than, the stamp duty will be collected on the principle instrument and other instruments are considered as incidental instruments on which differential stamp duty, if any or nominal stamp duty of Rs.100/- will be charged under section 4 of the Maharashtra Stamp Act, 1958. Since you have a supplementary agreement with the revised area, the Stamp duty will be calculated on the revised area mentioned in the supplementary agreement.

Also, rate will be considered of year in which supplementary agreement was executed. In this case, rate of 2002 will be considered with the revised area mentioned in the agreement. Stamp duty earlier paid in 1997, will be deducted from the amount calculated in 2002 and the differential amount will have to be paid. If in case, stamp duty calculated in 2002 is lesser than 1997, for any reason whatsoever, then only Rs. 100 will have to be paid for stamp duty. In order to get the said conveyance deed registered, you will have to get all the parties

and execute a confirmation deed as on today and then register it. In case, the purchaser is a society which was formed by the flat purchasers who had purchased the flat under the Maharashtra Ownership Flats Act, 1963 and if the vender / builder / land owner does not co-operate, the necessary application under deemed conveyance may be filed as per notification dated 22<sup>nd</sup> June, 2018 before the District Deputy Registrar of Co-operative Societies. The said notification is attached in this book as an appendix.

**(ii) Once stamp duty is paid, will the agreement get registered under the scheme?**

Ans: The scheme is called Stamp Duty Abhay Yojana scheme which covers relief from stamp duty. Agreements cannot be registered under the scheme. This is scheme is not for registration of the instruments but for recovery insufficient stamp duty and to regularize the documents. Under section 23 of The Registration Act, 1908, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer **within 4 months** from the date of its execution. Post 4 months from the date of execution of the instruments The document can be still registered within extra 4 months provided penalty charges, as applicable, is paid by the parties involved. The penalty for delayed registration beyond 4 months from the date of execution is 2.5 times of registration fees for every month or part of month of the delay. Thus if the agreement has to be registered in 8<sup>th</sup> month, the parties will have to pay the applicable registration fees plus 10 times of registration fees as the penalty. Once a period of 8 months has elapsed from the date of execution, an agreement cannot be registered.

However, an agreement can be still be registered after 8 months from date of execution provided following two conditions are satisfied:

1. All the parties mentioned in the agreement are available to sign the documents and the

said agreement can be registered by executing confirmation deed, supplementary deed or sale deed while registering the same. Both the parties are required to be present before the registrar for admitting their signature on the confirmation deed.

2. Stamp duty will be calculated and have to be paid basis the rate applicable on the date of registration of the agreement and not on the date when the agreement was executed. If partly stamp duty is paid, the parties will have to pay the differential duties only and not the full stamp duty at the time of registration of the confirmation deed.

**3. Once application is filed under the scheme, within how many days should I have to pay the stamp duty amount?**

Ans: Application when filed and an acknowledgment is received, a demand notice will be served to the applicant within reasonable time. Once the demand notice is served, the applicant has to pay the stamp duty amount, and penalties amount as per the demand notice within a period of **7 days** from the date of demand notice served.

If stamp duty is not paid within such time, then benefits under the scheme is lapsed and in future, the collector of stamps will issue a revised demand with deficit stamp duty and the penalties as applicable and without payment of the same, the original agreement will not be returned.

**4. How to identify whether a stamp paper is genuine or fake?**

Ans: An application has to be submitted to the proper authority to verify the stamp paper along with the original copy of the instrument requesting for verification of stamps. The appropriate authority will issue a certificate which will act as a proof for the Authenticity of the stamp paper or payment of stamp duty on the instrument at the time of execution.



**5. How can we get our agreement executed in earlier years, say of 1958 till 31st March, 2020. Thus agreements executed prior to 8 months, the Govt. is not allowing to be registering the same in spite of payment of stamp duty by executing the declaration. The seller or the builder is not available or traceable. How the same can be registered.**

Ans: As per the Inspector of General of Registration and Control of Stamps (IGR), Maharashtra State vide circular dated 22<sup>nd</sup> December, 2011, marked as appendix in this book, the said one party declaration will not be registered. If both the parties are available the same will be registered. Therefore Maharashtra Societies Welfare Association (MahaSewa) and Mumbai Suburban District Co-operative Housing Federation Ltd, Mumbai have made a representation to Housing Minister to Amend section 4A of the Maharashtra Ownership Flats Act, 1963 to all such old agreement to be registered by the

Competent Authority ( District Deputy Registrar) just like following the procedure laid down under the deemed conveyance of land and building.

As per section 11 of MOFA, the DDR can grant the conveyance of entire land and building to the society, if the builder has not conveyed it within the statutory period of 4 months from the formation of the society by following the procedure as per circular dated 22<sup>nd</sup> June, 2018 which is marked in this book as appendix. If he can grant the land and building the law can be amended to grant him the powers to register the unregistered agreement by following the due process for which amendment in the MOFA, 1963 is required. We hope the government will consider the same and in due course of time, your unregistered agreement also may be registered. So please avail the benefit of the scheme and get your agreements regularized by paying nominal stamp duty and nominal

## “MahaSewa Branch office “

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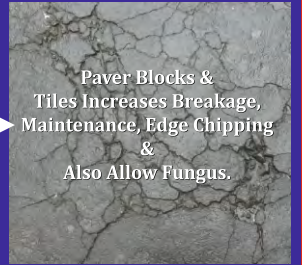
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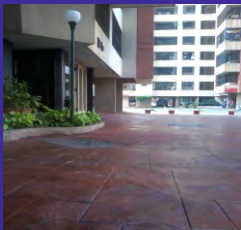
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