

The strictest law
sometimes becomes the
severest injustice.
-Benjamin Franklin

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simple form for the benefit
of a large number of users.
- Dr. Nitin Kareer, IGR

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Slum Rehabilitation Guidelines eased

To encourage developers to take up larger areas for redevelopment, the Maharashtra government has decided to allow "densification" under the slum rehabilitation scheme.

The government, which has promised 11 lakh affordable homes by 2022, is offering the floor space index (FSI) carrot as well as easing rules to encourage larger projects. Under the draft notification issued recently, if the tenement density is more than 800 per hectare (2.5 acres) then the government will immediately grant FSI of 4. If the tenement density is between 650-800 per hectare then the FSI for in-situ redevelopment will be 3, but if the eligible tenements are more than 650, then FSI of 4 will be applicable.

An FSI of 4 is already applicable for redevelopment of Dharavi and the slums on airport land. A May notification had limited the density to 500 tenements as in the original provision and did not increase FSI.

However, it allowed the extra tenements to be used for affordable housing. A consultant said, the notification removes a big stumbling block in granting approval for a slum rehabilitation scheme. "Slum Rehabilitation Authority (SRA) projects will get off the ground faster as annexure II, which declares whether or not a slumdweller is eligible for free housing will no longer be a criterion for issuance of Letter of Intent (LOI). With the LOI, the developer can obtain clearances and begin construction. Annexure II is required only at the time of allotment," he said.

Once the developer declares a certain number of hutments on one hectare, he will compulsorily have to construct that many tenements. If the number of slumdweller held eligible for free housing in annexure II is less than the declared number of hutments, then the balance will have to be handed over for project-affected persons, affordable or rental housing and staff quarters. The consultant further informed that the said projects will be completed sooner. Another consultant said the notification does not specify to whom the extra tenements will be handed over to. "The earlier notification issued in May 2016 clearly mentions these are to be handed over to the SRA," he said. "The fear is that a loophole is being provided for developers to show these tenements as the mandatory 10% inclusionary housing," he added.

Source : Times of India, Mumbai, 03/11/2016

Builders to pay 10.9% interest for delayed possession

The Union government has notified rules to implement the Real Estate Regulation Act (RERA), which will enable buyers who have invested in real estate projects to secure interest at 10.9% per annum for delayed possession.

In case a buyer is seeking a refund, they will now be entitled to a refund on the entire payment at the same rate, and the builder would have to repay the amount within 45 days of a claim being

made. The final rules specify that developers of ongoing projects will also have to deposit 70% of the funds collected into a separate bank account within three months of applying for registration.

Source: Hindustan Times, Mumbai, 02/11/2016

Transfer Fees still levied on collectors land

The city collector is still empowered to charge a premium on every sale of flat or office premises on collector's land in Mumbai.

City collector said that the Supreme Court had stayed a Bombay high court order in 2010, which ruled that the collector could not charge a premium for any property transaction.

The clarification comes as many residents and office occupiers feel the collector's charge is no longer applicable. According to a state government notification, the collector charges Rs.200 to Rs.500 a sq. ft. when any apartment changes hands and Rs.1,500 a sq ft during an office sale in the island city. In the suburbs, the rate varies from Rs.100 to Rs.250 a sq ft when a flat is sold to Rs 750 per sq ft for an office space.

In 2009, property buyers got a major relief when the HC ruled the collector did not have any powers to charge premium nor is his/her no-objection certificate necessary for the transfer of a flat located in a building situated on collector's land. The order was passed while the HC was hearing

a petition filed by Aspi Chinoy who entered into an agreement to purchase a flat in Jolly Maker Apartments III, Cuffe Parade, in December 2000. After finalising the deal, the petitioner approached the sub-registrar for registration of his agreement. However, he declined to register the document and asked the buyer to get a no-objection certificate from the collector. The petitioner moved the HC in 2001 to challenge this rule.

The petitioner argued that no interest in the land or the building is being transferred in favour of the purchaser while executing the deal. He also told the court that as a member, all that the petitioner seeks is-the right to occupy the flat and shares in the cooperative housing society, in whose power vests the building and land.

Upholding the petition, the HC observed that for a collector to issue a NOC and charge premium, two conditions need to be fulfilled-such land should be allotted to a cooperative housing society on an application and/ or allotment should be at a concessional rate. That was not the case in the Cuffe Parade building. But the state government soon moved the Supreme Court, which gave an interim stay on the HC order, which allowed the collector to continue charging the premium till the case is decided.

In the island city, there are around 1,300 lease hold plots mainly in areas like Backbay, Nariman Point, Churchgate, Marine Lines, Sion, Dadar and Wadala.

Source : Times of India, Mumbai, 04/11/2016

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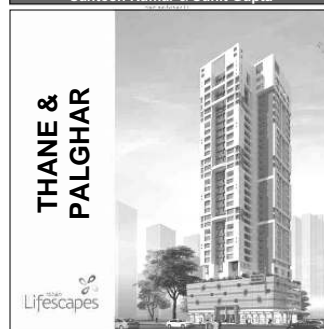
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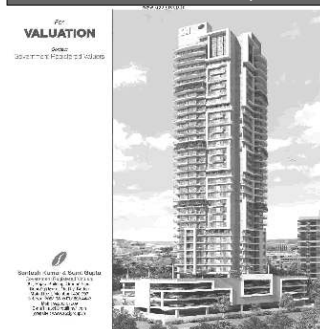
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