



सहनिबंधक सहकारी संस्था (सिडको)

यांचे कार्यालय

शहर व औद्योगिक विकास महामंडळ, (महाराष्ट्र) मर्यादीत

बेलापुर रेल्वेस्टेशन कॉम्प्लेक्स, टॉवर नं. ०८, पाचवा मजला, सी.बी.डी. बेलापुर, नवी मुंबई

ई-मेल jointregcidco@gmail.com

जा.क्र.सनि/सस/सिडको/७७५० /२०२३

दिनांक २१/०२/२०२३

२१/०२/२०२३

प्रति,

चेअरमन/सेक्रेटरी

जिम्मी पार्क-१ को.ऑप.हौ.सो.लि,

सेक्टर १७, नेरुळ, नवी मुंबई

विषय - या कार्यालयाकडील प्राप्त तक्रार अर्ज.

संदर्भ - श्री. क्रिष्णवेलु व इतर ६ सभासद यांचा दि. ०१/०२/२०२३ रोजीचा अर्ज

२/- उपरोक्त विषयानुसार आपणास कळविण्यात येते की, संदर्भात पत्रान्वये तक्रारदार यांनी सदर तक्रारीत संस्थेच्या चालू असलेल्या पुनर्विकासाच्या कामकाजाबाबत नमूद केले आहे. सदर तक्रारीची छायांकित प्रत सोबत जोडण्यात येत आहे.

तरी आपणास सुचित करण्यात येते की, आपण महाराष्ट्र सहकारी संस्था अधिनियम १९६० व नियम १९६१ तसेच संस्थेच्या उपविधी प्रमाणे वरील तक्रार अर्जाबाबत योग्य ती कारवाई करून तक्रारदार यांना परस्पर कळवावे व तसा अहवाल या कार्यालयास सादर करावा.



(संगिता र. डोंगरे)

सहनिबंधक सहकारी संस्था, सिडको
नवी मुंबई

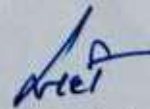
प्रत,

श्री. क्रिष्णवेलु व इतर ६ सभासद

सदनिका क्र. रो हाऊस नं. ०१,

जिम्मी पार्क-१ को.ऑप.हौ.सो.लि,

सेक्टर १७, नेरुळ, नवी मुंबई



सहनिबंधक सहकारी संस्था, सिडको
नवी मुंबई

आवक नं :-

आवक दिनांक :-

शाखा :-

नोड - १ / २ / ३ / ४ / ५ / ६ / ७ /

30th January 2023

The Joint Registrar

Cooperative Housing Societies - GDGO शाखा

5th Floor, Tower No.8,

Belapur Railway Station Complex,

CBD Belpaur, Navi Mumbai.

निवर्तक

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Dear Sirs,

Sub : Representation from Row House Members (RHMs) 1 to 8 of Jimmy Park-1 CHS Ltd., Sector-17, Nerul seeking justice in the redevelopment Process.

Background :

Jimmy Park-1 CHS Ltd., with 32 flats accommodated in a 7 story high rise building and 10 duplex (1+1) row houses is situated in Sector - 17, Nerul. Thus, in all there are 42 residents in this CHS.

On 11th June, 2022, an unfortunate incident of fall of floor slab of Flat No. 601, 'A Wing' affecting all the floors up to the ground floor took place during the course of repairs in the said flat. Immediately, thereafter, the NMMC directed ALL the residents (including the 10 RHMs) to vacate their flats / houses forthwith disconnecting supply of water and electricity to the entire Society. Having no other option, the said 42 residents vacated the said premises and shifted to alternate accommodation.

It is an admitted position that the slab of Flat No.A-601 of 6th floor collapsed due to damage of the structure and beam coupled with the negligence of the workmen during the course of major repair work carried out by the flat owner with due permission of the office bearers of the Society, who granted permission for such repairs without assessing the strength of the building before according the said permission and that lack of required supervision subsequent to grant of permission for repairs. It is pertinent to bring to your attention that the permission was granted by the office bearers of the Society even after caution by NMMC on 18-5-2022, after fall of plaster of ceiling of ground floor flat No.001 of 'A' Wing, that the structure of the building was weak and required structural repairs.

Subsequently, all the members of the CHS agreed to go for redevelopment of the Society. M/s.Acmeastute Consultants & Managerial Elites Pvt. Ltd.(ACME) were appointed as Project Management Consultants (PMC). M/s. M.T.Thacker & Associates were appointed as advocates. The PMC submitted his draft Feasibility Report (FR) on 20th August, 2022 considering the following carpet areas written in the Sale Agreements:

- | | |
|----------------------|----------------|
| (A). 4 Pent Houses | 1,260 sft each |
| (B). 28 Duplex Flats | 819 sft each |
| (C). 10 Row Houses | 780 sft each |

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The Feasibility Report considers allotment of a flat even to the RHMs. This is contested by the RHMs and they insisted on Row Houses only be built for them since, **firstly**, a row house is altogether a different high-end dwelling unit and that the comfort and luxury it offers is far superior to that of a flat. And it is essentially for this reason, the row houses were purchased paying a premium price.

Secondly, when the RHMs chose in November, 2022 end to go for structural audit of their row houses, the reports put them in C2-B category confirming that the eviction of the members of the row houses is unwarranted since the row houses are habitable and safe and that the deficiencies in their structures are repairable. It is for this reason too, the RHMs are entitled to row houses even after redevelopment.

Thirdly, this row house commands a price (as per the Report of a Govt. Approved Valuer) of about Rs.2.50 crore as opposed to a flat which cost about Rs.1.35 to 1.50 crore. Thus, offer of a flat in return for a row house is not acceptable to the RHMs.

Fourthly, the RHMs represent that though the carpet area mentioned in the Sale Agreement of a Row House was 780, each RH has additional utility Areas mentioned below.

Sr.No.	Discription		Area in sqft
1	Stilt	Ground Floor	187
2	Garden	Ground Floor	206
3	Balcony	First Floor	185
	Total Covered Utility / Usable Area		578

Besides this, the open Terrace on the 2nd floor admeasuring 443 sqft also needs to be counted for deciding on the corresponding flat size of a RHO in the redeveloped complex.

Considering compensation for the covered usable / utility area at 100% and that for the said open terrace at 50% of its existing measurement, the carpet area of a row house works out to around 1,360 sft as detailed below.

Sr.No.	Discription	Area in SFT	Conversion Factor	Area in SFT post conversion
(a)	(b)	(c)	(d)	(e) = (c) x (d)
1	Total Covered Utility / Usable Area	578	60%	347
2	Terrace on 2nd Floor	443	50%	222
3	Carpet Area as per existing Feasibility Report	780	100%	780
	All Inclusive Carpet Area of a Row House			1,348

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 New 20/1/23 [Signature]

Thus, considering 780 sq ft for a RHM and working out the feasibility of the Society's redevelopment is not at all a fair and equitable proposition since it fails to recognize the easement benefits that the RHMs are entitled to. Nor is the calculation adopted in the Feasibility Report based on areas of different types of dwelling units on a pro-rata basis.

The RHMs held consultations with various advisors such as the Architects, the Government Approved Valuers, the Advocates etc., and all these professionals specialized in different facets of real estate gave the RHMs their unequivocal suggestion to take up their cause of fight with the Society with the Governmental Authorities concerned and if required, lastly, with the appropriate court of law – which we, in turn, brought to the knowledge of the Society.

However, all our submissions are turned down / discounted by the Flat Owners and the Chairman (a flat owner), the Secretary (a flat owner). This is a blatant misuse of the might of majority – as the flat owners are 32 in number as opposed to the RHMs who are only 10 in number.

In spite of the said differences and representations from time to time to the Society in general and the Chairman and the Secretary in specific, there is ceaseless support from the RHMs for redevelopment activities and none of the redevelopment activities had to be rescheduled by the Society for want of cooperation from RHMs.

Present Status of Redevelopment vis-à-vis Representation of RHMs:

1. The PMC is on board.
2. The Legal Consultant is on board.
3. After passing required resolutions in the Special General Body Meetings, bids are invited through Press Ad from reputed developers for the redevelopment of the Society. The last date for submission of bids was 21-1-2023. The bids are slated for opening on **4th February, 2023**.
4. Frustrated with the attitude of the flat owners who constitute the majority and that of the Chairman and the Secretary, the RHMs 1 to 8 submitted a representation to the Sub-Registrar on 8th December, 2022 through Advocate M/s.Ramesh Tripathy & Associates and his good offices are kind enough to send a Notice to the Society on 9th January, 2023.
5. Further progress, if any, in response to 4 above is not known to RHMs.

Request for Special Attention

1. In the Special General Body meeting held on 17th September, 2022, it was unanimously decided by all the members present to go for "Fully Residential Redevelopment through Builder" though the option of "Residential with Commercial through Builder" offers more FSI.
2. However, in the very first page of the Technical Bid part of the Tender floated by the Society it is stated conspicuously as follows :

sent to the builder

recd 30/1/23 Wm

"The bidder who shall propose a scheme of redevelopment which would result in maximum benefits for the society, presently the building is completely residential. The proposed utilization shall also be residential/Commercial and in accordance with the applicable rules of CIDCO /NMMC regulations and bye – laws."

3. Thus, the Tender inviting bids from the builders for the redevelopment of the Society is not supported by the resolution passed in the SGBM held for the purpose on 17th September, 2022 and is to thus bad in law. The bids received in response to such inappropriate invitation are required to be discarded and cannot be held valid and binding for proceeding with redevelopment.

Prayers before the Sub-Registrar

In the light of the submissions made hereinabove, the Sub-Registrar may be pleased to kindly instruct to issue the following directions to the Society in general and the office bearers in particular :

1. To get the Feasibility worked out by M/s.ACME, the PMC appointed by the Society re-examined at their end or if required by an independent and competent architect who can validate their computations with regard to feasibility before our officials, so as to explore the technical feasibility of reconstruction of row houses in return for row houses meeting the legitimate demand of the RHMs.
2. Reason why the easement benefits of the row house members were not considered in full while arriving at the computation of their present area may be called for.
3. Directions may please be issued to the Society that if reconstruction of row houses in the redevelopment process is not technically feasible, the entitlement of RHMs considering the easement benefits be worked out to the satisfaction of Sub-Registrar's Office. This may imply reworking of the entire feasibility and instructions may be given to the Society accordingly.
4. The directions from your office may specify that all this needs to be complied with by the Society within 30 days of instructions from your office to the Society.
5. Explanation may be called for from the office bearers as to how permission was accorded to flat owner 601 of 'A' wing to carry out major repairs ignoring the

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caution of NMMC vide their letter dated 18-5-2022 with regard to the poor strength of the structure of the building.

6. Lastly, Sub-Registrar may be pleased to kindly instruct the office bearers of the Society to set aside and discard the bids received and not to go ahead with their opening.

Thanking you,

Yours faithfully

1. Krishnavelu (RH-1) 
2. Naresh Talreja (For RH-2 and 4) 
3. Bhagat Singh Ali Singhani (RH-3) 
4. Mrs. Sandhya Gharat (RH-5) 
5. P.L.C.K. Prasad (RH-7)  30/6/23
6. O. Ramesh (RH-8) 