



**JAL PADMA CO-OPERATIVE HOUSING SOCIETY LTD  
(BOM/HSG/2676/dt. 16.12.1970)**

H2/8 Bangur Nagar  
M.G Road, Goregoan (West)  
Mumbai 400 104

**01st May 2022**

**To:  
Respective Members  
Jal Padma CHS LTD**

Dear Members,

We are circulating herewith to members following documents:

- Draft Minutes of SGM dated 24th April 2022 for members review
- Government Resolution No: Sa. Gru.Yo-2018/Pra.Kra.85/14-Sa, Dt. 4th July, 2019 English translated version from a website. Original version in Marathi is available in public domain on the government website. This GR is being circulated to members as part of an awareness building measure on the subject of redevelopment.

For & on behalf of the Managing Committee

Hon. Secretary

Date: 01st May 2022.

Note: Members are requested to sign an acknowledgement to confirm receipt of above documents.



# Revised Guidelines for Redevelopment of Co-operative Society Buildings in Maharashtra- G.R. dated 4th July, 2019

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## Revised Guidelines for Redevelopment of Co-operative Society Buildings in Maharashtra- G.R. dated 4<sup>th</sup> July, 2019

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Regarding Re-development of buildings belonging

to Co-operative Housing Societies

**Government of Maharashtra**

Department of Co-operation, Marketing and Textiles

Government Resolution No:-Sa.Gru.Yo-2018/Pra.Kra.85/14-Sa,

14<sup>th</sup> Floor, New Administrative Building,

Madam Cama Marg, Hutatma Raj Guru Chowk,

Mantralaya, Mumbai-400 032.

Date:- 4<sup>th</sup> July, 2019

**Vide:-**

Government Resolution in the Department of Co-operation, Marketing & Textiles, bearing No:-  
Sa.Gru.Yo-2007/Pra.Kra.554/14-Sa, Dt. 3.1.2009.

**Preface:-**

Redevelopment Schemes of the buildings belonging to Co-operative Housing Societies are extensively being undertaken in the State of Maharashtra. Several complaints are received from the Housing Societies, Housing Federations and individual members regarding the management of Co-operative Societies which are in the midst of re-development. By and large, the nature of complaints received in the matter of re-development of Co-operative Housing Societies is as follows:-

- 1] Not taking members in confidence in the Re-development process;
- 2] Non-transparency in the Tendering Process;
- 3] Arbitrary appointment of contractors;
- 4] Conducting business in violation of the Co-operative Law, Rules and Bye-Laws;
- 5] Lack of co-ordination in the work to be done by the Architects and project Consultants;
- 6] Non-Planning of Re-development Project Report;
- 7] Not adopting a fair procedure for the finalisation of tenders;
- 8] Non-Parity in the Agreements to be executed with Developers.



2. The Government vide Government Resolution dt.3<sup>rd</sup> January, 2009 has prescribed procedure for the Re-development of buildings belonging to the Co-operative Housing Societies by giving directions under Section 79(a) of the Maharashtra Co-operative Societies Act, 1960. Taking into account the nature of complaints set out hereinabove and for accelerating the process of Redevelopment in the State, it has become imperative to modify the directions dated 3<sup>rd</sup> January, 2009. In view of this fact, the Government contemplated the matter of issuing Revised Guidelines in this regard. In furtherance thereof, the Government in supersession of the Government Resolution dt.3<sup>rd</sup> January, 2009, hereby proceeds to give the following directions under Section 79(a) of the Maharashtra Co-operative Societies Act, 1960.

### Government Resolution:-

1] If any Competent Authority has declared the building of a co-operative housing society as ruinous or dilapidated or dangerous for inhabitation or as posing danger to the passers-by or any structure or place in the neighbourhood and the society is eligible to redevelop the building under the Development Control Regulations, then such society in its General Meeting can take a decision regarding re-development of the building.

2] These directions shall apply to all kinds of Redevelopment such as Re-development carried out by a developer under an agreement, Self-redevelopment, cluster redevelopment in Federal Societies, re-development by a group of societies etc. All the procedure prescribed for the appointment of a developer shall apply to all the aforestated kinds of re-development, the appointment of a contractor or the development carried out under an agreement.

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3] The decision regarding re-development of the buildings of housing societies shall be taken in the Special General Meeting of the society held as per the registered bye-laws of such society in accordance with the procedure prescribed by these guidelines.



4] The Authorised Officer/Administrator appointed by the Registrar cannot take the decision regarding re-development of the buildings of co-operative housing societies.

**5] Convening Special General Meeting for the Re-development of Society Building:-**

It will be essential that not less than 1/5<sup>th</sup> members of the co-operative housing society whose buildings are to be re-developed should submit an application addressed to the Secretary of the Managing Committee of the society duly elected and constituted as per the bye-laws of the society and under the law for convening the Special General Meeting for deciding the policy in the matter of re-development of buildings belonging to the society, together with their schemes and suggestions regarding re-development of such buildings. The Managing Committee shall take note of such application within 8 days of the receipt thereof and the Secretary of the society shall convene a Special General Meeting of all members of the society within 2 months. Agenda of this Meeting should be circulated to each member of the society 14 days in advance and the acknowledgment thereof should be maintained in the record of the society. Before convening such meeting the Managing Committee of the society shall invite quotations from minimum 3 Architects registered with the Council of Architects under the Architects Act, 1972/Project Management Consultants on the Panel of Government/Local Authority for the preparation of Project Report regarding re-development work of the building and of these persons one expert shall be selected at the Special General Meeting.

6] For the sake of transparency, the societies which have proposed re-development shall create a website on the internet. All sorts of information concerned with the re-development such as Notices, Minutes and Project Management Consultant's Report etc. shall be placed on this website. This information shall be accessible to the members of the society. The notices and minutes pertaining to such Project shall be communicated to the members by e-mail/in presence/registered post. To facilitate despatch of notices and minutes pertaining to the said Project, each member shall be required to furnish his e-mail id and contact details. The Registrar shall be informed about the said website. Moreover, the aforesaid information shall be displayed on the Notice Board of the Society for the information of the members.

7] The notices and minutes pertaining to the Management Committee Meeting and Special General Meeting regarding re-development will have to be communicated to the office of the concerned Registrar within 15 days of such meeting being held by e-mail and hard copy. Such societies ought to maintain the Acknowledgements in this regard.

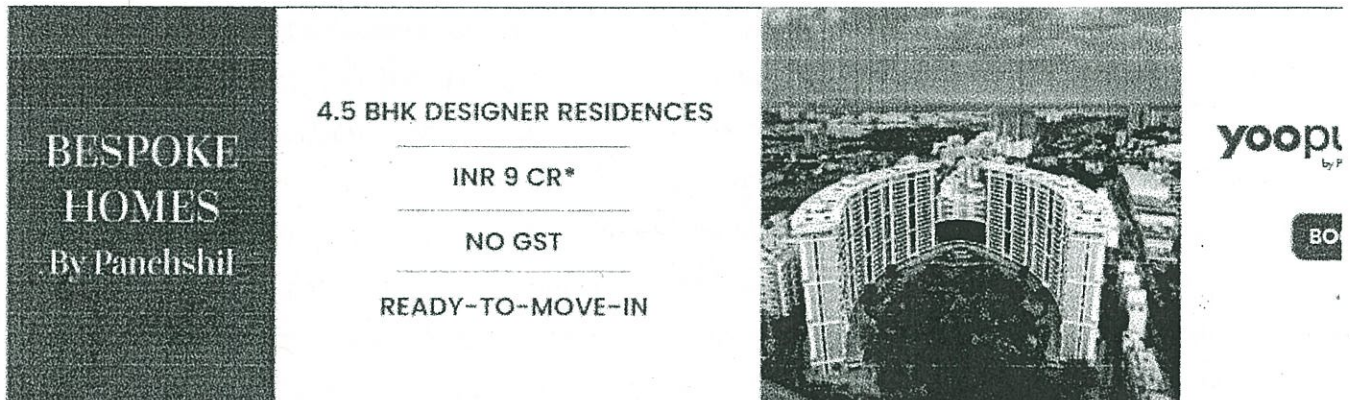
**8] Following topic-wise business shall be conducted in the said Special General Meeting:-**



1. To take a preliminary decision after taking into consideration the requisitions and suggestions received from the members regarding re-development of the society building.
2. To appoint an expert and experienced Architect/Project Management Consultant from the Panel of Government/Local Authority for the re-development work of the building and to fix the aspects and terms/conditions of the work to be done by them.
3. To present an outline of the programme pertaining to the re-development of the building.

**9] To accept written suggestions from the Members regarding Re-development of the Building:-**

The members of the society can submit in writing their realistic schemes/suggestions and recommendations regarding re-development of the society building as well as the names of the experienced and expert Architects/Project Management Consultants on the Panel within their knowledge to the committee 8 days prior to the date of the meeting. However, they must present to the society the letters of the Architects/Project Management Consultants indicating their willingness to undertake the said re-development related work.



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4.5 BHK DESIGNER RESIDENCES

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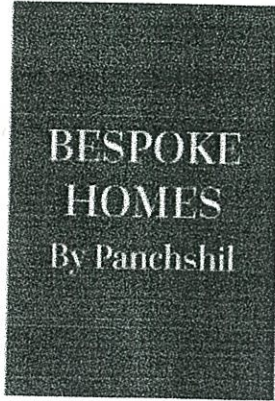
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**10] Decisions to be taken in the Special General Meeting:-**





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(a) The quorum of the Special General Meeting convened for the re-development of co-operative housing society buildings shall be  $2/3^{\text{rd}}$  of the total membership strength of the society. If the quorum is not fulfilled the said Meeting shall be adjourned and with 7 days notice the meeting shall be re-convened within the next 1 month. If in this Meeting too, the quorum is not fulfilled it shall be assumed that the members are not interested in the re-development of the society building and the meeting shall be called off and thereafter the said subject shall not be placed again at the Special General Meeting for its approval until the next 3 months. In the Special General Meeting the suggestions, recommendations and objections made by all the members regarding re-development of the society shall be taken into consideration and the opinions expressed by all the members in this regard shall be recorded in the minutes of the meeting along with their names. In this General Meeting, the preliminary decision as to whether the society should proceed with the re-development or not shall be approved by the majority of the members present which shall not be less than minimum 51% of the total membership strength of the society. For this decision, the approval of minimum 51% members of the total membership strength of the society shall be required. In this regard, the approval, opinion and remarks expressed in writing/orally or in any other mode by any member absent in the General Meeting shall not be taken into consideration.

Thus, the said decision shall be approved by a majority of not less than 51% of the total membership strength of the society (e.g. if total membership strength of a housing society is 100 then the quorum of the Special General Meeting convened for the re-development of the society shall be 66.66 i.e. 67 members and for the majority, approval of 51 or more of such members shall be required. In other words, if 67 members are present at the meeting the approval of 51 or more members out of these 67 members present shall be required for the majority. Furthermore, if 75 members are present then also the approval of 51 or more members out of these 75 members present shall be required for a majority and so and so forth).



(b) Following the decision on the approval of re-development the below mentioned business shall be conducted with the approval of the Special General Meeting as stated herein above.

1. Appointment of an expert and experienced Architect/Project Management Consultant on the Panel of the Government/Local Authority for the re-development related work of the building and fixation of aspects of work and the terms/conditions thereof.
2. Presentation of outline of the programme regarding re-development of the building.

**11] To circulate Minutes of the Meeting to all Members:-**

The Secretary of the Society should prepare Minutes of the above Special General Meeting and circulate a copy thereof to all the members within 7 days and acknowledgements thereof should be maintained in the record and a copy thereof ought to be presented to the office of Registrar.

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4.5 BHK DESIGNER RESIDENCES

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**12] To obtain written Consent Letters from the Members for Proceeding with Re-development:-**

After decision as to re-development of the society is passed by a majority of not less than 51% of the total members as stated herein above, it would be necessary to obtain written consent letters of the members who exercise their vote in favour of the resolution for re-development in order to enable the Managing Committee to proceed with re-development.

**13] To issue Appointment Letter to the Architect/Project Management Consultant:-**

The Secretary of the society shall issue an appointment letter to the Architect/Project Management Consultant selected at the Special General Meeting within 30 days of the date of



the meeting and the committee shall enter into an agreement with the Architect/Project Management Consultant on the terms and conditions approved by the General Meeting.

**14] Works to be done by the Architect/Project Management Consultant at the initial stage:-**

- (a) To carry out survey of the land and building of the society.
- (b) To obtain information regarding conveyance of the society land.
- (c) To obtain information regarding FSI and TDR that would be available as per the buildings and land of the society in view of the prevailing policy of the Government as well as the Regulations of MHADA/SRA/Municipal Corporation that would be applicable from time to time on the basis of title of the land. Accordingly, the concerned societies would be required to take action in that regard.
- (d) To prepare a realistic Project Report by taking into consideration such factors as the residential area, commercial area, open spaces, garden, parking, construction specifications etc., to be furnished to the members in the light of suggestions and recommendations made by the members of society regarding re-development.
- (e) The Architect/Project Management Consultant should prepare Project Report within two months of the date of his appointment and submit the same to the Managing Committee of the society.

**15] Action to be taken on the receipt of the Re-development Project Report:-**

- (a) The Secretary of the society shall convene a meeting of the Managing Committee on the receipt of Re-development Project Report as aforesaid. In this meeting, the Architect/project Management Consultant would be invited and a sanction would be sought for the Project Report in the light of suggestions made by the members in the meeting. He would put up a notice of the said meeting on the Notice Board of the society, specifying such details as the time and venue of the meeting etc. In this notice each member would be apprised of the fact that a copy of the Project Report so received would be available for the inspection of members of the society in the office of the society and that they could submit their suggestions 7 days prior to the next committee meeting and the acknowledgments of such Notice would be kept in the record.



(b) The Secretary of the society shall forward the suggestions received from the members for the consideration of the Architect/Project Management Consultant 7 days prior to the Managing Committee Meeting as aforesaid.

(c) In this Managing Committee Meeting comprehensive discussion would be held on all factors such as the suggestions/recommendations of the members and the opinions of the Architect/Project Management Consultant. The Project Report with necessary modifications would be approved by a majority vote. Thereafter the draft tender document would be prepared and the date, time and venue of the next Managing Committee Meeting would be fixed for finalising the draft tender by holding discussion/deliberations thereupon. While preparing the draft tender document the Architect/Project Management Consultant would keep either carpet area or corpus fund constant (non-fluctuating) and fix the other technical details so as to get competitive bids from the expert and experienced developers and shall proceed to invite the tenders. The members of the society can inform the reputed and experienced developers known by them about these things. In case of self-redevelopment too, the society and the Architect/Project Management Consultant should follow the above mentioned procedure while preparing the Project Report, tender document and also at the time of invitation of Tenders from contractors.

#### **16] To declare the List of Received Tenders:-**

(a) On the last day for the receipt of tenders the Secretary of the society shall prepare a list of the tenders so received and publish the same on the Notice Board of the society.

(b) The Secretary of the society shall convene a meeting of the Managing Committee of the Society within 15 days of the last date for the receipt of the tenders. The bidders or their authorised representatives and the desirous members of the society cannot be barred from attending this meeting. The tenders so received shall be opened in the presence of all the persons present at the meeting. The Architect/Project Management Consultant shall scrutinise all the tenders and prepare a comprehensive chart thereof and if minimum 3 tenders are received shall approve such tenders for keeping them at the Special General Meeting after verifying such factors as the merit, reputation, experience, competitive rates etc. of the received bidders. For the tenders to be competitive it is essential that minimum 3 tenders should be received. However, if less than 3 tenders are received initially, minimum one week's extension should be granted. If despite such extension less than 3 tenders are received 1 week's extension should be granted for the second time. In spite of all this, if less than 3



tenders are received, as many tenders as are received shall be approved for keeping them at the Special General Meeting.

**17] To select a Developer:-**

**(a) To get an Authorised Officer appointed by the Office of Registrar for the General Meeting:-**

A Special General Meeting of the society shall be convened for the selection of a developer from amongst the tenders shortlisted by the Managing Committee of the society with the help of the Architect/Project Management Consultant, by applying such diverse criteria as his experience, merit, financial capacity, technical competence, competitive rates etc. The Managing Committee should make an application accompanied by the list of members to the Registrar within 7 days for the appointment of an Authorised Officer, so that the said Special General Meeting can be held in the presence of the Representative from the office of the Registrar of Co-operative Societies. The Registrar shall take a decision thereon and appoint an Authorised Officer. The shortlisted developers or their Associates or Assistants should have minimum one project registered with the MAHARERA.

**(b) To Convene a Special General Meeting for the finalisation of Tender:-**

The Secretary of the society shall convene a Special General Meeting by fixing the time and venue of the meeting with the prior permission of the Authorised Officer within one month of his appointment and shall despatch the agenda of this meeting to all the members by hand delivery or Acknowledgment Post AD 14 days prior to the meeting and by e-mail in case of members residing outside India and shall keep acknowledgements thereof in the record of the society. He shall upload this agenda on the website of the society which is created for the redevelopment work. The Representative from the office of the Registrar shall satisfy himself that the Authorised Representatives of the bidders whose tenders are to be presented at the meeting are present at the meeting. Moreover, he shall make arrangements for the video recording of the Special General Meeting at the expense of the society. In this meeting, save and except the authorised members, no one else can remain present. For this purpose, the members shall be required to carry their identity cards at the venue of the meeting. For the presentation of redevelopment proposals for the sanction of the concerned Authority the selection of developer and other business must be conducted in the presence of the Authorised Officer from the office of the Architect/Project Management Committee.

**(c) Where Special General Meeting does not have a quorum:-**

The quorum of Special General Meeting shall be 2/3<sup>rd</sup> of the total membership strength of the society. If quorum is not fulfilled the meeting shall be adjourned for the next 7 days and if this meeting too does not fulfill the quorum it shall be assumed that the members are not interested in the re-development of the society building and the meeting shall be called off and thereafter for the next 3 months the said subject shall not be brought for the approval of the Special General Meeting.

**(d) The Proceeding at the Special General Meeting regarding selection of the Developer:-**

The Authorised Officer from the office of the Registrar shall attend this meeting and observe the proceedings at the meeting. Furthermore, when the required representatives and the Authorised Officer remain present at the appointed venue and time of this meeting and when the 2/3<sup>rd</sup> quorum as described above is fulfilled the procedure of the meeting shall be conducted as follows:-

1. To give comparative information regarding the tenders shortlisted for presentation (regarding redevelopment work).
2. To present the tenders serially (Presentation of tenders).
3. To select one developer/contractor for the re-development of building on stipulated terms and conditions and finalisation of tender.
4. To obtain consent of the developer/contractor who is so selected.
5. To obtain information about further developments.

It shall be necessary to obtain written approval of the members present for the appointment of developer/contractor which shall not be less than minimum 51% of the total membership strength of the society. In this regard, the approval, opinion and remarks made in writing/orally or in any other mode by any members absent at the General Meeting shall not be taken into consideration. If any shortlisted developers/contractors or their representatives do not attend this meeting further proceedings shall be conducted by assuming their consent for the said project.

**18] Agreement to be executed with the Developer:-**



An agreement should be executed with the developer/contractor, within 3 months, subject to the terms and conditions approved by the Managing Committee of the society under the guidance of the Architect/Project Management Consultant.

In this Agreement, besides the points suggested by the Architect/Project Management Consultant appointed by the society the following points too shall be included:-

- 1] Depending upon the size of the redevelopment project, the period for the completion of society redevelopment/construction project shall not exceed 2 years from the date of issue of first/plinth erection certificate and in exceptional circumstances shall not exceed 3 years.
- 2] The developer shall give a Bank Guarantee to the society, to the extent of 20% of the total value of the Re-development Project.
- 3] During the period of re-development, the developer shall furnish alternative accommodation to the members as far as possible in the same area pending completion of project or shall make arrangements to pay monthly rent and deposit as is agreeable to the members or shall make available such transit camps.
- 4] The Development Agreement with the society and the Permanent Alternative Accommodation Agreements with the individual members shall be registered under the Registration Act, 1908.
- 5] New members shall be admitted to the society only on the completion of re-development project, with the approval of the General Meeting of the society.
- 6] Carpet area to be offered should be clearly mentioned in the Agreement as required by the Real Estate (Regulation and Development) Act, 2016.
- 7] Development Rights given to the developer shall be Non-Transferable.
- 8] Tenement holding members shall vacate their tenements only after all legal sanctions are accorded for the building re-development and upon the registration of Permanent Alternative Accommodation Agreements executed with the individual members.
- 9] The rights of the persons who are in possession of the flats shall remain intact.

10] The Agreement between the Architect/Contractor and the Society must contain a provision for the resolution of any dispute that may arise in the course of re-development work by virtue of Section 91 of the Act.

11] Upon the grant of Occupation Certificate the flats in the re-developed buildings should be allotted as far as possible by the present floor position and if a draw of lots becomes necessary for the allotment of flats the developer should make arrangements for the draw upon completion of the building and at such time the flats should be allotted by a draw of lots in the presence of Registrar's Representative and these proceedings should be video recorded.

12] No committee member or office bearer of the society shall either be a developer or his relation.

13] The Building Plans sanctioned by the Municipal Corporation/Competent Authority must be placed again before the General Meeting for its information and if a member desires to obtain a copy of the Sanctioned Papers he should make a written application to the society in that regard. Thereupon, the Managing Committee shall be duty bound to furnish such information by charging appropriate fees therefor.

**19] To carry out Cluster Re-development of the Societies enjoying ownership rights of the land and which are affiliated to a Co-operative Housing Federation:-**

1) Societies having ownership right over the buildings and common areas can undertake cluster re-development in the name of and through the medium of Co-operative Housing Federation.

2) A Special General Meeting convened for the cluster re-development of the society buildings affiliated to a Co-operative Housing Federation shall have a quorum of 2/3<sup>rd</sup> of the total membership strength of the societies affiliated to such Federation.

3) Once the quorum is fulfilled in the Special General Meeting convened for the preliminary decision on the re-development of the buildings belonging to the affiliated co-operative societies, such decision shall be approved by a majority of members present which shall not be less than minimum 51% of the total membership strength of the affiliated societies. For this decision, the approval of minimum 51% members of the total membership strength of the affiliated societies shall be necessary. In this regard, approval, opinion or remarks made in



writing/orally or in any other mode by any members absent at this General Meeting shall not be taken into consideration.

4) Before proceeding with the re-development of buildings belonging to the affiliated societies, such affiliated societies ought to accord their sanction in the following manner:-

For the purpose of re-development of buildings belonging to all the societies affiliated to the Federation, each society in its Special General Meeting, shall be required to fulfill 2/3<sup>rd</sup> quorum of its total membership strength and such resolution shall be approved by a majority of members present which shall not be less than minimum 51% of the total membership strength of such society. In this regard, approval of minimum 51% members of the total membership strength of such society shall be required. Moreover, approval, opinion and remarks made in writing/orally or in any other mode by any members absent at this General Meeting shall not be taken into consideration. Moreover, each society shall obtain written consent of all the members who have voted in favour of the resolution and shall submit its resolution and the written consents to the Committee of Federation or not less than 60% members of the total membership strength of all the societies affiliated to the Federation shall be required to vote in favour of the resolution and each society shall obtain written consent of all the members who have voted in favour of the resolution and shall submit its resolution and the written consent to the committee of the Federation.

Further procedure to be followed in the wake of preliminary decision on the cluster re-development of the societies as set out above shall be similar to the procedure for re-development of co-operative housing societies as described herein above.

20] While making any calculation during the course of procedure set out in this Government Resolution any fraction shall be converted into higher integer.

This Government Resolution is made available on the website of the Government of Maharashtra viz. [www.maharashtra.gov.in](http://www.maharashtra.gov.in) and its Code Number is 201907041556201202.

This Resolution is attested and issued under digital signature.

By the order and in the name of the Governor of Maharashtra.

Kamlakar Sitaram Badgujar— Digital Signature