

VOICE OF PEOPLE FOUNDATION Navi Mumbai
organized a

“Seminar on Conveyance of Land /Plot and Stamp Duty Registration”

at

Devagya Bhavan Hall, 1st Floor, Next to HDFC Standard Life, Sector 9A, Vashi, Navi
Mumbai at 4.30 P.M.
on 6th July, 2008.

The Seminar got off the mark with lighting of lamp by my distinguished guest and eminent speakers for the evening. Shri Sanjeev G Naik lighted the lamp and invited Shri A K Bhattacharya and A I Mulla to come forward and light ceremonial lamp. Mr. G S Kolekar, Mr Deshpande and Mr. Damkondwar also light the lamp.

Shri Ashish B B aldev, President- VOPF invited the guest on to the dais. He briefly introduced each speaker and invited each of the seven trustees to give a flower bouquet, as a token of appreciation for accepting our invitation and being a part of the Seminar.

Shri Ashish B B aldev, President- VOPF went to briefly explain about the VOPF activities and about the 1st Chapter of the VOPF - “Seminar on Conveyance of Land /Plot and Stamp Duty Registration”

He then invited Guest of Honour Shri Sanjeev G Naik who has been a Visionary of evolving, shaping 21st Century Navi Mumbai and also was the youngest Mayor Navi Mumbai Municipal Corporation to speak a few words.

Shri Sanjeev G Naik speech was laced with practical thought, business and humor. He appreciated the participant by saying being a Sunday most of you could take time out for such a seminar which shows the genuine interest responsible citizens of this city takes. He laid a good foundation for the seminar to take off by speaking about how the lands from 44 villages in and around vashi were acquired by CIDCO and developed, the importance of land or property documentation to be registered and stamped by appropriated authority, shared with us his international experience about land and its development. He was very appreciative of the VOPF and Shri Ashish B Baldev President- VOPF for taking the effort for organizing such important and informative seminar. He signed off his speech by wishing VOPF with lots of wishes and requesting Shri Ashish B Baldev to organize more of this kind and other events for which he will whole heartedly give his support and blessing.

Shri Ashish B Baldev, President- VOPF thanked Guest of Honour for his kind words and his talk on land and land development in and around vashi. Also thanked him for encouraging and supporting VOPF in its present and future activities. He then invited Shri A K Bhattacharya to begin the proceeding for the Seminar with his talks on how does a housing society and a society member look into the conveyance and stamp duty.

Mr. A. K. Bhattacharya

RTI activist and well know social worker lending a voice to citizens' grievances on a social mission

Chairman, Navi Mumbai Housing Federation.

Chairman, Navi Mumbai Action Committee.

Chairman, Navi Mumbai NGOs Forum

Navi Mumbai is the dream child of the Government of Maharashtra. It was mooted with the aim to decongest the island city, Mumbai from the apprehended collapse. Government acquired some villages in the eastern coast of Thane Creek on the main land at a throw away price, created a development authority in the name of City and Industrial Development Corporation of Maharashtra Ltd. (CIDCO), registered under the Companies Act and handed over all the acquired land to CIDCO for creating a satellite township in the name of Navi Mumbai.

It is understood that in different States of the Nation the Government lands are leased out for a period of 999 or 99 years, but it is only CIDCO who made this period as only 60 years.

It is this socio-economic situation and tremendous growth in population; migration from rural to urban areas and formation of nuclear family has resulted in increase in demand and decrease in availability of land and accommodation. This, in turn, has deprived common man to have his independent house and encouraged the needy persons to book / buy ready-made flat / unit, in a building constructed by the builder / developer. For maintaining these multistoried buildings and providing basic amenities to the residents of these buildings, formation of cooperative housing society became inevitable. A Co-operative Housing Society is a legally established voluntary and democratic association without the motivation for the entrepreneurial profit but to work selflessly for their mutual benefit, started with the spirit of facilitating the middle class to have roof over their head at least possible cost.

Initially due to complete absence of even minimum infrastructure needed for human habitation, CIDCO failed measurably to attract migration to Navi Mumbai.

Consequently CIDCO decided to take advantage of Housing Co-operative Movement. It managed to have the registering authority of the Co-operative Societies in its own roll as the Jt. Registrar, Co-operative Societies (CIDCO), to advise and provide guidance to the member societies within its jurisdiction. CIDCO adopted the policy to lease out the land through agreement to lease for allotment of the plot to the registered / proposed / would-be co-operative housing societies and even to the developers to construct building(s) with number of accommodations and subsequently to hand over to the cooperative housing societies to be formed.

Problems of the Cooperative Housing Societies in the newly constituted city like, Navi Mumbai differs widely from what is experienced in the old cities of Mumbai, Thane etc.

Accordingly Government created a separate Registering Office and a separate Federation in the area of operation of the CIDCO developed nodes in Navi Mumbai, to offer suitable guidance and advice for smooth running of Co-operative Housing Societies. The Federation works as coordinator and a bridge between the Co-operative Housing Societies and the Department of Co-operation, Government of Maharashtra under the Maharashtra Co-operative Housing Societies Act, 1960. It is mandatory for all the Co-operative Housing / Premises Co-operative Societies in Navi Mumbai to enroll themselves with this Federation immediately after its registration, to avoid violation of their registered Byelaw No. 6.

It was some time during early nineties that CIDCO, for the first time imposed an additional clause in the agreement to lease to compel the members of the housing societies to obtain NOC from CIDCO for transfer of any accommodation from the members of the society to any transferee and, of course, against some considerable amount.

It is unfortunate to put on record that after signing of any agreement none of the parties reserve right to change/delete/include unilaterally any of the provisions laid down therein. Even if such action is taken by any of the party, the same shall be illegal, void and inoperative in absence of such a clause in the original agreement to sale or lease deed incorporated by CIDCO.

As such the question of obtaining NOC from CIDCO by the society to allow a member to transfer any flat in the society especially in case of Tenant Co-partner Co-operative Housing Society, where both the land and building are owned by the society and its members enjoy only the occupancy right on the strength of a share certificate.

It should not be lost sight of that the contribution of the co-operative housing societies, which creates a more livable environment for present and future generation, compensates the deficiency of the Government to a great extent in this affair.

You will appreciate that purchase of flat is the single biggest financial transaction in the entire life of middle class family. It is an undisputed fact that the documents of purchase and / or transfer of immovable property create lawful evidence only with their registration and with due payment of the Stamp Duty. It can be interpreted in the common man's language that the registration of the purchase of immovable property is to make the Government as witness to such transaction.

However, upto early eighties, while interpreting the provision of Section 41 of the Maharashtra Co-operative Societies Act, 1960 under the heading "exemption from the compulsory registration of instruments relating to shares and debentures of societies" even the lawyers were of negative opinion about the requirement of registration of the allotment letters/Share Certificates issued by the societies to their members. Accordingly the transfer of flats by the members to the prospective members were effected by an agreement on the Stamp Paper of rupees five, without registration. Consequently most of the flat purchasers in the Tenant Co-partnership Housing Societies did neither pay any

stamp duty nor made registration of their Allotment Letters / Share Certificates; say up to middle of eighties.

Secondly the proof of ownership, rather the occupancy right of the flats in the Tenant Co-partnership Housing Societies of the members, is limited to the documents maintained by the society and the individual members. The efficiency in most of the societies in maintaining proper records is found to be hardly satisfactory. At the same time the reliability of even in case of some of the members to preserve the documents is not beyond questionable. Under such circumstances the registration of the documents protects the lawful right and interest on the flats, purchased by them at a negligible cost to ensure the protection of their highest financial transaction of the life even for their successors.

Shri Ashish B Baldev, President- VOPF thanked Guest of Honour for being with us. Since he had to rush due to certain other commitment. The august gathering bid him goodbye with resounding round of claps. He then thanked Shri A K Bhattacharya for his enlightening talk on the whole senior of plot and flat documentation and its importance. Advocate A I Mulla was the invited to talk on the legal aspect of the issue Of conveyance and stamp duty.

Mr. A. I. Mulla

A well known practicing Lawyer for almost 30 years in Navi Mumbai, specially matters pertaining to Co-operative Societies.

Chairman, Lok Adalat and Rights & Duties of Citizens Rotary International Dist. 3140 (1994-1995)

Chairman, Membership Assimilation & Retention Rotary International Dist. 3140 (2000-2001)

Founder President, New Bombay Advocates Welfare Association

Mr. Advocate A I Mulla

He spoke about Conveyance and explained in detail that it takes part between Seller and Buyer and that the Buyer has to first show interest in buying and when the Seller gives his consent then the deal carries through and it is known as a Conveyance which is a type of Contract.

Also he also mentioned what is a conveyance and a lease deed and what are the formalities for making a conveyance deed.

Advocate A I Mulla gave the importance of legal validity of the legal documents and how important is that the property documents are to be registered.

Shri Ashish B Baldev, President- VOPF thanked Advocate A I Mulla for covering very interestingly the legal side of the issue on conveyance and stamp duty registration.

In the meantime hot tea and cookies were served to the participants at the seminar.

Shri Ashish B Baldev, President- VOPF requested Shri Despande, Sub Registrar Mr. G S Kolekar ,Joint Sub. Registrar from the Registrars office put factual light into documentation and official view on the seminar subject.

Mr. G S Kolekar - Joint Sub. Registrar, Mr. Damkondwar -Joint District Registrar And Mr. Deshpande-Sub Registrar briefly explained th official requirements for availing the Amnesty scheme and answered a few question from the participants.

Since the Seminar was running late due to lengthy deliberation by the speakers, Shri Ashish B Baldev, President- VOPF requested the participants to kindly put down the question in a printed questionnaire with name and address of the participant. So that all the question can be answered by the concerned speakers and the same shall be given back to the participant member And also all the question and answers would be hoisted on the official web site of VOPF within 7 to 10 working days.

This was appreciated by the speakers and the participants.

Mr. Rudragouda Patil gave a colorful vote of thanks and promised to be back many more interesting and informative activities from VOPF.

At the end of the seminar, Ashish B Baldev, President- VOPF requested every member present in the hall to give a loud round of applause for such a wonderful evening and making it a success.