

-:REDEVELOPMENT OF CO-OPERATIVE HOUSING SOCIETY:-

Important point to check for Redevelopment of Co-operative Housing Society

- ❖ Most important the Managing Committee is required to be a properly elected body constituted as per the provisions of the Maharashtra Co-operative Society Act 1960.
- ❖ The Society should consider Re-development only if the Society has Conveyance Deed in their favour. Without Conveyance, the Society should not pass any resolution for re-development but should only move towards major repairs.
- ❖ **For the sake of transparency, society who proposed for redevelopment shall create a website on the internet and upload all the details in regards to redevelopment**, like notices, minutes and report of Project Management Consultant etc., on the said website. The said information shall be available to members of the society, the notices and minutes of the said project shall be send to the members **via email/ in person/ registered post**. For sending the notices and minutes in regards to the redevelopment via email, it is required each members to submit their email id and contact details. The information about the said website shall be given to the Registrar. Also above information shall be publish on the notice board of the society.
- ❖ No member of the Committee or Office bearer shall be a Developer or his relative.

Steps for REDEVELOPMENT of Co-operative Housing Society

FIRST STEP

1. Decision of Redevelopment:

Society can take decision of redevelopment in their general meeting, if the co-operative housing societies building declared dilapidated or destructive or dangerous to stay or dangerous to go along by side or any neighbouring structure or place has been declared as dangerous by the enabled authority, and as per development control regulations society is eligible for redevelopment.

The decision of redevelopment of housing societies building shall be taken, according to their registered bye-laws in the special general meeting of the society as per the procedure laid down under said directions

2. To organise special general meeting for the redevelopment of societies building:-

The Co-op. Housing Societies in which the Redevelopment work of the buildings is required to be undertaken, an application of requisition to hold a Special General Body Meeting of the members of the society to consider and discuss the Redevelopment Project and suggestions on the same, is to be submitted to the Hon. Secretary of the Managing Committee which is properly elected as per provisions of the society's Bye-laws and also constituted as per the provisions of the MCS Act 1960. The requisition application is to be **signed by not less than 1/5th of the total members of the society**. on receipt of requisition for calling the meeting, the Managing Committee of the society within 8 days of the receipt of the application shall consider the same in a meeting and within a period of 2 month the Hon. Secretary will call the Special General Body Meeting of the members of the society giving agenda of the meeting **prior to 14 days** of the meeting. Acknowledgement will be collected from every member and maintained in the records of the society.

SECOND STEP

Before calling meeting the committee of the society shall obtain quotations from minimum three architects registered in architects council under Architect act 1972 or Project Management Consultants who are empanelled with the Government or any local competent Authority, for preparation of buildings redevelopment project report. After considering all the quotations received, In the Special General Meeting will select one of the Experts.

Managing committee shall send Instructions and communication by way of minutes of special general meeting via email and hard copy to the concerned registrar's office within 15 days of the said meeting. The acknowledgement copy shall be keep safely by the society.

THIRD STEP

3. The Special General Meeting will consider the business as per following subject wise:-

1. To take primary decision, after considering the demands and suggestions from the members, on the Redevelopment of the Society Building/s.
2. To select expert and experienced Architect / Project Management Consultant, who are empanelled by Government / local Authority, for the work of Redevelopment and frame Rules / conditions of their work.
3. To submit redevelopment of buildings procedures outline.

4. To receive written suggestions from the members on the Redevelopment of building:-

The members of the society can submit their inputs, suggestions, recommendations and also names of known experienced and expert Architects/Project Management Consultants for the redevelopment project. However this should be submitted to the Committee, in writing, 8 days before the date of the meeting. Letter stating that they

are interested to take up work of Redevelopment have to be submitted by the Architects / Project Management Consultants

5. Decisions to be taken in the special general meeting (Sgm):-

- a) The quorum for the Special General Meeting called to consider subject of Redevelopment of the society's building will be **2/3rd of the total number of the members of the society**. In case of no quorum, the meeting will be adjourned for 1 month after giving 7 days' notice and if there is no quorum attained for the adjourned meeting, under such circumstances such adjourned meeting will be cancelled for next 3 month considering that the members have no interest in the redevelopment of the society's building/s. The suggestions, objections, recommendations and references. Placed by the members regarding Redevelopment of society's building/s will be considered and noted in the minutes of the meeting along with the name of members. In the said meeting **the primary decision of redevelopment to be done or how shall be approved by presented members of the society who shall not be less than 51% total members of the society**. The requirement of 51% of total members of the society for the decision of redevelopment. For the said any oral or written approval, opinion of non-presented member shall not be considered.
- b. After the approval of redevelopment as mentioned above as per approval of special general meeting will consider following business.
1. To approve the Terms and Conditions along with the scope of the work to be carried out by the eligible Architect / PMC who can be selected from the Panel of Govt. / Local Authority for the Building Redevelopment work.
 2. To submit proposal of Building Redevelopment Project.

6. To circulate minute of the meeting to all the members:-

The Hon. Secretary of the society should prepare the minutes of the Special General Meeting and circulate it to all the members within 7 days. The acknowledgement

against receipt of the copy of minutes taken from the members should be kept on record. Further, one copy of the minutes should be sent to the office of the Registrar.

FOURTH STEP

7. To get written consent of members for redevelopment proceedings:-

After passing decision of redevelopment by majority approval i.e. approval of not less than 51% of total members of society as mentioned above, it is necessary for managing committee to acquire **written consent letters from the members who had voted in favour of redevelopment for further action.**

FIFTH STEP

8. to issue letter of Appointment to the Architect / PMC:-

As per the decision taken in the Special General Body the Hon. Secretary of the society shall issue Letter of Appointment to the Architect / PMC selected by the Special General Meeting within 30 days of the meeting. Further the committee will sign the Agreement containing Terms and conditions passed in the Special General Meeting, with the Architect / PMC.

9. The initial work to be carried out by the Architect / Pmc:-

- a) To carry out survey of the Land and Building.
- b) To seek information regarding the conveyance of the society's land.
- c) To seek information about available F.S.I. and T .D.R. for the building and land considering Rules of the MHADA / S.R.A. / Municipal Corporations, as applicable from time to time, according to ownership of the land and current provisions of the Government. Accordingly, relevant Society will be required to take action.
- d) To prepare a realistic feasible project report considering suggestions, references and recommendations made by the society members about the redevelopment taking into account the residential area, commercial area, open spaces, Garden, Parking, the specification of construction etc.

e) The Project Report shall be prepared and submitted to the committee by the Architect / PMC within 2 months from the date of their appointment.

SIXTH STEP

10. Proceedings after redevelopment report received:-

a) After receipt of the Redevelopment Project Report and considering the suggestions presented by society members, the Hon. Secretary of the society will call a joint meeting of committee members and Architect / PMC to obtain approval from majority towards the submitted Project Report. A proper Notice mentioning the day, date, time, place etc. of the meeting shall be displayed on the Notice Board of the society. The Notice shall also contain that the copy of the Project Report is available for inspection to the members in the society's office. Also the members will be informed that they can submit their suggestions, before 7 days of the Committee Meeting. This Notice about members suggestions shall be given to every member and their acknowledgement, shall be kept in the records of the society. .

b) The Hon. Secretary shall send all the suggestions received from the members to the Architect / PMC for their consideration, 7 days before the Jt. Meeting.

c) The said Management committee will consider the suggestions, recommendations received from members along with the opinion expressed by the Architect / PMC in the meeting, and after detailed discussion on all the related matters and after incorporating the required corrections, the Project Report will be approved by majority . The provisional draft of the Tender will also be prepared and day, date and venue will be finalized for the next Management meeting for discussing and finalising the draft of the Tender document. The Architect / PMC will prepare the draft Tender for inviting competitive Offers, where in the one of the primary requirements (Unchangeable) carpet area or corpus fund will be decided and considering the other technical aspects tenders will be invited. This will help to receive competitive Tenders from well known, expert and experienced Developers. The members of the society can forward this information to their choice of renowned and experienced Developers.

In the case of self- redevelopment also at the time of preparing tender for project report and inviting tenders from contractors, society and Architect/PMC has to follow procedure as mentioned above.

SEVENTH STEP

11. To publish list of tenders received:-

(a) The Hon. Secretary of the society will prepare list of the Tenders received till the last day of receipt and publish it on the Notice Board of the society.

(b) Within 15 days of the last date of the receipt of the Tenders, the Hon. Secretary of the society will call the Special Meeting of the Managing Committee. The meeting will be attended by the official representatives of the Developers where interested members of the society can attend as observers. All the received Tenders will be opened in the presence of all the people participating in the meeting. The Architect / PMC will conduct scrutiny of all the Tenders and prepare a comparative chart. The expertise, status, experience and competitive rates offered etc. Will be examined by the Architect / PMC and a selection of minimum 3 Tenders and in case 3 Tenders received. To get competitive tenders, it is necessary to get at least 3 tenders, but if less than 3 tenders received then firstly give at least one weeks extension of period, after giving extension of period also if less than 3 tenders received then give extension of another one weeks period second time, and if then also number of tender received is less than 3, then as much as received tenders shall be keep in the special general meeting for approval.

EIGHTH STEP

12. Selection of a Developer:

a) The office of Registrar to appoint an Authorised Officer for the special general meeting.

With the help of the appointed Architect / PMC, selection of the developer to be carried out from those selected tenders, wherein the selection of one developer on the

basis of experience, calibre, financial status, technical expertise and competitive rates is to be carried out in the Special General Body Meeting, where the committee will make an application, attached with the members list, within a period of 7 days, to the Registrar, Concerned Society to appoint an Authorised Officer to attend a Special General Meeting which is called to select one Developer from amongst the Tenderers selected by the Consultants. The Registrar will take decision on the application and appoint Authorised Officer. At least one project must be registered in Maha Rera by selected developers or their associates or assistants.

b) To call Special General Meeting to finalise the Tender.

The Hon. Secretary of the society, for appointing the developer, shall within one month of the appointment of the Authorised Officer and with his prior permission fix day, date, time and venue of the Special General Meeting. The Notice of the said Special General Meeting will be issued 14 days before the date of the Special General Meeting which shall be hand delivered as well as sent to every member by hand delivery or by Registered A.D. Post and for the members residing out of India through email, the acknowledgement copy will be kept in the Society's Records. The said Agenda will be uploaded in the societies website created for redevelopment. Similarly the Representative of the Registrar's office will ensure the presence of the Official Representative of the Tenderers, who's Tenders shall be considered at the Special General Meeting. The Arrangement for Video Shooting of the Special General Meeting, at the expenses of the society, shall also be made. Only bonafide member of the society shall be eligible to attend the Special General Meeting. Members would require to carry their individual identification papers to attend the meeting. While submitting Redevelopment proposal for approval to the concerned competent Authority it is necessary that, the complete business of selection of Developer and allied matters are carried out in presence of the Architect/PMC's Authorised Officer.

c) If there is no quorum for Special General Meeting.

The quorum for the Special General Meeting shall be 2/3rd of the total number of members of the society. If the quorum is not attained, the Special General Meeting shall be adjourned for 7 days. In case of no quorum for the said adjourned meeting, the meeting will be cancelled considering that the members have no interest in the Redevelopment of the societies building. The subject cannot be brought before the any Special General Meeting for its approval for further 3 months.

d) The business in the Special General Meeting for selection of the Developer.

Authorised Officer from the office of the Registrar will attend the Special General Meeting to observe the business of the meeting. On the designated day, date and time of the meeting, only in the presence of the required representative and Authorised Officer and with the presence of sufficient 2/3rd quorum as mentioned, the meeting will undertake the following business.

1. To give comparative information about the selected Tenders to be considered. (With regards to Redevelopment work).
2. to present Tenderers in serial order. (Tender Presentation)
3. To select one Developer, with Terms and Conditions, for the Redevelopment of the building and finalise the Tender.
4. To get approval from the selected Developer.
5. To get information about the further work.

It is necessary to get written confirmation for appointment of Developer, from the majority of the present members which shall not be less than 51% of total members of the society. For the said any oral or written approval, opinion of non-presented member shall not be considered. The selected developers or their representatives who do not register their presence for the Special General Meeting will be considered as having given their consent for the Redevelopment proposal and further process will be carried.

NINETH STEP

18. Development Agreement with the Developer:-

The Managing Committee as per the Terms & Conditions passed in the Special General Meeting in consultation with the appointed Architect / P M C and seeking their guidance, shall make an Agreement with the Developer within 3 months.

In the Agreement as per the suggestions of the appointed Architect / P M C along with other important issues should also include the following points:-

- ❖ According to the size of redevelopment project, the period of completion of the project for the reconstruction / construction of the organization will not be more than 2 year from date of first / plinth certificate and in special cases not more than 3 years in case of any exigencies.
- ❖ The Developer **will give Bank Guarantee of 20% price of Redevelopment** Project to society.
- ❖ The Developer will try to give alternate accommodation to the members in the same area till the Redevelopment Project is complete. Otherwise he will pay monthly rent and Deposit agreeable to members or make available Transit Camps.
- ❖ The Development Agreement with the society and permanent Alternative Accommodation Agreement with the individual member shall be registered under Registration Act 1908.
- ❖ New members can be admitted by taking approval in the societies General Body Meeting after completion of the Redevelopment Project.
- ❖ The Agreement shall have specific mention of the agreed Carpet Area as per Real Estate (Regulation and Development) Act, 2016.
- ❖ The Development rights given to the Developer will be non-transferable.
- ❖ The flat owners will vacate their flats only after receipt of all the legal permissions for the Redevelopment work and after registration of Permanent Alternative Accommodation Agreement with the individual members.
- ❖ Those in possession of their flats will not loose their rights.

- ❖ Agreement between contractor, Architect and society shall have a condition that disputes, if any, on the Redevelopment work shall be settled u/s Rule No. 91 of the Rules.
- ❖ After receipt of the Occupation Certificate for the Redeveloped building the distribution of the flats should be preferably made in accordance to the prevailing arrangement of present floors. In case when the Allotment of flats is required to be made by lots, only after completion of the building the Developer should make available the lottery system after completion of the Redevelopment Project. The developer should arrange for draw of lots for the distribution of flats in presence of representative of registrar. And video shooting of the complete process will be made.
- ❖ No member of the Committee or Office bearer shall be a Developer or his relative.
- ❖ The Building Plans which are approved by the Municipal Corporation / Competent Authority shall be again placed before the General Body Meeting for information. A member wishing to have a copy of the approved Documents can get the same on his written application. The committee is bound to issue the information on charging a reasonable fee.

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