

Adv. Nirmala Samant Prabhavalkar

Former Mayor of Mumbai
Ex-Member - National Commission for Women
Ex-Chairperson - Maharashtra State Commission for Women

14th August, 2024.

To,

The Chairperson/Secretary,
Sujata Niwas CHSL.

13 B, Sujata Niwas, S. V. Road,
Banra (W), Mumbai - 400050.
Email : nirmalasamant50@gmail.com
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Subject: Notice dated 3rd August, 2024 for selection of developer as per 79a Gr.

Dear Sir/Madam,

I am in receipt of your notice as per the subject matter mentioned herein above. The agenda for the meeting is selection of One of the developers on Sunday, 18th August, 2024 at 10.30am in the presence of authorize officer/observer on behalf of the Deputy Registrar of CHSL. H/w.

There is no mention in the said 'Notice' of yours about the meeting proceedings to be conducted. As per the Gr. Dated 4th July, 2019 of Cooperative Ministry (Govt. of Maharashtra).

The directives 17(d): The Officer of the Registrar will begin the meeting after 2/3rd quorum. the meeting shall be transacted as follow: -

1. To give comparative information (PMC) regarding the tenders selected for the presentation. (Regarding re-development work)
2. To present tenders serially (presentation of the tenders)
3. To select one developer/contractor with terms and conditions for re-development of the building and finalize the tender.
4. To take consent from the developer/contractor selected.
5. To take information of the next course of actions.

In view of the above please ensure the attendance of PMC Mr. Nikhil Dikshit, Shilp Associate/two developers/other experts for the above meeting. Kindly circulate the agenda of the proceedings of the meeting as per the above directives under 79A. It will help the society members to understand the process. You are requested to forward my letter to all members /PMC/the two tenderers.

Thanking you,

Yours faithfully,



Adv. Nirmala Samant Prabhavalkar
Member, Flat no. 13B

CC to MC/Members/Deputy Registrar H/w

Adv. Nirmala Samant Prabhavalkar

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To,

The Chairperson / secretary
Sujata Niwas Chsl.

Subject: My observation on the report of PMC circulated on 27.07.2024

Dear Sir/Madam,

Without prejudice to my right and contentions, I would like to state that the Managing Committee has made PMC Shilp Associates (PMC) to give wrong report dated 27.07.2024 of deliberately given higher scores to Roswalt Realty which was not expected at least from Shilp Associates.

The real estate market is getting from bad to worse for various reasons. We see around all over in Mumbai that many a times the project gets stuck and people are dis-housed and are forced to pay rent from their own pocket **beyond the period of constructions agreed on documents.**

It is my sincere observation without any prejudice to bidders that the PMC due to pressure from some of the members of Mc has not followed the directives given in 79A. In view of the below observation and evaluation report dated 27.07.2024 based on commercial and financial bids and the score given in favour of Roswalt Realty is **unrealistic and one sided.**

The PMC gives Rating to the bidders after the first sealed tender is opened; He notes down his observations as per the offers given like FSI, Rent, Copus, construction period, ongoing and completed projects, financials etc. which are submitted on paper.

The second Rating is given after physical visits to the project mentioned in the tender document: The sites at ongoing/or completed construction, sample flats, quality of constructions etc., is very important. Therefore, physical visits are taken more authentic for deciding the rating of the bidder. The physical visit to Gurukrupa Realcon the members saw his construction of the project at Juhu which was on the completion and overall, it was very nice and it was a private project whereas, the site visit to Roswalt Realty the project was under SRA hardly up to third or fourth floor building construction was going on, therefore, they could not show the sample flat in their ongoing project as was required in the tender condition of PMC.

Moreover, the presentation Gurukrupa as regards to the profile of the bidders and the building which was planned for Sujata Niwas was very impressive specious and was taking care of all amenities better than the amenities and overall presentation done by Roswalt Realty. In spite of the above plus points PMC ignored the merits and credibility of Gurukrupa may be due to the pressure of Mc he gave more score to Roswalt just on their papers images and documents submitted.

The entire process from feasibility report up to floating of Tender Document (TD), comparative analysis and all the necessary work mentioned in the said Gr. has to be completed in time bound manner (6months). Which is not completed in time bound manner, and is going on since June, 2023 onwards.

The PMC has overlooked the above important aspects wherein, Gurukrupa has complied the terms and conditions as regards to actual offers and also the site visit to his construction by name Vyom Co-operative society at JVPD, Juhu, Vile Parle.

The Rating about the credibility of the developer is decided on most important criteria which is fulfilled **only by Gurukrupa Realcon** in his TD conditions put by PMC Shilp Associates which are as under:

- a) Highest constructed area in terms of square fit is 15,04,000 sq.ft.
- b) The buildings completed within the period of construction (all as per Rera website)
- c) The new flats given back to members with OC. (2000 flats handed over to satisfied customers occupation certificate of BMC)
- d) The financial position of the developer (strong financial condition as per the report of Mr. Velankar appointed by Mc is in favour of Gurukrupa.
- e) The best quality of construction and sample flat shown in site visit to VYOM building at Jvpd vile parle
- f) The highest offer of additional FSI 48 % from begging of sealed tender offer , rent , corpus as per request of members
- g) The construction period 36 months

The Roswalt Realty offers:

- a) Highest, constructed area in terms of square fit is 3,55,269 sq. ft (subject to confirmation) as the company is formed in 2013.
- b) SRA project at Jogeshwari, (w) of 800 slums and completion is in January,2028.
- c) The new flats given back to members (information not available on their website.)
- d) Sample flat not shown as per tender condition in ongoing or completed project.
- e) Financial scrutiny and evaluation by Mr. Velankar and also PMC report shows not so satisfactory, as the personal net worth of the owner of Roswalt is not considered but the net worth of registered company needs to be considered.

Not following the directives of govt. 79A: Kindly go through the various dates / emails / SBGM etc. it will establish that Mc has not maintained the time period for the completion of the entire process for selection of the developer and have delayed the process for which started in June, 2023 **hence it is time barred.**

The PMC took more than six months after opening of the first sealed Tender and still the process is going on from June, 2023. There is practice and well settled norms to invite for discussion by PMC / MC / Society for increasing the rent and corpus to the bidder who has quoted highest FSI than the rest of the bidders in their sealed tender document. This process was to be completed within 15 days maximum to invite and arrange mtg with the first highest bidder. But PMC and MC dragged this process for very long time in order to oblige Roswalt.

The following chart will speak for itself: Please find that last year 27.08.2023, the bids were opened. But PMC took four months to prepare the comparative chart. Thereafter it took four

months to visit the sites of the builders. Even post site visits it took further time to arrange one to one meeting with bidders.

The Mc gave all the assistance to Roswalt to surpass the offers given by Gurukrupa

Gurukrupa Realcon	First Offer	Second Offer	Third Offer
	26.08.2023	23.01.2024	04.03.2024
FSI	Carpet 48%	Same Carpet 48%	Same Carpet 48% Res. Garage 38%
Corpus	2,500/- per sq.ft.		3100/- Sq. ft.
Rent	Rs.55,000/- for F.y. 10% increase in the rent 2 nd and 3 rd year		Rs.250/- Sq.Ft. per member, 1 st year and 10% increase in 2 nd and 3 rd year

Roswalt Realty	First Offer	Second Offer	Third Offer
	25.08.2023	19.01.2024	03.03.2024
FSI	Carpet 35% extra area	Carpet 45% Res/Commercial & 35% to Garage	Carpet 50% Res. Garage 40%
Corpus	3,000/- per sq.ft.		3250/- Sq. ft.
Rent	Rs.250/- per Sq.ft. on existing area		Rs.275/- Sq.Ft. for 11-month pdc & 10% increment every year

Important Note: Gurukrupa Realcon maintained his commitment of FSI 48% from beginning of sealed TD opened on 26th August, 2023. And gave revised rent and corpus on 4th March, 2024, due to request by members.

Roswalt Realty gave 35% additional area on 25th August, 2023 (whereas the tender were opened on Sunday, 26th August, 2023.)

Roswalt Realty increased FSI 45% on 19th January, 2024 and again increased on 3rd March, 2024 up to 50%. And also increased rent and corpus which he could have done in beginning only in his tender document.

In view of the above it will show that Mc deliberately gave more opportunity on two occasions to Roswalt to increase the more FSI, Rent and corpus. **This seems to be manipulation of the records** by Mc. As all the emails, date wise letters and correspondence exchanged between Bidders, PMC and Mc, especially related to revised offers mentioned herein above. wherein the members of the society were not kept in CC and BCC on their email. So, we do not know whose revised offer was earlier.

The dates written on PMC bar chart due to Mc suggestion was intended to show that Roswalt was higher than Gurukrupa. **In reality there is hardly any difference between Gurukrupa and Roswalt** but Gurukrupa has been higher and consistent from beginning and Roswalt was made slightly higher in order to raise him to higher position than Gurukrupa subsequently. This is evident from the PMC report dated 27.07.2024 of higher score in terms of **commercial and financial bid**.

Financial indicators of the bidders for redevelopment of society:

Velankar & Associates were appointed for presenting the key financial indicator of the bidders based on financial audited statements, net worth, turn over and other gross income and they gave report on 12th April, 2024. The pre-tax margin of Gurukrupa and its LLP will show that they were much higher than Roswalt (F.Y.2022-23 is Rs.62.82 lakhs) and Net worth of Gurukrupa Rs.68.54 crores as on 31.03.2023).

The debt equity ratio should be less than 2.0 as per Mr. Velankar which is correct. Gurukrupa (F.Y.2022-23) the debt equity ratio from the report which is more in favour of Gurukrupa.

Appointment of Asmita Consultants Pvt. Ltd. on 24th July, 2024:

Mr. Velankar and Associates CA were already appointed by Mc earlier and he gave his report on financial evaluation on 12th April 2024 then there was no need to appoint another agency by name Asmita Consultant to again give financial opinion after three months without obtaining or informing the society. Mc appointed without taking approval from the members. This itself is a gross violation of the 79A directives and breach of bylaws of the society. The Mc did not give any opportunity to discuss with Velankar & Associates in the last general body meeting held at Siddharth hotel in month of April 2024. In spite of having, it on agenda. The reason to again appoint another agency Asmita Consultant is best known to the Mc.

No Mention of Construction period:

Gurukrupa has consistently given construction period of 36 months after CC which shows that he will give rent for 36 months and will complete the construction and will hand over the flats with to the members along with occupation certificate which shows that he is credible developer.

Roswalt has somewhere written the construction period of 24 months and the PMC in their latest report circulated to us on 27.07.2024 there is no mention of construction period which is a very important lacuna to be noted by the members.

The FSI under 33 (11) of DPDCR/Slum TDR:

The PMC has considered in favour of Roswalt for getting slum TDR for Sujata Niwas but he should have mentioned that the slum TDR which is going to be in operation only after the SRA Jogeshwari is completed. The date of completion of SRA project at Jogeshwari 2028(after 4 yrs).

By Back Policy:

The PMC should have ensured the by back policy from the developer if the members are not in financial position to wait till the completion of project. Therefore, they should have been given offer to either give the rights to the developer and or allow to find out the new buyer. So that existing members can sale his/her flat as per the rate mutually decided by the developer and members.

PMC should have put the condition on bidder to load all FSI /TDR in advance so that there is no fear of the project been stuck.

There are so many important issues, questions which are in our mind which needs to be answered with satisfaction by PMC. The Mc need to take responsibility of the developer

with guarantee that they will be responsible for giving the permanent alternate accommodation to the members and redevelopment of Sujata Niwas will be completed as per the timeline. Failing which they will be personally responsible.

It is my humble request that please keep Mr Nikhil Dixit, the head of Shilp associate present and also two bidders/other experts present in the meeting dated 18.08.2024 to answer the queries and questions during the meeting in the larger interest of the society which were not sorted out before as after four months gap the Mc has kept the meeting directly for selection of the developer which is very shocking and surprising. As it is they have wasted so much time from the day of initiation under 79A Gr. **Therefore, no harm would have been caused if PMC or Mc could have taken one meeting to amicably resolve the burning issues of members more particularly about the guarantee from the credible developer who will not dis-housed them in the middle of the incomplete project for whatsoever reasons.**

With due respect to all the members of Mc and other members of the society and without causing any personal aspersion on them I would like to express my feelings at this appropriate stage that I am informed by some members that the present mc is just a facilitator of Roswalt Realty and their representative who is actually operating behind the curtain of redevelopment of our society. It is evident from all the above facts I have brought on record from beginning.

Some of the present members from Mc did not work in transparent manner as they pretend. I had already disclosed to MC members in the past the name of a developer Roswalt Realty to whom they had decided to give the redevelopment project by keeping the other society members in dark as a result of which the second advertisement came in newspaper and more response came to bid.

The requirement of as per 79A to ensure for selection of developer:

There are 24 members in Sujata Niwas society. For various reasons six members are not likely to be available for the meeting as some of them are abroad. One is company flat and other one is not qualified to vote due to death of joint owners. Therefore, the aprox.18 members are likely to remain present. The Gr. 79A says that 2/3rd members should remain personally present out of them 51 % members are required to select the developer. **There are already 9 members of Mc which technically makes 51% required to select the developer. But not necessarily that all the Mc members will go with Roswalt Realty. It seems that many members are in favour of Gurukrupa but few members of Mc are misleading the members to go for Roswalt. I am sure that all members of Mc may not yield to the pressure or gratification if shown by the remaining members of Mc and will carefully study the profile of the bidder, credibility, reputation of the bidder.**

Presence of PMC and the two bidders is necessary:

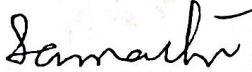
The managing committee did not take any meeting in between in last four months as requested by the members and just 15 days before the request to the deputy registrar, the managing committee circulated the Higher score in the latest report given by PMC. Therefore, we need to ask Pmc certain queries, information and justification. Therefore, it is sincerely requested to Mr Nikhil Dixit remain present along with two bidders, financial and other experts appointed by Mc.

At the end I would like to make it clear that whatever, stated by me herein above is in the larger interest of the society I have no personal animosity or grudge against anyone including

PMC/MC/or Bidders. I am not at all against Roswalt Realty. But I sincerely feel that Gurukrupa Realcon will be a better choice on merits and otherwise also due to his reputation and credibility supported by 2000 satisfied customers in past more than fifteen years and there are many good projects he completed and handed over before time. I am sure you will take my letter in right spirit.

Thanking you,

Yours Sincerely,



Adv. Nirmala Samant Prabhavalkar
Member, Sujata Niwas, Flat no.13B

CC to MC/PMC/Deputy Registrar H/w ward