

Mr. L. C. Tolat (B 105)

I do not want to say anything about redevelopment whether self-redevelopment or builder redevelopment etc. Committees are there to discuss and decide and bring the reports before you and then you all have to decide what is to be done. As far as the legal matters are concerned which Mr. D'Souza has pointed out, I have given in writing as far as 2 years back stating that consent from Dhanwatey group is not required as far as our redevelopment plan is concerned. I have told the committee to obtain from Dhanwatey in writing whether it is for or against I do not know. Whatever is their concern so that we can then deliberate on it. Orally who says what it is difficult to determine. Whether I was present in that meeting or not I do not know. That is why I have requested to get everything in writing. If the opinion is in my favour or against me it will have to be looked into at a later date.

As far as the issue of ownership is concerned, we have acquired 84% ownership right of the lessor including that of Dhanwatey. Therefore, we have a majority right as owner but unfortunately this is not in writing on record in PR card because PR card is not amended because we have not received the 24 documents which are registered and lying with the stamp duty office at custom house for many years. In fact, I have addressed a letter in writing to the RTI requesting this information and I have also received a reply from them stating that this is a matter for stamp duty calculation and that section says that within 10 years they have to put an order and dispose of. but now it is more than 30 years. According to me it has become time barred and so they cannot do anything and therefore they are not releasing the documents. Even I have demonstrated that whatever documents we have received we pay the stamp duty. Stamp duty on those documents is already paid therefore the question of paying another stamp duty does not arise. For one reason or the other if the department is not agreeable, why should we not file a Writ Petition and doing so the matter will be disposed of. I have not suggested this now, I have been saying this for the last many years but MC says they will release the documents and why should we go for litigation etc.

Now, as far as swimming pool matter is concerned, there is no FSI left and why there is no FSI. The 30,000 sq. ft. is already mentioned in the agreement that the FSI for the sub leased swimming pool land is already utilized and there is no FSI left. That particular portion was to be kept open to sky and unbuilt up. Accordingly, the land was given to



Poonam Hotel. Rightly or wrongly, they have now utilized the land for construction of row houses which is directly in contravention of the current rules. Considering that we go as per consent terms but the consent terms cannot alter the legal position. So therefore, I suggested that so far as that particular clause is concerned, practically everything is in final stages and hope that we will succeed in the matter. None the less to expedite this position on the basis of this regulation, which is also confirmed in 2024 regulation, once the portion which is required to be kept open, you cannot put up any construction if we take these two things to the court, we will definitely succeed and the matter of redevelopment can be completed.

Mr. B. Malik (B 601)

Somebody suggested that a circular be sent where members can mark Yes or No for redevelopment. My suggestion is that sending a circular will not be a solution here. There are two types of groups sitting here. One group is the people who are committee members and the Redevelopment committee members who have studied the details and educated themselves. Other people are not in that position so they need some information periodically and this must be done to gain their confidence in the committees which are working for them. So, with the circular a note must be sent to explain the members what is going on and what we propose and why without binding yourself about the cost etc.

Regarding clearing the title of the land this is a priority and it must be done even if we have to bear the cost for the same. If we are thinking of redevelopment which cost few hundred crores of rupees and clearing the title costs a few lakhs we must do it first.

In a society all the members would like to know what are the matters in the court and the cost for the same. This information must be given to the members when required.

One year has passed since the RDC committee is functioning but members have not received any updates so far. In a company or a society members must be kept informed of the status of what is going on in the society. Periodic updates are a must. Must inform everyone about the list of lawyers who you are considering etc.



Mr. Ajoy D'Souza (A 603)

Mentioned that ours is a big society and every member thinks differently. If members have issues, they must address them in the right forum and not use the internal whatsapp group. Also, people should do it with proper timing. There are messages coming in at 12.30 in the night and this is not acceptable. Also, before sending out such messages the concerned persons should make sure that the information they are sending out is authentic. Regarding the 24 documents still with the stamp duty office it may be noted that the stamp duty is paid when we purchased them and I have also written a letter to them asking them to return the documents to us but they have been holding them. They have made a remark on the documents stating pending MV which means "Market Value" That happened in 2000 when Nasir Bhai went and paid for the 88 documents for which the claim was raised. I wrote to them in 2008 and requested them to raise a claim for the remaining 71 documents so that we can make the payment. But they have not done so and that is why the documents are still with them. So, the stamp duty is paid but it is paid only to the extent of which the rate was paid at that time. The stamp duty as per the market value has not been raised and hence has not been paid so that is as far as the stamp duty is concerned.

The second thing about the swimming pool yes it was also written on the Property Card that the land has to be kept open to sky because that we have given to Poonam Hotel. Subsequent to that, we have allowed them to construct on that land and use the FSI which is also written in the agreement.

There is also the Foreshore land what has happened to that, whether they have used that land or maybe they have kept it we have no idea about that so the matter is stuck there.

Hon. Secretary interrupted to say that we will not contradict anyone. We will take everyone's suggestions and taking legal opinion is the second point. We will discuss this matter.





Mr. B. Malik (B 601)

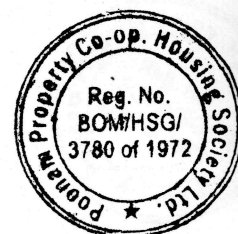
I just want to make one point and I am talking on behalf of both sides; I agree that things should be addressed in the right form but we must appreciate that it has been one year that the committee is appointed and the members still have no clue as to what is happening on the redevelopment project. You have to disclose to the members what is going on. You may not disclose what is absolutely confidential but certain things can be disclosed to the members to gain their confidence in the committees.

Mr. Mazyar Kotwal (A 404)

I just came to know about this Dhanwatey matter and the legal issue with them. I feel that the legal matters must be resolved before we go in for the redevelopment. I can give an example where we stay just now, where L & T has managed the whole project. There were about 5 or 6 small temples. They tried to resolve the problem but nothing happened. Ultimately, they started constructing and the matter went to the supreme court where L & T lost the battle and the project was stalled. So, we have to solve the problem before anything starts.

Mr. Sanjoy Das (B 706)

I am going to support Mazyar. Redevelopment cannot be taken piece meal. Today I do 80% and tomorrow I do 10% and then again 10%. There are enough places in Mumbai where the builder has promised to handover the flats in 3 to 4 years. Once the order is given then no one turns up. This is a very, very big risk we are taking we must proceed cautiously. I can give you live examples for the projects that have been stalled. I agree with what Mr. Tolat has said and say that we must put Writ Petitions. Currently the courts and the government have put rules in place and nothing can be stalled if we move in the right direction. File the Writ Petitions where ever required even if they cost money but whatever it is create a budget, take the general body approval and go ahead with it. It is really necessary that we get all the legal matters sorted before we think of redevelopment. The temple which he is talking about is now surrounded with so much of construction that the traffic of the devotees has gone down. On the moral strength the owners who were claiming that amount has also gone down.





Hence redevelopment cannot be done in piece meal. It has to be done in a proper manner and all the legal issues must be sorted before we start. Keep in mind the cost and also the duration. We start thinking it will be 4 or 5 years and then it can stretch to maybe 7 to 10 year or even more.

Mr. Shivkumar (D 605)

I suggest that we have a meeting like this every quarter so that there is a lot of communication between the RDC MC and the members.

Dr. Pramod Shah (B 003)

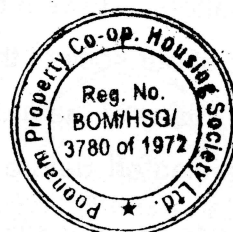
I just want to request the MC why do they not brief the members of Dhanwatey? What is the legal status of this case? Where do we stand with them? Whether it is sub-judice or whether there is some via media, decision has been taken? What is it? Whether any money needs to be paid? How much money we have deposited in the Small Causes Court? I think it is better that the members are briefed and made aware of the status so that there is no confusion in the minds of the members. I think that the major stumbling block for the redevelopment is over.

Mr. L. C. Tolat (B 105)

Dhanwatey rent is deposited up to 30 June 2024. We now have to pay from July to December 2024.

Hon. Secretary informed the members that we have got good suggestions from the members and we will discuss the same in the MC and RDC meetings and come back to you.

In the last meeting we had thought that we will brief the members more often on the goings on but due to a lot of hurdles we could not do so. But now we will try to brief every month or at least every 35 to 45 days on what is going on regarding the redevelopment. We will do a circular and send to everyone and also post it in the official what's up group. This is our promise. Aman Bhai has noted all the points and briefing will be done accordingly.



amount and it pinches but it has to be done however, we are not going to spend this amount in a day or two or six months. It will take time and we will spend very judiciously and give an account of each and every rupee that has been spent from day one.

This amount we are asking because we do not want to come to you every time to ask for 2 lakhs 5 lakhs 10 lakhs etc. Hence, we are asking for a bigger amount so that we can decide on how to spend this money judiciously. We will give an account of all the money that has been spent from day one.

Mr. B. Mallik (B 601) wanted to know the list of legal companies whose quotations are received.

Hon. Jt. Secretary informed everyone as follows:

L. D. Shah and Company

Khaitan and Company

MDP

ANB Legal

These are top and mid ranged firms all of them have experience in this field. We have given all of them our scope of work and we have briefed them on all our current litigations.

We have told them that there are three parts of the legal work.

Our current litigations

The work starting from 79A

Dhanwatey

This will include all the documentations from agreements to handover everything will be handled by them.

We have received quotes from all the 4 legal firms. All the firms have not covered all the 3 parts. One or two firms have covered all the 3 parts. One or two firms have said they may not handle the current litigations.



The quotations are in the office and anyone can have access to them. Some firms have said the rates or quotes for old cases will be after studying the current litigations and their status. The quotes received are anywhere between Rs. 27 Lakhs to Rs. 35 Lakhs that is why we are asking for sanction up to Rs. 50 Lakhs.

Mr. Sanjoy Das (B 706)

With due respect to the MC my personal experience is that when we go to the office to see the papers I am told only this much is there and this much is not there. I am not knowledgeable enough to ask for the papers as I do not know the background then what papers will I ask?

I request the MC to put it in writing what is available in the office like this is the scope of work that we have asked the lawyers.

What they have quoted

Contingency funds create a small calculation and circulate to the group.

We are not in principle against this money but it is so shrouded in in-transparency asking for blanket sanction in one line asking for Rupees Fifty Lakhs is not a small thing. Let there be transparency in principle there is nothing for or against and let them come back again.

Mr. L. C. Tolat (B 105)

I am not aware of these particular quotations or anything but from my experience, the figures quoted are very much on the higher side. I do not want to say anything more.

Mr. B. Malik (B 601)

My request to MC is why do we not take the stage wise quotation from the lawyers. The quotations we received today may not hold good till the buildings are complete. If we take the stage one quotations and start the work then we can see their performance and then determine if we should continue with them or not.





Mr. Mazyar Kotwal (A 404)

Litigation is such a thing where we cannot fix one cost as it depends on the scope of work. It can go from Rupees five lakhs to five crores depending on the matter and the cases.

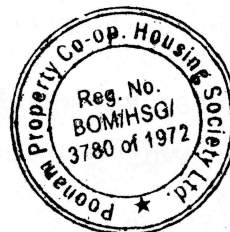
Why do we not fix the price as this scope of work the cost will be fixed and other matters may be as per the requirement.

Hon. Jt. Secretary explained as follows:

In the quotation some legal firms are willing to cover everything for example MDP has covered, L. D. Shah has covered. Some legal firms are not willing to cover the litigation part because they are unaware of the field of work and they say that in this amount of money they do not want to commit. Khaitan for example has not covered litigation. They have said this is going to be covered case to case basis. Which means that their current quotation which is at Rupees Thirty-five lakhs can shoot up. That is how the system is and that is how the legal firm's function.

Dr. Pramod Shah (B 003)

Most of the members are unaware as to what are the legal cases going on so why don't the MC at least brief the members that these are the cases currently going on and which are the cases that are sub-judice where the society has filed the suits or are going to file the suit. How many years have passed and what is the current status of each case. So, my impression is that these fifty lakhs that you are asking is only for legal fees. This money is not covering any other expense PMC fees etc. Incidental charges of documents etc. I think the members are not aware what you are asking. Why do you not brief properly. Why do you not put something in writing stating that this much is for legal fees and this is for other charges etc.



Mr. Ajoy D'Souza (A 603)

Legal fraternity is a very complicated thing. People who are at par with them they will consider. Junior counsels they will just dismiss. When you go to litigation what kind of counsel you are going to employ fees will range accordingly. If the person is saying they will handle everything from start to finish. They may depute some junior lawyer from their firm to represent your case and that person may not be fully aware or competent enough to put the case forward.

Ms. Monisha Bawa (C 102)

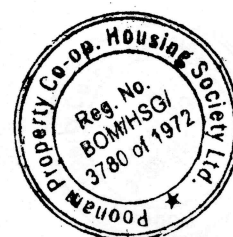
Ms. Bawa explained that today it is more important to appoint a PMC and a lawyer before the starting the redevelopment process as they are the ones who will study the reports and the cases which are available and give their suggestions and guidance in how to go about the process. Today there may not be many people in the building who may be able to explain the legal status of each case but when we have appointed a lawyer the person will study the matters and guide you accordingly. We do not need to pay them in one shot. We can agree to pay them in installments as the work may progress.

Mr. Srichand Luthria (A 506)

Will Mr. Tolat be acting in co-ordination with the new lawyers appointed? Since Mr. Tolat is aware of all the legal matters of the society will he be coordinating with the new lawyer. Also Mr. Tolat just mentioned about filing a Writ Petition in the stamp duty matter so will the society be filing the Writ Petition on its own?

Hon. Secretary mentioned that sorry Mr. Tolat was not able to attend the meetings we had with the 4 lawyers as he was not able available to attend the same. However, when we will negotiate with these lawyers, Mr. Tolat will definitely be a part of it. In fact, he will be heading the team of lawyers.

As Mr. Tolat said we need to file the Writ Petition, why can we not file the Writ Petition immediately. What is the problem?



Mr. Tolat mentioned that he is in the profession since last 50 years and he will not go to any junior lawyer for discussion. However, if someone is senior to him, he does not mind going to him. Mr. Tolat mentioned that he is always there for the society. In fact, even in the current matters he is advising the committee and going a step further and even drafting the matter for the society.

Mr. Luthria then said that all the legal matters must be resolved before we start redevelopment.

Ms. Payal Sanghvi (C 307)

Ms. Sanghvi was of the opinion that we should not appoint the lawyers on the basis of the quote received from them but on the merit. We should also consider some lawyers who are in this field. Khaitan and Khaitan, we all know are very reputed lawyers but we should also explore some lawyers like Amarchand Mangaldas etc. We should also consider people who are in the same field and not go only for low cost.

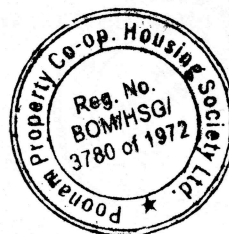
Mr. Dharendra Karani (A 804)

Mr. Karani was of the opinion that we should not compromise as far as the appointment of lawyers is concerned. In fact, we should and must appoint the best but what Ms. Sanghavi said is also correct, we should try and explore the people who are already in this field.

If Mr. Tolat is saying that we should file a Writ Petition then why are we not doing it? What is the reason for the delay?

Mr. Sanjoy Das (B 706)

Basically, this question of Rupees fifty lakhs came as a one-line statement. No questions to it or any explanation as to how it will be spent etc. Can you at least give a small break up as to how much will be spent on current litigation and how much will be spent on forward ligations? Share the scope document what you have given to the lawyers. I have worked with lawyers' big lawyers and with big corporates. They have made commitments and have given assurances for 5 years 10 years etc. Big lawyers are much more intelligent than us and this I am saying from personal experience. If anything, big comes up then they can find way to slip out of a situation. Big lawyers will





have issues but they will do the job. At least they should start with the job immediately with transparency.

Hon. Jt. Secretary explained that we are willing to share the scope of work but even in the scope of work there are many cases. Some legal firms will tell us the amount they will charge for the current cases some will not tell us. Some firms have also told us that you give us the papers pertaining to the land cases. We will study those papers and we will charge an assessment fee for that and then tell you the amount of fees we will charge for these matters.

Khaitan and Company have refused to tell us what will be the cost of litigation. Khaitan and Company have given us the cost from 79A to handover of flats. If I keep this cost aside, how can I tell you what is the cost of litigation.

Mr. Ajoy D'Souza (A 603)

We must give the committee a free hand to work. If members interfere at every point and tell them all the time to dot the I and cross the t it will be very difficult for them to function. All the big law firms are already occupied with projects. At a later date they may also back out saying that they are already involved with other projects so we should also be prepared for that. If the conflict-of-interest problem comes up then we should be prepared for that also.

Hon. Secretary then again requested the members to approve Rupees Fifty lakhs so that we do not have to come again and again for sanction of small amounts.

Hon. Treasurer then announced that at the time of collecting the instalments for lifts also we had a GST problem as the collection went above Rupees fifty lakhs. This time also if we are going to collect more than Rupees fifty lakhs, we will come under GST preview so from next quarter we are going to charge under GST. This will be profitable to the members also all those members who have GST can claim the benefit but I do not want this committee or any future committee to come under the GST and the need to provide an explanation. 18% GST will be charged on maintenance only other charges like electricity, water etc. will not attract GST. If any member has a GST number, they will be able to get the input. Also, the Society will benefit where we are paying GST for security charges etc., we can get the input.



Hon. Secretary then requested the members if anyone has knowledge about GST, please share with the MC so that we can resolve this problem.

Committee Member Mr. Nimish Kothari

Informed the members stating that at the Dy. Registrar office where we are fighting the recovery cases the Registrar clearly informed that society cannot issue two bills. Society has to give only one bill and all the chargeable heads are to be shown in one bill only. Registrar passes only one order. Because society issued two bills, we are facing lot of problem at the Registrar office. Society office cannot issue two bills for one quarter. One bill was for maintenance and the other bill was for repairs.

Mr. Gautam Vora (D 001)

Wanted to know what is the funding position and what is the amount recoverable from the defaulters.

Committee Member, Mr. Nimish Kothari explained that the accounts for the year 2023-2024 will be finalized soon and the AGM date will be announced. At the time of AGM all the details and the figures will be given.

Hon. Secretary suggested that an amount of Rupees Fifty lakhs be collected in 3 installments but the members suggested 4 installments. The same was approved.

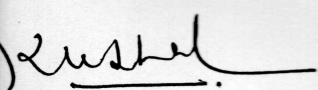
So, the Agenda no 2 is approved.

Proposed by: Mr. Gautam Vora (D 001)

Seconded by: Mrs. Rita Billimoria (B 202)

Hon. Chairman thanked all the members who attended the meeting and for the support of all the members.

For Poonam Property CHS Ltd.

  
Hon. Chairman / Hon. Secretary

