

A complication is intended to be created by considering members and society separate and agreements by members with developer and development agreement by society and developer as separate and having no relation with each other or continuity with each other, thereby creating an artificial deemed situation wherein members agreement shall be termed as independent agreement and stamp duty on it will be charged on market value on cost of construction, thereby generating revenue for the government in situation where there should be negligible stamp duty.

In case authorities do not withdraw this clause of the guideline then till such time society should receive all the flats/galas from builders and allot such flats/galas to the members. Since the conveyance would have been done in the name of the society and the majority of members name would have been included in such conveyance document, any flats/units got constructed by the society from the developer can be allotted free of cost to all the members and on such allotment letter the stamp duty is Nil as buying of the land by society by paying the stamp duty on conveyance and then getting the flat constructed on that land for members does not attract stamp duty as there is no transfer.

We hope the authorities shall recognize this mistake and withdraw this clause as soon as possible. Otherwise it may face yet another PIL by some like minded citizen.)

Note for point No. 1 & 2.

(a) Above points 1 & 2 shall be applicable only for those tenants and only that portion of tenanted area under possession of the tenants who are considered tenants as per provisions contained in old Rent Control Act 1947 and as per Section 7(15)(c) Maharashtra Rent Control Act 1999. For giving benefit to the tenanted property as mentioned above the concerned person should give proof that the tenant is occupying the tenanted premises since 30/03/2000 or the tenant has become a tenant thereafter thru a duly Registered document and is occupying the premises since last 5 years. Documents of proof are :- Noting of tenant in municipal tax bill, light bill, telephone bill, tenancy receipt, Ration Card, Shop & Establishment License from Municipality in the name of the tenant, Name in 1995 voter list etc. any three proofs or proofs mentioned in Government Housing Department's Order, No. LokAa - 2007/ Pra. Kra. 120 (Aa) / DuVaPu-1, Dated 16-08-2010, any three proofs. The benefits shall be given only after the proofs have been given. While presenting the documents for registration full details of area under the possession of tenants and the amount of rent taken should be included in the document and deposited with sub-registrar with proof at least 8 days before registration. The above true copy of proofs will become part of document. Sub-registrar shall register the document after verifying all the proofs and being satisfied of the legality of tenants. Leave and licence agreement is not considered for above benefit.

(b) While considering F.S.I. for above property, all rules and regulations regarding incentive F.S.I. mentioned in the Development Control Regulations should be taken in to consideration.

3. Valuation for Land capable of using T.D.R.

(a) Rate of open land given in the ready reckoner for 1 F.S.I.

(b) Land capable of utilizing T.D.R. of Mumbai city should be valued at 1.25 times and Mumbai suburb should be valued at 1.4 times the land rate as per Ready Reckoner. After increasing the rate as above, the T.D.R. potential should not be considered again. Documents relating to e.g. Cessed buildings, Educational, Starred Hotels, MHADA, SRA, etc for which valuation is done considering Incentive F.S.I. / Additional F.S.I., (In allowable F.S.I. TDR potential of that plot is already considered) then 25% or 40% increase mentioned in this point should not be considered.

4. Depreciation.

Valuation of old building and depreciation as per age should be done as per calculation given below.

Calculation :

1. Let stamp duty ready reckoner market value rate for Flat / Office / Commercial / Shop after considering increase / decrease as per other clauses of guidelines = (A)
2. Let stamp duty ready reckoner market value rate for Land = (B)
3. Hence difference between land rate and building rate = (A)-(B) = (C)
4. Depreciation Percentage as per table = (D)
5. Rate to be adopted after considering depreciation = B +(C x D)

Completed Age of building in Years	Value in percent after depreciation.	
	R.C.C. Structure / other Pukka Structure	Half or Semi-Pukka Structure & Kaccha Structure.
0 to 2 years	100%	100%
above 2 & upto 5 years	95%	95%
above 5 & upto 10 years	90%	85%
above 10 & upto 20 years	80%	75%
above 20 & upto 30 years	70%	60%
above 30 & upto 40 years	60%	45%
above 40 & upto 50 years	50%	30%
above 50 & upto 60 years	40%	20%
above 60 years	30%	15%