

MCMOM/02/22-23

26/04/2022

**Minutes of the Managing Committee Meeting of Empire Kismet CHS Ltd.**

The Managing Committee of Empire Kismet Cooperative Housing Society Ltd. was called by the Hon. Secretary, Mr. Nanu Rohit as per notice no. Notice/01/22-23 dated 10/04/2022. The meeting was held in hybrid mode (Offline as well as Online). The offline venue was the residence of the Hon. Secretary, Mr. Nanu Rohit, 14, Kismet, 48 Carter Road, Bandra West, Mumbai 400 050. The meeting was held on 26/04/2022 at 05:30 pm.

The following members were present at the meeting.

Sr. No.	Name of the Member	Flat No.	Attendance Mode
1	Mr. Goenka Arun	20	Offline
2	Mr. Rohit Nanu	14	Offline
3	Mr. Janardan Mahesh	19	Offline
4	Mr. Gonsalves Godwin	2	Offline
5	Mrs. Shaikh Jamila	1	<u>Online</u>
6	Mrs. Baig Moina	23	Offline
7	Mr. Mankar Rohit	21	Offline
8	Mr. Khemani Shyam	10	<u>Online</u>

The following were special invitees to this Managing Committee Meeting on the Redevelopment process:

1. Mr. Nitin Tabhane – K.K.Ramani & Associates.
2. Mr. Ronak Mehta – Palash PMC LLP.

The meeting was chaired by Mr. Arun Goenka, the Chairman of the Society. He warmly welcomed all the members to Empire Kismet Cooperative Housing Society's first Managing Committee Meeting for the Redevelopment process. He informed everyone present that the reason this meeting is being held in hybrid mode is so that all members of the Managing Committee can participate and contribute towards this important process. He expressed joy at seeing a 100% quorum.

Before commencing the formal meeting, the Chairman introduced Mr. Nitin Tabhane, representing K.K.Ramani & Associates, who are the legal advisors of the Society for the Redevelopment Process. He also introduced Mr. Ronak Mehta, Partner at Palash PMC LLP, who are the Project Management Consultants duly selected by the General Body in the Special General Body Meeting dated 13/03/2022.

Mr. Arun Goenka informed the members that since the Society was following the provisions laid down in section 79A including its revised guidelines, a copy of the above notice was uploaded on the Society's website <https://www.empirekismet.in>. He further informed the members that the Hon. Secretary had put up a copy of the said notice on the Society's notice board.

Mr. Arun Goenka drew the attention of the members to the note in the above mentioned Managing Committee Meeting Notice wherein members of the Society were expected to give their suggestions / recommendations on the draft Feasibility Report, which was previously submitted to all as well as put up on the Society's website. He informed the members that the Managing Committee had received letters from the following members and that these letters will be discussed in detail amongst other points of discussions.

1. Mr. Batliwala Sakir – Flat No. 3 / 4 / 9 & 12.
2. Mr. Batliwala Safan – Flat No. 7 & 8.
3. Mrs. Sethna Jai – Flat No. 11
4. Mr. Rohit Nanu – Flat No. 14.

With this introduction, the Chairman began with the Agenda of the Managing Committee Meeting:

**Agenda Point No. 1:**

To read and confirm minutes of the previous Managing Committee Meeting dated 11<sup>th</sup> March 2022.

The Chairman informed the members that above mentioned minutes were passed in the monthly Managing Committee Meeting held on 23/04/2022 and hence this agenda is not applicable.

**Agenda Point No. 2:**

To have comprehensive discussions on the Feasibility Report submitted by the Society's PMC, M/s. Palash PMC LLP. Such a discussion will cover all factors such as the suggestions / recommendations of the Society's members and the opinions of the Project Management Consultant and Legal Advisor who will also be present in this meeting.

The Chairman first invited queries from the members present starting with the members participating online using the Zoom platform.

1. Mr. Khemani indicated that he had no queries and was satisfied with the process as on date.
2. Mrs. Shaikh indicated that she had no queries on agenda number 2.
3. Mrs. Baig also indicated that she had no queries on agenda number 2.
4. Mr. Gonsalves indicated that he has no queries at this time but requested the Chairman to allow him a rejoinder during the discussions.
5. Mr. Mankar also indicated that he has no queries at this time but requested the Chairman to allow him a rejoinder during the discussions.

The Chairman then took up the letters received in order of receipt and requested Mr. Tabhane and Mr. Mehta to advise accordingly. Mr. Mehta indicated that he has gone through all the letters in detail and has come prepared. He requested Mr. Tabhane to join in at any stage during his replies.

**1. Letter from Mrs. Jai Sethna – Flat No. 11:**

**1.1. Average rental during displacement of Rs. 150.00 / sq. ft of existing carpet area being very low:**

Mr. Mehta clarified that rental considered in the feasibility report is based on data available with him and was used to show that the redevelopment project of the Society under consideration is feasible. The data quoted by the member does not in any case affect the Feasibility of the project. He further clarified that the Feasibility report is only for the consumption of the members to get an overall perspective on the redevelopment process and will not be part of the draft tender that was under preparation.

He highlighted that the above specific aspect is applicable to most of the queries raised by the members. Mr. Tabhane concurred with him on this.

The Chairman informed the members that as per data available with the Managing Committee, the rental rates prevailing in the building were within the range indicated by the Society's PMC.

Mr. Mehta added that the price was arrived at considering rental in an equivalent building. He clearly indicated that rentals in new buildings will definitely be higher and cannot be used for comparison.

Mr. Mehta finally clarified that each Developer will submit their detailed offer of rental compensation, hardship compensation, stilt parking compensation, Free entitlement area, etc. in their tender submission as per their own calculations and not as per feasibility report. It will then be up to the members of the Society to decide whether to accept or reject the tenders submitted.

1.2. Hardship Allowance of Rs. 5,000.00 / sq. ft of existing carpet area being very low:

As clarified in Sr. No. 1.1 above, Mr. Mehta indicated that the hardship allowance of Rs. 5,000 per square feet was arrived at based on the various tenders and reports made by his firm. He once again stressed that the Feasibility report is only for the consumption of the members to get an overall perspective on the redevelopment process and will not be part of the draft tender that was under preparation.

Mr. Tabhane informed the members that the matter of Hardship allowance is to be discussed during the Managing Committee Meeting to be called for approval of the tender. The tender draft with tentative figure of Hardship fund will be submitted by the PMC to comply with 79A guidelines for keeping one parameter fixed for all developers. He further informed the members that it is the prerogative of the Managing Committee to fix this amount after taking into consideration the feedback from all members as well as the PMC. This was appreciated by all.

Mr. Mehta once again clarified that each Developer will submit their detailed offer of hardship compensation as per their own calculations and not as per the feasibility report. It will then be up to the members of the Society to decide whether to accept or reject the tenders submitted.

1.3. Compensation for members having garages:

Mr. Tabhane once again informed the members that this point should be part of the discussions during the Managing Committee Meeting to be called for approval of the tender.

Mr. Mehta indicated that he has considered the above in his Feasibility Report. He informed the members that the parkings are named stilt parkings since it is shown under the building in the stilt area as per the old MCGM plans available with him.

Members were of the opinion that irrespective of it being a stilt parking or a garage, the same should be part of the draft tender. The Chairman assured the members that everyone's interest will be protected but within the ambit of the law.

1.4. Concessions / approvals to be granted in due course of time including CRZ:

Mr. Mehta indicated that the CRZ rules have been notified and the NOC has to be obtained by the prospective developer along with numerous other NOC's while getting the plans sanctioned from MCGM.

1.5. Availability of old plans and assumptions that required permissions will be available. PMC to re-submit the Feasibility report once all data is available and has been studied in detail:

Mr. Mehta indicated that the Feasibility Report has been prepared after taking into consideration all the data available. As a prudent practice, it is mentioned in the Feasibility Report that any additional data will have a ramification.

1.6. Continuity for members in terms of location and elevation:

Mr. Tabhane interjected and informed the members that this point should be part of the discussions during the Managing Committee Meeting to be called for approval of the tender. Mr. Mehta concurred with him.

1.7. Clause for sell out and terms and conditions of the sell out:

Mr. Tabhane once again interjected and informed the members that this point should be part of the discussions during the Managing Committee Meeting to be called for approval of the tender. Mr. Goenka quipped that the members were bringing in points applicable to the draft tender and this would shorten future meetings.

1.8. The Feasibility Report indicates two proposals, one with and one without the road setback:

Mr. Mehta clarified that the setback option is considering further road setback handover on our plot and not clubbed with any other plot. It is a straightforward TDR compensation against handing over setback in our plot as per MCGM norms. He further indicated that this will have no bearing on the OC of the building since the proposed builder would have obtained all permissions prior to construction.

2. Letter from Mr. Sakir Batliwala & Mr. Safan Batliwala - Flat No. 3 / 4 / 9 & 12 and 7 & 8:

Mr. Mehta took permission to club both letters together since they were identical in all respects in terms of the points raised. Mr. Tabhane felt this was appropriate.

2.1. The Feasibility Report mentions only one plot No. namely CTS No. 695 whereas our Society owns land in two plots namely CTS No. 695 and CTS No. 696 (Part).

Mr. Mehta clarified that as per DP remarks; our plot is on CTS 695. Mr. Tabhane informed all the members that this point will be further studied and an appropriate decision can be taken during finalization of the tender.

2.2. The Feasibility Report mentions only 9 stilt parkings whereas our plot comprises 10 garages, society's office, meter room, store room and two toilets.

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.3 above and hence does not need to be further elaborated. He further informed the members that the meter room and toilets are free of FSI and hence does not find mention in the Feasibility Report.

The Chairman once again confirmed that the rights of all members will be protected.

2.3. Preparation of detailed statement of total area including physical measurement of the apartments:

The Chairman informed the members that an order was given to F&O Surveyors & Engineers to carry out the measurement. He further informed the members that the survey team visited the Society and carried out the measurements on 24/04/2022. The area statement will be shared with all the members as well the PMC and the Society's legal advisor.

2.4. Adding interest in the Feasibility Report burdens the Society:

Mr. Mehta informed the members that as a standard practice, finance costs have to be apportioned to any project and in fact this gives a better picture to the members. The project is feasible even after adding these costs.

Mr. Mehta once again clarified that each Developer will submit their detailed offer as per their own calculations and not as per feasibility report. If the members are able to choose a builder who will not add the finance cost they would automatically get the benefits.

Mr. Tabhane informed the members that no builder will consider items in isolation. They will factor all the heads and arrive at a proposal to be offered to the members. It is then up to the members whether to accept this or not or further negotiate with the builder or builders finalised.

The Treasurer, Mr. Mahesh Janardan informed the members that in his field of setting up projects, it is common for companies to arrive at costs after factoring actual costs, engineering costs, finance costs, contingency costs and then finally a profit.

2.5. Error in calculation of Ratio of General TDR shown as 80 % and Slum TDR as 20%:

Mr. Mehta informed the members that as a standard a minimum of 20% slum TDR is to be procured. Slum TDR is normally more expensive and hence he has considered the minimum while preparing the Feasibility Report.

2.6. Hardship Compensation:

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.2 above and hence does not need to be further elaborated.

2.7. There is No Mention of Bank Guarantee or its Charges to be incurred by the Builder. In case of failure of the Builder / Redeveloper to comply with the terms and conditions with the Society there is no security for the Society or its members:

Mr. Tabhane interjected and informed the members that this point should be part of the discussions during the Managing Committee Meeting to be called for approval of the tender. Mr. Mehta concurred with him.

2.8. The PMC has not considered provisions for Parking as per DC rules 2034, to the existing members of the Society:

Mr. Mehta informed the members that this will be covered in the Draft Tender. He further clarified that the cost for construction of parkings has been factored in his Feasibility Report.

2.9. As there are various other objections and suggestion which cannot be discussed in letters. In the Interest of the Society and its members, I request the Managing Committee to arrange for an open discussion with all members present in the best Interest and gains for the Society and its members:

The Chairman informed all that ample opportunity will be given to all members to discuss once the Developers are shortlisted. Mr. Tabhane informed the members that normally an open question and answer session is to be held with the finalized Developers and members should come duly prepared for such a meeting.

**3. Letter from Mr. Nanu Rohit - Flat No. 14:**

3.1. Area Statement for clarity:

The Chairman once again informed the members that an order was given to F&O Surveyors & Engineers to carry out the measurement. The area statement will be shared with all.

3.2. Garages vs Stilt Parking:

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.3 above and hence does not need to be further elaborated.

3.3. Hardship Compensation:

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.2 above and hence does not need to be further elaborated.

3.4. Additional RERA carpet area in percentage for members:

Mr. Tabhane informed Mr. Nanu Rohit that as previously mentioned this point should be part of the discussions during the Managing Committee Meeting to be called for approval of the tender. Mr. Mehta concurred with him.

3.5. Rental compensation:

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.1 above and hence does not need to be further elaborated. Mr. Nanu Rohit accepted this.

3.6. Compensation for Garages / Stilt Areas of Member:

Mr. Mehta informed the members that this point has been covered under Sr. No. 1.3 and 3.2 above and hence does not need to be further elaborated. Mr. Nanu Rohit accepted this.

3.7. Existing Members are 23. Mr. Nanu Rohit holds two flats that are both numbered 14:

The Chairman informed Mr. Nanu Rohit that his contention will be duly considered. Further, he has already submitted his request for segregation of his apartment, which is under consideration.

3.8. Shifting Charges for Mr. Nanu Rohit since he holds two flats that are both numbered 14:

The Chairman informed Mr. Nanu Rohit that his contention will be duly considered in the tender document.

3.9. PMC to highlight the present status of Rules and Approvals:

Mr. Mehta informed the members that the redevelopment approvals will be subject to the rules prevailing at the time of plans submitted to the MCGM, the report may change as per any changes in the MCGM norms and is hence subjective to the then prevailing norms.

The Chairman once again checked with all the members whether they had any other questions. Being satisfied that all members were covered and there were no queries from any member, Mr. Arun Goenka requested members to approve the agenda point no. 2.

Mr. Tabhane commended the Managing Committee and members of the Society for their active participation in the redevelopment process.

**Resolution of Agenda Point No. 2:**

**RESOLVED** that the Feasibility report discussions as outlined above be accepted.

Proposed By: Mrs. Jamila Shaikh

Seconded By: Mr. Rohit Mankar

Passed: Unanimously.

**Agenda Point No. 3:**

To give sanction, by majority vote, to the Feasibility Report submitted by the Society's PMC, M/s. Palash PMC LLP.

The Chairman informed the members that as per requirements of section 79A, the Feasibility Report is to be given sanction by majority vote. He further informed the Members that a very comprehensive discussion running into more than two hours has been done on the Feasibility Report and this should clear doubts of all members. He accordingly requested the members to vote on the agenda point no. 3.

**Resolution of Agenda Point No. 3:**

**RESOLVED** that the Feasibility report prepared by the Society's PMC, M/s. Palash PMC LLP be given sanction.

Proposed By: Mrs. Moina Baig

Seconded By: Mr. Godwin Gonsalves

Passed: Unanimously.

**Agenda Point No. 4:**

To fix the date, time and venue for the next Managing Committee Meeting to finalise the draft tender and hold discussion/deliberations thereupon.

The Hon. Secretary informed the members that he will be out of station till 6<sup>th</sup> May 2022 and requested the Chairman to keep the meeting on 7<sup>th</sup> May 2022.

The Chairman asked Mr. Tabhane about the advance notice to be given for such a Managing Committee Meeting. Mr. Tabhane opined that although section 79A is silent on this aspect it would be prudent to give at least seven (07) days notice for such a meeting.

The Treasurer, Mr. Mahesh Janardan requested Mr. Tabhane's opinion on the need to circulate the draft tender document to all the members and whether their feedback is to be obtained. Mr. Tabhane opined that although section 79A is silent on this aspect it would be prudent to give all members an opportunity to review the draft tender document and give their suggestions / recommendations. He suggested that the draft tender could be uploaded on the Society's website and a Circular to this effect be sent to all the members. This point was appreciated by all.

Mr. Mehta informed the members that he will submit the draft tender within two (02) days.

**Resolution of Agenda Point No. 4:**

**RESOLVED** that the date of the next Managing Committee Meeting be fixed as 07/05/2022. The Hon. Secretary was requested to send the notice to all the members and put a copy on the notice board of the Society. The Treasurer was requested to do the needful towards uploading all the required documents to the website of the Society.

Proposed By: Mr. Shyam Khemani

Seconded By: Mr. Rohit Mankar

Passed: Unanimously.

The tabulated result of the voting is as under:

Sr. No.	Voting Item	Voting Required %	Voting Achieved in favour of %	Decision
1	To give sanction, by majority vote, to the Feasibility Report submitted by the Society's PMC, M/s. Palash PMC LLP.	Majority of Managing Committee (05 Members)	100%	Feasibility Report is sanctioned.

The Chairman thanked Mr. Tabhane and Mr. Mehta for sparing their valuable time and answering all the questions raised. The Chairman also thanked Mr. Nanu and his family for not only the wonderful hospitality but also for allowing their home to be used as the venue for the Managing Committee Meeting.

The meeting ended with a vote of thanks to the Chair.

for **EMPIRE KISMET COOPERATIVE HOUSING SOCIETY LTD.**

(Regd.No.Bom/Hsg/2151 of 1969, Dated 19/08/1969)

  
**MR. ARUN GOENKA**  
(CHAIRMAN)

  
**MR. NANU ROHIT**  
(HON. SECRETARY)

Place: Mumbai  
Date: 26/04/2022