

Subject Fw: Appeal to protect loss of revenue to the Government.
From UDM <minister-mud@nic.in>
Date Friday, November 18, 2011 2:17
To "jamal.kb" <jamal.kb@nic.in>

A20

OFFICE OF UDM

Dy. No. 4091

Date 22-11-11

Mumbai
Issue

From: R K Shah skctopft@gmail.com
Sent: Friday, November 18, 2011 3:11 PM
To: chiefofficerrr@gmail.com ; chiefminister@maharashtra.gov.in ; cvsomhada@gmail.com ; minister-mud@nic.in
Cc: satish@gavai.org ; shrkantpulkund@gmail.com ; Min_Home@maharashtra.gov.in
Subject: Appeal to protect loss of revenue to the Government.

Sir,

PS to UDM

Ref.:- Redevelopment of property having C. S. No. 683, 684, 685 of Girgaon Division Cess Building No. 114, 114-A, 114-B, 114-C, 114-E, 106-112, V.P. Road, Known as R. K. Wadi, Girgaon, Mumbai:- 400004 under modified 33(7) of DCR.

Sub : Kindly save our life as well as save our of Government revenue and interest and harm to all our fellow Tenant's. In spite of number of written complaints and lot of email complaint and reminder submitted by us and others also. Till today we haven't received any written reply and not any action taken by the concerned officers of the related department officers it is huge loss to Government revenue and all malpractice going on by such deputed officers of MHADA and there associates. There fore this is my again humble request to your Good Selves kindly conduct a Genuine Departmental Enquiry and make Joint Inspection with us as early as possible. Our Grievances are as under bellow kindly reffer it and look in to it as per Law. We request you to give your written reply at your earliest.

We are also attaching with this mail copies of the detailed findings of the

misleading, contradicting information that are kept on record by the deputed officers. Which can lead to the loss of huge Government Revenue at the cost of financial benefit to our new Land Lord / Builder. We are also attaching the copy of the partial findings of the Vigilance Department of MHADA for your ready reference.

We are waiting for your written replay on this at your earliest.

Thanking you.

Regards

Rajesh K. Shah
Mobile : +91-9322531815
Tel. /Fax :- +91-22-22421650

No.CVSO/A/D-1/1139/2011,
Office of C.V.S.O./MHADA,
Griha Nirman Bahvan, Bandra(E),
Mumbai-400 051.

Date - 23/9/11

To,
Chief Officer,
Mumbai Building Repairs & Reconstruction Board,
Mumbai.

Sub: - Redevelopment of property situated at C. S. No.683, 684, 685 of Girgaon
Division Bldg. No.114, 114-A, 114-B, 114-C, V. P. Road known as R. K.
Wadi, Mumbai-16.

Ref: - 1) Letter of Mr. Kirti C. Shah dated 5/8/2011.
2) Letter of Mr. Ketan Gandhi dated 8/8/2011.
3) Discussion with Mr. Rajesh Shah on 23/8/2011.

Sir,

Please find enclosed herewith reference No.1 & 2. It is to inform you that serious allegations were made about the behavior of Developer & MHADA Officials by Mr. Rajesh Shah & also pointed out various discrepancies. Therefore it is requested to instruct the MHADA Officials to maintain Office decorum, while discharging their duty & dealing with people.

Also 14 No.s of individual Tenants are mentioned in the certified copy of Tenant list at 1st Floor of Bldg. No.114E & Occupants are also shown by Ex. Engr. D-1 Div. Whereas as per prevailing rules & regulations position as on 13/6/1996 can only be considered & papers to that effect shall be kept on record. Hence Tenant list shall be modified accordingly & one Dhramashala shall only be shown as against 14 tenants & occupants.

D.A. -As above.

Yours sincerely,



Chief Vigilance & Security Officer,
M. H. A. D. A.

Copy to Mr. Kirti C. Shah, Rajesh K. Shah & others, 2nd Plot No.29/31, 2nd
Parsiwada, 114/E, V. P. Road, Mumbai-4.

- A) On page No.1 column (A) point No.2 the area written of C. S. No. 683 is shown as 2509.13 Sqmt.
- B) It is also pertain to note that we have already lodged a written complaint about the unlawful/adamant behaviors of the Ex.Engr.D-1 for not maintain office decorum and threatening us to terminate our tenancy as per there wish. As reward to for all our lawful activities under R.T.I. for unfold this misconduct and manipulation on Dt.05.08.2011. We have also lodged written complaint/Strong Objection in the re-development on Dt.16.08.2011 in detail. All this still unanswered / pending with you. Till today we have not received any written reply/detailed report of finding from the concerned authorities any various department's even after our many personal visit's at MHADA office Bandra, a lots of email complaints and reminder and Ex.Engr.D-1 and Dy.Chief.Engr.Zone(II) since last more than 90days.
- C) As per page No.2 point No.14 with reference to Annexure-A it is wrongly written that all occupants are presently staying in existing cess building of C.S. No. 683, 684, 685 which is under consideration of redevelopment. Like in the case of Cess Building No. 114-E, 1st floor, which even Vigilance department of MHADA has certified/found as Dharamshala wide Ref.No.CVSO/A/D-1 /1139/2011 Dtd.:23.09.2011, copy attached for your ready reference. The occupant's shown in the 15 Rooms are not staying there. Even in the conveyance deed's between Old Landlord and New Landlord / Builder which they have entered in the year 2008, there name is also not reflecting. Only Electric Bill and Rent receipt is only criteria to prove there occupancy? Any sale purchase deed's, Stamp Duty Receipt, are not there on record? Please Explain. Also no Voters I.D., Ration Cards, Pan Card etc. provided by this occupant's, from where they have come and noted on file reason best known to the officers of Ex. Eng. D-1.

Provide copies of GR / RULE / CIRCULER / GUIIDE LINE under which this is implemented. Is this deviation for every one, all project or for especially for this project? Let us know in writing.

D) As per page No.2 point No. 15 reference to Annexure-A is also wrong.

E) As per page No.2 point no. (B) / 4 which says that Number of occupiers as per certified list is 130. But the certified occupiers are 170. But TL1 to TL30 indicates there are 179 occupants. Which record is correct? Which competent authority will be held responsible for not checking such lots of gross mistakes before recommending and sending to the higher authorities for final approval, which requires very detailed analysis as it is directly connected to the Government Revenue and interest of all the Tenant's and common man?

F) As per page No.2 point no.(b)/a the reference as per Annexure-B the number of Unit's showing as per 95-96 Inspection Extract written as 117, but it is 115, which can be verified by going through the page number C-21 to C39. What might be the possible reason behind such negligence which might directly benefit to our New Landlord / Builder at any cost? **There should not be Clear, Clean and Transparent project. Please give your views in writing in detail before finalizing this project.**

G) As per page no. N/3 of this file point No.5 is also contradicting as per above point's D & E. Needs attention also.

H) As per page N/3 point (B) No.6 is partly not correct. Like in the case of 114-E building 1st floor, where one single unit Dharamshala consisting of 14 Rooms, even in MCGM 95-96 Inspection Extract is reflecting a single unit. But 15 Rooms are allotted to New Landlord / Builder. Also found during the partial investigation by Vigilance Department of MHADA. This it self proves that there was Dharamshala. This Unit is Sub-divided after 2008 when New Landlord /

Builder have purchased this property this can be confirmed with conveyance deeds. This various people who are not also staying there are also kept on record by wrongly stating as per TL/23. Also quite a few single Unit's having various adjoining / inter connected rooms having common entrance and single owner are also sub-divided in various buildings in the said property. Even not reflecting in the conveyance deed between old and new Landlord and also in 95-96 MCGM Inspection Extract. This is not mentioned in the remarks for this unit.

I) As per page N/3 point (B) / 8 it is wrongly stated that total number of consent received of both Non-Cessed & Cessed building are 170. But total 171 Consent are received and kept on record only of Cessed Buildings and 6 Consent of Non-Cessed building are kept on record so in total 179 Consent/Occupants are kept on record. This can be verified from page no. TL/1 to TL/30 of this same file.

J) Ratio given of willing occupiers looks incorrect. On page No. N/3 Point (B) / 8 says that there are 170 Nos. of occupiers. Point (B)/5 say there are 130 occupiers. In the ratio the number of occupiers is shown as 135, which one is correct? But as per TL/1 to TL/30 there are 179 occupiers, breakup is as under

For 18 Nos. Clubbed and Eligible Units

Total Consent of Occupiers kept on record are	60 Nos.
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Individual Eligible Unit's Occupiers	108 Nos.
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Non Eligible Unit's / Tenant's	11 Nos.
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Total No. of occupiers as per TL/1 to TL/30 are 179 Nos.

Units found eligible by MHADA officers, Ex.Engr.D-1 are 126NOS in the said project. Out of which 115 consent received from Tenant's of Eligible Unit's and 11 Tenant's of Eligible Unit's have not given Consent

G) The statement on N/3 point (B)/10 is partial wrong. As per above pint No.G. Also in the same page LT/23 column No,14 it is also wrongly declared by Ex. Engr. D-1 that all this 15 No. of Occupants are staying in this 114/E building at this moment.

Reason behind misguiding and wrong declaration given by Ex. Engr. D-1 best known to him or God. But there is no clarification given on the remark column about the status of the Dharamshla, this must be corrected and rectified. Please provide copy of the same to us ASAP.

H) N/3 point (B)/11 is also not correct as per above clarification. As around 17 Number of Tenant's/Occupant's declared/claimed by New Landlord/Builder with all document's required by MHADA to consider them as the Tenant's and even certified the same by there appointed recognized and very well known Architect. There status i.e. weather they were found or not, Fake, Bogus? Where do they stand in the list of Eligible, Non-eligible, Co-operative or non-cooperative list? Why there status is not disclosed? Is this not falling under the duties of the deputed officers to keep informed the higher officers all the fact's and figure before sending such project with lots of manipulations recommending for final approval? This is done by the deputed officers under whose influence? This is a classic case of Tenancy inflation as per above point and point (C) for granting more FSI, very inelegantly no note was kept on record. Reason best known to Ex.Engr.D-1 and there higher officers. Such ignorance / negligence by the officers of D-1, what scrutiny was done by there higher officer before recommending this project to the Chief Officers and Board Member's of MHADA? It is pertain to note that how board can pass this project with such mistakes which can directly result in to huge loss of Government Revenue and harm caused to fellow Tenant's and innocent people.

I) N3 point (B)/12 statement says that there is one non-cess structure on the site of this redevelopment project. C.S. No. 683. As per N/1 point (A)/2 area of the C.S. No. 683 is 2509.13 Sqmt. But N/4 point (B)/13 is showing area of plot having non-cess structure C. S. No. 683 as 327.94 Sqmt, Why the figures are tempered every where? What is the reason behind it? Which record is correct in the same file?

- J) N/4 point 14/1 the notice EE/D-1/1329/2011 was hand delivered by unknown person, is there any new system started? Before it was pasted on next day.
- K) N/4 14/4 the current status of the funds is not provided clearly regarding the funds that is available under repair cess with MCGM till date for the building situated on C.S. No. 683, 684, 685? What is the status of the fund? Kindly clarify in writing where this said funds can be used for repair or other purpose?
- L) N/4 regarding scrutiny it is pertinent to note that MHADA has not kept on records any document's submitted by the New Landlord / Builder M/S Earth Graphics and there appointed, recognized, panel Architect M/S Navpreet Consultant, document's such as List of existing Tenant's / Unit's duly certified by the architect showing / claiming in details name of each Tenant / Unit. There individual area along with there relevant tenancy document's such as Voter's I.D., Ration Cards, Sale Purchase Deed's, existing building plan/drawing etc. On the basis of which this project was admitted and scrutinized? It is also pertinent to note point no. (H) Regarding declared Fake / Bogus / Unfound Unit's that there were 17 No. of Tenant's / Unit's. Also it is to note that all the fellow Tenant's till date are receiving all the correspondences by Post / Courier regularly like many years, so question does not arise.
- M) Also area of ineligible Tenant / Unit / Fake / Bogus / Unfound Unit's is also added in the Grant total for available to our New Landlord/Builder, But this is not allotted to respective Tenant's, why so? Also there is a calculation mistake in the Grant Total by the officers of Ex. Engr. D-1, which can be seen by blind eyes by the officers of M.B.R. & R. Board.
- N) Also a lot of important documents are not kept on record by the Officers of Ex.Engr.D-1 and there higher authorities which can result in to the a huge loss of revenue to the Government and to our entire Tenet's. As per MHADA officers Ex.Engr.D-1, Dy.Chief Officers Zone (II) they don't keep / save on record copies of entire/any documents of initial proposed redevelopment project by New

Landlord/Builder and there Architect, under which Rule/GR/ Guideline/Circular of Government of Maharashtra this is correct? Provide copies of the same. How much quantity of individual Unit was claimed and how much area was certified / claimed by our New Landlord/Builder and there appointed Architect amongst each individual unit and the Grand Total of there Area for this project? How much Unit's as per 95-96 MCGM Inspection Extract? After scrutinized how much Unit's and there individual area were finalized by Ex.Engr.D-1 and how much Total Area was allotted / expected by MHADA? Kindly provide & demand copies of first initial proposal field for re-development project by New Landlord / Builder and there Architect from Ex.Engr.D-1 and Dy.Chief Engr. Zon-II for our reference.

O) N/5 6a statement wrongly says that there are 38 Tenant's / Occupant's are staying on site in spite of 95-96 Inspection extract says 28 Nos. This Unit's are part of the same single unit that is consisting of various interconnected /adjoining rooms. Owned and possessed by the same owner with single /common Tenancy proof. But sub-divided with in the family member, in some cases between husband and wife, to inflate number of Tenant's/Units? This can be verified by going through TL/1 to TL/30. What is the reason behind keeping on record this wrong information and given to Chief Officer by the senior officer's by Ex. Engr. D-1.? Is it telling with previous old landlord i.e. Public Charitable Trust? Please clarify. Weather any information / reasons asked from the New Landlord / Builder and Old Landlord regarding bogus / fake tenants? Clarify.

P) N/6 (D) is wrong as per point J of this observation.

Q) N/10 ('C) wrongly states that there are 15 Rooms on the 2nd and 3rd floor of 114-E building. But there are 18 to 19 Rooms on the 3rd and 2nd floor of 114-E building. This can be rechecked with the drawings of the Existing building plan submitted by the Architect along with the initial redevelopment project by the New Landlord/Builder. This also can be rechecked by conducting personal site

inspection, as building is still in existence. As per MCGM Inspection Extract there is Dharamshala consisting of 14 Rooms on the 1st floor of 114/E building which is still there. Even MHADA's Vigilance Department has also confirmed that Dharmshla with 14 Rooms. of the same area should to provide in the newly constructed building at the same place. What is the current status of this new tenant's and Dharamshala? It is also important to note that none of this Tenant's are staying there on the 1st floor of 114-E building, they are investors. It itself proves negligence / conspiracy of MHADA and this unfolds the malpractice of Ex.Engr.D-1 and there higher officers.

R) N/11 ('C) wrongly states that Mr. Kamal P. Kanugo is residing on the tenement No.28, at 17th floor of 114-E building, this is entirely wrong as there are only Ground plus four floors in this building. Even remarks for this Unit TL/23 says that area marked as Hatched on plan, even after no clarification is kept on record about the indentation of the New Landlord / Builder to sale this Hatched area. This is implemented after change of ownership of the said property from Old Landlord & New Land Lord / Builder in the year 2008.

S) C/113, C/114 & C/115 Notarized Indemnity Bond received / scrutinized by the officers of Ex.Engr.D-1 and there higher authority, on behalf Honb'l Chief Officer by the New Landlord/Builder M/S Earth Graphics is misleading. It says that they are intend to redevelop property bearing C.S. No. 683/684/685 consisting of cussed "A", "B" & "C" category building. But as per N/15 of the same file column No. 4 clearly stat's that there are only "A" & "C" category cussed building on the above C. S. Number so this deceleration is contradicting. What is the reason to give wrong Indemnity Bond to MHADA? What was the intention of the Ex.Engr.D-1 and there higher officers to expect such wrong misleading Bond on behalf of Chie Officer? Please investigate. Even C/115 point no.2 that Proposed Building Plan, Amenities, Agreements etc. is not clarified at all with any of the Tenant's including us, but this is notarized to misguide Chief Officer MHADA and kept on record by Ex. Engr. D-1 and there higher authorities. This is also not scrutinized

by deputed officers before accepting and putting on record by officers on behalf of Honb'l Chief Officer.

T) C/117, C/118 C/119, C/120 & C/121 the indemnity bond submitted by the New Landlord / Builder to Honb'l Chief officer is wrong declaration that there are "A", "B" & "C" categories of cess building. But as per N/15 there are only "A" and "C" category of cess building on site. This clearly reflects negligence's of the deputed officers in this Re-Development project. Also as per this Annexure – B showing and declared Tenant's name is also missing which can result harm to the fellow Tenant's in the future and Chief Officer is also kept under dark, reason best known to the deputed officers. C/119 point No.5 to indemnify the Board of MHADA and there officers against all action, claims, damages and losses that may arise in future to the Board and there officers because of the said Board granting the builder NOC is enough? But what about governing **HUGE FINANCIAL LOSS OF REVENUE TO THE BOTH STATE & CENTRAL GOVERNMENT & LOSS TO THE INTERST OF TENET'S?** On that basis NOC can be given? Without considering a lot of mistakes and manipulation in this project. Same criteria are also applicable to other persons also? All this malpractices can Harm / Damage the Reputation / Credibility of the Honb'l Chief Officer of MHADA. If in future any claims, action etc. is nor arises in future which will benefit the builder / developer but in present what about Government's loss of revenue, loss of interest of the Tenant's in future, if this is not addressed from the beginning before granting the NOC.

U) Till date none our tenant's have been provided copies of the proposed building plan by the builder / developer and also none of us have been entered in to the agreements. This is to be noted.

Note: It is my humble request to your good selves kindly **ORDER / INSRUCT** our New Landlord / Builder to give Bank Surety / Guaranty along with Indemnity Bond ref. C/117, C/118 C/119, C/120 & C/121 to MHADA and also

ORDER / INSTURCT our New Landlord / Builder to give Bank Surety / Guaranty to all the Tenant's to protect interest of each and every one including Government in this project. The way irrevocable Consent is taken from the Tenant's by the Chief Officer which is binding to them, same way our New Landlord / Builder should also Prove / Show his willingness to deliver a clear, transparent project that is free of any kind of misgiving / manipulation that can results in the loss of revenue to the Government and all our Fellow Tenant's including me & common men. Why one chance should be given to our New Landlord / Builder to prove that he is LAW ABIDING CITIZEN OF INDIA?

This is our last ray of hope from you to get justice, to save loss of revenue to the Government of Maharashtra, Government of India, Governor of Mumbai City and interest of our entire fellow Tenant's. Also to save our life.

Waiting for your written reply on this. Also please give us your valuable time to explain in detail. Also conduct joint inspection of the sight as all the Buildings / Structures are very much in existence till date to find out the thought. Otherwise there is no option left other than PIL against such type of persons and department. Please clarify in writing.

Thanking you.