

REDEVELOPMENT OF A CO-OPERATIVE HOUSING SOCIETY IN MAHARASHTRA

Step-by-Step Legal Roadmap: from Requisition to Possession

At a glance: Eligibility → Requisition → 1st SGM (decision + PMC) → Project report → Tender → Registrar's officer → 2nd SGM (developer) → Development Agreement → PAAAs → Approvals & RERA → Vacate → Construction → Allotment → OC & possession → New members

A. BEFORE STARTING

Step 0 → Check eligibility. Only a duly elected, legally constituted managing committee (MC) can take the redevelopment decision; a Registrar-appointed administrator or authorised officer cannot refer to a building declared dilapidated/unsafe by the competent authority and eligible under DCPR/UDCPR, so obtain a structural audit report. Check title: if conveyance is pending, apply for deemed conveyance first [**MOFA s.11**].

B. DECISION TO REDEVELOP

Step 1 → Requisition. At least 1/5 of members apply in writing to the Secretary with their proposals.

Step 2 → MC records it within 8 days and obtains quotations from at least 3 architects/PMCs (registered under the Architects Act, 1972 and on a Govt/local-authority panel) for the project report.

Step 3 → First SGM within 2 months of the requisition (agenda to every member 14 days before, proof of delivery kept; members' written suggestions up to 8 days before. **Quorum 2/3 of total members; at least 51% of total members must be physically present;** video-conference allowed only for members abroad, critically ill, disabled or unavoidably absent, counted for quorum and majority. **Decision needs approval of at least 51% of total membership;** absentees' written or oral views are not counted; names and views recorded in minutes. No quorum: adjourned meeting within 1 month on 7 days' notice; if it fails again, the subject is barred for 3 months. Same meeting selects the architect/PMC, fixes terms and an outline programme.

Step 4 → Written consent letters from every member who voted in favour.

Step 5 → Appointment letter to the architect/PMC within 30 days of the SGM and a written agreement on the approved terms.

C. PROJECT REPORT AND TENDER

Step 6 → Project report within 2 months of appointment. PMC surveys land and building, checks title/conveyance and available FSI/TDR (MHADA/CIDCO/SRA/MMRDA/municipal rules), considers members' needs, and gives scheme-wise options with a comparison under DCPR/UDCPRA.

Step 7 → MC meeting within 30 days of the report (notice on board and to each member; report open for inspection; suggestions 7 days before). MC approves the report by majority and prepares a draft tender keeping **either carpet area or corpus fund fixed**.

Step 8 → SGM approves the draft tender by majority, then public notice inviting tenders in the largest-circulation local Marathi and English newspapers.

Step 9 → Tender list on the notice board on the last date. SGM within 30 days: tenders opened before all present (tenderers cannot be excluded); PMC gives a comparative statement (experience, quality, finance, rates). **Minimum 3 tenders:** if fewer, extend by 15 days, then by 1 week, then proceed with those received; revised bids may be invited from all.

D. SELECTION OF DEVELOPER

Step 10 → MC applies to the Registrar for an authorised officer with minutes, member list, project report, tenders and comparison. **Registrar decides within 14 days.**

Step 11 → Developer-selection SGM within 1 month of the officer's appointment (agenda and comparison sent 14 days before by hand/RPAD/e-mail). 2/3 quorum; 51% of total members physically present; ID check by the officer; members only, no proxies; tenderers' representatives present; video recorded at society's cost. Vote by show of hands, or **secret ballot if 1/5 of total members demand it in writing. Selection needs written consent of at least 51% of total membership present (physical + VC).** Developer's consent recorded.

Step 12 → Within 14 days: minutes, written consents, developer's consent and attendance sheet to the Registrar; the officer files his report and video. The Registrar records the appointment and informs the society and the planning authority; this is a record, not a permission. **Throughout:** all redevelopment papers free for members' inspection, copies on fee; MC/SGM notices and minutes to the Registrar within 14 days.

E. AGREEMENTS AND APPROVALS

Step 13 → Development Agreement (DA) within 3 months on SGM-approved terms, stamped and **registered. Must include:** completion within 2 years (3 in exceptional cases) from the first/plinth certificate; bank guarantee (amount and form fixed by the general body); transit flat, or rent and deposit, or transit camp; carpet area as per RERA; non-transferable development rights; dispute clause (competent court/authority); no MC member, office-bearer or relative as developer.

Step 14 → Permanent Alternate Accommodation Agreement (PAAA) with each member, registered within 3 months of DA registration.

Step 15 → Approvals. Building permission/commencement certificate from the planning authority (PMC/PCMC/BMC etc.) under UDCPR/DCPR; sanctioned plans placed before the general body, copies to members on fee. **MahaRERA registration of the sale component** before marketing.

F. CONSTRUCTION AND HANDOVER

Step 16 → Vacating. Members vacate **only after all legal permissions and registration of their PAAA;** transit accommodation or rent starts. Dissenting members are bound by general body resolutions while they stand (Case : *Girish Mulchand Mehta*); enforcement is through court/arbitration.

Step 17 → Demolition and construction per sanctioned plans; PMC monitors quality and timelines; delay remedies under the DA and bank guarantee.

Step 18 → Allotment of new flats at an SGM on 14 days' notice, by majority of at least 51% of total membership; floor-wise as far as possible; lottery by the developer after completion if needed; video recorded; minutes, video and certified list to the Registrar within 1 month.

Step 19 → Occupancy/completion certificate obtained by the developer → **possession** of new flats to members as per the PAAA.

Step 20 → New flat/shop purchasers: MC decides membership applications **within 3 months** and issues share certificates . Breach, collusion or fraud by office-bearers attracts action u/s 79A /78 .