

Central Government Employees Welfare Housing Organization

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To all beneficiaries of Kolkata (Phase-II) Housing Scheme.

Subject: Allotment of Car Parking under Stilt Floor in CGEWHO's Kolkata (Phase-II) Housing Scheme – reg.

Sir/Madam,

CGEWHO invited option of car parking from all beneficiaries and as well details for allotment of lowest floor on medical ground as per CGEWHO Rule-24 vide its letter No. A-404/1 dated 09/04/2014 with last date as 02/05/2014. While receiving the options for car parking, we have received several representations, citing the Hon'ble Supreme Court's ORDER/JUDGEMENT {may be viewed by visiting this link ; http://www.cgewho.in/SC_NLPL1.pdf}. With due respect to the judgment of the Hon'ble Apex Court, we put forth following clarification(s) for information of beneficiary which may please be noted:

2a)	That the CGEWHO (Short title) announced the housing scheme in Year of 2010. Moreover, it was mentioned in the Footnote (v) of Clause-5 at page-3 of Part-A of Kolkata (Phase-II) Housing Scheme Brochure that QUOTE 'Few car/scooter parkings under stilts will be provided. Options for the same will be called towards end of the project and allotments will be made through a computerised draw (in case of higher demand), at extra cost to be intimated at that time. Cost of parking space(s), if allotted, would be called and become payable at the time of final installment.'	Member-beneficiaries were pre-informed that parking is optional and on extra cost.
2b)	That the same Scheme Brochure containing rules for regulating CGEWHO's Kolkata (Phase-II) Housing Scheme either issued to or downloaded from website of CGEWHO by each beneficiary and beneficiaries had solemnly affirmed to have read, abide by and understood the rules and instructions of the 'CGEWHO' through a notarized AFFIDAVIT & as well in Application Form. Accordingly, CGEWHO has issued letter No.A-404/1 dated 09/04/2014, inviting parking options/requirement from its beneficiaries mentioning the cost of parking with number of parking(s) provisioned that are not equal to the number of dwelling units {449 parking against 582 Flats}.	Information of tentative cost of each parking as per CGEWHO Rules.
2c)	That the CGEWHO, a No-Profit & Welfare organization of Govt. of India under the M/o HUPA, is in contractual obligation with its vendor contractor to pay the cost of car parking under stilts separately, so provisioned as per approval of plan from North Dum Dum Municipality. It will be great injustice to allot one parking mandatorily to each beneficiary by infusing the cost of parking into the cost dwelling unit in entirety. The expenditure involved on construction of stilt floor provisioned for parking cannot be charged uniformly from all beneficiaries as the parking shall be used by limited no of beneficiaries only. In order to keep parity among all beneficiaries for enjoyment the benefits/rights, there is a requirement of separate costing of stilt floor (being utilized for parking) and recover it from those beneficiaries who will opt for it as per their requirement and plough back the receipts to the project cost to keep an equality among beneficiaries who opt for car parking and other wise.	Contractual obligation to pay c/o parking to the contractor. Allotment of Parking is optional with the cost.
2d)	That the said judgment was pronounced on the basis of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 as 'MOFA' and its Rules of 1964, Development Control Regulations for Greater Bombay, 1991 as 'DCR', Maharashtra Apartment Ownership Act,1970 as 'MAOA', The Maharashtra Regional and Town Planning Act 1966 as 'MRTP Act' and Transfer of Property Act as 'T P Act' since these act and its rules were referred 55, 7, 7 & 3 times respectively.	Judgment pronounced referring state laws.
2e)	That the sale, management, Development Control Regulation for any residential project is regulated and governed by the prevalent State Apartment Owners Act. In this case, it will definitely come under ambit of The West Bengal Apartment Ownership Act, 1972.	West Bengal AOA Act'72 to be implemented

2. This is issued with the approval of CEO, CGEWHO.

Yours faithfully,

(Signature)
(Arun Kumar Singh) 17/07/14

Asst. Director (Administration)
For Chief Executive Officer