



SLUM REHABILITATION AUTHORITY

**BEFORE THE CHIEF EXECUTIVE OFFICER
SLUM REHABILITATION AUTHORITY,
Bandra (East), Mumbai**

SRA/R-N/MHADA/0009/20080627

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Dosti Development Corporation
Lawrence & Mayo House, 1st Floor,
276, Dr. D.N. Road, Fort, Mumbai - 400 001
2. M/s. Sky Tech Consultants,
1-301, Agarwal B2B Center, D' Monte Lane,
Near Malad Industrial Estate, Orlem,
Above Silver Oak Hotel, Kanchpada,
Malad (West), Mumbai - 400 064
3. Shanti Nagar Rahiwasi Sangh CHS,
Siddharth Shanti Nagar &
Om Shanti Nagar CHS
CTS No.1654(pt), 1663B(pt) of Village Dahisar,
S.V. Road, Dahisar (East),
Mumbai - 400 068



... Respondents

Sub:- Proceedings u/s 13(2) of the Maharashtra Slum Areas (I.C. & R.)
Act, 1971.

ORDER

(Passed on 7/8/23)

These Suo Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.1654(pt), 1663B(pt) of Village Dahisar, S.V. Road, Dahisar (East), Mumbai - 400 068 for "Shanti Nagar Rahiwasi Sangh CHS, Siddharth Shanti Nagar & Om Shanti Nagar CHS" pursuant to the note of Executive Engineer/SRA

dated 07.06.2023. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject S.R. Scheme". In brief the facts which lead to the present proceedings are as under;

BRIEF FACTS:

The slum dwellers residing on plot of land bearing CTS No.1654 (pt), 1663B(pt) of Village Dahisar, S.V. Road, Dahisar (East), Mumbai - 400 068 formed Respondent No.3 societies i.e. Shanti Nagar Rahiwasi Sangh CHS, Siddharth Shanti Nagar & Om Shanti Nagar CHS and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Respondent No.3 Societies appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject S.R. Scheme. The proposal of subject S.R. Scheme was submitted to Slum Rehabilitation Authority on land admeasuring 7446.04 sq. mtrs. The said land is owned by MHADA. The proposal of subject S.R. scheme is accepted by Slum Rehabilitation Authority on 27.06.2008. The certified Annexure-II is issued by Competent Authority on 10.01.2018 for 441 slum dwellers, out of which 199 slum dwellers were held as eligible. Thereafter no permissions issued to subject SR Scheme.

The note of Engineering department dated 07.06.2023 is on record. From said note it appears that the Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.468. The record reveals that said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr.

The notices were issued to the concerned parties and matter was heard on 16.06.2023. On said day Advocate Shashank Borade remain present for Respondent No.3, Societies. Advocate Rohan



Pawar remain present on behalf of Respondent No.1. The parties were heard at length and matter was closed for order. Directions were given to parties to submit their written submissions within 7 days.

ARGUMENT OF RESPONDENT NO.1

It is the version of Respondent No.1 that the Respondent No.3 societies have appointed them as developer of subject SR Scheme. The proposal of subject SR Scheme is submitted in the year 2008 and the same is duly accepted. Thereafter, the certified Annexure-II in respect of subject SR Scheme was issued by Competent Authority on 10.01.2018. It is further version of Respondent No.1 that through Public Notice dated 20.04.2022, this Authority has recorded around 517 SR Schemes submitted prior to the year 2014 on the ground of failure on the part of respective developers to get necessary permissions for implementation of their SR Schemes and further directed respective societies to appoint new developer by following due process of law as per circular no.144 of Slum Rehabilitation Authority. So, the Respondent No.3 societies called General Body Meeting on 24.07.2022 and unanimously passed resolution for reappointment of Respondent No.1 as developer.

It is further version of Respondent No.1 that this Authority has issued Guidelines dated 08.06.2022 and in order to comply with said Guidelines, the Respondent No.3 Societies once again called Special General Body Meeting on 17.09.2022 in presence of co-operative officer of Slum Rehabilitation Authority and again unanimously passed resolution for reappointment of Respondent No.1 as developer. It is further version of Respondent No.1 that the co-operative officer of Slum Rehabilitation Authority has submitted its report dated 20.09.2022 and confirmed the reappointment of Respondent No.1 as developer. On these grounds the Respondent No.1 has prayed to drop the present proceedings initiated against them.



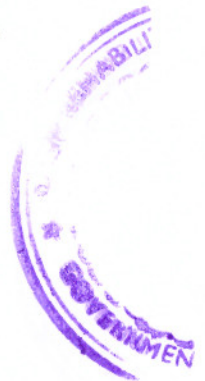
ARGUMENT OF RESPONDENT NO.3 SOCIETIES

It is the version of Respondent No.3 that they have appointed Respondent No.1 as developer for implementation of subject SR Scheme and they have full trust and confidence on Respondent No.1 for implementation of subject SR Scheme. The proposal of subject SR Scheme is submitted to Slum Rehabilitation Authority in the year 2008 and same is duly accepted. The certified Annexure-II of subject SR Scheme is issued on 10.01.2018. It is further version of Respondent No.3 that this Authority through Public Notice dated 20.04.2022 recorded around 517 SR Schemes prior to the year 2014 on the ground of failure on the part of respective developers for their SR Schemes and further directed respective societies to appoint new developer by following due process of law as per circular no.144 issued by Slum Rehabilitation Authority. Pursuant to said Public Notice the Respondent No.3 societies called General Body Meeting on 24.07.2022 and passed resolution for reappointment of Respondent No.1 as developer.

It is further version of Respondent No.3 that, this Authority has issued Guidelines dated 08.06.2022. Pursuant to said Guidelines, they again called Special General Meeting on 17.09.2022 in presence of co-operative officer of Slum Rehabilitation Authority. In said meeting they have unanimously passed resolution for re-appointment of Respondent No.1 as new developer. On these grounds the Respondent No.3 has prayed to drop the present proceedings initiated against Respondent No.1.

ISSUES

From rival contentions the issue that arises for determination of this Authority is as to whether there is nonperformance on the part of Respondent No.1 and delay in implementation of subject S.R. Scheme is attributable to Respondent No.1.



REASONS

It is admitted fact that the proposal of subject S.R. Scheme is accepted by this Authority on 27.06.2008. The certified Annexure-II is issued by Competent Authority on 10.01.2018 for 441 slum dwellers, out of which 199 slum dwellers were held as eligible. Thereafter no permissions is issued. The Respondent No.3 societies have not made demand for change of developer. The present proceeding is initiated pursuant to note of engineering department dated 07.06.2023. The Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.468. The record reveals that said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr.

It is the version of the Respondents that, the Respondent No.3 societies have called Special General Body Meeting on 17.09.2022 in presence of co-operative officer of Slum Rehabilitation Authority and unanimously passed resolution for reappointment of Respondent No.1 as developer. The co-operative officer of Slum Rehabilitation Authority has submitted its report dated 20.09.2022 and confirmed the reappointment of Respondent No.1 as developer. The Respondent No.3 societies in written submissions has shown full trust and support in Respondent No.1 and in support of this, they have enclosed copy of Special General Body Resolution dated 17.09.2022.

On careful consideration of these facts and circumstances, this Authority is not convinced to hold that there is nonperformance on the part of Respondent No.1. There is no intentional delay on the part of Respondent No.1. Moreover the Respondent No.3 is supporting the Respondent No.1. In the light of these facts and circumstances, it will



be just and proper to drop the present proceeding. Accordingly following order is passed.

ORDER

1. The Proceedings against Respondent No.1 i.e. M/s. Dosti Development Corporation are hereby dropped.
2. The Respondent No.1 is directed to submit bar chart regarding time bound implementation of the subject SR Scheme.

Place:- Mumbai

Date: 7 AUG 2023

Chief Executive Officer
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Shanti Nagar Rahiwasi Sangh & 2 Ors./ 49 /2023

Date: 7 AUG 2023

Copy to:

1. M/s. Dosti Development Corporation
Lawrence & Mayo House, 1st Floor,
276, Dr. D.N. Road, Fort, Mumbai - 400 001
2. M/s. Sky Tech Consultants,
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Siddharth Shanti Nagar & Om Shanti Nagar CHS
CTS No.1654(pt), 1663B(pt) of Village Dahisar,
S.V. Road, Dahisar (East), Mumbai - 400 068
4. Deputy Chief Engineer/SRA
5. Executive Engineer (R-N Ward)/SRA
6. DSLR/SRA
7. Tahsildar-1/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Joint Registrar (W.S.)/SRA
11. IT Officer/SRA

