



SLUM REHABILITATION AUTHORITY

BEFORE THE CHIEF EXECUTIVE OFFICER,  
SLUM REHABILITATION AUTHORITY

File No.P-N/MHADA/0030/20120519

Shiv Srishti Dindoshi CHS (Prop.)  
CTS No.120(pt), 121(pt), 122(pt), 123(pt),  
123/1 to 17, 124, 124/1 to 4, 125(pt),  
125/1 to 8 & 126(pt) of Village Dindoshi,  
Taluka Malad, Pathanwadi,  
Western Express Highway,  
Malad (East), Mumbai - 400 097

... Applicant

V/s

1. M/s. Samarth Erectors & Developers  
321, Morya Estate, New Link Road,  
Opp. Infinity Mall, Andheri (West),  
Mumbai - 400 053
2. Shri. Vishwas Satodia  
1102/B Wing, 11<sup>th</sup> Floor,  
Shah Arcade-II, Rani Sati Marg,  
Malad (East), Mumbai - 400 097



... Respondents

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

**ORDER**

(Passed on - 29 DEC 2024)

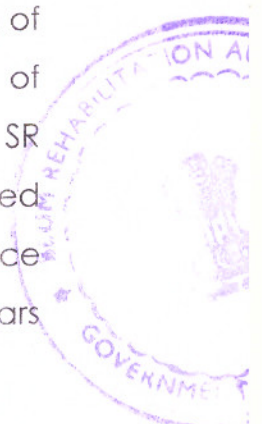
These proceedings are initiated in respect of Slum Rehabilitation Scheme on land CTS No.120(pt), 121(pt), 122(pt), 123(pt), 123/1 to 17, 124, 124/1 to 4, 125(pt), 125/1 to 8 & 126(pt) of Village Dindoshi, Taluka Malad, Pathanwadi, Western Express Highway, Malad (East), Mumbai - 400 097 for "Shiv Srishti Dindoshi CHS (Prop.)" pursuant to application of Applicant dated 03.10.2022 on account of inordinate delay and non

performance on the part of Respondent No.1 developer. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme". In brief the facts which lead to present proceedings are as under;

**BRIEF FACTS:**

The slum dwellers residing on plot of land bearing CTS No.120(pt), 121(pt), 122(pt), 123(pt), 123/1 to 17, 124, 124/1 to 4, 125(pt), 125/1 to 8 & 126(pt) of Village Dindoshi, Taluka Malad, Pathanwadi, Western Express Highway, Malad (East), Mumbai - 400 097 formed Applicant society i.e. "Shiv Srishti Dindoshi CHS (Prop.)" and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Applicant society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject SR Scheme. The proposal of subject SR Scheme was submitted to Slum Rehabilitation Authority on land admeasuring 11900 sq. mtrs. The said land is owned by MHADA. The proposal of subject SR Scheme is accepted by Slum Rehabilitation Authority on 19.05.2012. The certified Annexure-II is issued by Competent Authority on 06.10.2017 for total 711 slum dwellers out of which 361 slum dwellers are held eligible. Letter of Intent was issued on 18.01.2018. Intimation of Approval was issued on 22.03.2018. However, thereafter, no further permission is issued to subject SR Scheme and the scheme is stand still.

Due to delay in implementation of the subject S.R. Scheme, the Applicant has submitted application dated 03.10.2022 for termination of appointment of Respondent No.1 as Developer on the ground of inordinate delay and non-performance in implementation of subject SR Scheme. According to Applicant in the year 2012 they have appointed Respondent No.1 as developer through General Body Resolution. Since the appointment of Respondent No.1, the period of more than 10 years lapse and no any steps were taken by them.





Pursuant to said Application the notices of hearing were issued to the concerned parties. Accordingly hearing was held on 30.01.2024, & 09.02.2024. On 09.02.2024, office bearers of Applicant society remain present. Adv. Rahul Shelar appeared on behalf of Respondent No.1. Parties are heard at length and matter was closed for order. Directions given to submit written say within seven days.

#### **ARGUMENT OF APPLICANT SOCIETY**

There appears to be two fractions in Applicant society. One fraction is led by Mr. Baijanath Yadav and another fraction is led by Mr. Rajesh Shrivastav. Both fractions have submitted their separate written submissions. The contention of fraction led by Mr. Baijanath Yadav is that, the Respondent No.1 has submitted the proposal on 19.05.2012. The Letter of Intent & Intimation of Approval was issued in the year 2018. The period of almost more than 12 years has passed from the acceptance of the proposal. On these grounds they prayed to terminate the appointment of Respondent No.1 as developer from subject SR Scheme. On the other hand it is the contention of fraction led by Mr. Rajesh Shrivastav that there is no Meeting of society held since last 10 years and therefore they requested to hold the Meeting of society as per circular no.169 and till then no decision be taken against Respondent No.1.

#### **ARGUMENT OF RESPONDENT NO.1**

Advocate Rahul Shelar appeared on behalf of Respondent No.1 and during the hearing held on 09.02.2024 he has stated that they are not in position to implement subject SR Scheme and the Respondent No.1 have no objection for appointment of new developer by Applicant society.

#### **ISSUES**

From rival contentions the issue that arise for determination of this Authority is as to whether there is nonperformance on the part of Respondents and delay in implementation of subject SR Scheme is

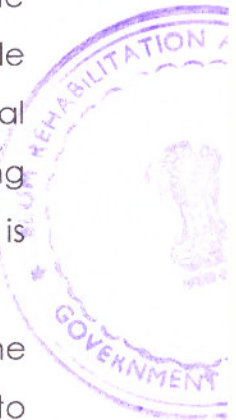


## REASONS

In the present case the facts and circumstances are of peculiar nature. The slum dwellers residing on land bearing CTS No.120(pt), 121(pt), 122(pt), 123(pt), 123/1 to 17, 124, 124/1 to 4, 125(pt), 125/1 to 8 & 126(pt) of Village Dindoshi, Taluka Malad, Pathanwadi, Western Express Highway, Malad (East), Mumbai - 400 097 formed Applicant society and appointed Respondent No.1 as developer to implement the SR Scheme on land in its occupation. The proposal of the subject SR Scheme is submitted to Slum Rehabilitation Authority and it was duly accepted on 19.05.2012. The certified Annexure-II was issued on 06.10.2017. Out of total 711 slum dwellers, 361 slum dwellers are held eligible. Letter of Intent was issued on 18.01.2018 & Intimation of Approval was issued on 22.03.2018. However thereafter, no further permission is issued to subject SR Scheme and the scheme is stand still.

It has sufficiently come on record that there are two rival groups in Applicant Society and their contentions are different from each other. The written submissions of two groups of Applicant Society is on record. One group of Applicant society represented through Mr. Baijanath Yadav are opposing the Respondent No.1 and other group of Applicant society represented through Mr. Rajesh Shrivastav is requested to hold the Meeting of Society and thereafter to take decision against Respondent No.1. During the hearing held on 09.02.2024, they also submitted an application for withdrawal of present proceedings on the grounds that the same is filled by the persons who is not authorized to file present application. They further contended that through Special General Body Meeting dated 21.01.2024 they formed new Managing Committee consisting of 12 Promoters and Mr. Munnabhai Vakani is appointed as Chief Promoter.

It is pertinent to note that the Respondent No.1 during the hearing held on 09.02.2024 submitted that they are not in position to





implement subject SR Scheme and the Respondent No.1 have no objection for appointment of new developer by Applicant society.

The report of Assistant Registrar/SRA dated 16.11.2022 on record. From report of Assistant Registrar it appears that General Body Meeting of Applicant Society was held on 20.04.2012. The report further reveals that the Managing Committee of Applicant society is consisting of 12 Promoters and Chief Promoter Mr. Bajveer Singh Jwalasingh Chauhan was died.

So, it is crystal clear that there is dispute among the members of Society in respect of termination of Respondent No.1. It is true that individual slum dweller is having no locus to apply for termination of developer on account of delay but this Authority being a Planning and Project Management Authority is bound to take suo-moto cognizance of inordinate delay in implementation of the scheme.

The developers implementing the Slum Rehabilitation Schemes are expected to complete the same within reasonable time. The Slum Rehabilitation Scheme is social welfare scheme for the benefit and advancement of slum dwellers. Such inordinate delay in rehabilitation of slum dwellers is bound to frustrate the basic object of Government in introducing the Slum Rehabilitation Schemes. There is no progress at all and scheme is stand still. The period of around 12 years is considerable period. Obviously, there is delay in implementation of subject S.R. Scheme. Such inordinate delay in rehabilitation of slum dwellers is bound to frustrate the basic object of Government in introducing the Slum Rehabilitation Schemes.

In this regard the observation of Hon'ble High Court in order dated 01.03.2013 in Writ Petition No.2349 of 2012 M/s. Hi Tech India Construction V/s Chief Executive Officer/SRA are relevant. In said case the developer was terminated by Chief Executive Officer/SRA on account of delay of 3 years. The said termination was upheld by High Power Committee. The order of High Power Committee was challenged by developer through said Writ Petition. The Hon'ble High Court upheld the termination. The



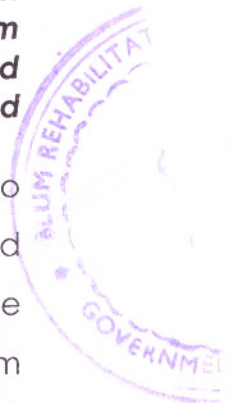
observation of Hon'ble High Court in para 5 of said order are relevant and same are reproduced as it is for convenience;

***"The mere issuance of the letter dated 15<sup>th</sup> May, 2008, would not indicate that there was no delay on the part of the petitioners. These are slum rehabilitation schemes. It is for the developers to pursue the matter and to ensure that the scheme is implemented without delay. Developers cannot, by merely addressing letters to the authorities, sit back and contend that they had nothing more to do in the matter till they received a reply"***

This Authority being a Planning and Project Management Authority is under legal obligation to see that the scheme is completed within reasonable time. In the event of nonperformance and inordinate delay, this Authority is bound to take necessary action. The observation of Hon'ble High Court in Appeal From Order No.1019 of 2010, Ravi Ashish Land Developers Ltd. V/s. Prakash Pandurang Kamble & Anr. are relevant. The relevant observation of Hon'ble High Court are as under;

***"One fails to understand as to how persons and parties like Respondent No.1 are languishing and continuing in the transit accommodations for nearly two decades. When the slum rehabilitation projects which are undertaken by the statutory authority enjoying enormous statutory powers, are incomplete even after twenty years of their commencement, then it speaks volume of the competence of this Authority and the officials manning the same. In all such matters, they must ensure timely completion of the projects by appropriate intervention and intermittently. They may not, after issuance of letter of intent or renewals thereof, fold their hands and wait for developers to complete the project. They are not helpless in either removing the slum dwellers or the developers. The speed with which they remove the slum dwellers from the site, it is expected from them and they must proceed against errant builders and developers and ensure their removal and replacement by other competent agency."***

Considering the abovesaid facts, it will be just and proper to terminate Respondent No.1 as developer of subject SR Scheme and direct the Applicant society to hold General Body Meeting in presence of authorized representatives of Co-operative department of Slum Rehabilitation Authority and to take decision in respect of appointment of new developer. Accordingly, this Authority proceed further to pass following order;



### ORDER

1. The Respondent No.1 i.e. M/s. Samarth Erectors & Developers is hereby terminated as developer of subject SR Scheme i.e. CTS No.120(pt), 121(pt), 122(pt), 123(pt), 123/1 to 17, 124, 124/1 to 4, 125(pt), 125/1 to 8 & 126(pt) of Village Dindoshi, Taluka Malad, Pathanwadi, Western Express Highway, Malad (East), Mumbai - 400 097 for Shiv Srishti Dindoshi CHS (Prop.).
2. The Applicant society i.e. Shiv Srishti Dindoshi CHS (Prop.) is at liberty to appoint new developer in accordance with rules, regulations and policy of Slum Rehabilitation Authority.
3. The new incoming developer to reimburse the actual expenses incurred by Respondent No.1 as per provisions of section 13(3) of the Maharashtra Slum Areas (I, C & R) Act, 1971.
4. The newly appointed developer to comply with the provisions of circular no.210 of Slum Rehabilitation Authority.

Place: - Mumbai

Date:- , 29 FEB 2024

  
Chief Executive Officer  
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/ Shiv Srishti Dindoshi CHS (Prop.)/13 / 2024

Date:- , 29 FEB 2024

CC to,

1. Shiv Srishti Dindoshi CHS (Prop.)  
CTS No.120(pt),121(pt), 122(pt), 123(pt),  
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321, Morya Estate, New Link Road,  
Opp. Infinity Mall, Andheri (West),  
Mumbai - 400 053



3. Shri. Vishwas Satodia  
1102/B Wing, 11<sup>th</sup> Floor,  
Shah Arcade-II, Rani Sati Marg,  
Malad (East), Mumbai - 400 097
4. Dy. Chief Engineer/SRA
5. Executive Engineer (P/N Ward)/SRA
6. Deputy Collector (Special Cell)/SRA
7. Asstt Registrar (W.S.)/SRA
8. CLC/SRA
- ✓ 9. IT Officer/SRA

