

SLUM REHABILITATION AUTHORITY

**BEFORE THE CHIEF EXECUTIVE OFFICER,
SLUM REHABILITATION AUTHORITY**

KW/MHADA/0076/20191127

Singh Compound SRA CHS (Prop.)
Singh Housing Colony, Opp. Ruby Hospital,
Raghvendra Mandir Road, Oshiwara,
Jogeshwari (West), Mumbai - 400 102

... Applicant

V/s

1. M/s. A.S. Megacity Pvt. Ltd.
Singh Sadan, Singh Housing Colony,
Opp. Ruby Hospital, Raghvendra Mandir Road,
Jogeshwari (West), Mumbai - 400 102
2. M/s. Asiaa Architects
302. Golden Chambers,
News Link Road, Opp. Tanisq Showroom,
Andheri (West), Mumbai - 400 053



... Respondents

ORDER

(Passed on - 27/6/22)

The present proceedings are initiated pursuant to application of Applicant dated 31.05.2022 in respect of Slum Rehabilitation Scheme on land CTS No.410/C/1(pt), 435 (pt), 435 (1 to 29), 435 (59 to 91), 435 (96 to 147), 411, 443 and 443 (1 to 7) of Village - Oshiwara, Taluka- Andheri. Hereinafter the abovesaid 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.410/C/1(pt), 435 (pt), 435 (1 to 29), 435 (59 to 91), 435 (96 to 147), 411, 443 and 443 (1 to 7) of Village - Oshiwara, Taluka- Andheri, have

formed Applicant society and resolved to redevelop the land in their occupation by implementing the Slum Rehabilitation Scheme. Accordingly Applicant passed resolution and appointed Respondent No.1 as Developer and Respondent No.2 as Architect for redevelopment. Pursuant to the appointment the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority and it was duly accepted on 27.11.2019. The land under subject SR Scheme admeasuring 13350.20 sq. mtrs. is owned by MHADA. However thereafter there is absolutely no progress in subject SR Scheme and the Scheme is stand still. Even after lapse of more than 2 years the Respondent No.1 failed to obtain the certified Annexure-II. The slum dwellers who are residing in poor hygienic conditions without basic amenities like drainage, water, road, etc. lost the faith in Respondent No.1. Even the Respondent No.1 through letter dated 21.05.2022 have granted no objection to Applicant society to appoint another developer to take forward the subject SR Scheme. On these grounds the Applicant has submitted application dated 31.05.2022 for termination of appointment of Respondent No.1 as Developer

Pursuant to said application a note dated 03.06.2022 was submitted by Executive Engineer (K/W Ward)/SRA to the Chief Executive Officer/SRA. The Chief Executive Officer/SRA directed to issue show cause notice u/s 13(2) of Maharashtra Slum Areas (I, C & R) Act, 1971 and accordingly notices were issued. The hearing was held on 17.06.2022. On said day representatives of Applicant society remain present. Mr. Singh remain present for Respondent No.1. Mr. Amar Solanki remain present for Respondent No.2. Heard all the parties and the matter was closed for order.

ARGUMENT OF APPLICANT SOCIETY

According to Applicant society through General Body Resolution dated 08.10.2018 they have appointed Respondent No.1



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SRA

as developer and accordingly the Respondent No.1 has submitted the proposal of subject SR Scheme to Slum rehabilitation Authority and same is duly accepted on 27.11.2019.

It is the version of Applicant that through letter dated 21.05.2022, the Respondent No.1 has informed to them that due to Covid 19 situation the restrictions were imposed by Government which resulted in financial repercussions and therefore they are not in position to further implement the subject SR Scheme. Accordingly the Applicant society in General Body Meeting discussed and approved the request of Respondent No.1 and decided to terminate the appointment of Respondent No.1 as developer. It is further version of Applicant that the living condition of slum dwellers is in dilapidated state and there is no proper provisions of sanitation and hygiene since many years as the Scheme is situated adjoining a nalla.

On these grounds Applicant has prayed this Authority to terminate the appointment of Respondent No.1 as developer and allow the Applicant society to appoint new developer of their choice.

ARGUMENT OF RESPONDENT NO.1

According to Respondent No.1 the subject SR Scheme is accepted on 27.11.2019. But during Covid-19 situation the subject SR Scheme is stalled due to restrictions and financial repercussions. The Slum Rehabilitation Authority has already recorded 517 schemes due to nonperformance by the developer on Slum Rehabilitation Scheme for last 5 years and have given provision to other developer to take those Schemes and complete the rehabilitation process.

It is further version of Respondent No.1 that they are not able to further implement the subject SR Scheme and the same is communicated to the Applicant society through letter dated 21.05.2022. The Respondent No.1 further indemnifies this Authority from any claim arising in the future with respect to the subject SR Scheme.


CEO / SRA

On these ground Since the Respondent No.1 prayed to record the proposal of subject SR Scheme for which they have no objection.

ISSUES

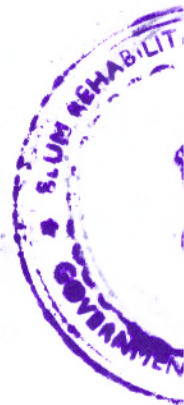
From rival contentions, the issue that arise for determination of this Authority is as to whether there is nonperformance and inordinate delay on the part of Respondent No.1 in implementation of subject SR Scheme.

REASONS

The Applicant has approached this Authority with a contention that the Respondent No.1 has submitted the proposal of subject SR Scheme in the year 2019 and since then there is total nonperformance and inordinate delay on the part of Respondent No.1. There is absolutely no progress and scheme is stand still. The factsheet of Engineering Department reveals that the subject SR Scheme is on land admeasuring 13350.20 sq. mtrs. and the land is owned by MHADA. The factsheet further reveals that the certified Annexure-II is not issued.

It is the version of Applicant society that even after lapse of more than 2 years from the date of submission of scheme, the developer failed to obtain certified Annexure II. Since the year 2019 there was absolutely no progress on the part of Respondent No.1. It is the case of total non performance of Respondent No.1. Even the Respondent No.1 through letter dated 21.05.2022 have granted no objection to Applicant society to appoint another developer to take forward the subject SR Scheme. According to Applicant in General Body Meeting the request of Respondent No.1 is approved and they have decided to terminate the appointment of Respondent No.1 as developer. The Applicant society requested not only for removal but also for appointment of new developer.

It is pertinent to note that the Respondent No.1 during the hearing held on 17.06.2022 have accepted their removal of the subject SR Scheme. In view of own admission of Respondent No.1



regarding their nonperformance, this Authority is of view that it is necessary to terminate the Respondent No.1 as developer of subject SR Scheme. Accordingly this Authority proceeds further to pass following order;

ORDER

1. The Respondent No.1 i.e. M/s. A.S. Megacity Pvt. Ltd. is hereby terminated as developer of subject SR Scheme i.e. SR Scheme on land CTS No. 410/C/1(pt), 435 (pt), 435 (1 to 29), 435 (59 to 91), 435 (96 to 147), 411, 443 and 443 (1 to 7) for "Singh Compound SRA CHS (Prop.)".
2. The Applicant society i.e. Singh Compound SRA CHS (Prop.) is at liberty to appoint new developer of its choice in accordance with rules, regulations and policy of Slum Rehabilitation Authority.

Place: - Mumbai

Date: 27 JUN 2022

Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Singh Compound SRA CHS (Prop.)/32/2022

Date: 27 JUN 2022

Copy to:

1. Singh Compound SRA CHS (Prop.)
Singh Housing Colony, Opp: Ruby Hospital,
Raghvendra Mandir Road,
Jogeshwari (W), Mumbai- 400102
2. M/s. A.S. Megacity Pvt. Ltd.
Singh Sadan, Singh Housing Colony,
Opp: Ruby Hospital,
Raghvendra Mandir Road, S.V. Road,
Jogeshwari (W), Mumbai- 400102
3. M/s. Asiaa Architects
302, Golden Chambers,
News Link Road, Opp: Tanisq Showroom,
Andheri (W), Mumbai- 400053

4. Dy. Chief Engineer/SRA
5. Executive Engineer (K/West Ward)/SRA
6. Tahasildar-2/SRA
7. Financial Controller/SRA
8. Joint Registrar (W.S.)/SRA
9. Information Technology Officer/SRA
10. Chief Legal Consultant/SRA

