



SLUM REHABILITATION AUTHORITY

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

SRA/ENG/515/KE/PL/LOI

Laxmi Krupa CHS Ltd.
Neel Laxmi SRA CHS Ltd.
Shubh Laxmi SRA CHS Ltd.
CTS No.250, 250/1 to 3, 251A,
251A/1 to 25 of Village Koldongri,
45 (Podarwadi), Shahaji Raje Marg,
Vile Parle (East), Mumbai – 400 057

... Applicants

V/s

1. M/s. Curio Finance & Investment Pvt. Ltd.
Office No.12, Minar Tower, Ground Floor,
Behind Aqsa Bakery, Off. S.V. Road,
Jogeshwari (West), Mumbai – 400 102
2. M/s. Griha Rachana
39/2025, Shivam CHS
Gandhi Nagar, Bandra (East),
Mumbai – 400 051



... Respondents

ORDER

(Passed on - 17/11/23)

The present proceedings are initiated pursuant to application of Laxmi Krupa CHS Ltd. dated 14.03.2018 in respect of Slum Rehabilitation Scheme on land CTS No.250, 252/1 to 3, 251A, 251A/1 to 25 of Village Koldongri, Vile Parle (East) for "Laxmi Krupa CHS Ltd., Neel Laxmi SRA CHS Ltd. & Shubh Laxmi SRA CHS Ltd.". 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.250, 252/1 to 3, 251A, 251A/1 to 25 of Village Koldongri, Vile Parle (East) have formed Applicant societies and resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. Accordingly The Applicant Society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject S.R. Scheme. Pursuant to the appointment the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority and it was duly accepted on 01.08.2000. The land under subject SR Scheme admeasuring 7992.00 sq. mtrs. (slum area) & 1190.20 (non-slum area) is owned by private owner. The certified Annexure-II is issued by Competent Authority on 30.01.2001 for total 444 slum dwellers. Out of which 406 number of slum dwellers are declared as eligible. Letter of Intent to subject SR Scheme was issued on 05.01.2002 and the same is revised on 30.11.2012. The approval to transit camp was issued on 25.02.2003. Full Commencement Certificate to rehab building no.1 was issued on 23.11.2005 and same is constructed & occupied without Occupation Certificate. Part Occupation Certificate to composite building no.2 for 1st to 7th upper floor & Ground Floor was issued on 23.11.2005 and same is occupied. Full Commencement Certificate to composite building no.3 & 4 were issued on 30.08.2007 and same are constructed and occupied without Occupation Certificate. Intimation of Approval to composite building no.5 and 6 was issued on 07.08.2006. Part Occupation Certificate for composite building no.7 wing "A" for Ground + 7th upper floor & Sale Wing 'B' was issued on 01.03.2006 and same is occupied. Composite building no.8 & 9 was not yet approved and constructed. However thereafter there is absolutely no progress in subject SR Scheme and the Scheme is stand still.

Due to inordinate delay in implementation of subject SR Scheme, the Applicant i.e. Laxmi Krupa CHS Ltd. submitted



application dated 14.03.2018 for termination of appointment of Respondent No.1 as Developer. Pursuant to said application a note dated 22.01.2019 was submitted by Deputy Collector (W.S.)/SRA. Accordingly notice for hearing was issued and the matter was heard on various dates. Lastly the matter was heard on 24.08.2023. On said day representatives of Applicant Societies remain present. Adv. Aneri Shah appeared on behalf of Respondent No.1. Adv. Ruchelle Fernandes for Dream Homes LLP remain present Suo Moto. Heard all of them and matter was closed for order. Directions were given to parties to submit their written submission within 10 days. The Respondent No.1 failed to submit written submission on record.

ARGUMENT OF APPLICANT SOCIETY

It is the version of Applicant that they have appointed Respondent No.1 for implementation of subject SR Scheme. The Respondent No.1 has submitted the proposal to Slum Rehabilitation Authority and obtained all the requisite permissions. Since the year 2000 there is delay on the part of Respondent No.1. Till date Respondent No.1 has failed to obtain OC in subject SR Scheme. The MRTD notice is also issued to Respondent No.1. The Respondent No.1 has also failed to pay arrears of rent to slum dwellers. Due to nonperformance on the part of Respondent No.1, Applicant requested termination from subject SR Scheme.

CASE OF RESPONDENT NO.1

The Respondent No.1 was appointed by Applicant to implement SR scheme on said scheme. It is further version of Respondent No.1 that out of 406 slum dwellers, possession of rehab tenements is handed over to 194 slum dwellers. There are 7 buildings proposed in subject SR Scheme. Out of which Occupation Certificate to 3 buildings were obtained. They are in arrears of transit rent of 20 slum dwellers and due to some financial difficulties the said amount was not paid. On these grounds the Respondent No.1 prayed to drop the present proceedings initiated against them.

ISSUES

From facts on record, 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

From fact sheet it reveals that the proposal of subject SR Scheme is accepted by this Authority on 01.08.2000 and certified Annexure-II is issued on 31.01.2001 declaring 406 slum dwellers eligible out of total 444. Letter of Intent to subject SR Scheme was issued on 05.01.2002 and the same is revised on 30.11.2012. The approval to transit camp was issued on 25.02.2003. Full Commencement Certificate to rehab building no.1 was issued on 23.11.2005 and same is constructed & occupied without Occupation Certificate. Part Occupation Certificate to composite building no.2 for 1st to 7th upper floor & Ground Floor was issued on 23.11.2005 and same is occupied. Full Commencement Certificate to composite building no.3 & 4 were issued on 30.08.2007 and same is constructed and occupied without Occupation Certificate. Intimation of Approval to composite building no.5 and 6 was issued on 07.08.2006. Part Occupation Certificate for composite building no.7 wing "A" for Ground + 7th upper floor & Sale Wing 'B' was issued on 01.03.2006 and same is occupied. Composite building no.8 & 9 was not yet approved and constructed. Thereafter, no further permission is issued to subject SR Scheme and the scheme is stand still.

According to Applicant the Respondent No.1 is in arrears of transit rent of eligible slum dwellers. Even the Respondent No.1 failed to submit their written submission on record to defend their case. It is needless to mention that the scheme is incomplete even after lapse of 23 years, so obviously there is delay in completion of subject SR Scheme. Now it will have to be seen as to whether the delay occurred in completion of scheme is intentional and due to nonperformance of Respondent No.1 or otherwise.



There is copy of report of Assistant Registrar/SRA dated 23.12.2022 on record. From said report it appears that, the Respondent No.1 failed to pay transit rent to slum dwellers inspite of directions. There is no explanation forthcoming from Respondent No.1 with regard to payment of transit rent. The conduct of Respondent No.1 indicates that they are not interested in implementing the subject SR Scheme. It is needless to state that after demolition of structures of slum dwellers, the Respondent No.1 is expected to pay the transit rent to slum dwellers regularly as per circular no.153 of Slum Rehabilitation Authority. But Respondent No.1 has not acted as per said circular.

There is report of Executive Engineer/SRA dated 17.08.2022 on record. From said report it appears that Part Occupation Certificate to rehab building no.2 was issued on 23.11.2005 for 28 residential tenements. Further Part Occupation Certificate to composite building no.7 was issued on 01.03.2006 for 42 residential tenements. Rehab Building No.1, composite building no.3 & 4 are completed and occupied without Occupation Certificate. Further Composite Building No.5, 6, 8 & 9 are not constructed on site till date.

The SRA being planning and Project Management Authority, it is bound to see that the schemes are completed within reasonable time and the eligible slum dwellers are duly rehabilitated. Thus SRA can't be a mute spectator to the conduct of Respondent No.1. 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.

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 15th 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."

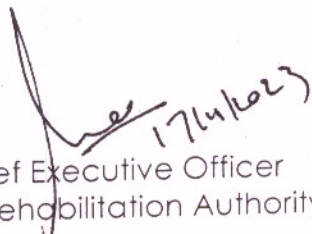
On careful consideration of above facts and circumstances this Authority has come to conclusion that there is inordinate delay and nonperformance on the part of Respondent No.1 in implementation of subject SR Scheme and they are liable to be terminated as Developer. Accordingly following order is passed.

ORDER

1. The Respondent No.1 i.e. M/s. Curio Finance & Investment Pvt. Ltd. is hereby terminated as developer of subject SR Scheme i.e. SR Scheme on land CTs No.250, 250/1 to 3, 251A, 251A/1 to 25 of Village Koldongri, Vile Parle (East), Mumbai for Laxmi Krupa CHS Ltd., Neel Laxmi SRA CHS Ltd., & Shubh Laxmi SRA CHS Ltd.
2. The Applicant societies are at liberty to appoint new developer of their choice in accordance with rules, regulations and policy of Slum Rehabilitation Authority.
3. The newly appointed developer to reimburse the actual expenses incurred by Respondent No.1 in respect of subject SR Scheme till date as per the provisions of Section 13(3) of the Maharashtra Slum Areas (I, C & R) Act, 1971.
4. The Executive Engineer/SRA to appoint Government approved valuer to ascertain the expenses incurred by Respondent No.1 in respect of subject SR Scheme till date.

Place: - Mumbai

Date:- **17 NOV 2023**


Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Laxmi Krupa CHS Ltd. & 2 Ors./70/2023

Date: **17 NOV 2023**

Copy to:

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Shubh Laxmi SRA CHS Ltd.
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3. M/s. Griha Rachana
39/2025, Shivam CHS
Gandhi Nagar, Bandra (East),
Mumbai - 400 051
4. Dy. Chief Engineer/SRA
5. Executive Engineer (K/West Ward)/SRA
6. Deputy Collector (Spl. Cell)/SRA
7. Financial Controller/SRA
8. Assistant Registrar (W.S.)/SRA
9. Information Technology Officer/SRA
10. Chief Legal Consultant/SRA

