

SLUM REHABILITATION AUTHORITY

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

File No. P-S/MHADA/0051/20210628/LOI

Samata Rahivashi Seva Mandal CHS (Prop.)
CTS No.50/A(pt), Mauje Pahadi Goregaon (West),
Old Hanuman Nagar, Teen Dongri,
Motilal Nagar No.3, M.G. Road,
Goregaon (West), Mumbai - 400 104

... Applicant

V/s

1. M/s. Good Build (India) Pvt. Ltd.,
9B/302, 3rd Floor, God Gift Tower,
Hill Road, M.R. Chowk, Bandra (West),
Mumbai - 400 050

2. M/s. Arch View Associates
2249/46, Suprabhat CHS,
Gandhi Nagar, Bandra (East),
Mumbai - 400 051



... Respondents

ORDER

(Passed on - 26/6/23)

The present proceedings are initiated pursuant to application of Applicant dated 19.04.2023 in respect of Slum Rehabilitation Scheme on land CTS No.50/A(Pt) of Village Pahadi Goregaon (West), Old Hanuman Nagar, Teen Dongri, Motilal Nagar No.3, M.G. Road, Goregaon (West), Mumbai - 400 104 for "Samata Rahivashi Seva Mandal CHS (Prop.)". 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;

CEA

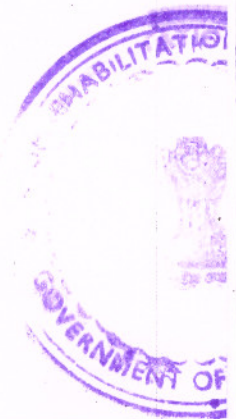
BRIEF FACTS:

That the 141 slum dwellers residing on land bearing CTS No.50/A(Pt) of Village Pahadi Goregaon (West), Old Hanuman Nagar, Teen Dongri, Motilal Nagar No.3, M.G. Road, Goregaon (West), Mumbai - 400 104 formed Applicant society i.e. Samata Rahivashi Seva Mandal CHS (Prop.) and resolved to redevelop the land in their occupation by implementing the Slum Rehabilitation Scheme. Accordingly Applicant society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for redevelopment. Pursuant to appointment, the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority and it was duly accepted on 28.06.2021. The land under the subject SR Scheme admeasuring 2458.05 sq. mtrs. is owned by MHADA.

The Applicant submitted application dated 19.04.2023 for termination of appointment of Respondent No.1 as Developer on the basis letter of Respondent No.1 dated 20.02.2023. So the notice was issued to Respondent No.1 to show cause as to why the action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 should not be taken. Accordingly notices were issued to the concerned parties and the matter was heard on 18.05.2023. On said day representatives of Applicant society remain present. Representative of Respondent No.1 also remain present. Parties are heard at length and matter was closed for order.

ARGUMENT OF APPLICANT SOCIETY

According to Applicant, they have formed Applicant society for redevelopment of land in their occupation and accordingly they have passed resolution for appointment of Respondent No.1 as developer. It is further version of Applicant society that the proposal of subject SR Scheme is duly accepted by this Authority on 28.06.2021 by obtaining necessary NOC's as per circular no.144 of SRA. On 26.10.2021 the proposal for issuance of Annexure-II is forwarded to



Competent Authority for certification of eligibility. After appointment of Respondent No.1, there is no progress shown in subject SR Scheme, so the Applicant society through letter dated 15.02.2023 informed the Respondent No.1 that they are appointing new developer in subject SR Scheme. Pursuant thereto, the Respondent No.1 through letter dated 20.02.2023 replied to Applicant society that they have no objection to appoint new developer in subject SR Scheme. The Respondent No.1 through another letter dated 04.03.2023 informed this Authority that through mutual understanding with society they have granted no objection to appoint new developer in subject SR Scheme. On these grounds the Applicant has prayed to terminate the appointment of Respondent No.1 in subject SR Scheme.

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 SR Scheme of Applicant society.

REASONS

In the present case the facts and circumstances are of peculiar nature. The 141 slum dwellers residing on land bearing CTS No.50/A(Pt) of Village Pahadi Goregaon (West), Old Hanuman Nagar, Teen Dongri, Motilal Nagar No.3, M.G. Road, Goregaon (West), Mumbai - 400 104 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 of Applicant is submitted to Slum Rehabilitation Authority and it was duly accepted on 28.06.2021. Thereafter the proposal for issuance of Annexure-II is forwarded to Competent Authority for certification of eligibility on 26.10.2021. Thereafter the Respondent No.1 has not taken any steps. Thus the SR Scheme of Applicant society remain stand still. The Applicant society by its General Body Meeting dated 12.03.2023 resolved to terminate

the appointment of Respondent No.1. Further through said resolution the Applicant society resolved to appoint M/s. Prompt Infrabuild as new 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 has submitted NOC's dated 20.02.2023 & 04.03.2023 on record. In said NOC they have granted their no objection to terminate them as developer from the SR Scheme of Applicant society. Further they have also granted no objection for appointment of new developer. Accordingly following order is passed.

ORDER

1. The Respondent No.1 i.e. M/s. Good Build (India) Pvt. Ltd. is hereby terminated as developer of subject SR Scheme i.e. SR Scheme on land CTS No.50/A(Pt) of Village Pahadi Goregaon (West), Old Hanuman Nagar, Teen Dongri, Motilal Nagar No.3, M.G. Road, Goregaon (West), Mumbai – 400 104 for "Samata Rahivashi Seva Mandal CHS (Prop.)"
2. The Applicant society i.e. Samata Rahivashi Seva Mandal CHS (Prop.) is at liberty to appoint new developer of its choice 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.

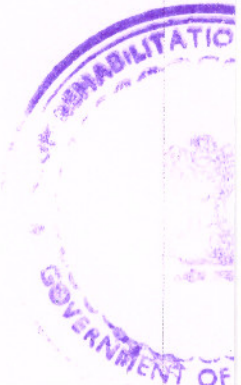
Place:- Mumbai

Date: 26 JUN 2023

Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Samata Rahivashi Seva Mandal/35/2023

Date: 26 JUN 2023



Copy to:

1. Samata Rahivashi Seva Mandal CHS (Prop.)
CTS No.50/A(pt), Mauje Pahadi Goregaon (West),
Old Hanuman Nagar, Teen Dongari,
Motilal Nagar No.3, M.G. Road,
Goregaon (West), Mumbai 400 104.
2. M/s. Good Build (India) Pvt. Ltd.,
9B/302, 3rd Floor, God Gift Tower,
Hill Road, M.R. Chowk, Bandra (West),
Mumbai 400 050.
3. M/s. Arch View Associates
2249/46, Suprabhat CHS,
Gandhi Nagar, Bandra (East),
Mumbai - 400 051
4. Dy. Chief Engineer/SRA
5. Executive Engineer (P/S 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

