



**SLUM REHABILITATION AUTHORITY**

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

**No. SRA/ENG/952/KE/PVT/LOI**

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Havemore Realty Private Ltd.  
(Formerly Raviraj Design Studio Pvt. Ltd.)  
Omkar House, Off. Eastern Express Highway,  
Opp. Sion- Chunabhatti Signal, Sion (East),  
Mumbai - 400 022
2. M/s. Anand V. Dhokay  
F/63, Palm Acres CHS  
Mahatma Phule Road,  
Mulund (East), Mumbai - 400 081
3. Mahakali Darshan SRA CHS Ltd.  
Gundavali, Western Express Highway  
Andheri (East), Mumbai - 400 069



... Respondents

**Sub.: Suo Moto proceedings u/s 13(2) of Maharashtra Slum Areas (I,  
C & R) Act, 1971.**

**ORDER**

**(Passed on - 29 FEB 2024)**

These Suo-Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.78 and 79 of Village Gundavali for "Mahakali Darshan SRA CHS Ltd. pursuant to the note of Assistant Registrar (W.S.)/SRA dated 13.10.2023 on account of nonpayment of rent and inordinate delay in implementation of Slum Rehabilitation Scheme. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme".

### **BRIEF FACTS**

The Assistant Registrar (W.S.)/SRA submitted a note dated 13.10.2023 stating that co-operative department has received complaints of Mr. Santosh Raut & 3 Ors. in respect of nonpayment of rent. So, the directions were given to Respondent No.1 to deposit the arrears of rent as per circular no.153 of Slum Rehabilitation Authority. In spite of the said direction the Respondent No.1 failed to pay the arrears of rent. Due to nonpayment of rent and inordinate delay in implementation of subject SR Scheme on the part of Respondent No.1, the Assistant Registrar has proposed action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

The factsheet reveals that the slum dwellers residing on plot of land bearing CTS No.78 and 79 of Village Gundavali formed Mahakali Darshan SRA CHS Ltd. and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The said Society appointed Respondent No.1 as Developer for implementation of subject SR Scheme. Pursuant to appointment, the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority on land admeasuring 31225.00 sq. mtrs. The said land is private land. The proposal of subject SR Scheme is duly accepted on 10.09.2004. The certified Annexure-II is issued by Competent Authority on 23.02.2006 for total 2027 slum dwellers out of which 1866 are eligible slum dwellers. Letter of Intent was issued on 17.03.2006 and the same is revised lastly on 19.11.2020. There are total 8 rehab and 2 composite buildings. Full Occupation Certificates to rehab building no.1 to 6 is issued on 28.03.2022 for 1382 rehab tenements. The Occupation Certificate to rehab building no.7 is approved for 192 tenements. Further Commencement Certificate to rehab building no. 8 is issued on 23.12.2020 upto 16<sup>th</sup> floor. Part Occupation Certificate to composite building no. 9 of Masjid Wing from Ground to 2<sup>nd</sup> floor was issued on 28.03.2022 and from 3<sup>rd</sup> to 5<sup>th</sup> upper floor was issued on 07.07.2022. Plinth Commencement Certificate to composite building no.10 was re-endorsed on 26.12.2022. The record further reveals that till date 1383



number of slum dwellers have been rehabilitated in rehab building no.1 to 6.

### **HEARING**

The matter is heard on 27.10.2023 and 09.11.2023. On 09.11.2023, Shri. Halde remain present on behalf of Respondent No.1. None appeared for Respondent No.3. Heard the parties in respect of inordinate delay and nonpayment of rent in subject SR Scheme and the matter was closed for order. Directions were given to submit their written submission within 7 days.

### **ISSUES**

From the facts and circumstances 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**

The fact sheet of engineering department reveals that the proposal of subject SR Scheme is duly accepted on 10.09.2004. The certified Annexure-II is issued by Competent Authority on 23.02.2006 for total 2027 slum dwellers out of which 1866 are eligible slum dwellers. Letter of Intent was issued on 17.03.2006 and the same is revised lastly on 19.11.2020. There are total 8 rehab and 2 composite buildings. Full Occupation Certificates to rehab building no.1 to 6 is issued on 28.03.2022 for 1382 rehab tenements. The Occupation Certificate to rehab building no.7 is approved for 192 tenements. Further Commencement Certificate to rehab building no.8 is issued on 23.12.2020 upto 16<sup>th</sup> floor. Part Occupation Certificate to composite building no. 9 of Masjid Wing from Ground to 2<sup>nd</sup> floor was issued on 28.03.2022 and from 3<sup>rd</sup> to 5<sup>th</sup> upper floor was issued on 07.07.2022. Plinth Commencement Certificate to composite building no.10 was re-endorsed on 26.12.2022. The record further reveals that till date 1383 slum dwellers have been rehabilitated in rehab building no.1 to 6.

The note of Assistant Registrar/SRA dated 05.12.2023 is on record. From said note it appears that the Respondent No.1 was informed to

deposit the arrears of rent to the tune of Rs.3,09,200/- till the next date of hearing. The report further reveals that the Respondent No.1 has paid the rent.

Now, it is necessary to verify as to whether there is nonperformance and inordinate delay in implementation of subject SR Scheme on the part of Respondent No.1. The record shows that till date the Respondent No.1 has rehabilitated 1383 slum dwellers out of 1866 slum dwellers. The Respondent No.3 society has not made demand for change of developer. The present proceeding is initiated on account of non-payment of rent to Mr. Santosh Raut & 3 Ors. The report of Assistant Registrar reveals that the Respondent No.1 has cleared the arrears of rent in subject SR Scheme. Further the record nowhere reveals that the Respondent No.3 society has any grievance against Respondent No.1 for implementation of subject SR Scheme.

The developers implementing the SR Schemes are expected to complete the Scheme and rehabilitate the slum dwellers within reasonable time. This Authority is conscious of the delay occurred in implementation of subject SR Scheme. For action u/s 13 (2) of the Maharashtra Slum Areas (I, C & R) Act, 1971, this Authority is required to verify the facts and cause of delay. Merely for the reason that the scheme is not completed within reasonable time the inference cannot be drawn of willful delay or incompetence of the developer. It is necessary to look into the factual aspect which resulted in delay in completion of the Scheme. In present case the note of Executive Engineer reveals that, the construction of rehab building is completed and Occupation Certificate is only to be obtained. Considering these facts it will not be proper to terminate the Respondent No.1 as developer merely due to complaint of few slum dwellers.

On careful consideration of these facts and circumstances this Authority is of opinion that there is no intentional delay on the part of Respondent No.1 and reasonable time needs to be given to Respondent No.1 for implementation of subject SR Scheme. Accordingly following order is passed.



**ORDER**

1. The proceedings initiated u/s 13(2) of Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1 i.e. M/s. Havemore Realty Private Ltd. (Formerly Raviraj Design Studio Pvt. Ltd.) in respect of subject SR Scheme i.e. CTS No.78 and 79 of Village Gundavali for Mahakali Darshan SRA CHS Ltd. are hereby dropped.
2. The Respondent No.1 developer is at liberty to proceed further with the subject SR Scheme since he has deposited pending amount of rent of Rs. 8,80,000/-
3. The Respondent No.1 to comply the provisions of circular no.210 of Slum Rehabilitation Authority before applying for further permissions.

Place: - Mumbai

Date:- **29 FEB 2024**

  
Chief Executive Officer  
Slum Rehabilitation Authority

No. SRA/CEO Order/Mahakali Darshan SRA CHS Ltd./ **14** /2024

Date:

Copy to: **29 FEB 2024**

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Gundavali, Western Express Highway  
Andheri (East), Mumbai - 400 069
4. Dy. Chief Engineer/SRA
5. Executive Engineer (K/E Ward)/SRA
6. Deputy Collector (Spl. Cell)/SRA
7. Financial Controller/SRA
8. Assistant Registrar (W.S.)/SRA
9. DDLR/SRA
10. Information Technology Officer/SRA
11. Chief Legal Consultant/SRA

