



SLUM REHABILITATION AUTHORITY

BEFORE THE CHIEF EXECUTIVE OFFICER,
SLUM REHABILITATION AUTHORITY

No.SRA/ENG/653/FN/ML/LOT

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Lakdawala Developers Pvt. Ltd.
10, Lathiwala Apt, 1st Floor,
Shivdas Chapshi Road,
Near Sales Tax Office, Mazgaon,
Mumbai - 400 010
2. M/s. Edifice Consultants
J/329, Vivek Apartment,
C.S.T Road, Santacruz (East),
Mumbai - 400 098
3. Shanti Nagar CHS Ltd.
Ambedkar Marg, Division, Sion,
Koliwada, Mumbai - 400 031



... Respondents

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

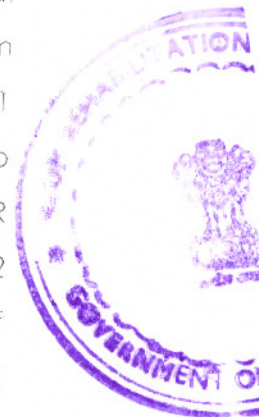
ORDER

(Passed on - 31/8/23)

These Suo-Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.12(pt) of Sion Division & CTS No.89(pt) of Salt Pan Division for "Sion Avanti, Parkuti and Shanti Nagar CHS Ltd." pursuant to the note of Assistant Registrar (City)/SRA dated 27.04.2022 on account of nonpayment of rent. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme".

CEO / SRA

The factsheet reveals that the slum dwellers residing on plot of land bearing CTS No. 12(pt) of Sion Division and CTS No.89(pt) of Salt Pan Division have formed Sion Avanti, Parnkuti and Shanti Nagar CHS Ltd. and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The above societies 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 5532.92 sq. mtrs. The ownership of said land is owned by MCGM. The proposal of subject SR Scheme is duly accepted on 21.09.2001. The certified Annexure-II is issued by Competent Authority for three Societies i.e. Avanti CHS, Parnkuti CHS Ltd. and Shanti Nagar CHS Ltd. on 21.04.1997, 21.04.2001 and 07.08.2006 respectively for total 385 slum dwellers, out of which 370 slum dwellers were declared as eligible. Letter of Intent was issued on 25.02.2002 and the same is revised lastly on 09.11.2020 for amalgamation of three societies. Intimation of Approval for Composite building no.1 was issued on 10.05.2002. Plinth Commencement Certificate to Composite building no.1 was issued on 10.07.2002 and full Occupation Certificate Composite building no.1 was issued on 14.10.2003 for 40 rehab tenements and 07 self-help tenements.



Approval for Composite building no.2 was issued on 22.01.2004. Plinth Commencement Certificate to Composite building no.2 was issued on 01.04.2004 and full Occupation Certificate to Composite building no.2 was issued on 17.02.2016 for 285 rehab tenements. Intimation of Approval for Composite building no.3 Wing C was issued on 16.07.2010 and same was lastly amended on 11.02.2021. Plinth Commencement Certificate to building no.3 was issued on 16.03.2016 and part Occupation for Composite building no.3 was issued on 23.06.2023 upto 10th floor. Intimation of Approval for Rehab building no.4 was issued on 16.07.2010. The factsheet further reveals that Stop Work notice to sale component was issued on 01.10.2021 on account of nonpayment of rent.

HEARING

The matter is heard on 20.05.2022 and 08.07.2022. During the hearing heard on 20.05.2022, this Authority had directed Respondent No.1 to draw the lottery within a period of one month. This Authority further directed the engineering department to submit site inspection report. Thereafter the matter is heard lastly on 08.07.2022. On said day Respondent No.1 remain present in person. Respondent No.3 also remain present. Heard both the parties and the matter was closed for order.

ARGUMENT OF RESPONDENT NO.1 (DEVELOPER)

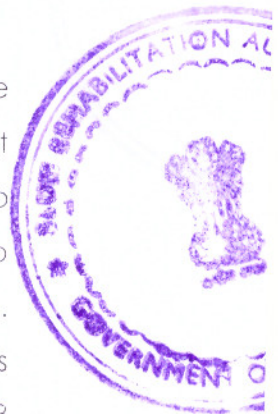
It is the version of Respondent No.1 that they have been appointed as developer of subject SR Scheme and accordingly they have obtained necessary permissions from this Authority such as Letter of Intent, Intimation of Approval, Commencement Certificate, Occupation Certificate, etc. It is further version of Respondent No.1 that pursuant to the direction of this Authority dated 20.05.2022, the possession of 48 rehab tenements was given through online lottery held on 07.07.2022. The Respondent No.1 further stated that pursuant to the direction of this Authority they have paid rent to 37 eligible/ineligible slum dwellers on 08.05.2023 for period of four months amounting to Rs.17,76,000/-. It is agreed by the Respondent No.1 that since the year 2022 till 07.07.2022,

the Respondent No.1 is in arrears of transit rent amounting to Rs.1,25,04,000/-. The Respondent No.1 has enclosed the copy of statement of transit rent to be paid to 38 slum dwellers. In said statement the Respondent No.1 has stated that they will pay arrears of rent in seven installments till 01.01.2025. On these grounds the Respondent No.1 has prayed to revoke stop work notice issued to sale component and grant further permissions.

ARGUMENT OF RESPONDENT NO.3

It is the version of Respondent No.3 that they have appointed Respondent No.1 as "developer for implementation of subject SR Scheme. The proposal of subject SR Scheme was submitted to this Authority in the year 2001 and the same is duly accepted. It is further version of Respondent No.3 that all the permissions to the subject SR Scheme were issued such as Letter of Intent, Intimation of Approval, Commencement Certificate and Occupation Certificate. It is the version of Respondent No.3 that due to default in arrears of transit rent, the proceeding u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 is initiated against them. During the hearing held on 20.05.2022, this Authority had directed Respondent No.1 to conduct lottery for allotment of rehab tenement. Accordingly, online lottery was held on 07.07.2022 and procedure for allotment of rehab tenement was completed.

It is alleged by Respondent No.3 that prior to allotment of the rehab tenements, the slum dwellers were residing at refugee camp at Sion, Koliwada on rental basis which was in dangerous condition. So Respondent No.3 had requested Respondent No.1 to allot them rehab tenement and accordingly the rehab tenement were allotted to them. It is further version of Respondent No.3 that the Respondent No.1 has agreed to clear the arrears of rent as the earliest. So, Respondent No.3 have no any grievance against Respondent No.1 and they have no objection to issue further permissions to Respondent No.1 for implementation of subject SR Scheme.



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

Before proceeding to discuss the rival contentions it is necessary to look into the factual aspects of subject SR Scheme. The proposal is submitted on land CTS No. 12(pt) of Sion Division and CTS No. 89(pt) of Salt Pan Division admeasuring 5532.92 sq. mtrs. for Sion Avanti, Parnkuti and Shanti Nagar CHS Ltd. The land is owned by MCGM. The proposal of subject SR Scheme is duly accepted on 21.09.2001. Annexure-II is issued by Competent Authority for three Societies i.e. Avanti CHS, Parnkuti CHS and Shanti Nagar CHS Ltd. on 21.04.1997, 21.04.2001 and 07.08.2006 respectively for total 385 slum dwellers, out of which 370 slum dwellers were declared as eligible. Letter of Intent was issued on 25.02.2002 and the same is revised lastly on 09.11.2020 for amalgamation of three societies. Intimation of Approval for Composite building no.1 was issued on 10.05.2002. Plinth Commencement Certificate Composite building no.1 was issued on 10.07.2002 and full Occupation Certificate Composite building no.1 was issued on 14.10.2003 for 40 rehab tenements and 27 sale tenements. Intimation of approval for Composite building no.2 was issued on 22.01.2004. Plinth Commencement Certificate to Composite building no.2 was issued on 01.04.2004 and full Occupation Certificate to Composite building no.2 for 285 rehab tenements were issued on 17.02.2016. Intimation of Approval for Composite building no.3 Wing C was issued on 16.07.2010 and same was lastly amended on 11.02.2021. Plinth Commencement Certificate to building no.3 was issued on 16.03.2016 and part Occupation for Composite building no.3 was issued on 23.06.2023 upto 10th floor. Intimation of Approval for Rehab building no.4 was issued on 16.07.2010.

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. There is copy of letter dated 07.06.2023 of Respondent No.1 on record. In said letter the Respondent No.1 has stated that pursuant to the direction of this Authority dated 20.05.2022, lottery of 48 rehab tenements is conducted through online process on 07.07.2022. The Respondent No.1 further stated that they have also paid rent to 37 eligible/ineligible slum dwellers on 08.05.2023 for period of four months amounting to Rs 17,76,000,-. The Respondent No.1 in said letter has also accepted that since the year 2022 till 07.07.2022, they were in arrears of transit rent amounting to Rs.1,25,04,000,-. It is the version of Respondent No.1 that they are ready and willing to pay rent to slum dwellers. In this regard, there is copy of statement of transit rent to be paid to 38 slum dwellers on record. In said statement the Respondent No.1 has stated that they will pay the arrears of rent in seven installments to 38 slum dwellers till 01.01.2025.

There is also a letter of Respondent No.3 dated 22.05.2023 on record. In said letter Respondent No.3 has stated that due to default in arrears of transit rent, the proceeding u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 is initiated against Respondent No.1. It is further version of Respondent No.3 that during the hearing held on 20.05.2022, this Authority had directed Respondent No.1 to conduct lottery for allotment of rehab tenement and accordingly online lottery was held on 07.07.2022. Further the Respondent No.1 has agreed to clear the arrears of rent at the earliest. Therefore, Respondent No.3 have no any grievance against Respondent No.1 and they have no objection to issue further permissions to Respondent No.1 for implementation of subject SR Scheme.

The record reveals that pursuant to the complaint of slum dwellers for nonpayment of transit rent, the report of Co-operative department of Slum Rehabilitation Authority is called. The report of Co-operative Officer dated 22.02.2023 is on record. In said letter it is stated that they are in receipt of 23 applications for arrears of rent out of total 55 eligible slum dwellers and the Respondent No.1 is in default of transit rent of



and further reveals that 48 eligible

slum dwellers are already allotted rehab tenements through lottery held on 07.07.2022.

The record reveals the there are three societies in the subject SR Scheme and only some of the members of one society i.e. Respondent No.3 have the grievance against the Respondent No.1 regarding non-payment of arrears of rent. There is copy of report of engineering department dated 22.12.2022 on record. In said report they have mentioned that the rehab building is completed on site and there is stop work notice issued to sale component of subject SR Scheme. The factsheet reveals that there are total 385 slum dwellers in the subject SR Scheme out of which around 325 slum dwellers are duly rehabilitated in rehab building. So, considering the abovesaid facts and position of rehab buildings it will be unfair on the part of Respondent No.1 to take action against them when the construction work of rehab building is at the verge of completion.

It is admitted fact that the Respondent No.1 is in arrears of rent in respect of Respondent No.3 society. The Respondent No.1 has already paid substantial amount of rent to slum dwellers and are ready to pay the balance amount of rent to slum dwellers as per the statement submitted by them on record. The Respondent No.1 has produced on record the Xerox copies of bank statement regarding the rent paid to 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 Suo- Moto proceedings initiated u/s 13(2) of Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1 i.e. M/s. Lakdawala Developers Pvt. Ltd. in respect of subject SR Scheme CTS No. 12(pt) of Sion Division and CTS No.89 (pt) of Salt Pan

Division for "Sion Avanti, Parkuti and Shanti Nagar CHS Ltd." are hereby dropped.

2. The Respondent No.1 is further directed to pay the rent of slum dwellers including arrears within a stipulated period in accordance with circular no.153 of Slum Rehabilitation Authority.
3. The Respondent No.1 is hereby directed to submit quarterly report of progress in subject SR Scheme to Executive Engineer/SRA.
4. The Executive Engineer/SRA should periodically visit the site and ensure the completion of SR Scheme in time bound manner.

Place: - Mumbai

Date: - 3 AUG 2023

Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Shanti Nagar CHS Ltd./ 48 /2023

Date: - 3 AUG 2023

Copy to:

1. M/s. Lakdawala Developers Pvt. Ltd.
10, Lathiwala Apt, 1st Floor,
Shivdas Chapshi Road,
Near Sales Tax Office, Mazgaon,
Mumbai - 400 010
2. M/s. Edifice Consultants
J/329, Vivek Apartment,
C.S.T Road, Santacruz (East),
Mumbai - 400 098
3. Shanti Nagar CHS Ltd.
Ambedkar Marg, Division, Sion,
Koliwada, Mumbai - 400 031.
4. Dy. Chief Engineer/SRA
5. Executive Engineer (F/N Ward)/SRA
6. Tahasildar-1/SRA
7. Financial Controller/SRA
8. Assistant Registrar (City)/SRA
9. Information Technology Officer/SRA
10. Chief Legal Consultant/SRA

