



**SLUM REHABILITATION AUTHORITY**

**BEFORE THE DEPUTY CHIEF ENGINEER,  
SLUM REHABILITATION AUTHORITY**

File No.SRA/ENG/1141/KE/PL/LOI  
ow-32828

21 JUL 2023

Shri Sanjay Yadav,  
106, Uday Kiran Building,  
Navghar Road, Bhayander East

... Complainant

V/s

1. M/s. Prem Builders,  
B/14, Vasanta, Theosophical Society,  
Juhu Tara Road, Juhu,  
Mumbai - 400 049

2. M/s. Mukesh Bahadur,  
B/101, Manek Kunj (Meghwadi),  
Dr. S.S. Rao Road, Lalbaug,  
Mumbai - 400 012

... Respondents

**ORDER**

(Passed on - )

The present proceedings are initiated by this Authority pursuant to complaint submitted by complainant on 30.11.2022 in respect of SR Scheme on plot of land bearing CTS No.81/A(pt), 81/A(pt)/7 to 21 & 81/C(pt) of Village Majas, Taluka Andheri, Jogeshwari (East), Mumbai 400 060 for "Krishna Nagar 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.

**BRIEF FACTS**

From record it appears that the occupants on plot of land bearing CTS No.81/A(pt), 81/A(pt)/7 to 21 & 81/C(pt) of Village Majas, Taluka Andheri have formed proposed society namely Krishna Nagar



CHS and appointed Respondent No.1 as their developer for implementation of the Slum Rehabilitation Scheme. Pursuant to the appointment, the Respondent No.1 has submitted proposal of subject SR Scheme to Slum Rehabilitation Authority on land admeasuring 2416.30 sq. mtrs. The proposal of subject SR Scheme is duly accepted by Slum Rehabilitation Authority on 14.07.2005. The Competent Authority has issued certified Annexure-II on 22.05.2006. The Letter of Intent is issued on 14.08.2014 and same was lastly revised on 01.12.2020. Intimation of Approval to composite building was issued on 13.11.2014 and same is amended on 03.04.2018. Plinth Commencement Certificate to composite building was issued on 23.09.2015. Further Commencement Certificate to composite building was issued on 11.05.2018. Part Occupation Certificate to composite building is issued on 12.08.2021.

The complainant Shri Sanjay Yadav has submitted a complaint dated 30.11.2022 to this Authority alleging that the Respondent No.1 has obtained permissions on the basis misrepresentation and on these grounds he has prayed to cancel permissions granted to Respondent No.1 such as Letter of Intent and Annexure-II in the light of orders of Maharashtra Slum Tribunal and Hon'ble High Court.

Pursuant to complaint of complainant, the engineering department has submitted a note to Hon'ble Chief Executive Officer/SRA. The Hon'ble Chief Executive Officer/SRA has directed this Authority to conduct hearing and accordingly parties were called for hearing. The matter was heard on 08.03.2023 & 07.06.2023. On 07.06.2023 Complainant as well as Respondent No.1 remain present. Both parties are heard at length and the matter was closed for order.

#### **ARGUMENT OF COMPLAINANT**

It is the version of Complainant that, the land under the subject SR Scheme is private land and the Competent Authority through notification dated 29.09.1978 has declared the said land as Slum Area



notification is challenged by Jagannath Yadav in Appeal No.78 of 1980 before the Maharashtra Slum Tribunal and through order dated 22.07.1980 the Slum Tribunal has set aside the said notification. The said notification is also challenged by Tahira Industries in Hon'ble High Court in Writ Petition No.3458 of 1981 and the Hon'ble High Court also through order dated 10.02.1983 set aside the said notification. According to complainant the said fact of de-notification of said land as Slum Area is suppressed by Respondent No.1 while obtaining Annexure-II on 25.05.2006. Since the proposal of subject SR Scheme is based on fraud so, the Complainant has requested to cancel the permissions granted to subject SR Scheme on the basis of misrepresentation.

#### **ARGUMENT OF RESPONDENT NO.1**

According to Respondent No.1, they are implementing the subject SR Scheme on said land. The Complainant has no locus standi to file complaint as he is imla malik and not the owner of the said land. By virtue of registered Conveyance Deed they have obtained the peaceful possession of said land from its previous owner. It is the case of Respondent No.1 that in LOI report the de-notification of declaration of Slum Area is already mentioned. Further the said land is subsequently declared as Slum Rehabilitation Area u/s 3C of the Maharashtra Slum Areas (I, C & R) Act, 1971 through order dated 04.07.2014 and on the basis of said declaration this Authority has issued permissions to subject SR Scheme.

It is the version of Respondent No.1 that, the Complainant is not approached before this Authority with clean hand as he has suppressed the material fact that the said declaration of 3C is challenged by them in Appeal No.1 of 2019 in Slum Tribunal and the same is dismissed on 03.02.2022. On these ground the Respondent No.1 prayed to this Authority not to entertain the Complaint of the Complainant.



## **ISSUES & DISCUSSION**

From rival contentions the issue that arises for determination of this Authority is as to whether the permissions granted to subject SR Scheme of Respondent No.1 needs to be revoked and whether the Complaint is maintainable.

As stated hereinabove the present proceedings are initiated pursuant to complaint of the complainant dated 30.11.2022 in respect of SR Scheme on plot of land bearing CTS No.81/A(pt), 81/A(pt)/7 to 21 & 81/C(pt) of Village Majas, Taluka Andheri for "Krishna Nagar CHS (Prop.)". The claim of Complainant is that the Respondent No.1 has obtained permissions on the basis of misrepresentation and suppressing the fact that the said land is not de-notified as Slum Area. In complaint dated 30.11.2022, the complainant has specifically alleged that the permissions to subject SR Scheme is granted on the basis of Gazette Notification dated 29.09.1978. As against this the Respondent No.1 stated that the permissions to subject SR Scheme is issued pursuant to order dated 04.07.2014 passed u/s 3C of the Slum Act and not on the basis of 4(1) declaration.

The record reveals that the developer has purchased the said land from previous owner M/s. Tahira Industries Pvt. Ltd. through registered Deed of Conveyance. The contention of complainant is that since land was de-notified as Slum, the Annexure-II as well as permissions granted to subject SR Scheme should be cancelled. The said contention is not sustainable as the said land is declared as Slum Rehabilitation Area u/s 3 C of the Maharashtra Slum Areas (I, C & R) Act, 1971. Moreover the provisions of Regulation 33(10) of Development Control Regulations states that once the Scheme is approved by Slum Rehabilitation Authority on any land the same shall be deemed to be Slum Rehabilitation Area. It is contended by Respondent No.1 that the Scheme is at advance stage and they have constructed composite building and part Occupation Certificate is issued on 12.08.2021. Considering the above facts and circumstances



this Authority do not find substance in complaint and complaint is liable to be rejected. Accordingly this Authority proceed to pass following order.

**ORDER**

The complaint of Shri Sanjay Yadav dated 30.11.2022 is hereby rejected.

Place:- Mumbai

Date:-

  
Deputy Chief Engineer  
Slum Rehabilitation Authority

No. SRA/CEO Order/Krishna Nagar CHS/00 /2023 /32828

Date: 21 JUL 2023

Copy to:

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Dr. S.S. Rao Road, Lalbaug,  
Mumbai - 400 0123.
4. Executive Engineer (K/East Ward)/SRA
5. Tahasildar-2/SRA
6. Financial Controller/SRA
7. Joint Registrar (W.S.)/SRA
8. Information Technology Officer/SRA
- ✓ 9. Chief Legal Consultant/SRA