



**SLUM REHABILITATION AUTHORITY**

**BEFORE THE CHIEF EXECUTIVE OFFICER  
SLUM REHABILITATION AUTHORITY,  
Bandra (East), Mumbai**

**No.RS/PL & STGL/0001**

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Ras Builders & Developer  
Bharat Darshan CHS, Bldg. No.7,  
Room No.52, MHB Colony,  
Tata Power House, Borivali (East),  
Mumbai - 400 066
2. M/s. Design World  
Om Siddhivinayak Bldg CHS,  
Near Surbhi Hotel, 90 Feet Road,  
Thakur Complex, Kandivali (East),  
Mumbai - 400 101
3. Shree Sai Shraddha CHS (Prop.)  
CTS No.455, 456, 456/1 to 4,  
457, 458, 458/1 & 459 of village Poisar,  
Taluka Borivali at Gaondevi Road,  
Poisar, Kandivali (East), Mumbai - 400 101



... Respondents

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

**ORDER**

(Passed on 25 APR 2024)

These Suo Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.455, 456, 456/1 to 4, 457, 458, 458/1 and 459 of Village Poisar for "Shree Sai Shraddha CHS (Prop.)" pursuant to the note of Executive Engineer/SRA dated

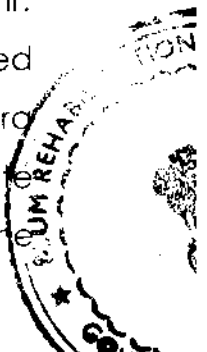
29.11.2023. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject S.R. Scheme". In brief the facts which lead to the present proceedings are as under;

**BRIEF FACTS:**

The slum dwellers residing on plot of land bearing CTS No.455, 456, 456/1 to 4, 457, 458, 458/1 and 459 of Village Poisar formed Respondent No.3 society i.e. "Shree Said Shraddha CHS (Prop.)" and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Respondent No.3 society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject S.R. Scheme. The proposal of subject S.R. Scheme was submitted to Slum Rehabilitation Authority on land admeasuring 4630.70 sq. mtrs. The said land is owned by State Government and partly private. The proposal of subject S.R. scheme is accepted by Slum Rehabilitation Authority on 07.04.2011. The Competent Authority has issued Annexure-II on 29.11.2014 for total 415 slum dwellers out of which 139 slum dwellers were declared as eligible. However thereafter there is absolutely no progress in subject S.R. Scheme and the Scheme is stand still.

The note of engineering department dated 29.11.2023 is on record. From said note it appears that the Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.499. The said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr.

Pursuant to said order, the notices were issued to the concerned parties and matter was heard on 12.04.2024. On said day Mr. Rajendra Rasal remain present on behalf of Respondent No.1. Advocate Shashank Borade appeared on behalf of Respondent No.3 society. The



parties were heard at length and matter was closed for order. Directions were given to parties to submit their written submissions till 15.04.2024.

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

It is the version of Respondent No.1 that the Respondent No.3 society has appointed them as developer of subject SR Scheme. The said land is partly private land and partly owned by the Government. The proposal of subject SR Scheme is submitted on 07.04.2011. The Annexure-II was issued in the year 2014. In the meanwhile this Authority recorded the 517 SR Schemes through Public Notice dated 20.04.2022 and directions were given to societies to appoint new developer by following circular no.144 of Slum Rehabilitation Authority. There is no intentional delay on the part of Respondent No.1. According to Respondent No.1 at the time of submission of subject SR Scheme there was reservation of Municipal Warehouse which was subsequently changed to Municipal School as per DCPR, 2034 and due to which the Scheme could not be proceeded for want of permissions.

It is the case of Respondent No.1 that the delay is solely attributable to Respondent No.2 Architect who failed and neglected to co-ordinate with Society. According to Respondent No.1, the Respondent No.2 has also failed to take necessary steps to remove the reservation on said land. The Respondent No.1 is ready and willing to complete the subject SR Scheme in time bound manner and undertake to comply the circular no.210 of this Authority. On these grounds the Respondent No.1 has prayed to drop the present proceeding initiated against them.

### **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 and the said land is partly owned by developer and partly by Government. The proposal of subject SR Scheme is submitted in the



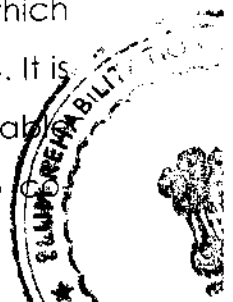
year 2011 and Annexure-II is issued in the year 2014. It is further version of Respondent No.3 that this Authority has recorded 517 SR Scheme through Public Notice dated 20.04.2022 and directed the societies to appoint new developer by following circular no.144 of Slum Rehabilitation Authority. Pursuant to said Public Notice the society has decide to continue with the Respondent No.1 for further implementation of subject SR Scheme. According to Respondent No.3 they do not wish to change the developer even after issuance of Public Notice dated 20.04.2022. It is further version of Respondent No.3 that if the appointment of Respondent No.1 developer is terminated then society will have to move the application for acquisition which will take time. The Respondent No.3 has requested for change of Respondent No.2 Architect. On these grounds the Respondent No.3 has prayed to drop the proceedings initiated against Respondent No.1.

### **ISSUES**

From rival contentions the issue that arises for determination of this Authority is as to whether there is nonperformance on the part of Respondent No.1 and delay in implementation of subject S.R. Scheme is attributable to Respondent No.1.

### **REASONS**

It is admitted fact that the proposal of subject S.R. Scheme is accepted by this Authority on 07.04.2011. The Annexure-II is issued by Competent Authority on 29.11.2014 for total 415 slum dwellers, out of which 139 were declared as eligible. Thereafter no permissions are issued and the Scheme is stand still. It is submitted on behalf of Respondent No.1 that there is no intentional delay on their part but the same is occurred due to reservation of Municipal Warehouse which was subsequently changed to Municipal School as per DCPR, 2034. It is further version of Respondent No.1 that the delay is solely attributable to Respondent No.2 Architect who has failed and neglected to



ordinate with Respondent No.3 Society as well as his failure to take necessary steps to remove the reservation on said land. According to Respondent No.1 this Authority recorded the 517 SR Schemes through Public Notice dated 20.04.2022 and directions were given to societies to appoint new developer by following circular no.144 of Slum Rehabilitation Authority.

It is further version of Respondent No.3 that they decided to continue with the Respondent No.1 for further implementation of subject SR Scheme. According to Respondent No.3 if the appointment of Respondent No.1 developer is terminated then society will have to move the application for acquisition which will take time.

The society has not made demand for change of developer. The present proceeding is initiated pursuant to note of engineering department dated 29.11.2023. The Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.499. The said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023. in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr. As per the written submission of Respondent No.3 they have faith in Respondent No.1 in further implementation of subject SR Scheme.. During the hearing held on 12.04.2024, the Respondent No.3 society has shown trust in Respondent No.1. The Respondent No.3 society does not wish to change the Respondent No.1 developer. The Respondent No.1 is also ready and willing to complete the subject SR Scheme in time bound manner and undertake to comply the circular no.210 of this Authority.

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. Considering these facts it will not be proper to terminate the Respondent No.1 as developer.

Considering 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. Ras Builders & Developer in respect of subject SR Scheme i.e. CTS No.455, 456, 456/1 to 4, 457, 458, 458/1 and 459 of Village Poisar for "Shree Sai Shraddha CHS (Prop.)" are hereby dropped.
2. The Respondent No.1 is directed to submit bar chart regarding time bound implementation of the subject SR Scheme.
3. The Respondent No.1 to comply with the provisions of circular no.210 of Slum Rehabilitation Authority before applying for permissions.

Place:- Mumbai

Date:- 05 APR 2024

  
Chief Executive Officer  
Slum Rehabilitation Authority

No. SRA/CEO/13(2)/Shree Sai Shraddha CHS (Prop.)/36/2024

Date: 05 APR 2024



Copy to:

1. M/s. Ras Builders & Developer  
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457, 458, 458/1 & 459 of village Posar,  
Taluka Borivali at Gaondevi Road,  
Poisar, Kandivali (East), Mumbai - 400 101
4. Deputy Chief Engineer/SRA
5. Executive Engineer (R/S Ward)/SRA
6. DDLR/SRA
7. Deputy Collector (Special Cell)/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Joint Registrar (W.S.)/SRA
11. IT Officer/SRA

