

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

P-N/PVT/0090/20060715

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Ratnasagar Diamond Mall Pvt. Ltd.
CTS No.350/351, Gaushala Chawl No.1,
1st Floor, Corner of Gaushala Land and
Daftary Road, Malad (East),
Mumbai - 400 097
2. Shri. Vishwas Satodia
1102/B Wing, 11th Floor,
Shah Arcade-II, Rani Sati Marg,
Malad, (E), Mumbai - 400 097
3. Gaushala CHS (Prop.)
CTS No.351, 351/1 to 26, 362,
362/1 to 13, Mauje - Malad (East),
Daftary Road, Malad (East),
Mumbai - 400 097



... Respondents

ORDER

(Passed on 2/9/2023)

These proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.351, 351/1 to 26, 362, 362/1 to 13 of Village Revenue, Malad (East) for "Gaushala CHS (Prop.)" pursuant to the note of Executive Engineer/SRA dated 30.06.2023. 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;

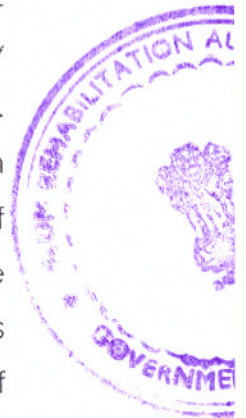
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SRA

BRIEF FACTS:

The slum dwellers residing on plot of land bearing CTS No.351, 351/1 to 26, 362, 362/1 to 13 of Village Revenue, Malad (East) formed Respondent No.3 society i.e. Gaushala 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 3460.61 sq. mtrs. The said land is owned by Respondent No.1. The proposal of subject S. R. scheme is accepted by Slum Rehabilitation Authority on 15.07.2006. The certified Annexure-II is issued by Competent Authority on 18.08.2006. Out of total 117 slum dwellers 111 slum dwellers are 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 30.06.2023 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.352. 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. The note further reveals that the Respondent No.1 & 2 has submitted Applications dated 27.04.2023 and thereby requested to record the proposal of subject SR Scheme.

Pursuant to said note, the notices were issued to the concerned parties and matter was heard on 08.08.2023. On said day Respondent No.3 Society remain present through Chief Promoter Shri Bharat Shah. On behalf of Respondent No.1 Shri. Nagji Rita remain present. Mr. Mohammed Rizwan remain present for Respondent No.2. The parties



were heard at length and matter was closed for order. Directions were given to parties to submit their written submissions within 7 days.

ARGUMENT OF RESPONDENT NO.1 & 2

According to Respondent No.1 & 2, the Respondent No.3 society appointed them as developer and Architect respectively for redevelopment of said land. The proposal of Respondent No.3 society is submitted to Slum Rehabilitation Authority and same is accepted in the year 2006. It is further version of Respondent No.1 & 2 that thereafter no approvals were issued and the subject SR Scheme never progress. The Respondent No.1 further submitted that due to lack of insufficient fund for the project, they could not proceed with any approvals or work. The Respondent No.1 further submitted that in the light of new DCPR the proposal of subject SR Scheme be recorded.

ISSUES & REASONS

It is admitted fact that the proposal of subject S.R. Scheme is accepted by this Authority on 15.07.2006. The certified Annexure-II was issued on 18.08.2006. Out of total 117 slum dwellers, 111 slum dwellers were held as eligible. However thereafter there is absolutely no progress in subject SR Scheme and the Scheme is stand still. The period of more than 17 years has passed and till date not a single slum dweller is rehabilitated.

In the meanwhile this 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 S.R. Scheme is at Sr. No.352. 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.

From record it appears that the Hon'ble High Court has quashed the Public Notice dated 20.04.2022 in Writ Petition (L) No.14017 of 2022 Nipun Thakkar V/s. CEO/SRA & Anr. It is pertinent to note that while quashing the Public Notice dated 20.04.2022, the Hon'ble High Court in order dated 10.01.2023 in para 13 have made following observation:

"13. We make it clear that we have not restricted or constrained the powers of the SRA to take action in accordance with law, where justified. We have only quashed the impugned notice because it is entirely outside the frame of the law and not in accordance with law".

From above observation of Hon'ble High Court, it is crystal clear that the Hon'ble High Court has not restricted or constrained the powers of this authority to take action in accordance with law, where justified. In other words, this Authority is having powers to take action in case of inordinate delay.

There is no progress at all and scheme is stand still. The period of more than 17 years is considerable period. It is needless to state that the developers implementing S.R. Scheme are expected to complete the same within reasonable period. Obviously, there is delay in implementation of subject S.R. Scheme. Such inordinate delay in rehabilitation of slum dwellers is bound to frustrate the basic object of Government in introducing the Slum Rehabilitation Schemes. It is pertinent to note that the Respondent No.1 & 2 has submitted Applications dated 27.04.2023 and thereby requested to record the proposal of subject SR Scheme. The Respondent No.1 further submitted that due to lack of insufficient fund for the project, they could not proceed with any approvals or work. Accordingly following order is passed.

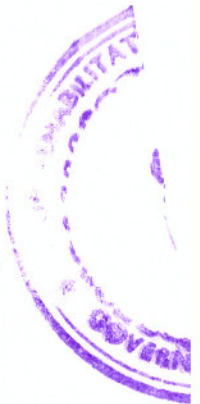
ORDER

The proposal of Respondent No.1 i.e. M/s. Ratnasagar Diamond Mall Pvt. Ltd. submitted on CTS No.351, 351/1 to 26, 362, 362/1 to 13 of Village Revenue, Malad (East) for Gaushala CHS (Prop.) hereby stands recorded.

Place:- Mumbai

Date:- 8 SEP 2023


Chief Executive Officer
Slum Rehabilitation Authority



Copy to:

1. M/s. Ratnasagar Diamond Mall Pvt. Ltd.
CTS No.350/351, Gaushala Chawl No.1,
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CTS No.351, 351/1 to 26, 362,
362/1 to 13, Mauje - Malad (East),
Daftary Road, Malad (East),
Mumbai - 400 097
4. Deputy Chief Engineer/SRA
5. Executive Engineer (P/N Ward)/SRA
6. DSLR/SRA
7. Tahsildar-2/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Joint Registrar (W.S.)/SRA
- ✓ 11. IT Officer/SRA

