



SLUM REHABILITATION AUTHORITY

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

No.SRA/ENG/2000/S/ML/LOI

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Richmond Realtors
1/A, Mangesh Industrial Estate,
Samuel Marg, Opp. to Container Yard,
Nahur (West), Mumbai - 400 078
2. M/s. Design Crest
001/002, Varad-Ashish,
Plot No.B/31, Sector-09,
Near Airoli Circle, Airoli,
Navi Mumbai - 400 078
3. Janseva SRA CHS
Janshakti SRA CHS
Jankalyan SRA CHS
CTS No.333(pt), 334(pt), 335(pt), 336,
359(pt) of Mauje - Bhandup,
Nahurgaon Road, Subhash Nagar,
Bhandup (West), Mumbai - 400 078



...Respondents

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

ORDER
(Passed on - 11/8/23)

These Suo-Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land CTS No.333(pt), 334(pt), 335(pt), 336, 359(pt) of Village Bhandup for "Janseva SRA CHS, Janshakti SRA CHS and Jankalyan SRA CHS" pursuant to the note of Assistant Registrar (Eastern Suburb)/SRA dated 05.07.2022 on account of non-payment of rent. Hereinafter the abovesaid 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

The slum dwellers residing on plot of land bearing CTS No.333(pt), 334(pt), 335(pt), 336, 359(pt) of Village Bhandup have formed Respondent No.3 societies i.e. Janseva SRA CHS, Janshakti SRA CHS and Jankalyan SRA CHS and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Respondent No.3 Societies appointed Respondent No.1 i.e. M/s. Richmond Realtors as developer for redevelopment. Pursuant to the appointment, the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority on land admeasuring 12406.80 sq. mtrs. The said land is owned by MCGM. The proposal of subject SR Scheme is duly accepted on 01.08.2008. Annexure-II is issued by Competent Authority on 01.04.2016 for total 480 slum dwellers, out of which 213 slum dwellers were declared as eligible. Letter of Intent was issued on 18.02.2017 and the same is revised on 09.01.2020. Intimation of Approval for rehab building no.1 was issued on 23.02.2017 and the same is lastly amended on 24.01.2020. Plinth Commencement Certificate for rehab building no.1 was issued on 05.11.2020. Further Commencement Certificate for rehab building no.1 is extended upto 22nd floor as per amended approved plans on 06.01.2021. Intimation of Approval for rehab building no.2 was issued on 23.02.2017 and amended on 19.07.2021. Plinth Commencement Certificate for rehab building no.2 was issued on 28.12.2018. The factsheet further reveals that the rehab building no.1 RCC, brick & plaster work is completed upto 22nd floor. For Rehab building no.2 Plinth is completed.

Due to non-payment of rent to the slum dwellers of Janseva SRA CHS (Prop) since the year 2020, they have submitted an Application to this Authority. In said Application they alleged that they received only 50% transit rent and the developer also failed to



pay the enhanced rent @10% increase per annum. Further few members of the Janseva SRA CHS (Prop.) has submitted an application in prescribed form to this Authority for payment of arrears of rent. Pursuant to the said applications, this Authority called the representative of society to remain present. The meeting was held on 04.07.2022. During said meeting slum dwellers informed that the Respondent No.1 is not paying rent to them and therefore requested to initiate action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

Pursuant to said direction, the present proceedings are initiated against Respondents. Accordingly notices were issued to all the parties and the matter was heard on 29.07.2022 and 26.08.2022. During the hearing dated 29.07.2022, the Respondent No.1 developer had admitted that they have paid approximately an amount of Rs.1.42 Crores towards transit rent and undertake to pay the balance rent within period of 8 days. The matter is heard lastly on 26.08.2022. On said day representatives of the Respondent No.3 Societies remain present. Shri. Abhishek Vichare remain present for Respondent No.1 Developer. Parties were heard at length and the matter was closed for order. The directions were given to Respondent No.3 Societies to submit details of pending rent and thereafter the Respondent No.1 is directed to submit written submission within 8 days.

CASE OF RESPONDENT NO.3 SOCIETIES

According to Respondent No.3 Societies they have no any grievance against Respondent No.1 and in support of their contention, they have submitted letter dated 20.03.2023 stating that they are regularly receiving transit rent from Respondent No.1 since the date of closing of present proceedings for order. Further the construction work is also started by them. The Respondent No.3 societies further stated that they have full trust in Respondent No.1 that they will complete the subject SR Scheme at the earliest. On

these grounds the Respondent No.3 prayed to drop present proceeding initiated against Respondent No.1.

ARGUMENT OF RESPONDENT NO.1 DEVELOPER

It is the version of Respondent No.1 that they have been appointed as developer by Respondent No.3 Societies. Pursuant to their appointment, the proposal of subject SR Scheme is submitted to this Authority and the same is accepted on 01.08.2008. The construction work of rehab building 1 is at the verge of completion. There are three societies out of which 2 societies have no any grievance against them in respect of transit rent. Further they have cleared the arrears of rent of Janseva CHS (Prop.). At present RCC Construction work of rehab building no.1 is completed and internal brick work is completed till 20th floor. It is further version of Respondent No.1 that till date they have paid rent amounting to Rs. 22,47,17,500/- and also invested more than Rs.50 crores approximately towards construction and other expenses. The Respondent No.1 is ready and willing to complete the subject SR Scheme and also ready to discharge all his liabilities towards eligible slum dwellers. On these grounds Respondent No.1 prayed to drop the present proceedings initiated against them.

REASONS

From the facts and circumstances on record the issue that arise for determination of this Authority is as to whether there is nonpayment of rent and inordinate delay on the part of Respondent No.1 in implementation of subject SR Scheme.

Before proceeding to discuss the rival contentions it is necessary to look into the factual aspects of subject SR Scheme. The proposal of subject SR Scheme is accepted by this Authority on 01.08.2008. Annexure-II is issued by Competent Authority on 01.04.2016 for total 480 slum dwellers, out of which 213 slum dwellers were declared as eligible. Letter of Intent was issued on 18.02.2017 and the same is revised on 09.01.2020. Intimation of Approval for

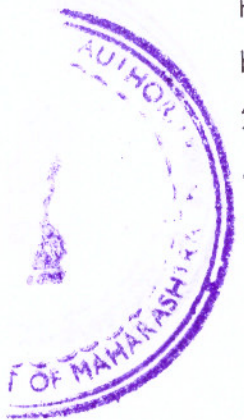


rehab building no.1 was issued on 23.02.2017 and the same is lastly amended on 24.01.2020. Plinth Commencement Certificate for rehab building no.1 was issued on 05.11.2020. Further Commencement Certificate for rehab building no.1 is extended upto 22nd floor as per amended approved plans on 06.01.2021. Intimation of Approval for rehab building no.2 was issued on 23.02.2017 and amended on 19.07.2021. Plinth Commencement Certificate for rehab building no.2 was issued on 28.12.2018.

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.

It is the version of Respondent No.1 that the construction work of rehab building no.1 is on the verge of completion. They have also paid arrears of rent of Janseva CHS (Prop.). It is further version of Respondent No.1 that at present RCC Construction work of rehab building no.1 is completed and internal brick work is completed till 20th floor. According to the Respondent No.1 they have paid rent amounting to Rs. 22,47,17,500/- and have invested more than Rs. 50 crores approximately towards construction and other expenses. It is the version of Respondent No.1 that they are ready and willing to complete the subject SR Scheme and also ready to discharge all their liabilities towards eligible slum dwellers. The said contention of Respondent No.1 is supported by Respondent No.3 societies.

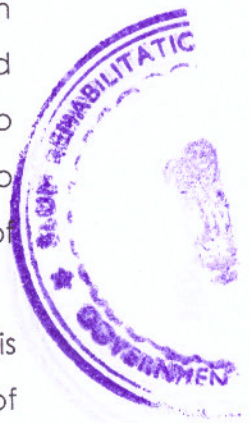
There is copy of report of Assistant Registrar/SRA dated 06.07.2023 on record. In said report they have stated that they are in



receipt of letters from Respondent No.3 Societies wherein they have mentioned that Respondent No.3 have no any grievance against Respondent No.1 in respect of payment of transit rent. The report further states that Respondent No.3 societies have not mentioned as to how many slum dwellers have been paid with the transit rent. Though the present proceeding is initiated on account of nonpayment of rent to Respondent No.3 slum dwellers, the Respondent No.3 through letter dated 20.03.2023 have stated that have no any grievance against Respondent No.1 as they are regularly receiving transit rent from Respondent No.1 and therefore they have full trust on Respondent No.1.

There is also a report of engineering department dated 17.03.2023 on record. In said report the Executive Engineer/SRA has stated that the RCC work and brick work of rehab building no.1 is completed on site and internal and external finishing work is pending. Further the plinth work is completed for rehab building no.2 and no construction work is in progress in respect of sale building. Further from the report of Executive Engineer, it appears that the developer has completed substantial work of rehab component without starting the construction of sale building. The said approach of Respondent No.1 shows that the Respondent No.1 is willing and ready to complete the construction work in time bound manner. So in order to protect the interest of the slum dwellers, it is necessary to direct the Respondent No.1 to submit bar chart stating period of completion of rehab component.

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. Richmond Realtors in respect of subject SR Scheme i.e. CTS No.333(pt), 334(pt), 335(pt), 336, 359(pt) of Village Bhandup for "Janseva SRA CHS, Janshakti SRA CHS and Jankalyan SRA CHS" 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 Executive Engineer/SRA is directed to visit the site periodically and to ensure the timely completion of the scheme.
4. The Respondent No.1 is directed to pay the rent of slum dwellers including arrears if any within a stipulated period in accordance with circular no.153 of Slum Rehabilitation Authority.

Place: - Mumbai

Date: - **11 AUG 2023**


Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Janseva SRA CHS & 2 Ors./51 /2023

Date: **11 AUG 2023**

Copy to:

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Subhash Nagar, Bhandup (West), Mumbai - 400 078

4. Dy. Chief Engineer/SRA
5. Executive Engineer (S Ward)/SRA
6. Tahasildar-3/SRA
7. Financial Controller/SRA
8. Assistant Registrar (E.S.)/SRA
- ✓ 9. Information Technology Officer/SRA
10. Chief Legal Consultant/SRA

