



SLUM REHABILITATION AUTHORITY

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

SRA/ENG/2436/PN/MHL/LOI

Malad Shivaji Nagar Santaji Dhanaji CHS Ltd.
CTS No.291A(Pt.) of Village Kurar,
Taluka Borivali, Shivaji Nagar,
Kurar Gaon, Malad (East),
Mumbai – 400 097

... Applicant

V/s

1. M/s. Roopam Pariket Developers,
B/27, Ashoka Apt. Bachani Nagar Rd.,
Malad (East), Mumbai - 400 097
2. M/s. Arch View Associates,
Flat No.46/2250, Suprabhat CHS,
Gandhi Nagar, Bandra (East),
Mumbai – 400 051



Respondents

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

ORDER

(Passed on 9/10/23)

These proceedings are initiated pursuant to representation of Applicant dated 06.04.2023 in respect of Slum Rehabilitation Scheme on land bearing CTS No.291A(Pt.) of Village – Kurar, Taluka - Borivali for Malad Shivaji Nagar Santaji Dhanaji CHS Ltd. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject S.R. Scheme".

[Handwritten signatures and initials]
SRA

BRIEF FACTS:

The slum dwellers residing on land bearing CTS No.291A(Pt.) of Village – Kurar, Taluka - Borivali have formed the Applicant Society and in General Body Meetings resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Applicant society appointed Respondent No.1 as Developer & 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 2416.04 sq. mtrs. The said land is owned by MHADA. The proposal of subject S. R. scheme is accepted by Slum Rehabilitation Authority on 21.09.2010. The certified Annexure-II is issued by Competent Authority 17.07.2018. Out of total 120 slum dwellers, 42 slum dwellers are declared eligible. However thereafter, no permission is issued to subject SR Scheme and the scheme is stand still.

The Applicant submitted application dated 06.04.2023 for termination of appointment of Respondent No.1 as Developer on the ground of inordinate delay on the part of Respondent No.1. So the notice for hearing was issued to Respondents to show cause as to why the action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 should not be taken. The matter was heard on 12.06.2023. On said day representatives of Applicant society remain present. Advocate Rahul Chhatbar for Respondent No.1 remain present. Parties are heard at length and matter was closed for order.

ARGUMENT OF APPLICANT

According to Applicant, they have formed Applicant society for redevelopment of land in their occupation and accordingly they have passed resolution for appointment of Respondent No.1 as developer. It is further version of Applicant that the proposal of subject SR Scheme is duly accepted by this Authority on 21.09.2010.



The certified Annexure-II is issued by Competent Authority on 17.07.2018. Out of total 120 slum dwellers, 42 slum dwellers are declared eligible. It is the case of Applicant that the Respondent No.1 has submitted letter dated 10.04.2023 stating that due to their personal difficulty they are unable to redevelop the said land, so their appointment may be cancelled and M/s. Jaliyan B Right Developers LLP may be appointed as new developer.

CASE OF RESPONDENT NO.1

There is letter dated 10.04.2023 of Respondent No.1 on record. In said letter, the Respondent No.1 has stated that due to personal difficulty they are not in position to implement subject SR Scheme and M/s. Jaliyan B Right Developers LLP may be appointed as new developer as per mutual understanding between them.

ISSUES & REASONS

The slum dwellers residing on land bearing CTS No.291A(Pt.) of Village – Kurar, Taluka - Borivali formed Applicant society and appointed Respondent No.1 as developer to implement the SR Scheme on land in its occupation. The proposal of the subject SR Scheme of Applicant is submitted to Slum Rehabilitation Authority and it was duly accepted on 21.09.2010. The certified Annexure-II is issued by Competent Authority on 17.07.2018. Out of total 120 slum dwellers, 42 slum dwellers are declared eligible.

The record reveals that through order dated 12.10.2018, Secretary/SRA passed an order u/s 13 (2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 rejecting the application of society and order of Secretary/SRA has been confirmed by the Hon'ble Apex Grievance Redressal Committee on 17.06.2019 in Application (L) No.238 of 2018. The order of Apex Grievance Redressal Committee is challenged by Applicant before the Hon'ble High Court in Writ Petition No.3126 of 2019. The record further reveals that Advocate for

Petitioner tenders copy of resolution passed by the Petitioner society instructing him to withdraw the Petition and Hon'ble High Court through order dated 14.03.2023 disposed of the same.

Since appointment of Respondent No.1 in the year 2010, the period of around 13 years has passed but till date no approvals are obtained by Respondent No.1. At this juncture it will be just and proper to mention the observation of Hon'ble High Court in respect of delay and timely completion of scheme. In order dated 01.03.2013 in Writ Petition No. 2349 of 2012 M/s. Hi Tech India Construction V/s. Chief Executive Officer/SRA, the Hon'ble High Court has observed that the mere issuance of letter on the part of developer would not indicate that there was no delay on the part of developer. These are Slum Rehabilitation Schemes and it is for the Developer to pursue the matter and to ensure that the scheme is implemented without delay. For the sake of convenience the para 5 of said order is reproduced as it is;

"The mere issuance of the letter dated 15th May, 2008, would not indicate that there was no delay on the part of the petitioners. These are slum rehabilitation schemes. It is for the developers to pursue the matter and to ensure that the scheme is implemented without delay. Developers cannot, by merely addressing letters to the authorities, sit back and contend that they had nothing more to do in the matter till they received a reply"

There is no progress at all and scheme is stand still. It is pertinent to note that the Respondent No.1 has submitted Application dated 10.04.2023 stating that due to their personal difficulty they are unable to redevelop the said land, so their appointment may be cancelled and M/s. Jaliyan B Right Developers LLP may be appointed as new developer. Accordingly following order is passed.



[Handwritten signature]

ORDER

1. The Respondent No.1 i.e. M/s. Roopam Pariket Developers is hereby terminated as developer of subject SR Scheme i.e. SR Scheme on land CTS No.291A(Pt.) of Village – Kurar, Taluka - Borivali for Malad Shivaji Nagar Santaji Dhanaji CHS Ltd.
2. The Applicant society i.e. Malad Shivaji Nagar Santaji Dhanaji CHS Ltd. is at liberty to appoint new developer in accordance with rules, regulations and policy of Slum Rehabilitation Authority.
3. The new incoming developer to reimburse the actual expenses incurred by Respondent No.1 as per provisions of section 13(3) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

Place:- Mumbai

Date:- **09 OCT 2023**


Chief Executive Officer
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Malad Shivaji Nagar Santaji Dhanaji/62/2023

Date: **09 OCT 2023**

Copy to:

1. Malad Shivaji Nagar Santaji Dhanaji CHS Ltd.
CTS No.291A(Pt.) of Village Kurar,
Taluka Borivali, Shivaji Nagar,
Kurar Gaon, Malad (East),
Mumbai – 400 097
2. M/s. Roopam Pariket Developers,
B/27, Ashoka Apt. Bachani Nagar Rd.,
Malad (East), Mumbai - 400 097
3. M/s. Arch View Associates,
Flat No.46/2250, Suprabhat CHS,
Gandhi Nagar, Bandra (East),
Mumbai – 400 051
4. Deputy Chief Engineer/SRA
5. Executive Engineer (P/N)/SRA
6. Tahsildar-2/SRA

7. Finance Controller/SRA
8. Chief Legal Consultant/SRA
9. Joint Registrar (W.S.)/SRA
10. IT Officer/SRA

