

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

No. SRA/ENG/2614/MW/STGL/LOI

Slum Rehabilitation Authority
V/s

... Applicant

1. M/s. Shreeman Housing &
Infrastructure Developers LLP
157/161, Princess Street, Zaveri Bldg.,
1st Floor, Next to Bank of India Bldg.,
Kalbadevi- 400 002

2. M/s. Ruparel Buildcon Pvt. Ltd.
Ruparel Irej, Level-14,
Senapati Bapat Marg,
Matunga Road (West),
Mumbai -400016

3. Shuddhodhan SRA CHS
N. K. Gaikwad Marg,
Near Eastern Express Highway,
Siddharth Colony, Chembur,
Mumbai- 400 071

4. Samata SRA CHS
N.K. Gaikwad Marg,
Near Eastern Express Highway,
Siddharth Colony, Chembur,
Mumbai- 400 071



... Respondents

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

ORDER
(Passed on 15/9/23)

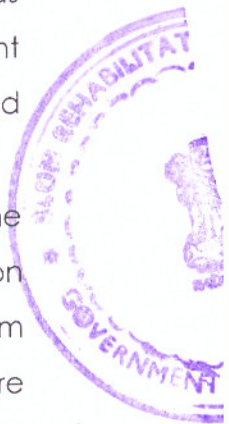
These proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No. 471(pt) of Village Chembur for "Shuddhodhan CHS (Prop.)" pursuant to the direction of Hon'ble Apex Grievance Redressal Committee dated 17.03.2023 in Application No.246 of 2022. Hereinafter the above said 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:

Initially the proposal was submitted by M/s. Amethyst Construction and Infrastructure Co. for Respondent No.3 Society on land bearing CTS No. 471(pt) of Village Chembur, area admeasuring 1999 sq. mtrs. However after submission of proposal on 12.10.2011, no steps were taken by M/s. Amethyst Construction and Infrastructure Co. and therefore the appointment of M/s. Amethyst Construction and Infrastructure Co. was terminated as developer through order dated 18.04.2017 and liberty was granted to Respondent No.3 Society to appoint new developer of their choice. On adjoining part of CTS No. 471(pt) of Village Chembur another proposal was submitted by one M/s. Adishakti Developers & M/s. Amethyst Construction and Infrastructure Co. for Respondent No.4 Society. However, the said proposals were not complete in all aspects, so the then Chief Executive Officer/SRA through order dated 29.06.2017 recorded the proposals of M/s. Adishakti Developers & M/s. Amethyst Construction and Infrastructure Co. and liberty was also granted to appoint new developer of their choice. Later on, the Respondent No.4 Society was merged with Respondent No.3 Society. The newly formed Respondent No.3 Society appointed the Respondent No.1 as developer and submitted proposal of the subject SR Scheme.

The proposal for acceptance cum amalgamation of SR Scheme of Samata SRA CHS with Shudhodhan SRA CHS is accepted on 13.04.2018 by this Authority subject to recovery of 5% land cost from Respondent No.1 as new developer of subject SR Scheme before issuance of Letter of Intent as per office order dated 23.03.2015. The said order dated 13.04.2018 is challenged by Respondent No.1 & 3 in Hon'ble Apex Grievance Redressal Committee in Application No. 341 of 2019 and through order dated 03.09.2021 the Hon'ble Committee remanded the matter back to this Authority on 03.09.2021. Pursuant to said directions this Authority has passed an order dated 03.02.2022 and



accepted the claim of Respondent No.1 & 3 that no land premium is required to be paid to Slum Rehabilitation Authority in terms of office order dated 23.03.2015.

The record reveals 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. 308. The said Public Notice dated 20.04.2022 is challenged by Respondent No.1 & 3 before the Hon'ble Apex Grievance Redressal Committee vide Application No. 246 of 2022. In said Application the Respondent No.2 and 4 filed an intervention Application alleging that Respondent No.2 is newly appointed developer in subject SR Scheme. During the hearing the request of Intervener is rejected by the Hon'ble Apex Grievance Redressal Committee. Therefore, relying upon the order passed by Hon'ble High Court in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr., the Apex Grievance Redressal Committee passed an order dated 17.03.2023 in Application No. 246 of 2022 and set aside the Public Notice dated 20.04.2022 to the extent of Sr. No. 308 for subject SR Scheme. The Hon'ble Apex Grievance Redressal Committee has also directed this Authority to take action in accordance with law in respect of subject SR Scheme.

Pursuant to the said directions, notices were issued to the concerned parties and matter was heard on 19.04.2023 and 04.05.2023. On 04.05.2023 Adv. Anand for Respondent No.1 and 3 remain present. The representatives of Respondent No.2 also remain present. Adv. Manoj K. Pande for Respondent No.4 society remain present. 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 & 3

It is the version of Respondent No.1 & 3 that the proposal of subject SR Scheme was originally submitted by one M/s. Amethyst

Construction and Infrastructure Co. on 12.10.2011 for 120 slum dwellers for land adm. 1999 sq.mtrs. Due to failure on the part of M/s. Amethyst Construction and Infrastructure to comply with the obligations of the subject SR Scheme, the then Chief Executive Officer/SRA through order dated 18.04.2017 terminated their appointment. It is further version of Respondents that there are two proposals submitted by M/s. Amethyst Construction and Infrastructure Co. & M/s Adishakti Developers on adjoining plot of land CTS No.471 (pt) for Respondent No.4 Society and the same was recorded by the then Chief Executive Officer through order dated 29.06.2017. Subsequently, the Respondent No.4 Society merged and amalgamated with the Respondent No.3 for betterment of development and accordingly through General Body Resolution dated 20.08.2017, the Respondent No.1 was appointed as Developer of subject SR Scheme. After obtaining necessary NOC's, this Authority accepted the LOI scrutiny fees on 13.06.2018. Pursuant to payment of LOI scrutiny fees, this Authority issued Acceptance letter dated 12.06.2016 to Respondent No.1.

It is further version of Respondent No.1 & 3 that condition to pay 5% premium towards land cost was imposed for Respondent No.4 society, the said condition were challenged by Respondent No.1 & 3 in Application No. 341 of 2019. According to Respondent No.1 & 3 the proposal of subject SR Scheme was excluded from the Scheme of Siddharth Colony Vikas Seva Sangh Housing Federation SRA CHS submitted by Respondent No.2 Developer. In the meanwhile through order dated 03.09.2021 the Hon'ble Apex Grievance Redressal Committee remanded the Application No. 341 of 2019 to this Authority to pass an appropriate order after following due process of law. Pursuant to said directions this Authority has passed an order dated 03.02.2022 and accepted the claim of Respondent No.1 & 3 that no land premium is required to be paid to Slum Rehabilitation Authority in terms of office order dated 23.03.2015.

It is further version of Respondent No.1 & 3 that through Public Notice dated 20.04.2022, this Authority has recorded 517 dormant



proposals in which the developers and societies failed to take necessary steps. In said list, the proposal of subject SR Scheme is at Sr. No.308. The Respondent No.1 & 3 has challenged the said Public Notice before the Hon'ble Apex Grievance Redressal Committee vide Application No. 246 of 2022. The Hon'ble Apex Grievance Redressal Committee through order dated 17.03.2023 had set aside the Public Notice dated 20.04.2022 to the extent of Sr. No.308 and directed this Authority to take action in accordance with law in respect of subject SR Scheme. It is further version of Respondent No.1 & 3 that the Respondent No.2 submitted bogus General Body Meeting dated 31.07.2022 with false and fabricated signature without the consent of 51% as per circular no.144 of Slum Rehabilitation Authority. According to Respondent No.1 & 3, the Respondent No.2 is delaying the implementation of subject SR Scheme with malafide motive. On these grounds the Respondents have prayed to drop the present proceedings initiated u/s 13(2) of the Maharashtra Slum Area (I, C & R) Act, 1971.

ARGUMENT OF RESPONDENT NO.4

It is the version of Respondent No.4 that the land in their occupation is owned by State Government and they have formed Samata CHS (Prop.) and through General Body Meeting dated 05.09.2010 appointed one M/s. Adishakti Developers as their developers. It is further version of Respondent No.4 that through order dated 29.06.2017 the appointment of M/s. Adishakti Developers were terminated. While accepting the proposal of Respondent No.1, the then Chief Executive Officer/SRA has directed the Respondent No.1 to pay 5% land premium as per office order dated 23.03.2015. However, the Respondent No.1 failed to pay said land premium which shows that they are not in financially sound position for implementation of subject SR Scheme. Further the draft Annexure-II is forwarded in the year 2018. But after lapse of 5 years also the certified Annexure-II is not issued. Even the said draft Annexure-II was prepared and forwarded by earlier developer i.e. M/s. Adishakti Developers. It is the version of Respondent



No.4 that they have waited for redevelopment since the year 2006. According to the Respondent No.4 through letter dated 24.08.2012, the Co-operative Officer of Slum Rehabilitation Authority has recorded that they are not interested to go with Respondent No.1 Developer. The Respondent No.4 further stated that the Respondent No.3 Society is not in existence and their members wish to process with Respondent No.2 Developer. There is total nonperformance on the part of Respondent No.1 and the delay is solely attributable to them. Therefore, the Respondent No.4 has prayed to terminate the Respondent No.1 as their developer for implementation of subject SR Scheme.

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 13.04.2018 and certified Annexure-II is not issued till date. It is submitted on behalf of Respondent No.1 that the delay is not attributable to them but the same is occurred due to rival claim of Respondent No.2 on behalf of Respondent No.4 society. According to Respondent No.1 they are ready and willing to implement the subject SR Scheme on behalf of Respondent No.3 society. Now, this Authority has to decide whether there is intentional delay occurred in implementation of subject SR Scheme. 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.

The factsheet reveals that in subject SR Scheme there are two Societies i.e. Respondent No. 3 & 4. There are 120 members of the



Respondent No.3 Society and 193 members of Respondent No.4 Society. The Respondent No.4 has submitted written submission dated 19.05.2023 on record. According to Respondent No.4 they have formed Samata CHS (Prop) and through General Body Meeting dated 05.09.2010 appointed one M/s. Adishakti Developers as their developers. It is further version of Respondent No.4 that through order dated 29.06.2017 the appointment of M/s. Adishakti Developers were terminated. According to Respondent No.4, though the Chief Executive Officer/SRA has directed the Respondent No.1 to pay 5% land premium as per office order dated 23.03.2015, the Respondent No.1 failed to pay said land premium which shows that they are not financially sound for implementation of subject SR Scheme. It is contended by the Respondent No.4 that even after lapse of 5 years the certified Annexure-II is not issued. It is the version of Respondent No.4 that through letter dated 24.08.2012, the Co-operative officer of Slum Rehabilitation Authority recorded that they are not interested to go with Respondent No.1 Developer. The Respondent No.4 further stated that the Respondent No.3 Society is not in existence and they want redevelopment through the Respondent No.2 Developer.

As against this, according to Respondent No.1 the delay is occurred due to condition incorporated by this Authority in order dated 13.04.2018 to pay 5% premium towards land cost for Respondent No.4 society. The said order dated 13.04.2018 is challenged by Respondent No.1 & 3 in Application No.341 of 2019. Through order dated 03.09.2021, the Hon'ble Apex Grievance Redressal Committee remanded the Application No. 341 of 2019 to this Authority to pass an appropriate order after following due process of law. Pursuant to said directions this Authority has passed an order dated 03.02.2022 stating that the 5% amount of the land cost of sale plot is not required to be paid by the Respondent No.1.

The record reveals that through Public Notice dated 20.04.2022, this Authority has recorded 517 dormant proposals in which the developers and societies failed to take necessary steps. In the said list,

the proposal of subject SR Scheme is at Sr. No.308. The Respondent No.1 & 3 has challenged the said Public Notice before the Hon'ble Apex Grievance Redressal Committee vide Application No. 246 of 2022. The Hon'ble Apex Grievance Redressal Committee through order dated 17.03.2023 had set aside the Public Notice dated 20.04.2022 to the extent of Sr. No.308 and directed this Authority to take action in accordance with law in respect of subject SR Scheme. There is copy of letter dated 02.05.2022 of Respondent No.3 society on record. In said letter the Respondent No.3 society has shown trust and confidence in the Respondent No.1 developer for implementation of the subject SR Scheme.

From above facts, it clearly appears that the Respondent No.3 Society is supporting the Respondent No.1 and Respondent No.4 Society is praying for termination of Respondent No.1 and there are differences among the slum dwellers. There is doubt as to whether the Respondent No.1 is having requisite consent of slum dwellers. In such circumstances it will be just and proper to direct Respondent No.1 to submit fresh General Body Resolution within three months from the date of issue of certified Annexure II. In view of these facts and circumstances this Authority proceeds to pass following order.

ORDER

The proceedings are disposed of as under:

The Respondent No.1 i.e. M/s. Shreeman Housing & Infrastructure Developers LLP to continue as Developer of subject SR Scheme subject to submission of fresh General Body Resolution within three months from the date of issue of certified Annexure II.

Place: Mumbai

Date:

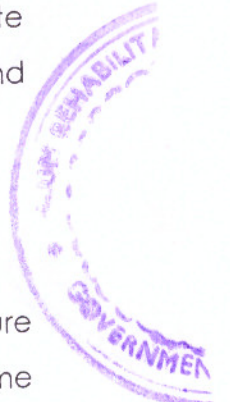
15 SEP 2023

Chief Executive Officer
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Shuddhodhan CHS (Prop)/57 /2023

Date:

15 SEP 2023



Copy to:

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157/161, Princess Street, Zaveri Bldg.,
1st Floor, Next to Bank of India Bldg., Kalbadevi - 400 002
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4. Samata SRA CHS
N.K. Gaikwad Marg,
Near Eastern Express Highway,
Siddharth Colony, Chembur,
Mumbai- 400 071
5. Deputy Chief Engineer/SRA
6. Executive Engineer (M/W)/SRA
7. DSLR/SRA
8. Tahsildar-3/SRA
9. Finance Controller/SRA
10. Chief Legal Consultant/SRA
11. Joint Registrar (E.S.)/SRA
12. IT Officer/SRA

