



**SLUM REHABILITATION AUTHORITY**

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

**NO. SRA/ENG/2138/KW/PVT/LOI**

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Sunshine Builders & Developers.  
E-2, Joshi Apt, 290 S.V. Road,  
Bandra (West), Mumbai – 400 050
2. Shri Vijayanand Raje.  
301, 3<sup>rd</sup> Floor, Nilambari,  
Govindarao Patvardhan Marg,  
Opp. Portuguese Church,  
Dadar (West), Mumbai – 400 028
3. Shree Ganesh CHS (Prop.)  
CTS No. 1588, 1588/1 to 3, 1589, 1589/1 to 4,  
1590/1 to 11 & 1591 of Village  
Vile Parle (West), Mumbai – 400 056



... Respondents

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

**ORDER**

(Passed on **23 AUG 2024**)

These Suo-Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.1588, 1588/1 to 3, 1589, 1589/1 to 4, 1590/1 to 11 & 1591 of Village Parle (West), Mumbai for "Shree Ganesh CHS (Prop.)" pursuant to the note of Executive Engineer (K/W Ward)/SRA dated 24.11.2023. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject

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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.1588, 1588/1 to 3, 1589, 1589/1 to 4, 1590/1 to 11 & 1591 of Village Vile Parle (West), Mumbai formed Respondent No.3 Society i.e. Shree Ganesh 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 Licensed Surveyor for implementation of subject S.R. Scheme. The proposal of subject S.R. Scheme was submitted to Slum Rehabilitation Authority on land measuring 2297.60 sq. mtrs. The said land is private. The proposal of subject S.R. scheme is accepted by Slum Rehabilitation Authority on 11.02.2009. Annexure-II was issued by Competent Authority on 09.03.2012 for total 82 slum dwellers out of which 30 slum dwellers were held 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 24.11.2023 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.151. 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 for hearing were issued to the concerned parties and matter was heard on 11.01.2024. On said day Adv. Anil Patil remain present on behalf of Respondent No.1. Representative of Respondent No.3 Society remain present. The

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

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

According to Respondent No.1 there are total 131 occupants as per Annexure-II and out of which 82 tenants are on ground floor. The remaining 47 tenants are on 1<sup>st</sup> floor & 2 additional tenants on ground floor. It is further version of Respondent No.1 that, since the tenants on first floor are ineligible as per Government policy, therefore they cannot be accommodated in the SR Scheme. There is reservation of Primary School, House for Dis-housed, proposed DP Road of 9.15 mtrs. width, height restriction due to Airport funnel and also railway land abutted to the subject SR Scheme. It is contended by Respondent No.1 that some of the tenants from Anubai Chowls made demand for 450 sq. ft. RERA carpet area in sale and one car parking each though their names are reflected in Annexure-II.

It is further version of Respondent No.1 that they appointed new Architect M/s. Aspire Architects and Consultants for subject SR Scheme and submitted fresh proposal. They are also coordinating with ineligible slum dwellers in order to get decided their eligibility in accordance with changed datum line. They are willing and ready to process further the proposal of subject SR Scheme. According to Respondent No.1, the delay is not attributable to them but the same has occurred due to some disgruntled slum dwellers and their undue demands. Through Public Notice dated 20.04.2022, this Authority has recorded the proposal of subject SR Scheme at Sr. No.151. 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. On these grounds the Respondent No.1 has prayed to drop the present proceedings.

  
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### ARGUMENT OF RESPONDENT NO.3

According to Respondent No.3, they have appointed Respondent No.1 as developer in the year 2009. The Annexure-II is issued in the year 2012. Through Public Notice dated 20.04.2022, this Authority has recorded the proposal of subject SR Scheme at Sr. No.151. 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 Respondent No.3 society has no objection if the Respondent No.1 completes the subject SR Scheme in time bound manner as per terms and conditions of individual Agreement as well as development agreement. On these grounds the Respondent No.3 has prayed to drop the proceedings initiated against Respondent No.1.

### ISSUES

From facts on record 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 11.02.2009 and certified Annexure-II is issued on 09.03.2012 for total 82 slum dwellers out of which 30 slum dwellers were declared as eligible. Thereafter, no further approvals are issued to subject SR Scheme and the scheme is stand still.

Now, it is necessary to verify as to whether there is non-performance and inordinate delay in implementation of subject SR Scheme on the part of Respondent No.1. It is submitted on behalf of Respondent No.1 that the delay is not attributable to them but the same has occurred due to some disgruntled slum dwellers and their undue demands. It is further version of Respondent No.1 that there is reservation of Primary School, House for Dis-housed, proposed DP

CEO / SRA.



Road of 9.15 mtrs. width, height restriction due to Airport funnel and also railway land abutted to the subject SR Scheme.

The Respondent No.3 Society has not made demand for change of Respondent No.1 developer. The present proceeding is initiated pursuant to note of Engineering department dated 24.11.2023. 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.151. 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 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. There is copy of report of Deputy Director of Land Records/SRA dated 09.02.2022 on record. It appears from said report that the Respondent No.1 is the owner of said land.

It is pertinent to note that the Respondent No.1 is owner of the land of subject SR Scheme. In the event of termination of Respondent No.1, the society will be required to move proposal for acquisition of said land for which considerable time will be required. Moreover the possibility of litigation cannot be ruled out. Moreover the Respondent No.3 Society is supporting the Respondent No.1. The Respondent No.3 society in its written submission has stated that they have no objection if Respondent No.1 completes the Scheme in time bound manner as



SRA

per Agreement. Considering the stand of society, various reservation, height restriction, etc., this Authority is of opinion that there is no intentional delay on the part of Respondent No.1 and it will be just and proper to drop the proceedings. Accordingly this Authority proceeds to pass following order.

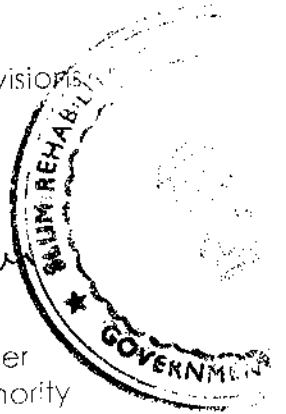
**ORDER**

1. The Proceedings initiated u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1 i.e. M/s. Sunshine Builders & Developers in respect of subject SR Scheme i.e. SR Scheme on land CTS No.1588, 1588/1 to 3, 1589, 1589/1 to 4, 1590/1 to 11 & 1591 of Village Vile Parle (West), Mumbai for Respondent No.3 i.e. Shree Ganesh CHS (Prop.) is 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 is directed to comply with the provisions of circular no.210 of Slum Rehabilitation Authority.

Place:- Mumbai

Date:- 23 APR 2024

8/4/2024  
Chief Executive Officer  
Slum Rehabilitation Authority



No. SRA/CEO/13(2)/Shree Ganesh CHS (Prop.)/33/2024

Date: 23 APR 2024

Copy to:

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E-2, Joshi Apt, 290 S.V. Road,  
Bandra (West), Mumbai - 400 050
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1590/1 to 11 & 1591 of Village  
Vile Parle (West), Mumbai - 400 056
4. Deputy Chief Engineer/SRA
5. Executive Engineer (K/W Ward)/SRA
6. DDLR/SRA
7. Deputy Collector (Spi. Cell)/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Assistant Registrar (W.S.)/SRA
11.  Officer/SRA

