



**SLUM REHABILITATION AUTHORITY**

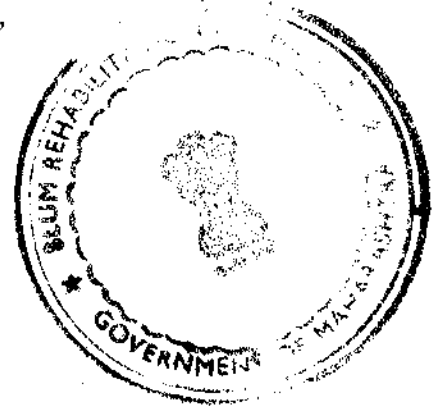
**BEFORE THE CHIEF EXECUTIVE OFFICER,  
SLUM REHABILITATION AUTHORITY,  
BANDRA (EAST), MUMBAI**

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Transindia Buildhome Ltd.  
322, 3<sup>rd</sup> Floor, The Summit Business Park,  
Andheri Kurla Road, Near WEH Metro Station,  
Andheri (East), Mumbai - 400 093
2. Maharashtra Nagar Residents SRA CHS Ltd.  
Chawl No.8/2, Maharashtra Nagar,  
CTS No.629 of Village Bandra (East),  
Shri Hari Mandir Marg,  
Near Kherwadi Police Station,  
Bandra (East), Mumbai - 400 051
3. i) Sanyukt Maharashtra Nagar  
& Ambedkar Nagar Rahiwashi Vikas Seva Sangh CHS,  
(ii) Sai Durga SRA CHS,  
(iii) Azad Hind Welfare CHS  
CTS No.629, Near Nallah, Bharat Nagar Road,  
Shri Hari Mandir Road, Bandra (East),  
Mumbai - 400 051
4. Dr. Babasaheb Ambedkar Nagar Rahiwashi Sai CHS,  
Ambedkar Nagar, Behind Kanakia Palace,  
Bandra (East), Mumbai - 400 051



... Respondents

**ORDER**

(Passed on 27.08.2023)

These proceedings are initiated pursuant to the directions of Hon'ble High Court in order dated 21.08.2023 in Writ Petition (L) No.21177 of 2023. Through said order the Hon'ble High Court directed the Slum Rehabilitation Authority to take fresh decision in accordance

with applicable rules. The brief facts which lead to present proceedings are as under;

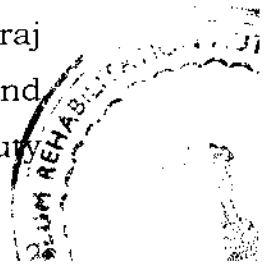
**BRIEF FACTS**

The record of engineering department reveals factual position of SR Schemes of Respondent No.2 to 4 as under;

a) The slum dwellers residing on part portion of land bearing CTS No.629(Pt.) of Village Bandra (East) have formed Respondent No.2 society i.e. Maharashtra Nagar Residents SRA CHS and resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. Initially they appointed one M/s. Shree Gajraj Housing Nirman Pvt. Ltd. as developer. Due to non-performance and inordinate delay, the said developer was terminated by the then Chief Executive Officer/SRA through order dated 10.04.2018 and thereafter Respondent No.1 was appointed as developer by said society as per letter of co-operative department of SRA dated 19.07.2018.

(b) The slum dwellers residing on part portion of land bearing CTS No.629(Pt.) of Village Bandra (East) have formed Respondent No.3 societies i.e. (i) Sanyukt Maharashtra Nagar & Ambedkar Nagar Rahiwashi Vikas Seva Sangh CHS, (ii) Sai Durga SRA CHS and (iii) Azad Hind Welfare CHS and resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. Initially they appointed one M/s. J.M.S. Vastu & Builders Pvt. Ltd. as developer. Due to non-performance and inordinate delay, the said developer was terminated by the Secretary/SRA through order dated 15.05.2018 and thereafter Respondent No.1 was appointed as developer by said societies as per letter of co-operative department of SRA dated 15.06.2019.

(c) The slum dwellers residing on part portion of land bearing CTS No.629(Pt.) of Village Bandra (East) have formed Respondent No.4 society i.e. Dr. Babasaheb Ambedkar Nagar Rahiwashi Sai CHS (Prop.) and resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. Initially they appointed one M/s. Shree Gajraj Housing Nirman Pvt. Ltd. as developer. Due to non-performance and inordinate delay, the said developer was terminated by Deputy



Collector/SRA through order dated 22.08.2019 and thereafter Respondent No.1 was appointed as developer by said society as per letter of co-operative department of SRA dated 17.10.2019.

The record of engineering department further reveals that Respondent No.1 were appointed as developer by Respondent No.2 to 4 societies in the year 2018-19, since then Respondent No.1 failed to obtain Approvals to subject SR Schemes. Even the Respondent No.1 has submitted application for Revised LOI for amalgamation of already approved SR Schemes of Respondent No.2 to 4 societies and the same is pending till date due to non-compliance of the conditions such as NOC of CFO, NOC of MMRDA, etc. The engineering department through letter dated 28.02.2023 informed the Respondent No.1 that their proposal cannot be processed further. However inspite of issuance of said letter, the Respondent No.1 failed to comply the conditions as mentioned in said letter.

Due to delay on the part of Respondent No.1 in obtaining further approvals for abovesaid SR Schemes as well as pursuant to remarks of MMRDA, the engineering department through letter/order dated 23.06.2023 recorded the proposal of the abovesaid SR Schemes. The said order is challenged by Respondent No.2 to 4 in Hon'ble High Court being Writ Petition (L) No.21177 of 2023. The Hon'ble High Court through order dated 21.08.2023 set aside the said letter/order dated 23.06.2023 issued by Executive Engineer/SRA and remanded back the matter to SRA for appropriate consideration and decision by following the applicable rules. Pursuant to the said order the present proceedings are initiated.

### **HEARING**

The notices were issued to the Respondents and parties are heard on various dates. On 12.04.2024, Advocate Anand appeared on behalf of Respondent No.1. The representatives of Respondent No.2 to 4 societies also remain present. Parties were heard at length and matter is closed for order. The directions were given to parties to submit their written submissions within seven days.

HON'BLE  
JUDGE

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

According to Respondent No.1, the Respondent No.2 to 4 appointed them as developer of subject SR scheme. There are 1440 slum dwellers. According to Respondent No.1, the Respondent No.2 to 4 societies appointed them as developer through General Body Resolutions after termination of appointment of erstwhile developers. The General Body Resolutions of Respondent No.2 to 4 societies were also confirmed by the Assistant Registrar of SRA through letters dated 19.07.2018, 15.06.2019 & 17.10.2019 respectively. Pursuant to appointment they have submitted an application for revised LOI for amalgamation of SR Schemes of Respondent No.2 to 4 societies. Accordingly the engineering department through letter dated 12.03.2021 forwarded the proposal to concerned department of SRA as per circular no.144 of SRA. It is further version of Respondent No.1 that due to non issuance of Annexure-II to Respondent No.4 society, the engineering department through letter dated 25.08.2021 informed them that their proposal for Revised LOI cannot be processed. It is further version of Respondent No.1 that inspite of publication of draft Annexure-II of Respondent No.4 society, the Competent Authority failed to issue certified Annexure-II.

According to Respondent No.1 the subject SR Scheme falls under CRZ. So they took steps to deal with the said issues. After perusing the matter by them, the Institute of Remote Sensing Anna University, Chennai through its report dated 19.07.2021 opined that the subject SR Schemes are falling outside the CRZ area. It is further version of Respondent No.1 that they have also assisted for deciding the eligibility of 36 slum dwellers of Respondent No.2 societies. According to Respondent No.1, there are reservations such as areas to unreclaimed area, 15 mtrs. wide wooded area and protected forest and they have made request to Urban Development Department for deletion of said reservations and the same is still pending.

It is further version of Respondent No.1 that the delay is caused due to non-compliance of orders passed u/s 13(2) of the Slum Act with



respect to appointment of valuer and to determine the expenses incurred by erstwhile developers. Only in respect of SR Scheme of Respondent No.2, the valuer was appointed on 20.07.2022. In the meanwhile the proposal of Respondent No.1 was recorded through letter/order dated 23.06.2023 and thereafter the said order is set aside by the Hon'ble High Court through order dated 21.08.2023 in Writ Petition (L) No.21177 of 2023. The SRA has issued show cause notice dated 26.03.2024 without mentioning the cause for which show cause notice were given and the same is also under the signature of Chief Legal Consultant/SRA who has no delegation of power u/s 3(S) of the Slum Act. On these grounds the Respondent No.1 has prayed to withdraw the present proceedings initiated against them.

**ARGUMENT OF RESPONDENT NO.2 to 4**

According to Respondent No.2 to 4, the Respondent No.1 is appointed as developer through General Body Resolutions after termination of appointment of erstwhile developers. The General Body Resolutions of Respondent No.2 to 4 societies were also confirmed by the Assistant Registrar of SRA through letters dated 19.07.2018, 15.06.2019 & 17.10.2019 respectively. Pursuant to appointment Respondent No.1 submitted an application for revised LOI for amalgamation of SR Schemes of Respondent No.2 to 4 societies. Accordingly the engineering department through letter dated 12.03.2021 forwarded the proposal to concerned department of SRA as per circular no.144 of SRA. It is further version of Respondent No.2 to 4 that due to non issuance of Annexure-II to Respondent No.4 society, the engineering department through letter dated 25.08.2021 informed the Respondent No.1 that their proposal for Revised LOI cannot be processed. It is further version of Respondent No.2 to 4 that inspite of publication of draft Annexure-II of Respondent No.4 society, the Competent Authority failed to issue certified Annexure-II.

According to Respondent No.2 to 4 the subject SR Scheme falls under the CRZ. So the Respondent No.1 took steps to deal with the said issue. After pursuing the matter by Respondent No.1, the Institute of

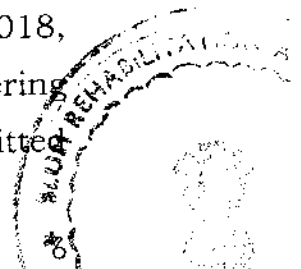
Remote Sensing Anna University, Chennai through its report dated 19.07.2021 opined that the subject SR Schemes are falling outside the CRZ area. It is further version of Respondent No.2 to 4 that the Respondent No.1 has also assisted for deciding the eligibility of 36 slum dwellers of Respondent No.2 societies. According to Respondent No.2 to 4 societies, there are reservations such as areas to unreclaimed, 15 mtrs. wide wooded area and protected forest and the Respondent No.1 has made request to Urban Development Department for detection of said reservations and the same is still pending.

It is further version of Respondent No.2 to 4 that the delay is also caused due to non-compliance of orders passed u/s 13(2) of the Slum Act with respect to appointment of valuer and determine the expenses incurred by erstwhile developers. Only in respect of SR Scheme of Respondent No.2, the valuer was appointed on 20.07.2022. In the meanwhile the proposal of Respondent No.1 was recorded through letter/order dated 23.06.2023 and the same is set aside Hon'ble High Court through order dated 21.08.2023 in Writ Petition (L) No.21177 of 2023. This Authority has issued show cause notice dated 26.03.2024 without mentioning the cause for which show cause notice were given and the same is under the signature of Chief Legal Consultant/SRA who has no delegation of power u/s 3(S) of the Slum Act. On these grounds the Respondent No.2 to 4 prayed to withdraw the present notice issued against them.

### **REASONS**

From rival contentions the issue that arise for determination of this Authority is as to whether the Respondent No.1 failed to obtain approvals to subject SR Schemes and whether there is delay on the part of Respondent No.1 in implementing the subject SR Scheme?

From record of engineering department it appears that the appointment of erstwhile developers for SR Schemes of Respondent No.2 to 4 was terminated through separate orders dated 10.04.2018, 15.05.2018 & 22.08.2019 respectively. The record of engineering department further reveals that Respondent No.1 has submitted



application for Revised LOI for amalgamation of already approved SR Schemes of Respondent No.2 to 4 societies. Accordingly the proposal is forwarded to concerned departments of SRA as per circular no.144 of SRA for obtaining their remarks. Due to non-compliance of the conditions such as NOC of CFO, NOC of MMRDA, etc. the engineering department through letter dated 28.02.2023 informed the Respondent No.1 that their proposal cannot be processed further.

The record reveals that the Respondent No.1 has failed to comply the following conditions;

1. That the site is not inspected jointly alongwith this office staff.
2. That the plans are not submitted as per DCPR 2034.
3. That the detail updated floor wise plans are not submitted.
4. The NOC from C.F.O. is not submitted.
5. That the MMRDA is the Special Planning Authority of land under reference. NOC from MMRDA is not submitted.
6. That the DP by MMRDA is not submitted.
7. Compliance of remarks pointed out during the scrutiny of the proposal.

However inspite of issuance of said letter, the Respondent No.1 failed to comply the abovesaid conditions. There is copy of report of Executive Engineer/SRA dated 31.08.2023 on record. The report of engineering department reveals that, the appointment of Developer/Architect was not done as per circular no.144 of SRA. The report further reveals that there are remarks from MMRDA mentioning the SR Schemes falls under "area to be kept unreclaimed".

In view of the abovesaid facts as well as due to delay on the part of Respondent No.1 in obtaining further approvals for abovesaid SR Schemes as well as remarks of MMRDA, the engineering department through letter/order dated 23.06.2023 recorded the proposal of the abovesaid SR Schemes.

There is no any justifiable reason forthcoming from Respondent No.1 for such inordinate delay and compliance of the abovesaid conditions as mentioned in letter dated 28.02.2023. So, considering

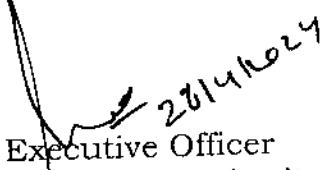
these facts, this Authority is of the view that the proposal of Respondent No.1 is needs to be recorded. Accordingly this Authority proceed to pass following order.

**ORDER**

The proposal of Respondent No.1 in respect of SR Schemes on land CTS No.629(Pt.) of Village Bandra (East) for Respondent No.2 to 4 is hereby recorded.

Date: 21 APR 2024

Place: Mumbai

  
Chief Executive Officer  
Slum Rehabilitation Authority

No.: SRA/CEO/HC Dir./Maharashtra Nagar/ 38 /2024

Date: 20 APR 2024

Copy to:

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4. Dr. Babasaheb Ambedkar Nagar Rahiwashi Sai CHS,  
Ambedkar Nagar, Behind Kanakia Palace,  
Bandra (East), Mumbai - 400 051
5. Deputy Collector (Special Cell)/SRA.
6. Dy. Chief Engineer/SRA.
7. Executive Engineer H/E Ward/SRA.
8. Financial Controller/SRA
9. Assistant Registrar C.S. (Western Suburbs)/SRA
- ✓ 10. Information Technology Officer/SRA.
11. Chief Legal Consultant/SRA.

