



SLUM REHABILITATION AUTHORITY

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

No. SRA/ENG/2025/GN/STGL/LOI

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. V.G.S Construction
Omkar Esquare, Off Eastern
Express Highway, Opp. Sion
Chunabhatti Signal, Sion,
Mumbai - 400 022
2. Anand V. Dhokay
F-63, Palm Acres, Mahatma Phule
Road, Mulund (E), Mumbai - 400 081
3. Jaldhara CHS (Ltd.) & Anr.
CTS No.827-D/1(pt) & 827-D/2(pt)
of Village Malad (East)
at Shree Krishna Nagar,
Gen. A. K. Vaidya Marg,
Goregaon (East), Mumbai- 400 063



... Respondents

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

ORDER

(Passed on - 29 FEB 2024)

These Suo-Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.827-D/1(pt) & 827-D/2(pt) of Village Malad (East) at Shree Krishna Nagar, Gen. A. K. Vaidya Marg, Goregaon (East), Mumbai - 400 063 for "Jaldhara CHS Ltd. & Shree Ganesh SRA CHS" pursuant to the note of Assistant Registrar (W.S.)/SRA dated 13.10.2023 on account of nonpayment of rent and

inordinate delay in implementation of Slum Rehabilitation Scheme. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme".

BRIEF FACTS

The factsheet reveals that the slum dwellers residing on plot of land bearing CTS No.827-D/1(pt.) & 827-D/2(pt.) of Village Malad (E) at Shree Krishna Nagar, Gen. A. K. Vaidya Marg, Goregaon (East), Mumbai - 400 063 formed Jaldhara CHS Ltd. and Shree Ganesh SRA CHS and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The said societies appointed Respondent No.1 as Developer for implementation of subject SR Scheme. Pursuant to appointment, the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority on land admeasuring 13496.17 sq. mtrs. The ownership of said land is of MHADA. The proposal of subject SR Scheme is duly accepted on 23.03.2006. The certified Annexure-II is issued by Competent Authority on 12.08.2010 for total 785 slum dwellers out of which 625 are eligible slum dwellers. Letter of Intent was issued on 15.01.2011 and the same is lastly revised on 19.11.2020 for amalgamation of adjoining slum plots. There is only one rehab building consisting of A to D Wing. Intimation of Approval to rehab building was issued on 02.01.2012 and the same was lastly amended on 28.12.2020. Full Occupation Certificate to rehab building Wing A, B and C was issued on 22.10.2021 for total 615 rehab tenements. The factsheet further reveals that stop work notice to sale building is issued on 17.07.2023 for non-payment of rent.

The Assistant Registrar (W.S.)/SRA submitted a note dated 13.10.2023 stating that co-operative department has received a complaint of Mr. Gulabchand Nandalal Mourya in respect of nonpayment of rent. So, the Assistant Registrar has directed the Respondent No.1 to deposit the arrears of rent as per circular no.153 of Slum Rehabilitation Authority in Bank Account of concerned slum dwellers. In spite of the said direction Respondent No.1 failed to pay the arrears of rent. Due to nonpayment of rent and inordinate delay in



implementation of subject SR Scheme on the part of Respondent No.1, the Assistant Registrar has proposed action u/s 13(2) of the Maharashtra Slum Areas (I, C & R) Act, 1971.

HEARING

The matter is heard on 27.10.2023 and 09.11.2023. On 09.11.2023, Shri. Halde remain present on behalf of Respondent No.1. None for Respondent No.3 societies present. Heard Respondent No.1 in respect of inordinate delay and nonpayment of rent in subject SR Scheme and the matter was closed for order. Direction given to submit written submission within 7 days.

ARGUEMENTS OF RESPONDENT NO.1 (DEVELOPER)

According to Respondent No.1 the subject SR Scheme is completed and have obtained Occupation Certificate. It is further version of Respondent No.1 that they have handed over the possession to all the eligible slum dwellers except Mr. Gulabchand Mourya. It is further version of Respondent No.1 that Mr. Gulabchand Mourya has submitted a complaint for nonpayment of rent in respect of commercial structure. The Respondent No.1 further stated that they are ready and willing to handover the possession of the rehab tenement to Mr. Gulabchand Mourya if directed by Slum Rehabilitation Authority subject to reverification of eligibility. It is further version of Respondent No.1 that apart from the complaint of Mr. Mourya there is no any grievance of slum dwellers in respect of transit rent.

ISSUES

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

REASONS

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 duly accepted on 23.03.2006. The certified Annexure-II is issued by Competent Authority for total 785 slum dwellers

out of which 625 are eligible slum dwellers. Letter of Intent was issued on 15.01.2011 and the same is revised lastly on 19.11.2020 for amalgamation of adjoining slum plots. There is only one rehab building consisting of A to D Wing. Intimation of Approval to rehab building was issued on 02.01.2012 and the same was lastly amended on 28.12.2020. Full Occupation Certificate to rehab building Wing A, B and C was issued on 22.10.2021 for total 615 rehab tenements. The factsheet further reveals that stop work notice to sale building is issued on 17.07.2023 due to nonpayment of rent.

Now, it is necessary to verify as to whether there is nonperformance and inordinate delay in implementation of subject SR Scheme on the part of Respondent No.1. There is report of Assistant Registrar dated 04.01.2024 on record. From said report it appears that the arrears of rent of Mr. Gulabchand Mourya to the tune of Rs.8,91,000/- from 30.06.2017 to December 2021 has been deposited by Respondent No.1 on 07.12.2023 through Demand Draft. The report further reveals that the stop work notice issued to subject SR Scheme is also withdrawn.

Further, the record nowhere reveals that the Respondent No.3 society has any grievance against Respondent No.1 for implementation of subject SR Scheme except Mr. Gulabchand Mourya in respect of rent which has been paid by Respondent No.1.

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. In present case the note of Executive Engineer reveals that the construction of rehab building is completed



and Occupation Certificate is only to be obtained. Considering these facts it will not be proper to terminate the Respondent No.1 as developer. The record further reveals that till date the Respondent No.1 has rehabilitated 615 slum dwellers out of 625 eligible slum dwellers.

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. V.G.S Construction in respect of subject SR Scheme i.e. CTS No.827-D/1(pt) & 827-D/2(pt) of Village Malad (East) at Shree Krishna Nagar, Gen. A. K. Vaidya Marg, Goregaon (East), Mumbai- 400 063 for "Jaldhara CHS Ltd. & Shree Ganesh SRA CHS" are hereby dropped.
2. The Respondent No.1 developer is at liberty to proceed further with the subject SR Scheme since he has deposited pending amount of rent of Rs. 8,91,000/-.
3. The Respondent No.1 to comply the provisions of circular no.210 of Slum Rehabilitation Authority before applying for further permissions.

Place: - Mumbai

Date:- 29 FEB 2024


Chief Executive Officer
Slum Rehabilitation Authority

No. SRA/CEO Order/Jaldhara CHS Ltd. & Anr./17 /2024

Date:

29 FEB 2024

Copy to:

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of Village Malad (East)
at Shree Krishna Nagar,
Gen. A. K. Vaidya Marg,
Goregaon (East), Mumbai - 400 063
4. Dy. Chief Engineer/SRA
5. Executive Engineer (P/N Ward)/SRA
6. Deputy Collector (Spl. Cell)/SRA
7. Financial Controller/SRA
8. Assistant Registrar (W.S.)/SRA
9. DDLR/SRA
- ✓ 10. Information Technology Officer/SRA
11. Chief Legal Consultant/SRA

