



SLUM REHABILITATION AUTHORITY

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

File No.SRA/ENG/1740/N/PVT/LOI

Baldev Singh Thakur SRA CHS Ltd.
CTS No.489, 489/1 to 35(pt)
Village Kiroi, Vidyavihar (E),
Mumbai-400 077.



Applicant

V/s

Shivsrutan CHS Ltd. (Karamsi Jethabhai Somaiya Trust land owner)
CTS No. 490(pt), 490/1 to 39, 491/1 to 4 (pt),
492/1 to 77, 494(pt) & 503/E (pt)
Village Kiroi, Taluka Kurla MSD

Respondent

ORDER

(Passed on 8/6/22)

These proceedings are initiated pursuant to the representation of Applicant through Architect Shri. Tushar Sali of M/s. Point to Point Architects and Consultants dated 28.10.2021 for adjustment in plot boundary of Applicant S. R. Scheme on land CTS No.489, 489/ 1 to 35 (pt) of Village Kiroi. The facts which lead the present Applicant to move the Application for adjustment of plot boundary are as under:

There are two adjoining S. R. Schemes and scheme No.1 is of Applicant on land CTS No.489, 489/ 1 to 35 (pt) of Village Kiroi Vidyavihar (E). The scheme No.2 is of Respondent on land CTS No.490(pt), 490/ 1 to 39, 491/ 1 to 4 (pt), 492/ 1 to 77, 494 (pt) & 503/E(pt) of Village Kiroi. The land of Scheme No.2 is owned by Karamsi Jethabhai

Somaiya Trust. According to Applicant the rehab building No.1 of their scheme was earlier approved with FSI of 3 comprising of stilt+7 floors. Now, as per DCPR-2034 the said scheme is converted in to FSI-4.00 with increased carpet area of rehab tenement from 25.00 sq. mtrs to 27.88 sq. mtrs. The rehab building No.1 comprising of ground+ 15 upper floors is approved subject to NOC from CFO. However, due to existing road width of 6.00 mtrs the plans were approved only upto 10 upper floors. Later on R/L of 9.15 mtrs is sanctioned to the existing road by Competent Authority. Due to high density in plot the rehab building No.1 was proposed by leaving minimum 3 mtrs. side open space at ground level. But the CFO Department of MCGM has insisted to have clear open space of 6 mtrs at ground level.

Further the facts and letter of Architect dated 06.06.2022 on record reveals that the rehab building of scheme No.1 is already constructed upto 10th floor. The Executive Engineer has forwarded a plan showing the location of under construction rehab building as well as the 9.00 mtrs road. The said plan shall be the part and parcel of present order. The plan forwarded by Executive Engineer reveals that the distance in between scheme boundary and rehab building from Southern side is less than 6.00 mtrs.

The note of Executive Engineer reveals that from Southern side as well as Eastern side of subject S. R. Scheme the land is owned by Karamsi Jethabhai Somaiya Trust and there is S. R. Scheme of Shivrujan CHS Ltd. on land CTS No. 490(pt), 490/1 to 39, 491/1 to 4 (pt), 492/1 to 77, 494(pt) & 503/E (pt). So the Applicant has proposed to exchange the portion from Northern and Eastern side. It is proposed that area admeasuring 42.41 sq. mtrs. from Southern side should be give to Applicant society from S. R. Scheme of Shivrujan CHS Ltd. The Executive Engineer has indicated the said portion of 42.41 sq. mtrs. in letters A, B, C, D, E, F, G.

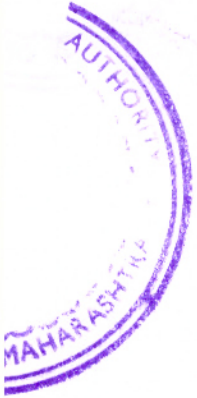
Further, Applicant has expressed their willingness to hand over the area admeasuring 42.92 sq. mtrs from Eastern side to adjoining plot owner Karamsi Jethabhai Somaiya Trust. The said portion is indicated by Executive Engineer in letters H,I,J,K,L,M,N,O,P,Q,R,S,T,U,V,H.

Pursuant to the representation of Applicant a hearing was held on 12.04.2022. The notice was issued to Respondent but nobody remain present. The record reveals that previously also notice was issued and Respondent was called for hearing on 10.12.2021. Inspite of notice the Respondent has not appeared nor submitted any reply. On perusal of plan submitted by Executive Engineer it appears that the Respondent is getting more portion of land in exchange. Further it appears that in order to meet the requirement of 6.00 mtrs open space from Southern side of rehab building of S. R. Scheme for Baldev Singh Thakur SRA CHS Ltd, it is necessary to hand over the portion marked A,B,C,D,E,F,G to said society. Due to proposed exchange no any monetary loss or prejudice will be caused to Respondent. Moreover, the proposed exchange is necessary to adjust the boundary of S. R. Scheme of Applicant and the plots of Applicant and Respondent will be in proper shape. Further, this Authority is of view that the proposed exchange is necessary to suit building design and proper access to fire tender. Accordingly this authority proceeds further to pass the following order.

ORDER


The request of Applicant for exchange of land and adjustment of plot boundary is allowed as under;

1. The area admeasuring 42.41 sq. mtrs. in letters A,B,C,D,E,F,G in plan of Executive Engineer be added in S. R. Scheme of Applicant.
2. In exchange of above said area the Applicant to hand over the area admeasuring 42.92 sq. mtrs marked in letters H,I,J,K,L,M,N,O,P,Q,R,S,T,U,V,H to adjoining plot owner Karamsi



Jethabhai Somaiya Trust and Executive Engineer to act accordingly.

3. The plan of Executive Engineer shall be the part and parcel of order.


Chief Executive Officer
Slum Rehabilitation Authority

Place:- Mumbai

Date:- 8 JUN 2022

No.SRA/CEO/ Baldev Singh Thakur SRA CHS Ltd/ 25 /2022.

Date: 8 JUN 2022

Copy to:

1. Baldev Singh Thakur SRA CHS Ltd.
CTS No.489, 489/1 to 35(pt)
Village Kirol,Vidyavihar (E),
Mumbai-400 077.
2. Shivrujan CHS Ltd. (Karamsi Jethabhai Somaiya Trust land owner)
CTS No. 490(pt), 490/1 to 39, 491/1 to 4 (pt),
492/1 to 77, 494(pt) & 503/E (pt)
Village Kirol, Taluka Kurla MSD
3. Deputy Chief Engineer/SRA
4. Executive Engineer, N Ward/SRA
5. DSLR/SRA
6. Tahsildar-1 /SRA
7. Finance Controller/SRA
8. Chief Legal Consultant/SRA
9. Joint Registrar /SRA
10. IT Officer/SRA
11. Karamsi Jethabhai Somaiya Trust,
Somaiya Bhavan,
45/47, Mahatma Gandhi Road,
Mumbai - 400 001.

