

**SLUM REHABILITATION AUTHORITY**  
**BEFORE THE SECRETARY**

**Slum Rehabilitation Authority, Mumbai**  
**Case No. 90/2018 (SRA/ENG/2634/S/PL/LOI)**

**Slum Rehabilitation Authority**

**... Applicant**

**V/s**

**1) M/s Punarvasan Build con Pvt. Ltd.**

Shiv Ashram Estate No. 4/1, Nardas  
Nagar, Tembipada Road, Bhandup (W)  
Mumbai-400076

**2) M/s Design World B-008, Om Siddhivinayak**

**Co-opp. Hsl**, Near Surbhi Hotel,  
90 ft. road, Thakur Complex,  
Kandivali (E), Mumbai

**... Respondents**

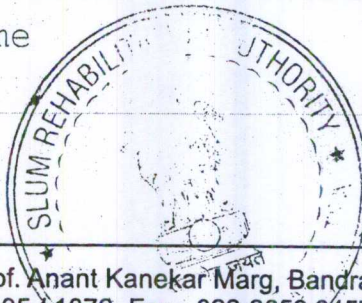
**Claim: Proceedings u/s 13 (2)**  
**of Maharashtra Slum**  
**Areas (I, C & R) Act,**  
**1971.**

**Order**

**Passed On (17-11-2018)**

These proceedings are initiated in respect of slum rehabilitation scheme on land CTS no. 79 (pt) admeasuring 520 sq. mtr. of village Kanjur, Bhandup (W) for Shiv Vaibhav CHS on account of non-performance and inordinate delay. Hereinafter the above said slum rehabilitation scheme is referred to and called as subject SR scheme

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### Brief Facts

The land CTS no. 79 (pt) admeasuring 520 sq. mtr. of village Kanjur is a private land and same is a declared slum. The slum dwellers residing on said plot of land formed Shiv Vaibhav CHS and resolved to redevelop the land by implementing slum rehabilitation scheme. Accordingly the society appointed one Mr. Ashok Rane as developer. Pursuant to appointment Mr. Rane submitted the proposal of subject SR scheme to slum rehabilitation authority and same was duly accepted on 04/01/2012. Thereafter the draft Annexure-II was forwarded to Competent Authority for certification. The Competent Authority has issued certified Annexure-II on 25/09/2012 declaring 12 slum dwellers eligible, out of total 39 slum dwellers. After issue of certified Annexure-II the society in general body meeting dated 20/10/2013 terminated the appointment of Mr. Rane as developer and appointed Respondent no. 1 as new developer. A application was made to slum rehabilitation authority for issue of LOI. The then CEO, SRA approved the draft LOI subject to condition that the Respondent no. 1 should obtain Annexure-III and remarks of superintendent land record slum rehabilitation authority. However the Respondent no. 1 has failed to obtain the Annexure-III as well as remarks of superintendent land records slum rehabilitation authority pertaining to the title of land. Since then the subject SR scheme is stand still and there is absolutely no progress. So Engineering Department through letter dated 30/08/2018 called the explanation of Respondent no. 1 regarding inordinate delay. Due to inordinate delay the engineer department



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submitted a note dated 10/09/2018 for necessary action.

### Hearing and Issues

The show cause notices were issued to respondents calling upon them as to why the action u/s 13(2) of slum Act should not be taken against them. In response to notice Mr. Kamlesh Parikh remain present for hearing on behalf of Respondent no. 1. The old developer Mr. Rane also appeared. Mr. Rane represented the society. Heard both of them. From the facts and circumstances on record the issue that arise for determination of this authority is as to whether there is inordinate delay and non-performance on the part of respondents.

### Discussion

It is admitted fact that the proposal of subject SR scheme is accepted on 04/01/2012 and the certified Annexure-II is issued on 25/09/2012. Since then there is absolutely no progress in the scheme and scheme is stand still. The period of more than 6 years has passed. Obviously there is inordinate delay. The representative of Respondent no. 1 Mr. Kamlesh Parikh in hearing dated 14/11/2018 stated that they are unable to implement the subject SR scheme due to personal difficulty and they have no objection for their termination. The record further reveals that there are two letters of Respondent no. 1 dated 20/03/2018 and 31/08/2018 on record. The letter dated 20/03/2018 is addressed to Chief Promoter of society and letter dated 31/08/2018 is addressed to Executive Engineer-3 SRA. In both these letters the Respondent no. 1 has stated that the said land was purchased by 20 members of Shiv Vaibhav CHS from land owner Smt.

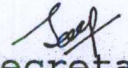


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Rejina Cathrin through registered sale deed dated 13/12/1985. But the mutation of the members of society is not effected in revenue record and due to it they are facing difficulty in obtaining the remarks of concern authority pertaining to the title of the land. Further Respondent no. 1 has stated that they have no objection for their termination as developer and letter be treated as their no objection. In both these letters the Respondent no. 1 has clearly admitted that they are unable to execute the subject SR scheme. As stated herein above the period of more than 6 years has passed. This authority being a planning and project management authority is under obligation to see that the slum rehabilitation schemes are completed within reasonable time period and the slum dwellers are properly rehabilitated. In view of these facts and circumstances it will be just and proper to terminate the Respondent no. 1 on account of non-performance and inordinate delay. Accordingly following order is passed.

**Order:**

1. The appointment of Respondent no. 1 as developer in respect of subject SR scheme i.e. SR scheme on land CTS no. 79 (pt) admeasuring 520 sq. mtr. of village Kanjur for Shiv Vaibhav CHS stands terminated.
2. The society is at liberty to implement the SR scheme by appointing the developer of their choice within period of three months.
3. The newly appointed developer shall reimburse the actual expenses so far incurred by Respondent no. 1 in respect of subject SR scheme.

  
**Secretary**

**Slum Rehabilitation Authority**

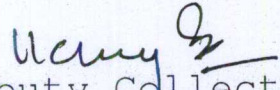


Office of the Deputy Collector (E.S.)  
Outward No. SRA/Dy. Col. E.S./13(2) Order/18405  
Date 17-11-2018



Copy of the order forwarded to ,

1. Chief Promoter - Shiv Vibhav SRA CHS  
(Prop) Village kanjur Nardas Nagar,  
Tembhi pada rod., Bhandup (W) Mumbai -  
400078
2. Developer - M/s. Punarvasan Buildcon  
Pvt.Ltd., Shivashram Estate No. 4/1,  
Nardas Nagar, Tembhi pada rod., Bhandup  
(W) Mumbai -400078
3. Architect - M/s. Design World, B-008, Om  
Sidhivinayak CHS, Near Surbi Hotel, 90 ft  
Rd., Thakur Complex, kandivali W- 4000101
4. Dy.Chief Engineer /SRA
5. Executive Engineer (E.S.) /SRA
6. Financial Controller/SRA
7. Jt.Registrar/SRA
8. Information & Technology Officer/SRA
9. Chief Legal Consultant /SRA

  
Deputy Collector (E.S.)  
SRA, Mumbai

