



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

Panchsheel SRA CHS  
CTS No. 227/15, 402 & 403  
of Village Malad.

V/s.



...Applicant

1.M/s. K. D. Builders  
9/B, Chandra Niwas,  
Marol Churh Road,  
Off Andheri-Kurla Road,  
Opp. Hotel Leela,  
Andheri-Mumbai- 400 059.

2.Sanjay Neve & Associates  
302, Omkareswar, Linking Road,  
Behind Kanderpada Talav,  
Dahisar (West),  
Mumbai- 400 068.

... Respondents

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

**ORDER  
(Passed on 06/10/2021)**

These proceedings are initiated pursuant to the letters of Applicant Society dated 12.01.2021, 06.01.2020 and 17.01.2020 in respect of Slum Rehabilitation Scheme on land bearing CTS No. 227/15, 402 & 403 of Village Malad. Hereinafter the said Slum Rehabilitation Scheme is referred to and called as "subject S. R. Scheme".

It is the version of Applicant that, the slum dwellers residing on land bearing CTS No. 227/15, 402 & 403 of Village Malad formed the Applicant Society and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. Accordingly, a

resolution was passed by Applicant and they appointed the Respondent No.1 as Developer for re-development. Pursuant thereto a proposal was submitted by Respondent No.1 and it was duly accepted on 03.04.2006. The land under the subject S. R. Scheme is a private land. The Competent Authority has issued certified Annexure-II on 13.08.2008. Out of total 156 slum dwellers the Competent Authority has declared 66 slum dwellers as eligible. Thereafter the LOI is issued on 27.07.2009. The plinth Commencement Certificate for Rehab Building is issued on 15.10.2010. The further Commencement Certificate is issued on 15.07.2019 for ground + 14<sup>th</sup> floor. It is the version of Applicant that, there is non-performance and inordinate delay on the part of Respondent No.1 in implementation of subject S. R. Scheme. The construction of rehab building made by Respondent No.1 is of substandard quality. The Respondent No.1 has failed to pay the rent to slum dwellers and the rent of 19 months is in arrears. The Deputy Collector, SRA through letters dated 13.08.2020, 02.09.2020 & Assistant Registrar, SRA through several letters directed the Respondent No.1 to pay the pending rent to slum dwellers but the Respondent No.1 has not complied with those directions. It is further version of Applicant that there is internal dispute among the partners of Respondent No.1. The Applicant has requested the SRA through several letters for termination of Respondent No.1 but no steps are taken. On these grounds the Applicant has prayed for termination of Respondent No.1 as Developer.

Pursuant to the Application the notices were issued to Applicant as well as Respondents. The matter was listed for hearing on 22.02.2021 and on said day both parties were present. On behalf of Applicant Mr. Deepak Sawant and Thomas Shetty remain present along with Advocate Upadhyay. One Mr. Deepak Pawar and M. N.





Rajendrakumar remain present for Respondent No.1. Both parties are heard at length.

#### **ARGUMENTS OF APPLICANT**

According, to Applicant the Respondent No.1 was appointed by them as developer for re-development and pursuant to appointment a proposal was submitted by them. The proposal was duly accepted by SRA on 03.04.2006. Thereafter, the Competent Authority has issued certified Annexure-II on 13.08.2008, out of total 156 slum dwellers the 66 slum dwellers are declared eligible. The LOI, IOA & CC for rehab building is issued up to ground + 14<sup>th</sup> floor. However, the Respondent No.1 has constructed rehab building up to 7<sup>th</sup> floor and thereafter the construction is totally stopped. Moreover, the Respondent No.1 has also failed to pay the transit rent for more than two years. The Deputy Collector, SRA as well as Assistant Registrar, SRA through several letters directed the Respondent No.1 to pay the arrears of rent, but the rent is not paid by Respondent No.1.

Though Mr. Deepak Pawar and M. N. Rajendrakumar remain present for hearing there is no any written submission submitted by them.

#### **ISSUES AND DISCUSSION:**

From the facts on record the issue that arises for determination of this Authority is as to whether the Respondent No.1 is liable to be terminated on account of inordinate delay and non- performance.

It is admitted fact that the proposal of subject S. R. Scheme is submitted in the year 2006. The period of around more than 14 years has passed and till date not a single slum dweller is rehabilitated. Obviously there is delay. Now it will have to be ascertained as to whether the delay is attributable to Respondent No.1. In this regard it is contended by Applicant that the Respondent No.1 has not paid the transit rent since last 19 months and the construction activity at site is

totally stopped. Moreover, the construction of rehab building made by Respondent No.1 is of substandard quality. The Respondent No.1 was directed to pay the rent to slum dwellers by Deputy Collector as well as Assistant Registrar, SRA, through various letters but Respondent No.1 has failed to comply with those directions.

As stated herein above the representatives of Respondent No.1 were present for hearing dated 22.02.2021 but no any submission was made by them. There is no written submission of Respondent No.1 on record. There is no denial to the allegations made by Applicant against Respondent No.1. In view of above position the facts which are not denied will have to be taken as admitted by Respondent No.1. It is needless to state that, the Developers implementing the Slum Rehabilitation Scheme are expected to complete the scheme and rehabilitate the eligible slum dwellers within reasonable period. In present case the Respondent No.1 has failed to complete the scheme even after lapse of more than 14 years. Obviously there is inordinate delay. There is note of Executive Engineer, SRA dated 25.02.2021 on record. From said note it appears that, the Developer has constructed skeleton of 10 floors at site. Even the contention of Applicant regarding non-payment of rent is also not disputed by Respondent No.1. There appears to be non-performance on the part of Respondent No.1.

In this regard the observation of Hon'ble High Court in Appeal from Order No. 1019 of 2010 M/s. Ravi Ashish Land Developers V/s. Mr. Prakash Kamble and Ors. are relevant. The relevant observation of Hon'ble High Court are as under;

***"One fails to understand as to how persons and parties like Respondent No.1 are languishing and continuing in the transit accommodations for nearly two decades. When the slum rehabilitation projects which are undertaken by the statutory authority enjoying enormous statutory powers, are incomplete even after twenty years of***





***their commencement, then it speaks volume of the competence of this Authority and the officials manning the same. In all such matters, they must ensure timely completion of the projects by appropriate intervention and intermittently. They may not, after issuance of letter of intent or renewals thereof, fold their hands and wait for developers to complete the project. They are not helpless in either removing the slum dwellers or the developers. The speed with which they remove the slum dwellers from the site, it is expected from them and they must proceed against errant builders and developers and ensure their removal and replacement by other competent agency."***

In the light of these facts and circumstances this authority has reached to a conclusion that there is inordinate delay and non-performance on the part of Respondent No.1 in implementation of subject S. R. Scheme and the delay is solely attributable to Respondent No.1 It will be just and proper to terminate the Respondent No.1 as Developer of subject S. R. Scheme. Accordingly following order is passed.

#### **ORDER**

1. The Respondent No.1 is hereby terminated as developer of subject S. R. Scheme i.e. Slum Rehabilitation Scheme on land bearing CTS No. 227/15, 402 & 403 of Village Malad for Applicant Society.
2. The Applicant is at liberty to appoint new developer of their choice as per rules, regulations and policy of SRA.
3. The Executive Engineer is directed to appoint Government approved valuer to determine the valuation of construction work at site and the actual expenses incurred by Respondent No.1 in respect of subject S. R. Scheme till date.

4. The newly appointed developer to reimburse the amount so determined by Government approved valuer to Respondent No.1

Place: - Mumbai

Date:- 06 OCT 2021



Chief Executive Officer  
Slum Rehabilitation Authority

No.SRA/Deputy Collector/ Panchsheel SRA CHS/ 38188/2021.

Date: 06 OCT 2021

Copy to:

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CTS No. 227/15, 402 & 403  
of Village Malad

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Dahisar (West),  
Mumbai- 400 068.

4. Deputy Chief Engineer/SRA
5. Deputy Collector (W)/ SRA
6. Deputy Collector (E)/ SRA
7. Deputy Collector (City)/ SRA
8. Joint Registrar /SRA
9. Assistant Registrar/SRA
7. Finance Controller/SRA
8. Chief Legal Consultant/SRA

✓ 9. IT Officer – To update the fact sheet and computer record.