



**SLUM REHABILITATION AUTHORITY**

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

**File No. SRA/CHE/181/F-S/ML/LOI**

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Shanti Om Residency Pvt. Ltd.  
1301, Peninsula Business Park,  
13<sup>th</sup> Floor, Tower B, Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
2. M/s. Ace Consultants, 510-511,  
C Wing, Trade World, Kamala Mill Compound,  
Lower Parel, Mumbai – 400033
- ✓ 3. Akhil Jijamata Nagar CHS Federation (Prop.)  
Akhil Jijamata Nagar CHS Federation Phase-II (Prop.)  
Jijamata Nagar Gharkul Yojana Mahasangh (Prop.)  
Shantikunj CHS (Prop.)  
Parel Sewree Division, G.D. Ambedkar Marg,  
Kalachowky, Mumbai - 400033



... Respondents

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

**ORDER**

**(Passed on -4/10/23)**

These proceedings are initiated in respect of Slum Rehabilitation Scheme on land C.S. No.6/148(pt), 153(pt), 154(pt), 155(pt), 157, 158(pt), 159(pt), 1/159, 2/159(pt), 1A/159, 1B/159(pt), 1D/159, 160(pt), 1/160(pt), 1A/160(pt), 1B/160, 187(pt), 156, 1/184(pt), 1A/184(pt), 845, 846 & 847(pt) of Parel Sewree Division, Village Parel Tank Road, Kalachowky, Mumbai for Respondent No.3 pursuant to the note of Tahsildar-1/SRA dated 30.06.2023. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme".

19/9/23



### **BRIEF FACTS**

The slum dwellers residing on plot of land bearing C.S. No.6/148(pt), 153(pt), 154(pt), 155(pt), 157, 158(pt), 159(pt), 1/159, 2/159(pt), 1A/159, 1B/159(pt), 1D/159, 160(pt), 1/160(pt), 1A/160(pt), 1B/160, 187(pt), 156, 1/184(pt), 1A/184(pt), 845, 846 & 847(pt) of Parel Sewree Division, Village Parel Tank Road, Kalachowky, Mumbai have formed "Akhil Jijamata Nagar CHS Federation (Prop.), Akhil Jijamata Nagar CHS Federation Phase-II (Prop.), Jijamata Nagar Gharkul Yojana Mahasangh (Prop.) and Shantikunj CHS (Prop.)" and resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Respondent No.3 societies appointed Respondent No.1 as Developer for redevelopment of land in their occupation by implementing Slum Rehabilitation Scheme. Pursuant to the appointment, the Respondent No.1 submitted proposal of subject SR Scheme to Slum Rehabilitation Authority on land admeasuring 31600.09 sq. mtrs. The said land is partly owned by MCGM, MHADA and partly Private. The proposal of subject SR Scheme is duly accepted on 09.05.2011. The certified Annexure-II is issued by Competent Authority on 29.06.1998 for total 2791 slum dwellers, out of which 2139 slum dwellers were declared as eligible. The Letter of Intent was issued on 18.06.2004 and the same is lastly revised on 31.12.2019. The approval to the transit camps were issued on 18.06.2004 and 24.04.2006. The Intimation of Approval for rehab building No.1 was issued on 16.12.2014 and same was lastly amended on 12.01.2023. Plinth Commencement Certificate for rehab building no.1 was issued on 01.09.2015. Intimation of Approval for rehab building nos.2 and 3 was issued on 30.12.2014. No further permissions are issued to subject SR Scheme and scheme is stand still.

The record reveals that there is delay on the part of Respondent No.1 since their appointment, so this Authority initiated Suo Moto proceedings against Respondents. Through order dated 30.05.2022 the Chief Executive Officer/SRA has terminated the appointment of Respondent No.1 in respect of subject SR Scheme. The Respondents challenged the said order dated 30.05.2022 before the Hon'ble Apex





Grievance Redressal Committee in Application No.147 of 2022 and Hon'ble Apex Grievance Redressal Committee through order dated 05.08.2022 set aside the order of the Chief Executive Officer/SRA passed on 30.05.2022.

Due to inordinate delay in implementation of subject SR Scheme, Shantikunj CHS & Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) (consisting of 8 societies) submitted representations dated 09.05.2023 & 30.06.2023 respectively for termination of Respondent No.1 as Developer. Pursuant to said representations a note dated 30.06.2023 was submitted by Tahasildar-1/SRA. The show cause notice u/s 13(2) of Maharashtra Slum Areas (I, C & R) Act, 1971 and accordingly notices for hearing was issued. The matter was heard on 11.07.2023 and 08.08.2023. On said day Shri Hukumsheth remain present for Respondent No.1. Shri Satish Hande remain present for Respondent No.2. The representatives of Respondent No.3 societies were present. Heard all of them and matter was closed for order. Directions were given to parties to submit their written submissions within 7 days.

#### **ARGUMENT OF RESPONDENT NO.3 SOCIETIES**

The record reveals that Respondent No.3 is consisting of 31 societies. Due to delay on the part of Respondent No.1 since their appointment, this Authority initiated Suo Moto proceedings against Respondent No.1. Through order dated 30.05.2022 this Authority has terminated the appointment of Respondent No.1 in subject SR Scheme. Thereafter the said order was challenged by Respondents before the Hon'ble Apex Grievance Redressal Committee in Application No.147 of 2022 and Hon'ble Apex Grievance Redressal Committee through order dated 05.08.2022 set aside the order of this Authority passed on 30.05.2022.

Out of these 31 societies, Shantikunj CHS (Prop.) and Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) have submitted representations dated 09.05.2023 & 30.06.2023 respectively on record. In letter dated 09.05.2023 Shantikunj CHS (Prop.) stated that due to inordinate delay in subject SR Scheme they wants termination of



Respondent No.1. But subsequently through letter dated 01.08.2023, Shantikunj CHS (Prop.) has shown trust in Respondent No.1 for implementation of subject SR Scheme.

Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) (consisting of 8 societies) has submitted their written submission on record. According to Akhil Jijamata Nagar CHS Federation Phase-II (Prop.), one Mangalmurti Developers was earlier appointed as developer in the year 1995 and due to delay on the part of said developer their appointment was terminated by the then Chief Executive Officer/SRA on 13.03.2011. The Respondent No.1 was appointed as new developer in the year 2010. Since the year 2010 to 2023 the Respondent No.1 failed to take any steps in the subject SR Scheme. There are total 2724 slum dwellers in subject SR Scheme and only 155 slum dwellers have vacated their structures and they have not been paid rent as per circular no.153 & 166 of SRA. According to them the Respondent No.1 is not in financial sound position to implement the subject SR Scheme and therefore they have lost faith in Respondent No.1.

Apart from the above societies, the majority of other societies have also submitted their letters on record stating that they have trust in Respondent No.1 and prayed this Authority to allow Respondent No.1 to complete the subject SR Scheme as per bar chart.

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

According to Respondent No.1 they are appointed as developer by Respondent No.3, consisting of total 31 societies. The Respondent No.1 already obtained permissions for subject SR Scheme. According to Respondent No.1 in suo moto proceedings their appointment was terminated by the Chief Executive Officer/SRA through order dated 30.05.2022. The said order was challenged by them before Hon'ble Apex Grievance Redressal Committee in Application No.147 of 2022. Through order dated 05.08.2023 the Hon'ble Apex Grievance Redressal Committee has set aside the order of the Chief Executive Officer/SRA dated 30.05.2022. According to Respondent No.1 the Hon'ble Apex Grievance Redressal Committee has observed that delay is not





attributable to Respondent No.1 and same is occurred due to litigations filed by M/s. Siroya Developers. The Respondent No.1 has paid amount of Rs.2,43,72,600/- & Rs.4,06,21,000/- towards first & second installments of land premium respectively. The Respondent No.1 has also paid amount of Rs.9,59,34,060/- towards third installment. Apart from the said amount, the Respondent No.1 has also paid amount of Rs.6,22,660/- for approval of revised Intimation of Approval on 10.02.2022. The Respondent No.1 has paid a huge amount of approximately Rs.17,00,00,000/- for getting approvals and permissions for vacating slum dwellers and payment of transit rent to them.

According to Respondent No.1 pursuant to direction of Hon'ble Apex Grievance Redressal Committee they submitted application for amended Intimation of Approval, but unexpectedly one of the Director of Respondent No.1 i.e. Mr. Paras Porwal committed suicide. Thereafter the Respondent No.1 has obtained amended Intimation of Approval on 12.01.2023 and got endorsed the Commencement Certificate on 25.01.2023. It is further version of Respondent No.1 that in proceedings before the Hon'ble Apex Grievance Redressal Committee, Shantikunj CHS (Prop.) and Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) had submitted two letters dated 18.01.2022 and shown trust in Respondent No.1 in implementation of subject SR Scheme. According to Respondent No.1 the present proceedings are initiated at the instance of some disgruntled slum dwellers at the instance of some political fractions. Further the Hon'ble Apex Grievance Redressal Committee has condoned the delay prior to August 2022. The Respondent No.1 has paid rents to eligible slum dwellers upto June 2024. Pursuant to directions of Hon'ble Apex Grievance Redressal Committee. They have submitted a Bar chart dated 22.08.2023 on record. As per said Bar Chart they will complete the subject SR Scheme till 30.06.2029.

According to Respondent No.1, the Shantikunj CHS through letter dated 01.08.2023 informed this Authority that they had not moved the application for change of developer. It is further version of Respondent



No.1 that apart from Akhil Jijamata Nagar CHS Federation Phase-II (Prop.), the majority of other societies are not desirous to terminate them and they have submitted their letters to that effect also. In the light of direction of Hon'ble Apex Grievance Redressal Committee, the Respondent No.1 prayed to drop the present proceedings initiated u/s 13(2) of the Maharashtra Slum Areas (I, C & R), 1971.

### **ISSUES**

From rival contentions, 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**

From fact sheet it appears that, the proposal of subject SR Scheme is accepted by Slum Rehabilitation Authority on 09.05.2011 for total 2791 slum dwellers. The Annexure-II is issued by Competent Authority on 29.06.1998 declaring 2139 slum dwellers as eligible. After issuance of certified Annexure-II, the Letter of Intent was issued on 18.06.2004 and same was lastly revised on 31.12.2019. The approval to the transit camps were issued on 18.06.2004 and 24.04.2006. The Intimation of Approval for rehab building No.1 was issued on 16.12.2014 and same was lastly amended on 12.01.2023. Plinth Commencement Certificate for rehab building no.1 was issued on 01.09.2015. Intimation of Approval for rehab building nos.2 and 3 was issued on 30.12.2014. Thereafter no further approvals were issued to the subject SR Scheme.

The developers implementing the subject 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.

The record reveals that Respondent No.3 societies is consisting of 31 societies. It is the version of one of the Federation i.e. Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) that due to delay on the part of Respondent No.1 since their appointment, this Authority through order dated 30.05.2022 terminated the appointment of Respondent No.1 in subject SR Scheme. Thereafter the said order was challenged by Respondents before the Hon'ble Apex Grievance Redressal Committee in Application No.147 of 2022 and Hon'ble Apex Grievance Redressal Committee through order dated 05.08.2022 set aside the order of this Authority passed on 30.05.2022. They further stated that since the year 2010 to 2023 the Respondent No.1 failed to take any steps in the subject SR Scheme. According to them the Respondent No.1 is also not in financial sound position to implement the subject SR Scheme and therefore they have lost faith in Respondent No.1.

As against this the Respondent No.1 has stated that through order dated 05.08.2023, the Hon'ble Apex Grievance Redressal Committee has condoned the delay prior to August 2022 and further directed the Respondent No.1 to submit Bar Chart within 30 days. Accordingly the Respondent No.1 has submitted Bar Chart on 22.08.2023 stating that they will complete the subject SR Scheme till 30.06.2029. The Respondent No.1 has also cleared the arrears of transit rent till June 2024, so there is no default of transit rent on their part. The delay in subject SR Scheme is not attributable to them but the same is occurred due to some disgruntled slum dwellers instigated by political elements. The Respondent No.1 is ready and willing to implement the subject SR Scheme. Now, this Authority has to decide whether there is intentional delay occurred in implementation of subject SR Scheme.

On behalf of Respondent No.1 it is further submitted that Shantikunj CHS through letter dated 01.08.2023 informed this Authority that they had not moved the application for change of developer. It is further version of Respondent No.1 that apart from Akhil Jijamata Nagar



CHS Federation Phase-II (Prop.), the majority of other societies are also not desirous to change them and they have submitted their letters to that effect also.

There is copy of order of Hon'ble Apex Grievance Redressal Committee dated 05.08.2022 on record. From said order it appears that the Hon'ble Apex Grievance Redressal Committee has observed that delay in implementation of subject SR Scheme cannot be attributable to developer i.e. Respondent No.1. The delay is occurred due to litigations filed by M/s. Siroya Developers. The Respondent No.1 has paid amount of Rs.2,43,72,600/- & Rs.4,06,21,000/- towards first & second installments of land premium respectively. The Respondent No.1 has also paid amount of Rs.9,59,34,060/- towards third installment. Apart from the said amount, the Respondent No.1 has also paid amount of Rs.6,22,660/- for approval of amended Intimation of Approval on 10.02.2022.

During the course of hearing as well as in representation dated 30.06.2023 Akhil Jijamata Nagar CHS Federation Phase-II (Prop.) has nowhere denied the facts argued on behalf of Respondent No.1. The Slum Rehabilitation Scheme is meant for providing decent housing to poor slum dwellers and to improve their living conditions. It is a social welfare measure undertaken by Government with a pious object. But in present case, this Authority has observed that some of the beneficiary of the Slum Rehabilitation Scheme are non cooperative and the scheme is mainly delayed due to it and litigations filed by M/s. Siroya Developers. On careful consideration of facts and circumstances on record, this Authority has come to conclusion that the delay occurred in implementation of subject Slum Rehabilitation Scheme is not attributable to Respondent No.1.

Further this Authority has come to conclusion that it is the few disgruntled members who are responsible for delay in implementation of subject SR Scheme and proceedings are liable to be dropped. However before proceeding to pass final order it is necessary to ensure that the Scheme will be completed expeditiously and eligible slum





dwellers will be duly rehabilitated within reasonable period. In this regard the Respondent No.1 has alongwith written submissions enclosed copy of Bar Chart dated 22.08.2022 stating that they will complete the subject SR Scheme till June 2029. 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. Shanti Om Residency Pvt. Ltd. in respect of subject SR Scheme i.e. C.S. No.6/148(pt), 153(pt), 154(pt), 155(pt), 157, 158(pt), 159(pt), 1/159, 2/159(pt), 1A/159, 1B/159(pt), 1D/159, 160(pt), 1/160(pt), 1A/160(pt), 1B/160, 187(pt), 156, 1/184(pt), 1A/184(pt), 845, 846 & 847(pt) of Parel Sewree Division, Village Parel Tank Road, Kalachowky, Mumbai are hereby dropped.
2. The Respondent No.1 is directed to complete the subject SR Scheme as per Bar Chart submitted on 22.08.2022.
3. The Respondent No.1 is directed to deposit the transit rent of 2 years and post-dated cheque for remaining period of completion as per circular no.210 of Slum Rehabilitation Authority.
4. The Executive Engineer/SRA is directed to visit the site periodically and to ensure the timely completion of the scheme as per bar chart submitted by Respondent No.1.

Place:- Mumbai

Date:- 04 OCT 2023

  
31/10/2023  
Chief Executive Officer  
Slum Rehabilitation Authority

No. SRA/CEO Order/13(2)/Akhil Jijamata & Ors./60/2023

Date: 04 OCT 2023

Copy to:

1. M/s. Shanti Om Residency Pvt. Ltd.  
1301, Peninsula Business Park,  
13<sup>th</sup> Floor, Tower B, Senapati Bapat Marg,  
Lower Parel (West), Mumbai – 400 013
2. M/s. Ace Consultants, 510-511,  
C Wing, Trade World, Kamala Mill Compound,  
Lower Parel, Mumbai – 400033



3. Akhil Jijamata Nagar CHS Federation (Prop.)  
Akhil Jijamata Nagar CHS Federation Phase-II (Prop.)  
Jijamata Nagar Gharkul Yojana Mahasangh (Prop.)  
Shantikunj CHS (Prop.)  
Parel Sewree Division, G.D. Ambedkar Marg,  
Kalachowky, Mumbai - 400033
4. Dy. Chief Engineer/SRA
5. Executive Engineer (R/S Ward)/SRA
6. Tahasildar-1/SRA
7. Financial Controller/SRA
8. Joint Registrar (W.S.)/SRA
9. Information Technology Officer/SRA
- ✓ 10. Chief Legal Consultant/SRA

