



**SLUM REHABILITATION AUTHORITY**

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

**File No. SRA/ENG/1737/RS/PL/LOI**

Shree Umiya Darshan CHS (old name of society)  
Shree Shivswami Samartha CHS (new name of society)  
CTS No.239, 239/1 to 14 of Mauje Malad at  
Iraniwadi, Hemu Kalani Road, Road No.4,  
Kandivali (West), Mumbai – 400 067.

... Applicant

V/s

1. M/s. Patel Associates  
Gr. Floor, Gopal Building,  
Shantilal Modi, Road No.2,  
Kandivali (West), Mumbai – 400 067
2. Shri. Kamaal Momin  
7/B - Daimond Appt, S.V. Road,  
Opp. Excel Industry, Jogeshwari (West),  
Mumbai - 400 102



... Respondents

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

**ORDER**

**(Passed on - 17/11/23)**

These proceedings are initiated pursuant to representation of Applicant dated 30.06.2023 in respect of Slum Rehabilitation Scheme on land CTS No.239, 239/1 to 14 of Village Malad at Iraniwadi, Kandivali for "Shree Umiya Darshan CHS i.e. Old Name of Society (Shree Shivswami Samartha CHS i.e. new name of society)". Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "subject SR Scheme". In brief the facts which lead to present proceedings are as under;

**- SRA**

**BRIEF FACTS:**

The slum dwellers residing on plot of land bearing CTS No.239, 239/1 to 14 of Village Malad at Iraniwadi, Kandivali formed Applicant society i.e. "Shree Umiya Darshan CHS" and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Applicant society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject SR Scheme. The proposal of subject SR Scheme was submitted to Slum Rehabilitation Authority on land admeasuring 860.90 sq. mtrs. The said land is owned by private owner. The proposal of subject SR Scheme is duly accepted by Slum Rehabilitation Authority on 12.02.2007. The Competent Authority has issued certified Annexure-II on 17.01.2008 for total 27 slum dwellers. Out of which 5 slum dwellers were held eligible. However thereafter there is absolutely no progress in subject SR Scheme and the Scheme is stand still.

Due to inordinate delay in implementation of the subject SR Scheme, the Applicant has earlier submitted application dated 24.11.2021 for termination of appointment of Respondent No.1 as Developer. Pursuant thereto the Tahasildar-2/SRA has submitted a note dated 07.01.2022 and accordingly notices for hearing were issued to the concerned parties. The matter was heard on 18.01.2022 & 08.04.2022. On 08.04.2022 parties were heard and matter closed for order.

In the meanwhile, the Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.480. Since the proposal is already recorded through Public Notice dated 20.04.2022, therefore the proceedings were closed on 01.06.2022.





The record further reveals that, the said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr. So, the Applicant has submitted representation dated 30.06.2023 and requested the Chief Executive Officer/SRA to pass fresh order in the light of order of Hon'ble High Court dated 10.01.2023.

Accordingly hearing was held on 05.09.2023 and 03.10.2023. On 03.10.2023, Advocate Vishal Kava appeared on behalf of Applicant society. None present for Respondent No.1 developer. The Applicant was heard at length and matter was closed for order. Directions were given to Applicant to file their written submission within a period of seven days. The Respondent No.1 failed to submit written submission on record.

#### **ARGUMENT OF APPLICANT SOCIETY**

According to Applicant the occupants on land bearing CTS No.239, 239/1 to 14 have formed Shree Umiya Darshan CHS and appointed Respondent No.1 as their Developer. The proposal of the subject SR Scheme is duly accepted in the year 2007. There is inordinate delay on the part of Respondent No.1 therefore through General Body Meeting dated 28.10.2018, the Applicant society terminated the appointment of Respondent No.1 as developer and appointed M/s. Gatih Infra LLP as their new Developer. In said General Body Meeting the Applicant also changed the name of society from Shree Umiya Darshan CHS to Shree Shiv Swami Samarth CHS.

It is further version of Applicant that through application dated 24.11.2021 they requested the Chief Executive Officer/SRA to terminate the appointment of Respondent No.1 on the ground of inordinate delay. The Hon'ble Chief Executive Officer/SRA heard the matter and closed the matter for order on 08.04.2022. In the meanwhile, the Slum Rehabilitation Authority has recorded 517

dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.480. Since the proposal is already recorded through Public Notice dated 20.04.2022, therefore the said proceedings were disposed of through order dated 01.06.2022. Accordingly Applicant called the Special General Body Meeting on 22.06.2022 in the presence of authorized officer of co-operative department of SRA appointed M/s. Gatih Infra LLP as their new Developer.

It is the case of Applicant that, in the meanwhile the said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr. So, the Applicant has submitted fresh representation dated 30.06.2023 and requested this Authority to pass fresh order in the light of order of Hon'ble High Court dated 10.01.2023. According to Applicant, there is no requisite consent with Respondent No.1 developer to implement the subject SR Scheme and Respondent No.1 is also not in financial sound position to implement the subject SR Scheme. It is further alleged by Applicant that the proposal submitted by Respondent No.1 is on the basis of false and fabricated documents and signatures of the members are also forged.

According to Applicant they have submitted application u/s 14(1) of the Slum Act for acquisition of land in their occupation. The said land is also declared as Slum through Maharashtra Government Gazette dated 12.03.2020.

#### ISSUES

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





## REASONS

It is admitted fact that the proposal of subject SR Scheme is accepted by Slum Rehabilitation Authority on 12.02.2007. The certified Annexure-II is issued on 17.01.2008 for total 27 slum dwellers, out of which 5 are eligible slum dwellers. It is the version of Applicant that for last more than 17 years, the Respondent No.1 has failed to show any progress in the subject SR Scheme. It is further version of Applicant that through General Body Meeting dated 28.10.2018, they have terminated the appointment of Respondent No.1 as developer and appointed M/s. Gatih Infra LLP as their new Developer. In said General Body Meeting they also changed the name of society from Shree Umiya Darshan CHS to Shree Shiv Swami Samartha CHS. Due to inordinate delay in implementation of the subject SR Scheme, the Applicant has earlier submitted application dated 24.11.2021 for termination of appointment of Respondent No.1 as Developer and accordingly the parties were heard and closed the matter for order on 08.04.2022.

The Slum Rehabilitation Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject SR Scheme is at Sr. No.480. Since the proposal is already recorded through Public Notice dated 20.04.2022, therefore the said proceedings were closed on 01.06.2022.

The record further reveals that, the said Public Notice dated 20.04.2022 is set aside by Hon'ble High Court through order dated 10.01.2023 in Writ Petition (L) No.14017 of 2022, Nipun Thakkar V/s. Chief Executive Officer/SRA & Anr. So, the Applicant has submitted representation dated 30.06.2023 and requested the Chief Executive Officer/SRA to pass fresh order in the light of order of Hon'ble High Court dated 10.01.2023.





Though notice was issued the Respondent No.1 remain absent for hearing. Even the Respondent No.1 failed to submit their written submission on record to defend their case. The conduct of Respondent No.1 indicates that they are not interested in implementing the subject SR Scheme. There is absolutely no progress in subject SR Scheme till date. Obviously, there is delay. Such inordinate delay in rehabilitation of slum dwellers is bound to frustrate the basic object of Government in introducing the Slum Rehabilitation Schemes.

This Authority being a Planning and Project Management Authority is under legal obligation to see that the scheme is completed within reasonable time. In the event of nonperformance and inordinate delay, this Authority is bound to take necessary action. The observation of Hon'ble High Court in Appeal from Order No.1019 of 2010, Ravi Ashish Land Developers Ltd. V/s. Prakash Pandurang Kamble & Anr. 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."**

On careful consideration of above facts and circumstances this Authority has come to conclusion that there is inordinate delay and nonperformance on the part of Respondent No.1 in implementation of subject SR Scheme and they are liable to be terminated as Developer. Accordingly following order is passed.

**ORDER**

1. The Respondent No.1 i.e. M/s. Patel Associates is hereby terminated as Developer of S.R. Scheme on land bearing CTS No.239, 239/1 to 14 of Village Malad at Iraniwadi, Kandivali for "Shree Umiya Darshan CHS i.e. Old Name of Society (Shree Shivswami Samartha CHS i.e. new name of society)"
2. The Applicant society is at liberty to appoint new developer in accordance with rules, regulation and policy of Slum Rehabilitation Authority.
3. The new incoming developer to reimburse the actual expenses incurred by Respondent No.1 as per provisions of section 13(3) of Maharashtra Slum Areas (I, C & R) Act, 1971.

Place: - Mumbai

Date:- **17 NOV 2023**

  
Chief Executive Officer  
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Shree Umiya Darshan CHS/**69** / 2023

Date:- **17 NOV 2023**

CC to,

1. Shree Umiya Darshan CHS (old name of society)  
Shree Shivswami Samartha CHS (new name of society)  
CTS No.239, 239/1 to 14 of Mauje Malad at  
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3. Shri. Kamaal Momin  
7/B - Daimond Appt, S.V. Road,  
Opp. Excel Industry, Jogeshwari (West),  
Mumbai - 400 102
4. Dy. Chief Engineer/SRA
5. Executive Engineer (R/S Ward)/SRA
6. Deputy Collector (Spl. Cell)/SRA
7. Assistant Registrar (W.S.)/SRA
8. CLC/SRA
9. IT Officer/SRA

