



SLUM REHABILITATION AUTHORITY

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

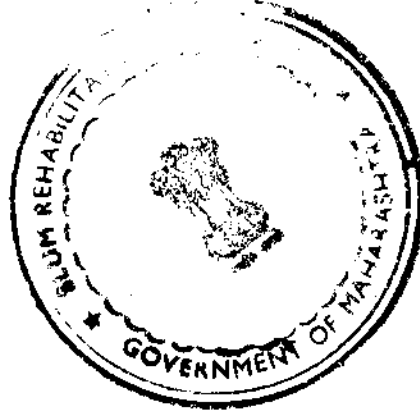
SRA/ENG/1284/HW/ML/LOI

Slum Rehabilitation Authority

... Applicant

V/s

1. M/s. Riddhi Siddhi Developers
101, B Wing, Mittal Court, Nariman Point,
Mumbai - 400 021
2. M/s. Vision
49/2358, 1st Floor,
Bandra Sai Krupa CHS, Gandhi Nagar,
Opp. MIG Club, Bandra (East),
Mumbai - 400 051
3. Maharashtra Nagar.2 SRA CHS,
CTS No.110(pt) & 118 to 124,
Bandra (West), Mumbai - 400 050



... Respondents

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

ORDER

(Passed on 5 APR 2024)

These Suo Moto proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.110(pt) & 118 to 124 of Village Bandra (West) pursuant to the note of Executive Engineer/SRA dated 28.11.2023. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject S.R. Scheme". In brief the facts which lead to the present proceedings are as under;

BRIEF FACTS:

The slum dwellers residing on plot of land bearing CTS No.110 (pt) & 118 to 124, Village Bandra (West) formed Respondent No.3 society i.e. Maharashtra Nagar No.2 SRA CHS and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Respondent No.3 Society appointed Respondent No.1 as Developer and Respondent No.2 as Architect for implementation of subject S.R. Scheme. The proposal of subject S.R. Scheme was submitted to Slum Rehabilitation Authority on land admeasuring 7390.82 sq. mtrs. The said land is owned by MCGM. The proposal of subject S.R. scheme is accepted by Slum Rehabilitation Authority on 15.02.2006. However thereafter there is absolutely no progress in subject S.R. Scheme and the Scheme is stand still. The slum dwellers who are residing in poor hygienic conditions without basic amenities like drainage, water, road, etc. lost the faith in Respondent No.1.

The note of Engineering department dated 28.11.2023 is on record. From said note it appears that 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.89. 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.

Pursuant to said order, the notices were issued to the concerned parties and matter was heard on 09.01.2024. On said day Adv. Khan appeared on behalf of Respondent No.1. Representatives of Respondent No.3 society remain present. The parties were heard at length and matter was closed for order. Directions were given to parties to submit their written submissions within 7 days.

ARGUMENT OF RESPONDENT NO.1

It is the version of Respondent No.1 that they have submitted the proposal of subject SR Scheme and now they are in process of



certification of Annexure-II of subject SR Scheme. There is no delay on their part and once the verification of Annexure-II by MCGM is completed they will process further the proposal of subject SR Scheme. The proposal of subject SR Scheme was recorded in the list of 517 dormant proposals through Public Notice dated 20.04.2022. In said list the subject SR Scheme was at Sr. No.89. 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. Further they are in process to comply the Guidelines of this Authority issued on 08.06.2022. On these grounds the Respondent No.1 has prayed to drop the present proceeding initiated against them.

ARGUMENT OF RESPONDENT NO.3 SOCIETY

There appears to be two fractions in Respondent No.3 society. One fraction is led by Faiyaz Jilani Shaikh & Shahenaz Ismail Ghachi and another fraction is led by Chief Promoter of Society. The contentions of both fractions regarding termination of Respondent No.1 is different. According to fraction led by Faiyaz Jilani Shaikh & Shahenaz Ismail Ghachi, the Respondent No.1 has submitted the proposal on 15.02.2006. The period of almost more than 18 years has passed. Even the Respondent No.1 has failed to obtain the Annexure-II. Due to failure of Respondent No.1 to rehabilitate the slum dwellers, the proposal was recorded in the list of 517 dormant proposals through Public Notice dated 20.04.2022. In said list the subject SR Scheme was at Sr. No.89. On the other hand the fraction led by Chief Promoter has shown faith in Respondent No.1 and they are ready to co-operate for the survey of Annexure-II for further processing the proposal of subject SR Scheme.

ISSUES

From rival contentions the issue that arises for determination of this Authority is as to whether there is nonperformance on the part of Respondent No.1 and delay in implementation of subject S.R. Scheme is attributable to Respondent No.1.

REASONS

It is admitted fact that the proposal of subject S.R. Scheme is accepted by this Authority on 15.02.2006. However thereafter there is absolutely no progress in subject SR Scheme and the Scheme is stand still. The period of more than 18 years has passed and till date not a single slum dweller is rehabilitated. It is the version of Respondent No.3 society that there is delay on the part of Respondent No.1 since the acceptance.

In the meanwhile this 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 S.R. Scheme is at Sr. No.89. 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.

From record it appears that the Hon'ble High Court has quashed the Public Notice dated 20.04.2022 in Writ Petition (L) No.14017 of 2022 Nipun Thakkar V/s. CEO/SRA &Anr. It is pertinent to note that while quashing the Public Notice dated 20.04.2022, the Hon'ble High Court in order dated 10.01.2023 in para 13 have made following observation:

"13. We make it clear that we have not restricted or constrained the powers of the SRA to take action in accordance with law, where justified. We have only quashed the impugned notice because it is entirely outside the frame of the law and not in accordance with law".

From above observation of Hon'ble High Court, it is crystal clear that the Hon'ble High Court has not restricted or constrained the powers of this authority to take action in accordance with law, where justified. In other words, this Authority is having powers to take action in case of inordinate delay.

From record it appears that there are two rival groups in Respondent No.3 society. The written submissions of two groups of Respondent No.3 society is on record. The contention of both groups regarding termination of Respondent No.3 is different. One group



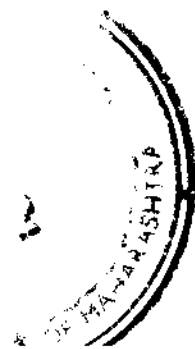
opposing the Respondent No.1 and another group led by Chief Promoter is supporting the Respondent No.1.

It is true that individual slum dweller is having no locus to apply for termination of developer on account of delay but this Authority being a Planning and Project Management Authority is bound to take suo-moto cognizance of inordinate delay in implementation of the scheme.

Due to delay on the part of developer the noble object behind introducing the S.R. Scheme is getting frustrated. This Authority being a Planning and Project Management Authority can't be a mute spectator to such nonperformance. The Slum Rehabilitation Scheme is social welfare scheme for the benefit and advancement of slum dwellers. 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 and 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."

Considering these facts and circumstances this Authority has come to conclusion that there is non-performance and inordinate delay on the part of Respondent No.1 in implementation of subject S.R. Scheme and Respondent No.1 is liable to be terminated as developer of subject S. R. Scheme. Accordingly following order is passed.

ORDER

1. The Respondent No.1 i.e. M/s. Riddhi Siddhi Developers is hereby terminated as Developer of S.R. Scheme on land bearing CTS No.110(pt) & 118 to 124 of Village Bandra (West) for "Maharashtra Nagar.2 CHS"
2. The Respondent No.3 i.e. Maharashtra Nagar.2 CHS is at liberty to appoint new developer of its choice 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.
4. The newly appointed developer to comply with the provisions of circular no.210 of Slum Rehabilitation Authority.

Place:- Mumbai

Date:- 15 APR 2024


Chief Executive Officer
Slum Rehabilitation Authority

No.SRA/CEO/13 (2)/ Maharashtra Nagar.2 CHS/ 25/2024

Date: 15 APR 2024

Copy to:

1. M/s. Riddhi Siddhi Developers
101, B Wing, Mittal Court, Nariman Point,



2. M/s. Vision
49/2358, 1st Floor,
Bandra Sai Krupa CHS, Gandhi Nagar,
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3. Maharashtra Nagar.2 SRA CHS,
CTS No.110(pt) & 118 to 124,
Bandra (West), Mumbai - 400 050
4. Deputy Chief Engineer/SRA
5. Executive Engineer (H/W Ward)/SRA
6. DDLR/SRA
7. Deputy Collector (Special Cell)/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Joint Registrar (W.S.)/SRA,
11. Officer/SRA

