



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

SRA/ENG/2093/PN/MHL/LOI

Malad Shivaji Nagar Shivalaya CHS Ltd.
City Survey No.291, Shivaji Nagar,
Kurar Village, Malad (East),
Mumbai - 400 097

... Applicant

V/s

1. M/s. Royal Realtors
6th Floor, Shah Trade Centre,
Rani Sati Marg, Near Western
Express Highway, Malad (East),
Mumbai - 400 097
2. M/s. Aakar Architects & Consultants,
Ground Floor, Satyanarayan Prasad
Commercial Centre, Dayaldas Road,
Vile Parle (East), Mumbai - 400 057



... Respondents

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

ORDER

(Passed on 16/10/23)

These proceedings are initiated pursuant to representation of Applicant dated 09.03.2023 in respect of Slum Rehabilitation Scheme on land bearing CTS No.291 (Pt.) of Village - Kurar at Malad (East) for Malad Shivaji Nagar Shivalaya CHS Ltd. Hereinafter the above said Slum Rehabilitation Scheme is referred to and called as "Subject S.R. Scheme".

BRIEF FACTS:

The slum dwellers residing on land bearing CTS No.291(Pt.) of Village – Kurar at Malad (East) have formed the Applicant Society and resolved to redevelop the said land by implementing Slum Rehabilitation Scheme. Initially the Applicant Society appointed one M/s. Khoradia Enterprises as developer. Due to non-performance and inordinate delay, the said developer was terminated by the Deputy Collector/SRA through order dated 22.02.2018 and the Respondent No.1 was appointed as developer. The said land is owned by MHADA. However thereafter there is absolutely no progress in subject S. R. Scheme.

The note of co-operative department dated 12.09.2023 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.357. 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. The note further reveals that the Applicant has filed Writ Petition No.3550 of 2019 and Civil Application No.915 of 2019 in Hon'ble High Court. The record reveals that Advocate for society in said Writ Petition and Civil Application on written instructions made a statement to withdraw the Writ Petition and Civil Application and the Hon'ble Court through order dated 24.02.2023 has disposed of the same. The Respondent No.1 has submitted undated Application stating that due to their personal difficulty they are unable to redevelop the said land and rehabilitate the slum dwellers, so their appointment may be cancelled and M/s. Jaliyan B Right Developers LLP may be appointed as new developer.



Pursuant to said note, the notices for hearing were issued to the concerned parties and matter was heard on 31.08.2023. On said day Applicant society remain present through their office bearers. On behalf of Respondent No.1 Shri Himmat Kachara 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 APPLICANT

According to Applicant, they have filed Writ Petition No.3550 of 2019 and Civil Application No.915 of 2019 in Hon'ble High Court and their Advocate in said Writ Petition and Civil Application on written instructions made a statement to withdraw the Writ Petition and Civil Application and the Hon'ble Court through order dated 24.02.2023 has disposed of the same. It is further version of Applicant that this Authority through Public Notice dated 20.04.2022 has recorded the proposal of Respondent No.1. The Applicant has prayed for appointment of authorized officer of SRA for conducting General Body Meeting for appointment of new developer in subject SR Scheme. On these ground the Applicant has prayed to grant them permission to appoint new developer.

ARGUMENT OF RESPONDENT NO.1

The Respondent No.1 has submitted undated Application stating that due to their personal difficulty they are unable to redevelop the said land and rehabilitate the slum dwellers, so their appointment may be cancelled and M/s. Jaliyan B Right Developers LLP may be appointed as new developer. During the hearing also their Partner Shri Himmat Kachara has granted consent for their removal as developer from subject SR Scheme.

ISSUES & REASONS

It is admitted fact that, initially the Applicant society appointed one M/s. Khoradia Enterprises as developer. Due to non-performance

and inordinate delay, the said developer was terminated by the Deputy Collector/SRA through order dated 22.02.2018 and the Respondent No.1 was appointed as developer. The said land is owned by MHADA. However thereafter there is absolutely no progress in subject S. R. Scheme and the Scheme is stand still. Even the Annexure-II is also not obtained.

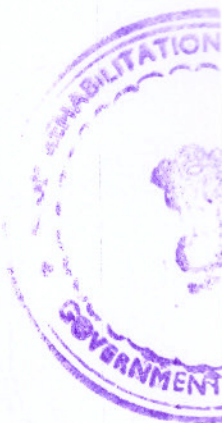
In the meanwhile this Authority has recorded 517 dormant proposals through Public Notice dated 20.04.2022 in which the developers and societies have failed to take necessary steps. In said list of 517 Schemes, the subject S.R. Scheme is at Sr. No.357. The said Public Notice dated 20.04.2022 is set aside 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.

The record further reveals that the Applicant has filed Writ Petition No.3550 of 2019 and Civil Application No.915 of 2019 in



Hon'ble High Court and Advocate for Applicant in said Writ Petition and Civil Application on written instructions made a statement to withdraw the Writ Petition and Civil Application and the Hon'ble Court through order dated 24.02.2023 has disposed of the same.

There is no progress at all and scheme is stand still. It is pertinent to note that the Respondent No.1 has submitted undated Application stating that due to their personal difficulty they are unable to redevelop the said land and rehabilitate the slum dwellers, so their appointment may be cancelled and M/s. Jaliyan B Right Developers LLP may be appointed as new developer. Even during the hearing held on 31.08.2023, partner of Respondent No.1 remain present and also granted their no objection to terminate them as developer of the SR Scheme of Applicant society. For appointment of new developer it is necessary to pass General Body Resolution with requisite consent in presence of authorized officer of Slum Rehabilitation Authority in accordance with circular no.169 of Slum Rehabilitation Authority. Accordingly following order is passed.

ORDER

1. The Respondent No.1 i.e. M/s. Royal Realtors is hereby terminated as developer of subject SR Scheme i.e. SR Scheme on land CTS No.291 (Pt.) of Village – Kurar at Malad (East) for Malad Shivaji Nagar Shivalaya CHS Ltd.
2. The Applicant society i.e. Malad Shivaji Nagar Shivalaya CHS Ltd. is at liberty to appoint new developer in accordance with rules, regulations 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 the Maharashtra Slum Areas (I, C & R) Act, 1971.

Place:- Mumbai

Date:- **16 OCT 2023**


Chief Executive Officer
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Malad Shivaji Nagar Shivalaya/65 /2023

Date: 16 OCT 2023

Copy to:

1. Malad Shivaji Nagar Shivalaya CHS Ltd.
City Survey No.291, Shivaji Nagar,
Kurar Village, Malad (East),
Mumbai - 400 097
2. M/s. Royal Realtors
6th Floor, Shah Trade Centre,
Rani Sati Marg, Near Western
Express Highway, Malad (East),
Mumbai - 400 097
3. M/s. Aakar Architects & Consultants,
Ground Floor, Satyanarayan Prasad
Commercial Centre, Dayaldas Road,
Vile Parle (East), Mumbai - 400 057
4. Deputy Chief Engineer/SRA
5. Executive Engineer (P/N Ward)/SRA
6. Tahsildar-2/SRA
7. Finance Controller/SRA
8. Chief Legal Consultant/SRA
9. Joint Registrar (W.S.)/SRA
- ✓ 10. IT Officer/SRA

