



**SLUM REHABILITATION AUTHORITY**

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

**Bandra (East), Mumbai  
R-S/PVT/0057/20081012**



Aastha SRA CHS  
Hemu Kalani, Iraniwadi,  
Road No.4, Kandivali (West),  
Mumbai – 400 067

V/s

1. M/s. Saheb Developers,  
Sharan, Mathuradas Cross Road,  
Kandivali (West), Mumbai – 400 067
2. Shri. Ulhas J. Pagnis  
4, Anand D.L. Vaidya Road,  
Dadar, Mumbai – 400 028

... Respondents

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

**ORDER**


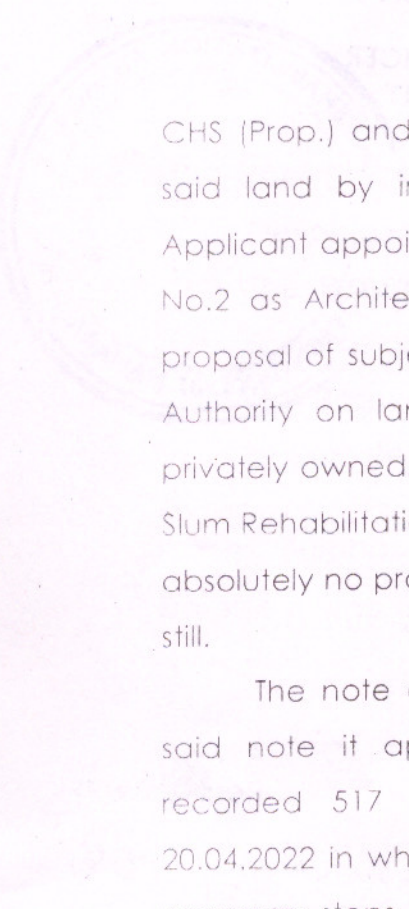
(Passed on 10/11/23)

These proceedings are initiated in respect of Slum Rehabilitation Scheme on land bearing CTS No.233, 234, 234/1 to 7, Iraniwadi, Road No.4, Village Malad (North), Kandivali (West), Mumbai – 400 067 for "Aastha SRA CHS (Prop.)" pursuant to application of Applicant dated 08.08.2023. 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.233, 234, 234/1 to 7, Iraniwadi, Road No.4, Village Malad (North), Kandivali (West), Mumbai – 400 067 formed Applicant society i.e. Aastha SRA





CHS (Prop.) and in General Body Meeting resolved to redevelop the said land by implementing the Slum Rehabilitation Scheme. The Applicant 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 1556.60 sq. mtrs. The said land is privately owned. The proposal of subject S. R. Scheme is accepted by Slum Rehabilitation Authority on 12.10.2008. However thereafter there is absolutely no progress in subject S.R. Scheme and the Scheme is stand still.

The note of Tahsildar/SRA dated 14.09.2023 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.489. 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.

Thereafter the Applicant through Application dated 08.08.2023 requested the Chief Executive Officer/SRA for reappointment of Respondent No.1 as their developer by calling Special General Body Meeting in the presence of Co-operative officer of SRA. Pursuant to said Application the notices of hearing were issued to the concerned parties. Accordingly hearing was held on 12.10.2023. On said day office bearers of Applicant Society remain present. Shri. Gurudeepsingh Gabadia remain present for Respondent No.1. The parties were heard at length and matter was closed for order. Directions were given to parties to submit their written submissions within seven days.

#### **AGRUMENT OF APPLICANT**

It is the version of Applicant that they have appointed Respondent No.1 as developer for implementation of subject SR



Scheme and Respondent No.1 have submitted the proposal on 12.10.2008. It is further version of Applicant that the Annexure-II could not be finalized due to non-compliance of requisite documents.

It is further version of Applicant that, 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 SR Scheme is at Sr. No.489. After recording of proposal, the Applicant society has called General Body Meeting and decided to continue with the appointment of Respondent No.1 as 'developer. According to Applicant the Respondent No.1 is the owner of land in their occupation. It is further version of Applicant that in the event of termination of Respondent No.1, the Applicant will be required to move proposal for acquisition of said land for which considerable time will be required. The Applicant society have full trust and confidence in Respondent No.1 for implementation of subject SR Scheme.

#### **AGRUMENT OF RESPONDENT NO.1**

It is the version of Respondent No.1 that the Applicant Society has appointed them as developer of subject SR Scheme. The proposal of subject SR Scheme is submitted in the year 2008 and the same is duly accepted. It is further version of Respondent No.1 that the Annexure-II could not be finalized due to non-compliance of requisite documents. 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 SR Scheme is at Sr. No.489. According to Respondent No.1 the delay is not attributable to them and they being the land owner they have the first preferential right to implement the subject SR Scheme. They have submitted written submission dated 30.10.2023 alongwith a Bar chart on record. As per said Bar Chart they will complete the rehab building with Occupation Certificate till May 2026. On these grounds the



Respondent No.1 has prayed to drop the present proceedings initiated against them.

### ISSUES

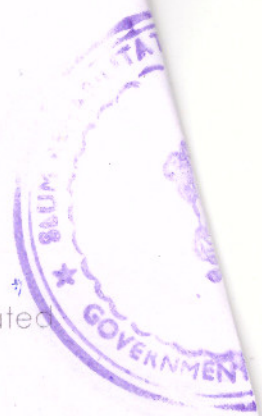
From rival contentions the issue that arises for determination of this Authority is as to whether there is nonperformance on the part of Respondent No.1 and delay in implementation of subject S.R. Scheme is attributable to Respondent No.1.

### REASONS

It is admitted fact that the proposal of subject S.R. Scheme is accepted by this Authority on 12.10.2008. The certified Annexure-II is not issued till date. Thereafter no permissions is issued and the Scheme is stand still. According to Applicant the Respondent No.1 is the owner of land in their occupation and in the event of termination of Respondent No.1, the Applicant will be required to move proposal for acquisition of said land for which considerable time will be required. It is further version of Applicant society that they have full trust and confidence in Respondent No.1 for implementation of subject SR Scheme.

The Respondent No.1 has also submitted their written submission on record. According to Respondent No.1 there is no willful delay on their part in implementation of subject SR Scheme. It is further version of Respondent No.1 that the Annexure-II could not be finalized due to non-compliance of requisite documents.

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.489. 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.





OF MAHARASHTRA

The Applicant society has not made demand for change of developer. The present proceeding is initiated pursuant to Application of Applicant dated 08.08.2023 for reappointment of Respondent No.1 as their developer by calling Special General Body Resolution in the presence of Co-operative officer of SRA.

The developers implementing the 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. Considering the facts of present case it will not be proper to terminate the Respondent No.1 as developer merely due to non-issuance of Annexure-II by Competent Authority.

It is pertinent to note that the Respondent No.1 is owner of the land of subject SR Scheme. In the event of termination of Respondent No.1, the societies will be required to move proposal for acquisition of said land for which considerable time will be required. Moreover the possibility of litigation cannot be ruled out. In this regard the Respondent No.1 has alongwith written submission dated 30.10.2023 enclosed copy of Bar Chart stating that they will complete the rehab building with Occupation Certificate till May 2026. Considering these facts and circumstances this Authority is of opinion that there is no intentional delay on the part of Respondent No.1 and reasonable time needs to be given to Respondent No.1 for implementation of subject SR Scheme. Accordingly following order is passed.



ORDER

1. The Proceedings against Respondent No.1 i.e. M/s. Saheb Developers are hereby dropped.
2. The Respondent No.1 is directed to complete the subject SR Scheme as per Bar Chart submitted on 30.10.2023.
3. The Respondent No.1 is directed to comply with circular no.210 of Slum Rehabilitation Authority.

Place:- Mumbai

Date: **10 NOV 2023**

*[Signature]*  
Chief Executive Officer  
Slum Rehabilitation Authority

No.SRA/CEO/13(2)/Aastha SRA CHS (Prop.)/**67**/2023

Date: **10 NOV 2023**

Copy to:

1. Aastha SRA CHS  
Hemu Kalani, Iraniwadi,  
Road No.4, Kandivali (West),  
Mumbai – 400 067
2. M/s. Saheb Developers,  
Sharan, Mathuradas Cross Road,  
Kandivali (West), Mumbai – 400 067
3. Shri. Ulhas J. Pagnis  
4, Anand D.L. Vaidya Road,  
Dadar, Mumbai – 400 028
4. Deputy Chief Engineer/SRA
5. Executive Engineer (R/S)/SRA
6. DSLR/SRA
7. Deputy Collector (Spl. Cell)/SRA
8. Finance Controller/SRA
9. Chief Legal Consultant/SRA
10. Joint Registrar (W.S.)/SRA
- ✓ 11. IT Officer/SRA

