



SLUM REHABILITATION AUTHORITY

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

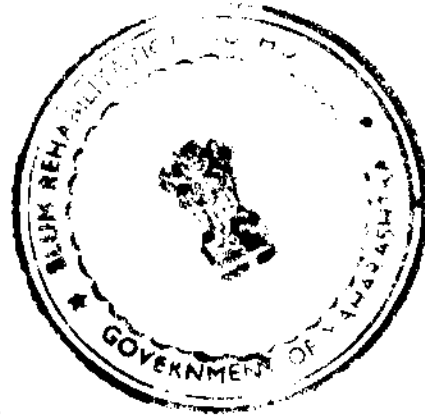
File No. SRA/ENG/2413/HE/PL/LOI

Samrat Ashok CHS
Ashoknagar, Vakola Bridge,
Santacruz (East),
Mumbai - 400 055

... Applicant

V/s

1. M/s. Skylink Developer
105, Amore Commercial Premises,
2nd & 4th Road, Khar (West),
Mumbai- 400 052
2. L.S. Skylink Hospitality LLP
1st Floor, Plot No.C38-39, G Block,
Behind MCA, Bandra Kurla Complex,
Bandra (East), Mumbai- 400 051



... Respondents

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

ORDER,

(Passed on - 25) APR 2024

The present proceedings are initiated pursuant to Application of Applicant i.e. Samrat Ashok CHS dated 01.01.2023 in respect of SR Scheme on land CTS No.3670, 3671, 3672, 3673, 3674, 3675, 3676/1, 3678, 3680 to 3692, 3694, 3696 to 3703, 3705 to 3716, 3717, 3718, 3719/1 & 3720 to 3754 of Village Kolekalyan on account of inordinate delay and non-payment of rent. Hereinafter the abovesaid Slum Rehabilitation Scheme is referred to and called as "subject SR

Scheme". In brief the facts which lead the Applicant to approach this Authority are as under;

FACTS IN BRIEF

That the slum dwellers residing on land CTS No.3670, 3671, 3672, 3673, 3674, 3675, 3676/1 3678, 3680 to 3692, 3694, 3696 to 3703, 3705 to 3716, 3717, 3718, 3719/1 & 3720 to 3754 of Village Kolekalyan admeasuring 1873.60 sq. mtrs. formed the Applicant Society and resolved to redevelop the said land by implementing subject SR Scheme. The said land is private land. The Applicant Society appointed Respondent No.1 as Developer for redevelopment of land in its occupation by implementing Slum Rehabilitation Scheme. Pursuant to the appointment, the Respondent No.1 has submitted a proposal of subject SR Scheme with this Authority and same is duly accepted on 10.08.2010. The certified Annexure-II is issued by Competent Authority on 19.05.2011. The total slum dwellers are 114 out of which 89 slum dwellers have been declared eligible. Letter of intent was issued on 04.05.2012 and the same is lastly revised on 21.01.2020. Intimation of Approval to composite building was issued on 14.08.2014 and the same was revised on 19.06.2020. Plinth Commencement Certificate to composite building was issued on 18.04.2017 and same was re-endorsed on 19.06.2020. Thereafter no further approvals are issued to the subject SR Scheme and the scheme is stand still.

Due to non-payment of transit rent as well as inordinate delay in implementation of the subject SR Scheme, the Applicant society has submitted application dated 01.01.2023 for termination of Respondent no.1 as Developer of the subject SR Scheme. Pursuant to the said application, the Tahshildar-1/SRA submitted a note dated 04.10.2023 to initiate action u/s 13 (2) of Maharashtra Slum Areas (I, C & R) Act, 1971 against Respondent No.1. Accordingly notices were issued to all the parties i.e. Society, Developer & Architect of subject SR Scheme.



The matter was heard on 31.10.2023 and 02.01.2024. On 02.01.2024, representatives of Applicant Society remain present. Adv Rajesh Patel appeared on behalf of Respondent No.1. Parties were heard at length and the matter was closed for order.

ARGUMENT OF APPLICANT

According to Applicant the proposal of subject SR Scheme is submitted in the year 2010. The Respondent No.1 has stopped the construction at site since last 4 to 5 years. Even they have failed to pay the transit rent to eligible slum dwellers. It is the version of Applicant that even the payment for obtaining Commencement Certificate is not paid by Respondent No.1 to this Authority. Due to inordinate delay on the part of Respondent No.1, the Applicant Society called the General Body Meeting on 11.06.2023 and resolved to terminate the appointment of Responded No.1 as developer. On these ground the Applicant has prayed to terminate the appointment of Respondent No.1 as developer of subject SR Scheme.

ARGUMENT OF RESPONDENT NO.1

According to Respondent No.1 they are ready to pay the transit rent to slum dwellers within 45 days. It is further version of Respondent No.1 that the slum dwellers of Applicant society are against the managing committee for change of Developer. Since the slum dwellers have no faith in managing committee of Applicant society, they are in process for change of committee. On these grounds the Respondent No.1 prayed to drop the present proceeding.

ISSUES AND DISCUSSIONS

From facts on record the issue that arise for determination of this Authority is as to whether there is nonperformance and inordinate delay in implementation of subject SR Scheme on the part of Respondents.



REASONS

It is admitted fact that the proposal of subject SR Scheme is accepted in the year 2010 on land bearing CTS No.3670, 3671, 3672, 3673, 3674, 3675, 3676/1, 3678, 3680 to 3692, 3694, 3696 to 3703, 3705 to 3716, 3717, 3718, 3719/1 & 3720 to 3754 of Village Kolekalyan, admeasuring 1873.60 sq. mtrs. The record reveals that the certified Annexure-II is issued by Competent Authority in the year 2011. There are total 114 slum dwellers out of which 89 were declared as eligible for purpose of permanent alternate accommodation. Letter of Intent was issued in the year 2012 and Amended Intimation of Approval and re-endorsed Plinth Commencement Certificate was issued lastly on 19.06.2020 in respect of Composite building.

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.

In present case the Applicant contended that the Respondent No.1 has stopped the construction work at site since last 4 to 5 years. It is further version of Applicant that Respondent No.1 has also failed to pay the transit rent to eligible slum dwellers. According to Applicant even the amount payable for obtaining Commencement Certificate is also not paid by Respondent No.1. Due to inordinate delay in implementation of subject SR Scheme, the Applicant called General Body Meeting and terminated the appointment of Respondent No.1 as developer.

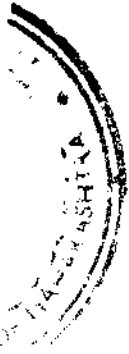


As against this it is the version of the Respondent No.1 that they are ready to pay the transit rent to slum dwellers within 45 days. According to Respondent No.1, the slum dwellers of Applicant society are against the managing committee for change of Developer. It is further version of Respondent No.1 that the slum dwellers have no faith in managing committee of Applicant society and therefore they are in process of changing the managing committee.

There is report of Assistant Registrar/SRA dated 03.04.2024 on record. From said report it appears that as per the record of co-operative department the Respondent No.1 is in arrears of transit rent approximately amounting to Rs.23,97,000/- towards 5 slum dwellers. The Respondent No.1 is already directed to pay the said amount to eligible slum dwellers. Even during the hearing this Authority has directed the Respondent No.1 to pay the arrears of transit rent within 2 weeks and further rent as per circular no.210 of SRA.

There is copy of Consent Terms dated 06.07.2018 on record. From said Consent Terms it appears that Respondent No.1 & Applicant society has entered into Consent Terms in Suit (L) No.1291 of 2018 in Hon'ble High Court. In clause no.5 of the said Consent Terms, the developer has agreed to complete the rehab building within 30 months with grace period of 6 months subject to approvals and sanctions of plans. Further in para no.6 of Consent Terms the developer has agreed to pay yearly transit rent to slum dwellers till the rehab tenements are handed over to all eligible slum dwellers. In clause no.8 the society has also agreed to withdraw all complaints and proceedings initiated against the developer including 13(2) proceedings. The LOI report reveals that the land under the subject SR Scheme is owned by Respondent No.1.

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 society 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. So, considering overall facts and circumstances this Authority is of opinion that the Respondent No.1 should be directed to obtain further approvals expeditiously. Accordingly, the 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. Skylink Developer in respect of subject SR Scheme i.e. CTS No.3670, 3671, 3672, 3673, 3674, 3675, 3676/1, 3678, 3680 to 3692, 3694, 3696 to 3703, 3705 to 3716, 3717, 3718, 3719/1 & 3720 to 3754 of Village Kolekalyan for "Samrat Ashok CHS" are hereby dropped.
2. The Respondent No.1 is directed to submit bar chart regarding completion of rehab component in time bound manner.
3. The Respondent No.1 is directed to pay the rent of slum dwellers including arrears within a period of one months in accordance with circular no.153 of Slum Rehabilitation Authority.
4. The Respondent No.1 is directed to comply with the provisions of circular no.210 of Slum Rehabilitation Authority.
5. The Executive Engineer is directed to periodically visit the site and ensure the completion of scheme in time bound manner as per bar chart submitted by Respondent No.1

Date : 27 APR 2024

Place : Mumbai


Chief Executive Officer
Slum Rehabilitation Authority

No.: SRA / CEO / 13(2) / Samrat Ashok CHS / 24 / 2024

Date: 27 APR 2024



Copy to:

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3. L.S. Skylink Hospitality LLP
1st Floor, Plot No.C38-39, G Block,
Behind MCA, Bandra Kurla Complex,
Bandra (East), Mumbai- 400 051
4. Deputy Collector (Spl. Cell)/SRA.
5. Dy. Chief Engineer/SRA.
6. Executive Engineer (HE Ward)/SRA.
7. Finance Controller/SRA
8. Assistant Registrar (Western Suburbs)/SRA
- ✓ 9. Information Technology Officer/SRA.
10. Chief Legal Consultant/SRA.

