

Before the Apex Grievance Redressal Committee  
Government of Maharashtra

Application (L) No. 12 of 2018

M/s. Vinayak Realtors

..Applicant

V/s.

Slum Rehabilitation Authority

..Respondents

Matter Heard On: 06.08.2021

Order Passed On: 29.09.2021

Order:-

Additional Commissioner/MMRDA through Video Conferencing.

Shri Hemant Parikh, representative for Applicant M/s. Vinayak Realtors present. None present for Respondents.

After hearing the concerned parties matter stands closed for orders. Applicant is directed to file Written Arguments alongwith Bar Chart within period of 15 days if he so desire.

2. Pursuant to the direction of this Committee Applicant M/s. Vinayak Realtors has submitted written arguments alongwith Bar chart therein on 25.08.2021 before this Committee and same is taken on record.

3. Applicant M/s. Vinayak Realtors has filed present Application praying for the following reliefs:-

a) That this Hon'ble Forum be pleased to quash and/or set-aside the impugned order dated 29.11.2017 passed by the Slum Rehabilitation Authority under section 13(2) of Maharashtra Slum Areas (I.C & R) Act 1971 whereby appointment of Applicant as developer terminated under subject S. R. Scheme.

4. The said Application was listed for hearing before this Committee on 30.05.2018. On that day this Committee has passed following order:

"Since Applicant has not joined Shivaji Nagar SRA CHS, Applicant is directed to join Shivaji Nagar SRA CHS as party Respondent.

The present matter be placed before AGRC on mentioning board on the next date of hearing."

Present Application was again listed on 08.06.2018 before this Committee and on that day this committee passed order which reads as under:

"Considering the said statement this Committee directs Joint Registrar, Co-Operative Societies/SRA to submit report with regards to payment of rent in lieu of Transit Accommodation made by Applicant to the eligible Slum Dwellers till the date of passing of the order within 12 weeks.

Matter to be listed on next date of hearing."

5. Accordingly on 07.08.2018 Joint Registrar Co-Operative Societies/SRA, submitted report before this Committee and same is taken on record. As per said report Applicant Developer has failed to file/submit any declaration in respect of payment of rent to the Slum Dwellers before Registrar Department/SRA.

6. Case of Applicant M/s. Vinayak Realtors is as follows:

(a) Applicant is the Registered Partnership Firm under Indian Partnership Act 1932 and are in possession of the land suited on plot of land bearing CTS No. 121(Pt) of Village, Hariyali, Vikhroli (East) Mumbai 400 083. Applicant has entered into Development Agreement with Shivaji Nagar SRA Society CHS.

(b) Applicants had submitted the proposal of implementation of subject SR Scheme to SRA. The Competent Authority issued Certified Annexure-II thereafter for total 188 number of Slum Dwellers under subject SR Scheme. Out of 188 Slum Dwellers, 156 Slum Dwellers are held eligible. On the basis of certified Annexure-II issued by the Competent Authority SRA approved and issued the LOI in the name of the Applicant in respect to the said scheme on 23.09.2009.



(c) The IOA for the rehab building was issued on 30.06.2009 and Plinth Commencement Certificate to the Developer on 31.08.2009. The Applicants commenced the project work on Plot No. 121(Pt) for Rehab Building. The Plinth Commencement Certificate was issued without Slum Dwellers having vacated their structures on the said plots. Subsequently Developer initiated construction activity but were physically prevented from constructing on site by members protesting against fraudulent Annexure- II.

(d) About 60 structures of the slum dwellers out of 155 slum dwellers were demolished by Applicant and the Applicants were paying the rent regularly through their Bank and subsequently through Axis Bank having branch at Prabhadevi. Remaining Slum Dwellers have not vacated their respective structures and continued to reside on the subject plot of land.

(e) The Applicants had filed Application under section 33/38 of Maharashtra Slum Areas (I. C & R) Act 1971 against the tenants who are not vacating their premises residing on the subject plot of land and causing inordinate delay for completion of subject S. R. Scheme.

(f) Slum Dwellers who had not vacated their respective structures on the said plots have obstructed the implementation of the subject S. R. Scheme and have adopted an obstructionist and non-co-operative approach. The Respondent No. 1 had also failed and neglected to take any action against the said Slum Dwellers, even after the Applicants had filed Application under section 33/38 of Maharashtra Slum Areas (I. C & R) Act 1971.

(g) In the order dated 29.11.2017 passed by the CEO/SRA under sec. 13(2) of the Maharashtra Slum Areas (I,C and R) Act,1971, liberty was given to the Society viz. Shivaji Nagar CHS, Vikhroli to implement the subject S. R. Scheme further through their new developer as per provision of prevailing law, rules and regulations within 90 days. But Society failed to appoint new developer to implement the subject S. R. Scheme.

If Applicants fails to comply with the aforesaid directions, the impugned order dated 29.11.2017 passed by CEO/SRA to be implemented.

With the aforesaid direction Application is allowed.

Sd/-  
(Dr. Sanjeev Kumar)  
Addl. Municipal Commissioner  
City, MCGM  
Member  
Apex Grievance Redressal  
Committee

Sd/-  
(K H Govind raj)  
Addl. Commissioner/MMRDA  
Member  
Apex Grievance Redressal  
Committee

Absent  
(Anil Diggikar)  
Vice-President, MHADA  
Member  
Apex Grievance Redressal  
Committee

Sd/-  
(Satish Lokhande)  
Chief Executive Officer/SRA  
Member  
Apex Grievance Redressal  
Committee

Sd/-  
(Milind Mhaikar)  
Principal Secretary, Housing Department  
Chairman  
Apex Grievance Redressal Committee



7. Records produced before this Committee is as follows:-

i) Slum dwellers residing on plot of land bearing CTS No. 121(Pt) Village Hariyali, came together and form society Viz. Shivaji Nagar CHS and appointed Applicant M/s. Vinayak Realtors as a developer for implementation subject plot of land under Regulation 33(10) of DCR 1991. Accordingly Applicant M/s. Vinayak Realtors submitted SR Scheme on the subject plot of land before SRA and same was accepted on 30.12.2005.

ii) The said plot of land is owned by MHADA therefore certified Annexure-II has been issued by MHADA on 24.08.2006 for total 186 slum dwellers. Out of those 186 slum dwellers, 149 slum dwellers are held eligible under subject SR Scheme.

iii) On the basis of the certified Annexure-II SRA issued LOI on 05.11.2007 and revised LOI on 21.03.2009. Further SRA has issued IOA for Rehab Building No. 1 on 11.04.2008 and for Rehab Building No. 2 on 30.06.2009. Thereafter Applicant obtained permission for Plinth CC of Rehab Building No.2 on 31.08.2009 from SRA.

8. Applicant Developer failed to implement the subject SR Scheme within stipulated period of time. Therefore CEO/SRA by impugned order dated 29.11.2017 terminated the appointment of Applicant Developer. Thereafter society viz Shivaji Nagar CHS was also failed to appoint New Developer under subject SR Scheme. In meantime Applicant Developer shown his willingness to complete subject SR Scheme and therefore requested this Committee to continue him as a developer for the same.

9. Considering the aforesaid facts, circumstances and the Written Submission mentioning therein Bar-Chart of Applicant developer, this Committee set-asides the order dated 29.11.2017 passed by CEO/SRA under section 13(2) of Maharashtra Slum Areas (I. C & R) Act 1971 and direct Applicant Developer to complete the subject SR Scheme as per Bar-Chart.

(h) Applicant developer has in written submission committed to complete the subject S. R. Scheme within 4 years after full CC to all the Rehab Buildings. Applicant Developer has also undertaken that he shall pay outstanding rent during the tenure as developer, if any, as per SRA regulations and shall pay the same regularly till the completion of the scheme and allotment of permanent alternate accommodation.

(i) Applicant further submitted that after grant of amended LOI, IOA, CC as per 300 sq. ft carpet area and as per new eligibility criteria, the Applicant shall complete the subject S.R Scheme as per the Bar chart mentioned in the written submission, which reads as follows:

| Sr. No. | Approvals             | Period                                                           |
|---------|-----------------------|------------------------------------------------------------------|
| I       | Plinth Construction   | Within 6 months after action under Section 33 and 38 of Slum Act |
| II      | RCC work of buildings | Within 2 years for 22 slabs post Construction of Plinth          |
| III     | Masonry, Plaster      | Within 6 months thereafter.                                      |
| IV      | Amenities             | Within one year thereafter.                                      |

(j) Partners of M/s. Vinayak Realtors (Partnership Firm) except Shri Hemant Parikh no one is interested in the implementation of the subject S. R. Scheme and therefore they had already informed the said facts to SRA. Accordingly SRA issued a letter to amend the Ann-III and in that respect Applicant developer is ready to indemnify the SRA and its official.

In view of the aforesaid facts and the circumstances Applicant Developer viz. Hemant Parikh requested this Committee to set aside the order dated 29.11.2017 passed by the CEO/SRA and to continue him as a developer for implementation of the subject S. R. Scheme.