

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2157 OF 2021**

Kapilkunj Co-operative Housing Society Ltd ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 3329 2022

Rajesh Madhukar Chavan ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION (L) NO. 17385 2023

Sakshi Shankar Shinde ...Petitioner
Versus
The Slum Rehabilitation Authority ...Respondent

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**Mr JS Kini, with Aum J Kini, i/b Sapna Krishnappa, for the Petitioner
society in WP/2157/2021 and for Respondent No. 4 in
WPL/3329/2022 and WPL/17385/2022.**

**Mr Mayur Khandeparkar, with Manjiri Parasnis & Priyank Shukla,
i/b RD Mishra, for the Petitioner.**

**Mr VA Gangal, with Divya Parab & Shweta Parab, for the Petitioner
in WPL/17385/2023.**

**Dr Birendra Saraf, Advocate General, with Jagdish G Aradwad
(Reddy) & Vaibhav Charalwar, for the SRA in all matters.**

Mr Sagar Patil, for MCGM.

Mr RD Soni, with Tushar Momaiyah, for the Intervenor.

Mr VM Thorat, with Suhas Gaikwad, for Respondents Nos. 6 to 9 in WP/3329/2022.

Mr Ranjeev Carvalho, with Uttam Rane, for the Intervenor in WP/2157/2021.

Mr LT Satelkar, AGP, for State in WP/2157/2021 & WPL/17385/2023.

Ms Uma Palsuledesai, AGP, for State in WPL/3329/2022.

Mr SK Dhekale, Court Receiver is present.

Ms Manjari Parasnis, for proposed intervenors.

**CORAM G.S. Patel &
Neela Gokhale, JJ.**

DATED: 25th July 2023

PC:-

1. We passed a detailed order on 5th July 2023. That required the 3rd Respondent Developer, Niraj Ved, doing business in his proprietorship firm of Shreenath Corporation at 101-102, Bhaveshwar Market, 1st floor, Near Gandhi Market, MG Road Ghatkopar (East), Mumbai 400 077 to take a number of positive steps, including cancelling certain agreements and to make good on his promise to deliver possession of other units said to be free. There was an injunction against the developer. We appointed a Receiver of certain premises.

2. We are noting only some of this because what has emerged today is a matter for great concern. At the very beginning of the hearing, Mr Vakil told us that the 3rd Respondent had discharged his Advocates. Others who are present before us tell us that the 3rd Respondent is very much in the corridors of the High Court.

3. We issue a bailable warrant in the amount of Rs 15,000/-, and that is only an initial amount, against the 3rd Respondent, Niraj Ved, Shreenath Corporation at 101-102, Bhaveshwar Market, 1st floor, Near Gandhi Market, MG Road Ghatkopar (East), Mumbai 400 077, returnable in this Court on 9th August 2023. The matter is to be listed first on board on that date.

4. The 3rd Respondent is at liberty to engage new Advocates (or to persuade the same Advocates to continue), but he will be produced in Court on that date.

5. There is a Receiver's report today. It is taken on record.

6. The learned Advocate General appears for SRA. Others who are affected have also entered appearance or filed Interim Applications. Mr Soni is one of those, and he says that there are other projects undertaken by this very developer where the situation is even more serious, and hundreds of flat purchasers are affected. There are others similarly placed.

7. We refuse to be silent bystanders to this. Apart from anything else, we believe that this is a case where SRA is quite significantly hamstrung by having only limited authority. The SRA and its officers are caught in the cross-fire between a wholly errant developer and individual purchasers or allottees. Prima facie, this developer has not only run riot across several projects but seems also to have exploited to the hilt identifiable lacunae in SRA jurisdiction and authority.

8. We will undoubtedly need the assistance of the learned Advocate General and all counsel before us. Our immediate objective will be, first, to ensure that the SRA has sufficient authority and powers to deal in these situations effectively, quickly and efficiently. Second, we will have to deal with the three concerns in this matter, i.e., those of Mr Kini for the Petitioner, Mr Gangal and Mr Thorat for two sets of flat purchasers, and Mr Khandeparkar for others to whom flats were promised and were agreed to be sold

9. Then there are the questions that have to be answered in respect of the project at Kurla. Here, Ms Parasnis, Mr Carvalho and others have claims. We will have to consider those as well.

10. Mr Soni's case in regard to other projects will also be taken up, and he mentions in particular a project at Bhandup. Mr Soni states he will file a separate Writ Petition. Similarly, those who seek substantive relief in their own name should file separate Petitions and get these tagged with the present matters. It would not be possible to give intervenors reliefs in respect of other projects. In other words, all independent claims against the present 3rd Respondent, Niraj Ved, and his proprietorship firm, should be by way of separate petitions and not as interventions in these matters *unless* they relate to premises covered by any of the present Writ Petitions.

11. A copy of the Receiver's latest report is to be made available to all Advocates appearing today.

12. The SRA Affidavit is already filed.
13. List these matters first on board on 9th August 2023.
14. In the meantime, it is open to all aggrieved parties to file criminal complaints or FIRs against the 3rd Respondent in whatever jurisdictional police station is nearest the project. The police authorities will register all complaints that are filed. What is to be done thereafter is a matter for State action and we will consider the submissions of the Learned Advocate-General on the next date.
15. The present possession of the Court Receiver will continue until the 9th August 2023.

(Neela Gokhale, J)

(G. S. Patel, J)