

**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 OF 2022

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

WITH

WRIT PETITION (L) NO. 17385 OF 2023

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

**Mr JS Kini, with Sapna Krishnappa, for the Petitioner in
WP/2157/2021.**

**Mr Mayur Khandeparkar, with Manjiri Parasnis, Priyank Shukla &
Anand Pai, i/b RD Mishra, for the Petitioner in
WPL/3329/2022.**

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

**Mr LT Satelkar, AGP, for Respondent No.1-State in
WP/2157/2021.**

**Mr Uma Palsuledesai, AGP, for Respondent No.1-State in
WPL/3329/2022.**

**Mr Sandesh D Patil, with Prithviraj S Gole, for Respondent No.2-
SRA in all Writ Petitions.**

**Mr Satish Lokhande, CEO, SRA-Respondent No.2 is present in
person.**

**CORAM G. S. Patel &
Neela Gokhale, JJ.**
DATED: 4th July 2023

PC:-

1. The Developer is in breach of the undertakings given to this Court and accepted in our order of 28th June 2023.

2. There are several additional complications and we have required the personal attendance of the CEO. We are most unhappy with the manner in which this project has been supervised and handled by the SRA and particularly the CEO. We are constrained to observe this because the result is that there are at least three or more groups of parties whose interests are adversely affected simply because the Developer has been allowed to run amok without proper control or supervision. We will deal with those issues later.

3. For the present, we require the CEO to attend Court tomorrow again with all relevant files and to take instructions and obtain details as indicated in the discussion in Court today. The CEO will also prepare a letter of termination of the Developer's Letter of Intent but keep it unsigned, pending further orders of this Court.

4. Specifically, the CEO will find out how many residential tenements are presently available in what we will call the sister site at Kurla, i.e., Suhana Co-operative Housing Society Ltd, and to which title is clear and without any third-party rights or clog on title. Individual tenements must be identified. We will also then consider Mr Kini's submissions on behalf of the Society that one or more of the Suhana tenements have been encumbered because he has been able to obtain Index II records in that regard.

5. In the meantime, issue notice to Niraj Ved, Proprietor of Shreenath Corporation, 101-102, Bhaveshwar Market, 1st Floor, Near Gandhi Market, MG Road, Ghatkopar (E), Mumbai 400 077 and residential address at 501, Shreeji Tower, 5th Floor, Rajwadi, Ghatkopar East, Mumbai under Rule 9(1) of the Bombay High Court Contempt of Court Rules returnable in six weeks specifically in regard to the breach of the undertakings in our order of 28th June 2023.

6. The contemnor is present in Court.

7. List the matter on 5th July 2023 at 2:30 pm.

(Neela Gokhale, J)

(G. S. Patel, J)

Digitally signed
by RAJU
DATTATRAYA
GAIKWAD
Date:
2023.07.05
12:16:32
+0530