



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO.109 OF 2019

Vijendra Kumar Rai ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

**WITH
CONTEMPT PETITION (L) NO.3760 OF 2023
IN
PUBLIC INTEREST LITIGATION NO.109 OF 2019**

Vijendra Kumar Rai ... Petitioner
Vs.
Chief Executive Officer, SRA ... Respondent

**WITH
PUBLIC INTEREST LITIGATION NO.83 OF 2019**

Vijendra Kumar Rai ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.1292 OF 2018**

Vijendra Kumar Rai ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

Ms. Rebecca Gonsalves, Amicus Curiae present.

Mr. Vijendra Kumar Rai, petitioner-in-person present.



Mr. Anil Y. Sakhare, Senior Advocate with Mr. Vijay D. Patil for Respondent No.6-SRA in PIL/109/2019 and for Respondent Nos.1 and 2-SRA in CONPPL/3760/2023.

Mr. L. T. Satelkar, AGP for State in PIL/109/2019 and CONPPL/3760/2023.

Mr. Sukanta Karmakar, AGP for State in PIL/83/2019.

Mr. Sukanta Karmakar, AGP with Mr. Amit Shastri, AGP for State in WP/1292/2018.

Dr. Milind Sathe, Senior Counsel a/w Mr. Bhushan Deshmukh a/w Mr. Shakeeb Shaikh, Mr. Aftab Diamondwala, Mr. Pradeep V. and Huda Diamondwala i/by Diamondwala & Co. for Respondent Nos.9 to 16 in PIL/109/2019.

Mr. Sandeep Dhangar a/w Kinjal Upadhyay i/by Jayesh R. Vyas for Respondent No.17 in PIL/109/2019.

Mr. Jagdish G. Aradwad (Reddy) a/w Ashwini Jadhav for Respondent Nos.13 to 16 in PIL/109/2019 and for Respondent Nos.7 to 13 in WP/1292/2018.

Mr. Ativ Patel i/by AVP Partners for Respondent No.21 in PIL/109/2019.

Mr. Y. R. Mishra a/w Mr. D. P. Singh for Respondent No.22 in PIL/109/2019.

Advocate Enamul Haq Khan for the Intervenor in IAST/23924/2023.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 30th AUGUST 2023

**P.C. :**

A Note has been tendered by the learned Amicus Curiae, which is taken on record. A copy of the said Note has also been handed over to the learned Counsel representing Respondent Nos. 9 to 16 in Public Interest Litigation No.109 of 2019 as also learned Counsel representing the Respondent-Slum Rehabilitation Authority.

2. The learned Amicus Curiae has stated that the data and the information contained in her Note submitted today have been mostly extracted from the Affidavits filed by the Slum Rehabilitation Authority and the Developers.

3. According to the said Note, at least at seven places the work has been ordered to be stopped in respect of the saleable components of the schemes. The Petitioner, who appears in person, has however raised an apprehension that despite the stoppage order having been passed by the Slum Rehabilitation Authority, the work on the spot has actually not been stopped.



4. To verify as to whether the work at seven places mentioned at Page 11 of the Note submitted by the learned Amicus Curiae has actually been stopped or not, we appoint a Court Commission, comprising of Ms. Sahana Manjesh (Cell No.9819493794) and Ms. Meenaz Kakalia (Cell No.9910286564), practicing lawyers of this Court to ascertain the said facts and submit a report to the Court within a week from today. The learned Amicus Curiae is requested to extend her cooperation to the Court Commissioners, so that they may execute their work effectively. The Court Commissioners shall be entitled for a remuneration of Rs.15,000/- each, which shall be borne by the Slum Rehabilitation Authority. Besides the said remuneration, they shall also be entitled to the miscellaneous expenses such as travelling expenses, etc.

5. Our attention has also been drawn to a Circular issued by the Chief Executive Officer, Slum Rehabilitation Authority, which is dated 01st August 2023. The said Circular appears to have been issued in view of the pendency of these



two Public Interest Litigation Petitions as also in light of the order dated 19th July 2023 passed by this Court in Public Interest Litigation No.109 of 2019.

6. The said Circular recites about certain steps to be taken by the Authority, so that the incidents of non-payment of rent are checked, which according to the Circular itself, have drastically increased. One of the steps, as per the said Circular, is that the Developer shall deposit an advance rent of two years and post-dated cheques for remaining period of completion at the stage of Annexure-III. Certain other measures have also been provided in the said Circular. However, there appears to be some ambiguity as to whether the Circular dated 01st August 2023 shall be applicable in case of ongoing rehabilitation schemes or not, though in all likelihood the said Circular would operate in respect of ongoing schemes as well for the simple reason that the Chief Executive Officer, who issued the said Circular, has not only noticed pendency of these two Public Interest Litigation Petitions but has also referred to the order dated 19th July 2023 passed by this Court in one of these two



Public Interest Litigation Petitions, viz., Public Interest Litigation No.109 of 2019.

7. By the next date, the learned Counsel representing the Respondent-Slum Rehabilitation Authority shall complete his instructions in this regard as well and accordingly file an Affidavit.

8. The Note tendered by learned Amicum Curiae also makes a mention of outstanding rent in different schemes. The Respondent-Slum Rehabilitation Authority as also Respondent Nos.9 to 16 shall file Affidavits in respect of the said information available in the Note regarding non-payment of the pending amount of the rent by the next date of hearing.

9. The Respondent-Slum Rehabilitation Authority while filing the Affidavit shall also give details of the action taken where the instances of non-payment of rent by the Developers have been noticed/found. The Affidavit to be filed by the Respondent-Slum Rehabilitation Authority shall also clearly



indicate as to how many matters/complaints have been received and disposed of by the Nodal Officer/Competent Authority appointed as per the directions given by this Court vide order dated 19th July 2023. We, however, direct that the Nodal Officer/Competent Authority shall take appropriate action, which may be warranted under law, on the matters/complaints which have been received by them in respect of non-payment of rent and shall dispose of the same within the maximum period of 30 (thirty) days from the date such matter/complaint is received.

10. Stand over to 26th September 2023 under the caption 'for Directions'.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)