



Ashvini Narwade

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

SUO MOTO WRIT PETITION NO. 1 OF 2024

IN RE : PERFORMANCE OF AUDIT OF THE
MAHARASHTRA SLUM AREAS (IMPROVEMENT,
CLEARANCE AND REDEVELOPMENT) ACT, 1971

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

With
IAL/30515/2024 in SMWP/1/2024
With
IAL/29877/2024 in SMWP/1/2024
With
IAL/3024/2024 in SMWP/1/2024
With
IAL/28846/2024 in SMWP/1/2024
With
IAL/28762/2024 in SMWP/1/2024
With
IAL/28730/2024 in SMWP/1/2024
With
IAL/28516/2024 in SMWP/1/2024
With
IAL/25664/2024 in SMWP/1/2024
With
IAL/25848/2024 in SMWP/1/2024
With
PIL/83/2019
With
PIL/109/2019
With
CONPPL/5058/2024 in PIL/109/2019
With
CONPPL/3760/2023 in PIL/109/2019
With
CONPPL/29681/2023 in PIL/109/2019
With
CONPPL/5661/2024 in PIL/109/2019



With
IA/3179/2023 in PIL/109/2019
With
WP/1292/2018
With
WPL/26454/2023
With
WP/3571/2023
With
WP/115/2024
With
IAL/7753/2024 in WP/115/2024

Mr. Darius Khambata, Sr. Adv. (Amicus)
Mr. Sharan Jagtiani, Sr. Adv. (Amicus)
Ms. Naira Jejeebhoy (Amicus)
Alongwith Mr. Priyank Kapadia, Mr. Chanan Parwani, Mr. Tushar
Hathiramani, Mr. Tanmay Pawar, Shreenandini Mukhopadhyay, Mr. Muttahar
Khan, Ms. Shraddha Achliya, Ms. Avani Divan, Ms. Sankalpita Mullick

Ms. Shreya Parikh, Mr. Jai Chhabria, Mr. Prateek Pai and Ms. Sheetal Shah i/b
M/s Mehta & Girdharlal for Applicant in IAL/28516/2024

Mr. Kunal Mehta a/w Mr. Sukrit Parashar i/b Vesta Legal for Applicant in
IAL/28762/2024

Mr. Arun Panickar a/w Ms. Sneha Patil i/b Maniar Srivastava Associates for
Petitioner in WP/115/2024

Ms. Sneha Patil i/b Maniar Srivastava Associates for Applicant in
IA/3024/2024

Peterasp Sasun i/b Corporate Attorneys for Applicant in IAL/28730/2024.

Mr. Chaitanya Chavan a/w Mr. Nikhil Jaykar, Ms. Christine Rewrie, Ms. Janvi
Dutt, Ms. Tinaz Kapadia, and Ms. Unnarti Bane i/b L. R. Associates for
Intervenor (A. H. Wadia Trust) in IAL/29877/2024

Ms. Archana Gaikwad for Applicant in IAL/28846/2024.

Mr. K. G. Munshi a/w Mr. Ankit Tripathi i/b Jariwala Associates for M/s
Skycon Infrastructure.



Ms. Gayatri Singh, Sr. Adv. a/w Ms Sanjot Shirnath for Slum Dwellers.
Mr. Mihir Desai, Sr. Adv. a/w Ms. Rishika Agarwal for Slum Dwellers.

Dr. Birendra Saraf, AG a/w. Mr. Chirag Shah, Spl.Counsel, Smt. Jyoti Chavan,
Addl.G.P. Mr. Vikrant Parshurami, AGP, Mr. Vaibhav Charalwar 'B' Panel
Counsel and Mr. Jay Sanklecha 'B' Panel Counsel for State.

Mr. Vishal Acharya for Prerna CHSL.

Mr. Sahil Mahajan for Adarsh Sahakari Grihnirman Sanstha on behalf of Slum
Dwellers.

Mr. A. N. Giri for Balgovind Nagar CHS Ltd.

Ms. Kirti Munshi a/w Jimish Shah for Nagardas Dharsi Bhuta Charities .

Mr. Nitesh Acharya a/w Mr. Anand Sangvikar for SRA Bar Association.

Mr. Altaf Khan for Shree Azad Co. Op. Hsg. For Slum Dwellers (Abdul Samad
Maknoji).

Dr. Milind Sathe, Sr. Adv. a/w Mr. Aryan Srivastava i/b. Wadia Ghandy & Co.
for NAREDCO West Foundation.

Mr. Sagar Batavia for Slum Dwellers.

Mr. Indu Prashant for Association of Slum Developers.

Mr. Mayur Khandeparkar a/w. Samit Shukla, Mr. Siddharth Shah, Ms. Masira
Shaikh i/b. DSK Legal for CREDAI-MCHI.

Mr. Joel Carlos a/w Ms. Shweta Patankar i/b Mr. Sunil Sonawane for BMC.

Mr. Abhishek Kothari a/w Samit Shukla, Saloni Shah, Mustafa Malwad I/b
DSK Legal for Petitioner in WPL/3571/2023.

Mr. Naushad Engineer, Sr. Adv. a/w Mr. Amannjot Anand i/b H. S. Anand for
Petitioner in WPL/26454/2023.



Mr. Aditya Miskita i/b Maniar Sruvastava & Associates for Petitioner in WP/115/2024.

Mr. Mohit P. Jadhav , Addl. G. P. for State in WP/292/2018 and WPL/26454/2023.

Mr. Vijay Patil for R. No. 2 To 4 - SRA in CONPPL/5058/2024, for R. No. 2 To 5 – SRA in CONPPL/5661/2024 and for R. No. 1 and 2 – SRA in CONPPL/29681/2023.

Mr. Shakeb Shaikh a/w Mr. Harish Reshamwala i/b Diamondwala & Co. for R. No. 9 To 16 in PIL/109/2019.

Mr. Jamshed Master a/w Kinjal Kakkad i/b Jayesh R. Viay for R. No. 17.

Mr. Jagdish G. Aradwad (Reddy) for R. No. 13 To 16 in PIL/83/2019, for R. No. 2 & 3 in WPL/26454/2023 and WP/115/2024 , for R. No. 7 to 10 in WP/1292/2018.

Dr. Birendra Saraf, A. G. a/w Mr. Jagdish G. Aradwad (Reddy), Mr. Vaibhav Charalwar for R. No. 2 & 3 in WP/3571/2023.

Ms. Viloma Shah i/b M/s. AVP Partners for R. No. 21.

Mr. A. Y Sakhare i/b Mr. Vijay Patil for R. No. 6 - SRA in PIL/109/2019 and for R. No. 2 & 3 – SRA in CONPPL/3760/2023.

Smt. Vrushali Kabre, AGP for State in PIL/109/19, CONPPL/3760/2023, CONPPL/2968/2023, CONPPL/5661/2024.

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

Mr. Dipesh Siroya, AGP for State in WP/115/2024.

Smt. Uma Palsuledesai, AGP for State in WP/3571/2023.

Mr. Abhay L. Patki, Addl G. P. for State in PIL/83/2019.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
Date : 14 OCTOBER, 2024



PC:

1. We had passed a detailed Order on the present proceedings on 16 August 2024. Thereafter we had heard the parties on 20 September 2024, when we had permitted the parties to submit their suggestions on the specific heads flagged by the Supreme Court in paragraph 34 of its decision in **Yash Developers vs. Harihar Krupa Co-op. Hsg. Soc. Ltd. & Ors.** The suggestions were to be submitted to Mr. Samit Shukla, the learned nodal advocate within 15 days from the said order, thereafter we had kept some time allowance for the learned Advocate General as also for the learned Counsel for the parties for considering the suggestions / materials coming from the different stake holders.
2. It is on the backdrop of such orders, today, we have heard Mr. Khambata, Senior Counsel, Mr. Jagtiani, Senior Advocate, Ms. Jejeebhoy, learned *Amici* as also Dr. Saraf, learned Advocate General and Dr. Milind Sathe, Senior Advocate, Mr. Mihir Desai, Senior Advocate, Mr. Shukla and other learned Counsel.
3. It is agreed at the Bar that some more time be finally granted for the parties to submit their suggestions and so as to reach Mr. Shukla by 25 October 2024 and thereafter the same can be compiled by Mr. Shukla and Ms. Jejeebhoy, to be forwarded to the office of the learned Advocate General. The other parties who desire to have a copy of such suggestions submitted by the different parties, are permitted to make a request to Mr. Shukla for soft copies to be provided to them.



4. Considering the submission of Dr. Saraf, that the officers of the State as also of the SRA, may not be available for instructions, due to the ensuing State Assembly Elections, it is hence agreed at the Bar that the proceedings can now be deferred to be listed under the caption "for directions" in the first week of December 2024 and thereafter a convenient date can be fixed for hearing.

5. We are also informed that the Hon'ble The Chief Justice has passed an order for the proceedings of some Writ Petitions to be heard along with this Petition. We are also informed that the pleadings on such proceedings are completed. The Registry to list Writ Petition No.3571 of 2023 along with connected matters with this Petition, so that after the arguments on the *Suo moto* proceedings are complete, we can hear the learned Counsel for the parties on the transferred proceedings.

6. Accordingly, list these the proceedings on **6 December 2024** (FOB) under the caption "for directions".

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)