

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

WRIT PETITION NO. 44 OF 2017

M/s. Prime Arcade Pvt. Ltd. ..Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Ashish Kamat i/b. C.N.Gole for the Petitioner.

Mr. Himanshu Takke, AGP for the Respondent/State.

Mr.V.D.Patil for the Respondent Nos.2 to 4.

Mr. Birendra Saraf i/b. Ritesh Jain for the Respondent No.7

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 27, 2018.**

P.C.

1. Heard.
2. The petitioner has challenged the notice under Section 13(2) of the Maharashtra Slum Areas (I.C.& R.) Act, 1971 and non implementation of the Orders passed by the High Power Committee, and by the respondent no.5. In the year 2006, the respondent nos.6 and 7 – Co-operative Societies appointed the petitioner to redevelop their property. The respondent nos.6 and 7 had raised a grievance before the Slum Rehabilitation Authority against the petitioner for

non completion of the redevelopment project. In pursuance of the said grievance the SRA has issued notice to the petitioner under Section 13(2) of the Maharashtra Slum Areas (I.C. & R.) Act, to show cause as to why his appointment as a developer shall not be canceled. Pending the decision, the SRA also passed an order dated 16th September, 2016 directing the respondent nos. 6 and 7 to verify whether the petitioner has still got support of 70% of the tenants.

3. The petitioner has also made grievance that the respondent no.5 has not complied with the order of the High Power Committee and has not prepared the Annexure II. The grievance was that, because of the inaction of the respondent no.5, the project was delayed.

4. In pursuance of the direction of the SRA dated 16th September, 2016, the respondent nos.6 and 7 held a General Body Meeting. The minutes of the meeting shows that the petitioner is not supported by 70% of the tenants. The petitioner, however, has amended the petition and challenged the minutes of the meeting by

the respondent nos.6 and 7 society. It is the case of the petitioner, that consent once given by the slum dwellers, it becomes irrevocable and therefore the direction of the SRA to the society to hold meeting is not in accordance with law.

5. We find that the proceeding for change of developer initiated at the instance of the respondent nos.6 and 7 is pending before the SRA, and as of today only a notice under Section 13(2) was issued to the petitioner. The petitioner is always at liberty to appear before the SRA and point out how his appointment is not liable to be canceled. He can also satisfy the SRA that he is not at fault in delaying the project. We are, therefore, not inclined to entertain this petition at this stage.

6. The SRA, however, is directed to conclude the said proceeding for change of the developer, after hearing all concerned, within a period of 8 weeks from the date of receipt of this order.

7. Needless to mention that the SRA shall pass a reasoned order

after hearing all concerned. The SRA shall not be influenced by the ad-interim order passed by this Court, and the proceeding shall be disposed of on its own merits, in accordance with law. All contentions, of the respective parties, including those raised in the petition, are kept open.

8. It is made clear that in the event, the decision of the SRA is adverse to the petitioner, the same shall not be implemented for a period of two weeks from the date of communication of the same to the petitioner.

9. Subject to the above, the petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)