

Vat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No. 11249 OF 2018

Arvinder Singh Anand and Anr.

...Petitioners

Vs.

Slum Rehabilitation Authority
Through its Chief Executive
Office and Ors.

...Respondents

Mr. Rajesh Kanojia i/b. Mr. Parvinder Singh Sethi for
Petitioners

Mr. Mayur Khandeparkar a/w. Ms. Dhawani Bokaria i/b.
Purnanand and Company for Respondent No.7

Mr. Saurabh S. Kurade i/b. Mr. Vijay D. Patil for Respondent
No.1

Mr. G.W. Mattos for Respondent No.9

Mr. Y.D. Patil -AGP for Respondent Nos. 4,5 and 8

Mr. Santosh Parad for Respondent Nos. 2 and 3

CORAM : SMT.SADHANA.S. JADHAV, J.

DATE : OCTOBER 25, 2018

P.C.:

1. Heard. Rule. Rule made returnable forthwith with the consent of the parties.
2. The Petitioners herein have furnished a list of legal heirs of Late Shri Gurcharan Singh Anand. Petitioner No.1 is the son of Late Shri Gurcharan Singh Anand and he is espousing cause of all the legal heirs including the widow of Late Joginder Singh Anand, widow of Late Shri Surinder Pal Singh Anand, the daughter Davinder Kaur Bhasin. The Petitioners have given an affidavit / undertaking to vacate the suit premises within three days from receipt of the transit rent compensation amount at the rate of

Rs.65,000/- p.m. from the Respondent Developer. The Respondent Developer has furnished seven cheques in favour of Petitioner No.1 in the Court. One cheque is for the month of October, 2018 and the rest of the six cheques are postdated cheques towards future rent payable to the Petitioners. The details of the cheques are as under:

Sr. Nos.	Date	Name	Cheque Nos.	Amount (Rs.)
1	22/10/2018	Arvinder Singh Anand	685472	65,000/-
2	22/11/2018	Arvinder Singh Anand	685473	65,000/-
3	22/12/2018	Arvinder Singh Anand	685474	65,000/-
4	22/01/2019	Arvinder Singh Anand	685475	65,000/-
5	22/02/2019	Arvinder Singh Anand	685476	65,000/-
6	22/03/2019	Arvinder Singh Anand	685478	65,000/-
7	22/04/2019	Arvinder Singh Anand	685479	65,000/-

The Petitioners further undertake, on their behalf and on behalf of the legal heirs, that they would vacate the suit premises peacefully on or before 5.00 p.m. on 29th October, 2018.

3. The Petitioners and also on behalf of the other legal heirs have given undertaking that they would jointly and severally indemnify and shall keep indemnified the Developer, SRA, the governmental authorities for all the acts, deeds done on their behalf by Mr. Arvinder Singh Anand in relation to "Suit Shop" under reference. The affidavit of the legal heirs of Late Shri Gurcharan Singh Anand is taken on record and marked as 'Article X Colly.' for the purpose of identification.

4. The Developer has filed an appeal before the Apex Grievance Redressal Committee (AGRC). The learned counsel Mr. Khandeparker submits that the submissions are concluded. The

Learned AGRC shall make every endeavor to conclude and pass the order preferably by 30th December, 2018. The proceedings before the CEO SRA would be subject to the decision of the AGRC's order. The learned counsel Mr. Khandeparkar, upon instructions, further submits that the Developer undertakes to continue to pay the transit rent till the occupation certificate is obtained by the Developer.

5. In view of the above, rule made absolute and petition stands disposed of in the above terms.

[SMT.SADHANA S. JADHAV, J.]