

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

**WRIT PETITION NO. 70 OF 2017**

Shree Swami Vivekanand (SRA)  
CHSL

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Chirag Modi with Mr. G.S. Kamble I/b. Mr. Bhushan V. Mahadik  
for the Petitioner.

Mr. Abhijeet Desai I/b. M/s. Desai Legal for the Respdt. Nos.2 and 3.

Ms Deepa Pahuja with Ms Pratibha Rupnawar I/b. M/s. J. Law  
Associates for the Respondent No.5.

Ms Shriniwas Bobde with Ms Rita Shroff I/b. M/s. K.V. Chheda and Co.  
for the Respondent No.6.

**CORAM : RANJIT MORE AND  
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATED: 26<sup>th</sup> JULY, 2018.**

**P.C.:-**

The Petitioner herein has challenged the order dated 18<sup>th</sup> August, 2016 passed by the High Power Committee in Appeal No.9 of 2015. The Petitioner had filed an application before the Slum Rehabilitation Authority (SRA) for removal of the Respondent No.5 i.e. M/s. Gemini Developers, a proprietorship concern of sole proprietor Mr. Ramesh Malhotra, who was allegedly given development rights under the SRA Scheme to develop the property on plot of land bearing Nos.88,89 and 90 at village Kolekalyan, Taluka-Andheri. The said

application was dismissed by the SRA and aggrieved by the said order the Petitioner had filed aforestated appeal.

2. The learned counsels appearing for the respective parties do not dispute that Mr. Ramesh Malhotra, the sole proprietor of M/s. Gemini Developers expired during the pendency of the Appeal before the High Power Committee. It is submitted that this fact was brought to the notice of the High Power Committee, however, the High Power Committee has not rendered any findings on the issue whether upon the death of the sole proprietor, who was allegedly authorised to develop the property, the legal representatives of Mr. Ramesh Malhotra and partners of the Respondent No.5-M/s. Gemini Developers a partnership firm are entitled and eligible to continue with the subject redevelopment.

3. In above circumstances, the learned counsels appearing for the respective parties concede that the impugned order needs to be set aside and the matter be remanded to the High Power Committee.

4. In the light of concession given by the learned counsels appearing for the respective parties we dispose of the petition by

passing following order:-

5. The impugned order dated 18<sup>th</sup> August, 2016 passed by the High Power Committee in Appeal No.9 of 2015 is quashed and set aside. The matter is remanded to the Apex Grievance Redressal Committee for a decision afresh. The Apex Grievance Redressal Committee after hearing all concerned shall decide the appeal as expeditiously as possible and preferably within a period of three months from the date of receipt of copy of this order.

6. It is made clear that we have not gone into the merits of the matter and all points and contentions of the respective parties are expressly kept open to be agitated before the Apex Grievance Redressal Committee.

**(SMT. ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**