

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG) NO.386 OF 2019

Priyali Builders and Developers.

...Petitioner

Versus

1.Apex Grievance Redressal Committee & Ors.

...Respondents

Mr.Pravin Samdhani, Senior Advocate with Mayur Khandeparkar, Ms.Dhawani Bokoria with Manish Parekh I/b. Purnanad & Co., for the Petitioner.

Mr.Vijay Patil, for Respondent Nos.1 to 4.

Mr.Pavinder Singh Sethi, for Respondent Nos.5 and 7.

CORAM: **G.S.KULKARNI, J.**

DATED: **14th February, 2019**

P.C.:

1. This petition was heard on 11 February 2019 when the following order was passed:-

“ Mr.Patil, learned Counsel for the respondent SRA informs that the learned Chief Executive Officer of the SRA has called for a meeting of the parties which would be held tomorrow at 03.00 p.m.

2. All the parties, who are appearing, are agreeable to appear in the said meeting.

3. Considering the facts and circumstances of the case, the communication dated 5 February 2019 as issued by the Executive Engineer-I, Slum Rehabilitation Authority, shall remain stayed.

4. All contentions of the parties on merits of the matter are expressly kept open.

5. Stand over to 14 February 2019 (H.O.B.).

6. Parties to act on an authenticated copy of this order.

2. It so transpired that there was accordingly a meeting held by the Chief Executive Officer, SRA where all the parties have participated so as to amicably resolve the disputes between the parties. Today, the learned Counsel for the parties have placed on record minutes of the meeting dated 12 February 2019 as recorded by Mr. Deepak Kapoor, Chief Executive Officer/SRA which records as under:

“ The above referred Writ Petition is pending before the Hon'ble High Court. It pertains to the issue as to availability of the additional commercial area over and above the free component to be given to the subject slum dwellers including the petitioner, as well as the rate for the additional area.

There was a suggestion from the parties to have amicable settlement, according the CEO/SRA had called meeting on 12.02.2019 at 3.00 p.m. in his chamber. Following person were present who have signed the minutes of the meeting.

After prolonged discussion the developer has agreed that the additional area as claimed by each of the slum dwellers would be made available. There was prolonged discussion as to the rate of additional area. Finally both the parties have agreed the rate of Rs.18,000/- per sq.ft. It is also agreed that entry in Annexure-II in respect of Papinder Singh be got corrected from the concerned competent authority.

The Developer agreed to submit the revised plan for approval. He further agreed to complete the construction within one year and hand over possession to respective slum dwellers.

The parties have amicably settled the matter and they have withdrawn all the adverse contention against each others.

This may be brought to the notice of the Hon'ble High Court.”

3. It is thus submitted on behalf of the parties that the disputes are amicably resolved in terms of the above minutes of the meeting held by Chief Executive Officer and hence further adjudication of this petition is not called for. Mr. Samdhani, learned Senior Counsel for the petitioner

would submit that the impugned order as passed by the Apex Grievance Redressal Committee dated 27 December 2018 to the extent it makes the following observations, is consequently required to be set aside:-

“ Considering the said facts this Committee modifies the Condition No.1 of Executive Engineer/SRA letter dated 27.07.2018 and 28.08.2018 viz. “with the cost of excess area more than 20 sq.mtrs to be paid to Developer in accordance with Circular No.70 dated 30.12.2004”, to the extent that “the excess area more than 225 sq.ft to be sold by Applicant Developer M/s.Priyali Builders & Developer to Respondents Nos.3, 4 & 5 and 6 (subject to Respondent No.6 Shri.Papinder Singh Batra being declared as eligible by Asst.Commissioner, F/North Ward, MCGM and Competent Authority in place of Shri.Jaisingh Gurumukh Singh), at the Ready Reckoner Rate of the Year 2006 of F/North Ward, MCGM where the subject plot of land is situated and as applicable to Commercial Premises in Free Sale component of subject S.R.Scheme, as the Plinth CC for Composite Building No.1 is issued by SRA on 07.09.2006.”

4. Mr.Singh, learned Counsel for the contesting respondent would not have any objection for the said course of action. Accordingly, the abovesaid direction as made by the Apex Grievance Redressal Committee is set aside. Considering the order passed by the Apex Grievance Redressal Committee all issues in regard to interpretation of clause 5.3 of Appendix IV of Regulation 33(1) of the Development Control Regulations 1991 are expressly kept open.

5. As the dispute between the parties stands resolved the communication dated 5 February 2019 would also not survive and the

same is rendered inconsequential and accordingly stands set aside.

6. Needless to observe that in view of the above consensus the directions as issued by the Apex Grievance Redressal Committee stand substituted by the agreement as arrived between the parties and as recorded in the minutes of the meeting dated 12 February 2019 of the SRA.

7. The petition is accordingly disposed of in the above terms. No costs.

(G.S.Kulkarni,J.)