

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO.745 OF 2019**

Jai Ambe (Chembur Vadhvali) SRA CHSLPetitioner
vs
The State of Maharashtra And 6 Ors. ...Respondents

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Mr. Shakeeb Shaikh, i/b. Mr. Mangesh Nalawade, for the Petitioner.

Mr. Amit Shastri, AGP, for Respondent No.1.

Mr. G.W. Mattos, AGP, for Respondent No.2.

Mr. Anoop U. Patil, for Respondent No.3-SRA.

Mr. Mayur Khandeparkar, a/w. Ms. Deepa Pohuja, Ms. Sheetal Raghani,
i/b. J. Law Associates, for Respondent No.5.

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CORAM : S.C. GUPTE, J.

DATED: 2 MAY 2019

P.C.:

. This writ petition challenges a miscellaneous order passed by Apex Grievance Redressal Committee ("AGRC"). By the impugned order, the AGRC refused to grant any interim relief (referred to as ad-interim relief in the order). The challenge to the impugned order is on the basis that the main application of the Petitioner society seeks termination of Respondent No.5 as a developer of an SRA project on the ground of delay of nearly 10 years and that pending the application, Respondent No.5 ought to have been restrained from acting in pursuance of the LOI issued to him. It is, secondly, submitted that there has been a

fraud practised by Respondent No.5 in the matter of consent/authority of the slum dwellers. It is submitted that their signatures were obtained on blank papers. Thirdly, it is submitted that the order of AGRC is merely an ad-interim order, whereas as per the order passed by learned Single Judge of this Court, the AGRC was directed to consider the interim application of the Petitioner society. It is, lastly, submitted that CEO, SRA, who passed the first order under Section 13(2), himself sat on the appeal from his order before AGRC, as a member of AGRC.

2. Mr. Mattos, for Respondent No.2 AGRC, submits that its order is an interim order and not an ad-interim order. He also submits that CEO, SRA, who passed the original order had recused himself from the proceedings of the AGRC. His recusal had been recorded in an earlier order. Learned Counsel submits that inadvertently the CEO has signed the impugned order, though he did not really participate in the proceedings. Learned Counsel is right there.

3. Considering the fact that the LOI was issued in the year 2010 and a revised LOI issued in the year 2018, which still gives time to Respondent No.5 to complete the SRA project, no infirmity is to be found in the impugned order refusing to grant any interim restraint on Respondent No.5 to act in pursuance of the LOI. Mr. Mattos, on instructions, submits that AGRC can dispose of the main appeal itself within a period of five months from today. The statement is accepted. The writ petition is dismissed with directions to AGRC to hear the parties and dispose of the main appeal within a period of five months from today. To that end, the parties shall appear before the Secretary, AGRC

and produce an authenticated copy of this order. It is made clear that whilst deciding the matter, AGRC shall independently apply its mind uninfluenced by this order.

(S.C. GUPTE, J.)