

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.1745 OF 2019
WITH
NOTICE OF MOTION (L) NO.302 OF 2019
IN
WRIT PETITION (L) NO.1745 OF 2019

M/s. Jai Ambe Developers ... Petitioner
Vs.
State of Maharashtra and others ... Respondents

Mr. Chirag Balsara a/w. Mr. Karan Bhosale and Ms Neha Bhosale for
Petitioner / Applicant.
Mr. S. B. Gore, AGP for Respondents-State.
Ms Vrushali Maindad i/b. Mr. A. A. Desai for Respondent No.5.

CORAM : R. G. KETKAR, J.
DATE : JUNE 11, 2019

P.C. :

Not on Board. At the request of Mr. Balsara, taken up in the
production Board.

2. As the regular Court presided over by Hon'ble Mr. Justice R. D.
Dhanuka is not available today, petitioner has moved this Court as per
the administrative order passed by the Hon'ble the Chief Justice.

3. Heard Mr. Balsara, learned Counsel for the petitioner, Mr. Gore,
learned AGP, learned Counsel for respondents-State and Ms Maindad,
learned Counsel for the respondent No.5.

4. This Petition takes exception to the order dated 17.05.2019
passed by the Chief Executive Officer, Slum Rehabilitation Authority,
Mumbai. By that order, C.E.O., S.R.A. has terminated the appointment
of the petitioner in respect of the slum rehabilitation scheme on plot of

land bearing C.T.S.No.260 (pt), 261 and 261/1 to 51 admeasuring 2669 sq.mtrs. of village Hariyali, Vikhroli. Respondent No.2-Vikhroli Shivai (SRA) CHS Ltd. (for short 'Society') is given liberty to appoint new developer of their choice within 90 days from the date of the order as per the law, rules, regulations and prevailing norms and policy of S.R.A. to complete the further implementation of the S.R.A. scheme.

5. Ms Maindad raised preliminary objection about the maintainability of the Petition. She submitted that against the impugned order, petitioner has an equally efficacious alternate statutory remedy of filing appeal before the respondent No.4-Apex Grievance Redressal Committee (for short 'Committee'). The petitioner has already preferred appeal against the impugned order. The Petition is, therefore, not maintainable.

6. Mr. Balsara submitted that since April, 2019, the Committee is not holding its meeting and therefore, Committee is not passing any interim order in the appeal preferred by the petitioner. Ms Maindad, upon instructions, states that Committee will convene meeting on 14.06.2019. She further states that Committee will take up the appeal and application for interim relief on 14.06.2019 and will pass a speaking order. The Committee will also fix the date for collecting its order.

7. Mr. Balsara has tendered photocopy of the notice dated 10.06.2019 issued to the second respondent society intimating them to remain present on 11.06.2019 at the time of taking up the production board. In the notice, it is specifically mentioned that if the representative of the Society fails to remain present, petitioner will be pressing for ad-interim relief in their absence. The same is taken on record and marked 'X' for identification.

8. Society's name was called out. However, none appeared on behalf of the Society.

9. In my opinion, the Petition can be conveniently disposed of by directing the Committee to hear the appeal along with the application for interim relief on 14.06.2019. The Committee shall hear the parties and pass speaking order in accordance with law and shall fix a date for collecting copy of its order. In the meantime and for a period of two weeks therefrom, respondent No.2-Society shall not appoint other developer in the place of the petitioner. Grant of this interim order shall not be construed as expression of merits either way. All contentions of the parties before the Committee are expressly kept open. Petition is disposed of accordingly. In view thereof, Notice of Motion (L) No.302 of 2019 does not survive and the same is disposed of accordingly.

10. Parties to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab