

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

WRIT PETITION NO. 2487 OF 2018

Jaihind Nagar SRA CHS Society	...Petitioner
vs	
The Deputy Collector (ES) & Ors.	...Respondents

WITH
WRIT PETITION NO. 2712 OF 2018

Bhagwati Developers Pvt.Ltd.	...Petitioner
vs	
The State of Maharashtra & Ors	...Respondents

Mr.Makarand K. Kale for Petitioner in WP 2487/2018.
Mr.Manish Upadhye, AGP and Himanshu B. Takke, AGP for Respondent No.1.
Mr.Jagdish G. Reddy (Aradwad) and Arvind Aswani for Respondent Nos.1,2, 4 and 5 in WP 2487/2018.
Mr.Vijay Patil for Respondent Nos.2 and 5 in WP 2712/2018.
Mr.Zubin Behram Kamdin with Arun Panicker for Respondent No.6 in WP 2487/2018 and for Respondent No.4 in WP 2712/2018.
Mr.Mayur Khandeparkar I/b. Nitin Parkhe for Respondent No.7 in WP 2487/2018 and for Respondent No.6 in WP 2712/2018.
Mr.S.G. Surana I/b. Yogesh Sankpal for Respondent No.3 in WP 2487/2018 and for Petitioner in WP 2712/2018.

CORAM : S.C.GUPTE, J.

DATE : 3 APRIL 2019

P.C. :

These two connected petitions involve a controversy concerning removal of a developer as a promoter of a slum rehabilitation scheme under the Slum Act and appointment of another developer in its place. An appeal involving the same controversy is pending hearing and final disposal before the Apex Grievance Redressal Committee ('AGRC').

Since the appeal has been already pending before AGRC, it will be more appropriate to have the controversy determined in that appeal with directions to AGRC to dispose of the appeal in a time bound matter. The appeal has been filed by the Petitioner in Writ Petition No.2487 of 2018, who claims to represent the society of occupants/slum dwellers. The companion Petitioner, who is the developer, who has been removed and in whose place a new developer has been appointed, may also take his grievance before AGRC either as an intervener in the pending appeal or by filing a separate appeal, subject to making out an appropriate case for such intervention or separate appeal, as the case may be.

2 Both petitions are, accordingly, disposed of by consent by directing AGRC to determine Appeal No.147/2018 filed by Jaihind Nagar SRA Co-operative Housing Society within a period of four months of this order being brought to the notice of AGRC. Either of the parties may bring this order to the notice of AGRC. The parties to that end may appear before Secretary of AGRC on 8 April 2019 at 11.00 a.m. and produce an authenticated copy of this order.

3 The appointment of the new developer and any steps taken in respect of the SRA project shall be subject to the final orders that may be passed by AGRC in the pending appeal. Jaihind Nagar SRA Co-operative Housing Society is permitted to amend its appeal by impleading the new developer, who is Respondent No.7 in Writ Petition No.2487/2018, as a party thereto. All parties, who are before this court in these two petitions, may intervene before AGRC in the pending appeal or take such steps, as they may be advised. The applications may be determined by AGRC on

their own merits and in accordance with law. All rights and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)