

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

WRIT PETITION (L) NO.646 OF 2020

M/s Tainwala Builders & Developers	...	Petitioner
Versus		
The State of Maharashtra And Others	...	Respondents

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Ms. Yasmin E. Tavaría for the Petitioner.
Mr. Rajiv J. Mane, AGP for Respondent No.1.
Mr. Vijay D. Patil for Respondent No.2.
Mr. Kunal Chheda i/b Utangale & Co. for Respondent No.3.
Mr. A.N. Giri a/w Mr. Sagar Batavia for Respondent No.4.
Mr. Anand N. Kate for Respondent No.5.
Mr. Parvinder Singh Sethi for Respondent No.6.
Mr. Jamsheed Master i/b Mr. Abhishek Yadav for Respondent No.9.

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CORAM : S.C. GUPTE, J.

DATE : 27 FEBRUARY 2020

P.C. :

. This writ petition challenges an order passed by the Apex Grievance Redressal Committee (“AGRC”) in applications made to it arising out of an order passed by CEO-SRA under Section 13(2) of Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971 (“Act”). After the matter is heard at some length, it is agreed, by consent of the contesting parties, namely, the Petitioner on

the one hand and Respondent Nos.4 to 9 on the other, that the impugned order of AGRC may be quashed and set aside and the applications may be remanded to it for a fresh hearing in accordance with law. Accordingly, the impugned order of the AGRC dated 9 January 2020 is quashed and set aside and the applications, namely, Application (L) No.122 of 2018 and Application (L) No.46 of 2018 are remitted to the AGRC for a fresh hearing in accordance with law. It is made clear that the AGRC must hear, in particular, the grievance of the Petitioner herein, who is the developer of the subject Slum Rehabilitation project, that it was prevented from implementing the project any further due to the obstructive attitudes adopted by some slum dwellers and for which, the developer had to make frequent approaches to courts of law and despite such approaches the orders requiring vacating of existing accommodations by the slum dwellers, could not be implemented. This is without prejudice to other contentions of both sides. All rights and contentions of the parties on merits are kept open, to be debated before AGRC when the applications are heard on remand. The applications shall be decided by the AGRC on their own merits.

2 The AGRC may hear the parties and decide the applications as expeditiously as possible and preferably within a period of three months from today. The parties shall, accordingly, appear before the Secretary, AGRC on 11 march 2020 at 11.00 a.m. and produce an authenticated copy of this order. AGRC may thereupon fix the schedule of hearings and dispose of the applications accordingly. All

parties are expected to co-operate with the AGRC and not to seek unnecessary adjournments.

3 The writ petition is disposed of in the above terms.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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by Rajesh V.
Chittewan
Date: 2020.03.03
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