

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1024 OF 2020
WITH
INTERIM APPLICATION (L) NO.4627 OF 2020**

Prakash Wadi Kama Baug SRA Co-op. Soc. Ltd.
Through its Chief Promoter Navin R. Lade & Ors. ... Petitioners
versus
Slum Rehabilitation Authority and Ors. ... Respondents

Mr. Anil Mishra, for Petitioners.
Mr. Abhijeet Kulkarni, for Respondent Nos.1 and 2.
Mr. Karl Tamboly with Mr. Shakeeb Shaikh, Mr. Huda Diamondwala i/by
Diamondwala and Co., for Respondent No.3.
Ms. Geeta Shastri, Addl. Govt. Pleader, for State.

**CORAM: S.J. KATHAWALLA &
R.I.CHAGLA, JJ.**

DATE: 10th DECEMBER, 2020

P.C.:

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1. By the above Writ Petition, the Petitioners seek the following reliefs :

“(a) that the papers proceedings of preparing the list of lottery to be held on 7th December, 2019 be called upon and the Respondent Nos.1 and 2 be order and directed to hold the lottery by incorporating the 20 eligible member as per Exhibit A annexed hereto;

(b) that paper and proceedings of applications as shown in Exhibit G made by Petitioner members to the Respondent Nos.1 and 2 be called for and the Respondent No.2 be order and directed to decide the same without any delay.

(c) That the Petitioner's members as shown in Exhibit D annexed hereto on being held eligible occupants be allotted the units;

(d) That Respondent No.3 be ordered and directed to pay the arrears of transit rent to Petitioner's members as more particularly shown in Exhibit A and D hereto;"

2. As far as prayer clause (a) is concerned, the eligibility of the persons whose names are shown therein, was cleared/approved by the Secretary, SRA. It appears that SRA found some mischief on the part of the Secretary, SRA in approving the names and it was therefore decided to once again consider the eligibility of the persons whose names are set out in Exhibit A. After fresh consideration, the conclusion arrived at with regard to the eligibility of the said 20 persons is as under :

(i) Out of 20 persons, 13 persons are found eligible.

(ii) Five out of said thirteen persons are held to be eligible without any amount being payable towards the construction cost or transfer fees. Their names shall be included in the next lottery conducted by the SRA.

(iii) Out of remaining eight persons, seven are held to be eligible on payment of cost of construction and one person is held to be eligible upon payment of transfer fee.

(iv) Only four persons out of seven persons who are held to be eligible upon payment of construction cost, filed Appeals challenging the cost of construction and

the Appellate Authority remanded the matter back to the Deputy Collector (ENC).

(v) As far as the remaining seven persons are concerned, the electricity bills submitted by them are sent for verification to the electricity companies on 5th November, 2020. However, no response is received from them till date. We therefore direct as under :

(a) The companies to whom the Deputy Collector (ENC) has written letter/s dated 5th November, 2020 seeking verification of their electricity bills, shall respond to the same within a period of 10 days from today. A copy of this order shall forthwith be forwarded to the Companies by the Office of the Deputy Collector (ENC).

(b) The Deputy Collector (ENC) shall decide the eligibility of 7 persons whose matters have been pending for verification of documents within a period of 8 weeks from today.

(c) The Deputy Collector (ENC) shall also decide the eligibility of the four persons whose cases / matters have been remanded back to him by the Additional Collector within a period of 8 weeks from today.

This takes care of prayer clause (a) of the Petitioner.

3. As far as prayer clause (b) is concerned, the Advocate appearing for Respondent No.4 on instructions undertakes to decide the eligibility of the persons listed in Exhibit G within a period of 12 weeks from today. The undertaking is accepted.

4. As far as prayer clause (c) is concerned, the same is infructuous in view of the orders passed with regard to prayer clause (b).

5. As far as payment of arrears of transit rent is concerned, the learned Advocate for the Petitioner states that he shall file appropriate proceedings before the appropriate authority. In the event of such proceedings being filed, all contentions of the parties are kept open.

6. The above Writ Petition as well as Interim Application are accordingly disposed of.

(R.I.CHAGLA,J.)

(S.J.KATHAWALLA,J.)