

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1291 OF 2023
IN
WRIT PETITION (ST) NO. 36430 OF 2022**

Ambaji Construction	...Applicant
<i>In the matter between</i>	
Ambaji Construction	...Petitioner
<i>Versus</i>	
The Slum Rehabilitation Authority & Ors	...Respondents

Mr Chirag Kamdar, with Ms Ankita Karmokar, i/b L R and Associates, for the Petitioner.
Ms Aparna D Vhatkar, for Respondents No. 1 to 4-SRA.
Mr Sagar Patil, for the Respondent-MCGM.

**CORAM G. S. Patel &
 Neela Gokhale, JJ.**
DATED: 13 June 2023

PC:-

1. Both sides report compliance with our order dated 27th April 2023. The utilization of the Development Right Certificate (“DRC”) has been permitted with effect from 16th May 2023.

2. There is an Interim Application No. 1291 of 2023. Mr Kamdar points out that what this interim application seeks is an

extension of time because from 25th November 2022, when we passed our first order in the Writ Petition, till 16th May 2023 when utilization was permitted, the DRC could not be used for any purpose at all. Although the DRC was held by the Petitioner, it had no operable utility to the Petitioner. The DRC also has a specified validity date. It expires on 22nd August 2023. It is pointed out that it is extremely unlikely and possibly unfeasible that the DRC can be utilized in the short period of time, i.e., by 22nd August 2023.

3. We believe there is some substance in this submission. We say this because from the date of our order of 25th November 2022, when we granted ad-interim relief, and going on to our order of 27th April 2023, the objective was to ensure that the project proceeds so that the eligible slum-dwellers get their promised rehabilitation units in accordance with law and, in the meantime, are given transit accommodation or transit rent as specified by Slum Rehabilitation Authority (“**SRA**”). The DRC was the subject of a certain amount of contentious disagreement between the Petitioner on one hand and the SRA and Municipal Corporation of Greater Mumbai (“**MCGM**”). The result of this is that not only is the developer disadvantaged on account of non-utilization of the DRC but the entire slum rehabilitation project itself is likely to suffer because of that alone.

4. Accordingly, in exercise of our discretion we direct the extension of the validity of the DRC for the number of days computed between 25th November 2022 and 16th May 2023 (both

days inclusive). The validity of DRC will be formally extended beyond 22nd August 2023 by these number of days.

5. The Interim Application disposed of accordingly.

6. The remaining challenge in the Petition was to a stop work notice. That will not survive in view of this order.

7. Thus, no further orders are presently required in the Petition, and it is also disposed of in these terms. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)