

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO. 6319 OF 2024
IN
WRIT PETITION NO. 11213 OF 2022

Digitally signed by
VASANT
ANANDRAO IDHOL

Date: 2024.07.11
18:33:37 +0530

M/s. Shree Sadguru And Deluxe Jv. ...Applicant

In the matter between :

Rekha Gupta & Ors. ...Petitioners

Versus

State of Maharashtra And Ors. ...Respondents

WITH

INTERIM APPLICATION NO. 6322 OF 2024
IN
WRIT PETITION NO. 11093 OF 2022

M/s Shree Sadguru And Deluxe Jv. ... Applicant

In the matter between :

Mr. Ganesh Bhimappa Pungi ...Petitioner

Versus

Apex Grievance Redressal Committee (S.R.A.) ...Respondents

WITH

INTERIM APPLICATION NO. 6320 OF 2024
IN
WRIT PETITION NO. 11094 OF 2022

M/s Shree Sadguru And Deluxe Jv. ...Applicant

In the matter between :

Mangilal Premraj Mistry ...Petitioner
Versus

Apex Redressal Committee & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO. 6321 OF 2024
IN
WRIT PETITION NO. 11230 OF 2022**

M/s Shree Sadguru And Deluxe Jv. ...Applicant

In the matter between :

Amrit Premraj Mistry ...Petitioner
Versus

Apex Redressal Committee & Ors ...Respondents

....

Mr. Vikramjit Garewal, for the Petitioner in WP/11213/2022.

Mr. Jagdish J. Singh, for the Petitioner in WP/11093/2022.

Mr. Altaf Khan, with Ms. Supriya Ghadge, for the Petitioner in WP/11094/2022 & WP/11230/2022.

Dr. Birendra Saraf, Advocate General, with Ravleen Sabaharwal, Ms. Niyati Gupta & Ms. Aarushi Yadav, i/b RS Justicia Law Chambers, for Respondent No. 3-SRA in WP/11213/2022.

Mr. Atul Damle, Senior Advocate, with Ms. Payal Vardhan, i/b Akash Gupta, for Respondent No.4.

Mr. Girish Utangale, with Saurabh Utangale, i/b Utangale & Co, for Respondent No.2-SRA in WP/11230/2022.

Mr. Jagdish G. Aradwad (Reddy), for Respondent-AGRC, in all Writ Petitions.

Mr. Anil Singh, Senior Advocate, Mr. Amogh Singh, Mr. Adarsh Vyas and Mr. Akash Gupta, i/b Jeet Gandhi, for the Intervenor.

SRA's CEO, present in person.

Smt. V.R. Raje, A.G.P for the Respondent – State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 11th JULY, 2024

P.C.:

1. By an order dated 17.04.2024, this Court had recorded that the SRA – respondent No.3 had filed an affidavit on 16.04.2024, in which it was stated that the slum rehabilitation scheme was being implemented by M/s.Om Omega Shelters Private Limited, which was contrary to the fact that the engagement of the said Developer already stood terminated on 15.03.2024. An affidavit was directed to be filed in this regard. The person, who has sworn the affidavit dated 16.04.2024, has filed an affidavit, in which it has been stated, that the statement made earlier was incorrect and the authority of the aforesaid Developer stood terminated on 15.03.2024 and a contradictory statement was made on account of mis-communication between the said person - Mr.Gangadhar B. Gagare and the counsel drafting the affidavit and an apology has been tendered. Mr.Gangadhar B. Gagare is present in Court. The

Chief Executive Officer, SRA is also present in the Court and makes a statement that a show cause notice has been already issued to Mr.Gangadhar B. Gagare for the aforesaid contradictory statements. It is believed that the show cause notice shall be carried forward to its logical end and the final report be placed before this Court in due course of time.

2. Mr.Gangadhar B. Gagare, who is also present in Court, has tendered an apology and has assured that such a mistake would not be henceforth committed by him. Though his apology is accepted, that does not absolve Mr.Gangadhar B. Gagare, from the incorrect statement which is made to this Court, for which as indicated above, the report of the enquiry, to be conducted, shall be placed on record. The apology is accepted with the warning that he should be careful in future and such mistake would not be committed again. An entry regarding this should be taken in his service book. The said Mr.Gangadhar B. Gagare shall also deposit a costs of Rs.11,000/- in this Court by 15.07.2024.

3. Dr.Birendra Saraf, the learned senior counsel for the respondent No.3 makes a statement that the interest of the

petitioner, would be protected to the extent of statutory limit upto 225 sq. ft. The statement is accepted as to the statement to the Court.

4. There is a new Developer in place of M/s.Om Omega Shelters viz. M/s.Anantaya Buildcom LLP (page 157), who as stated by Mr.Damle, learned senior counsel for the respondent No.5, would be liable to pay the rent for the alternate premises for the transitory period and it is assured that the petitioners, would be paid the rent accordingly.

5. Any claim for an additional entitlement over and above what the petitioners are statutorily entitled, would be the matter between respondent No.5 and the petitioners to be negotiated between them with which the SRA is not concerned. The plea of quantum of rent and the period for which the petitioners would be entitled is kept open. It is based upon what has been recorded above that Mr.Vikramjit Garewal, learned counsel for the petitioners in WP No.11213 of 2022 was asked to indicate the date on which the premises would be vacated and handed over to the Developer, he is unable to make a statement in this regard, today.

6. List the matter on 12.07.2024, for undertaking regarding vacation on affidavit.

(AVINASH G. GHAROTE, J.)