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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 442 OF 2024

Nimesh Global Syndicate Builders & Developers ...Petitioner
Versus
Slum Rehabilitation Authority and Ors. ...Respondents

Mr Shanay Shah, a/w Ms Shradha Achaliya, Ms Neha Achliya i/b Ms
Sapana Rachure, for the Petitioner.
Mr N. Patil, AGP, for the Respondent-State.
Mr J. G. Aradwad (Reddy), for Respondents No. 1 to 3.
Mr Rahul Raut, for Respondents No. 4 and 5..

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 21st June 2024

PC:-

1. Heard learned counsel for the parties.
2. The petitioner questions the stop work notice dated 21st November 2022 issued by the SRA for non-deposit of the rent payable to the members of respondents No. 4 and 5 (Society).
3. Mr. Shah now states that the deposit towards arrears of rent has been made by the petitioner with the SRA on 19th December 2022. He refers to the SRA's receipts dated 26th December 2022 at page No. 124 of the paperbook.

4. In addition to the above, respondents No. 4 and 5 (Society) have also filed an affidavit before us submitting that such deposits have been made by the petitioner. This deposited amount is ultimately disbursed to the members of the Society.

5. This matter was adjourned earlier for Mr. Reddy to obtain instructions on whether the payment has indeed been made. Mr. Reddy submits that he is unable to make a clear statement on this issue, but he relies on a circular dated 06th June 2015 which according to him provides that the petitioner/developer has to file self-declaration about such deposits/payments and based upon the same SRA withdraw the stop-work notice.

6. In this case, since the petitioner has produced SRA's receipts and the Society confirms that such a deposit has been made, we are quashing the stop-work notice dated 21st November 2022.

7. Though we are quashing the notice in compliance with the circular dated 06th June 2015 we direct the petitioner to file a necessary self-declaration within 10 days from today i.e. on or before 03rd July 2024 with the SRA.

8. The Writ Petition is disposed of in the above terms.

9. There shall be no orders as to the costs.

(Kamal Khata, J)

(M.S. Sonak, J)