



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2264 OF 2024

Ashapura Ramdev Buildcon LLP and anr. ...Petitioners
Versus
The Chief Executive Officer, Slum Rehabilitation Authority and ors. ...Respondents

Mr. Ashish Kamat, Senior Advocate, a/w Mr. Abhinav Chandrachud a/w Mr. Santosh Pathak a/w Mr. Pranit Kulkarni a/w Mr. Nimish P. Lotlikar a/w Ms. Purva Naik a/w Mr. Kailash Pathak, i/b. Law Origin, for the Petitioners.
Mr. Mayur Khandeparkar (online), a/w Mr. Sukumar Ghanwat i/b. Mr. Shashank P. Borade, for Respondent No.3.
Mr. Vijay Patil, for Respondent No.4-AGRC.
Mr. Jagdish G. Aradwad (Reddy), for Respondent Nos.1 and 2.

**CORAM M.S. Sonak &
Kamal Khata, JJ.**
DATED: 18th July 2024

PC:-

1. Heard learned counsel for the parties.
2. The Petitioners challenge the SRA's order dated 20th March 2024 by which the Petitioners have been removed as Developers by exercising powers under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ("the Slum Act").

3. The Petitioners have already preferred an Appeal against this order before the Apex Grievances Redressal Committee (“AGRC”). However, for reasons recorded by us in our order dated 19th April 2024, we had protected the Petitioners with ad-interim injunction in terms of prayer clause (e) of the Petition. This ad-interim relief continues till date.

4. The AGRC is now available to entertain the Appeal. Mr. Vijay Patil, learned counsel for the AGRC states that the Petitioners have filed but not moved their Appeal as yet.

5. Mr. Ashish Kamat, learned Senior Advocate for the Petitioners states that the necessary praecipe will be filed before the AGRC to take up the Appeal at the earliest. He states that such praecipe will be filed latest by 23rd July 2024.

6. Mr. Patil states that the AGRC will hold its sitting on 26th July 2024. Accordingly, we direct the Petitioners and the Respondents to appear before the AGRC on 26th July 2024 at 11:00 a.m. so that the AGRC can fix some suitable date for disposal of the Petitioners’ Appeal.

7. Mr. Patil states that the AGRC will dispose of the Appeal within three months from 26th July 2024 i.e. on or before 25th October 2024. Such Appeal will have to be disposed of on its own merits and in accordance with law after complying with principles of natural justice and fair play.

8. The ad-interim order granted by us on 19th April 2024 will operate until the disposal of the Appeal by the AGRC. However, if the AGRC decides to dismiss the Appeal, then this interim

protection, will operate for a period of further four weeks from the date of the communication of this decision i.e. upto 22nd November 2024. This is because there are intervening Diwali vacations.

9. We clarify that all contentions of all parties are explicitly left open for determination by the AGRC. Accordingly, the AGRC should decide the Appeal on its own merits and in accordance with law without even being influenced by any of the observations in our order dated 19th April 2024.

10. This Writ Petition is disposed of in the above terms. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)