

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10982 OF 2025

Navjagruti CHS Ltd. (Proposed) and anr. ...Petitioners

Versus

Aaiambabai CHS Ltd. (Proposed) and ors. ...Respondents

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Mr. Anand Pai, a/w Sachin Mhatre, Diksha Shirodkar, i/b
Mhatre Law Associates, for the Petitioners.

Mr. Milind More, for Respondent Nos.2 and 3 (SRA).

Mr. Mayur Khandeparkar, i/b S. Nimhalkar, for Respondent
No.4.

Mr. Sumanth Anchan, for Respondent No.5.

Mr. Amod Ekhaspur, for Respondent No.7.

CORAM: N. J. JAMADAR

DATED: 14th AUGUST, 2025

Order:-

1. The challenge in this petition is to an order dated 22nd May, 2025 passed by Apex Grievance Redressal Committee ("AGRC") in Appeal No.51 of 2024, whereby the AGRC declined to condone the delay of about three years in preferring an appeal against an order dated 1st December, 2021 passed by the SRA thereby granting the proposal for implementation of a Slum Rehabilitation Scheme submitted by Aai Ambabai Co-operative Housing Society (Ltd.) proposed), ("Aaiambabai CHS"), on the plot of land bearing City Survey No.502/A (Part) of village

Panchpakhadi, Thane (West), (“the subject plot”), and also reject the challenge to the said order.

2. By a notification dated 27th October, 2016 the subject plot came to be declared as ‘slum’ under the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971, (“the Slum Act”).

3. The then promoter of Navjagruti CHS Ltd. (proposed) (“Navjagruti”) (P1) had submitted a proposal for implementation of a Slum Rehabilitation Scheme on 11th October, 2017. Navjagruti, it seems, did not comply with the deficiencies and pointed out to, and the requisitions served on, Navjagruti by the SRA, in the year 2017. A reminder was purportedly issued on 19th January, 2018. As the no objection certificates and other requisite compliances were not made, on 30th June, 2021 a communication was addressed to the Chief Promoter of Navjagruti apprising him that the proposal was filed.

4. Mr. Mangesh Potale, who now claims to have been elected as the Chief Promoter of Navjagruti (P1) claims that the proposal of Navjagruti was kept in abeyance. Whilst the said proposal of Navjagruti was kept in abeyance, the SRA processed the proposal of Aai Ambabai CHS (R1) surreptitiously and behind the back of Navjagruti (P1). On 1st December, 2021, the said

proposal of the Aai Ambabai CHS (R1) was accepted on the ground that in the purported Special General Body Meeting of the proposed society more than 70% of the slum dwellers voted in favour of the said proposal. A copy of the aforesaid decision was never served on the petitioners. Information was obtained under Right to Information Act and, thus, there was delay in filing the appeal before AGRC.

5. In substance, the challenge of the petitioners is that Navjagruti (P1) is the true representative of the slum dwellers, whose structures are situated on the subject plot and, yet, surreptitiously the proposal of Aai Ambabai CHS (R1) to implement the SRA scheme has been unlawfully accepted and the development has also been commenced.

6. Mr. Pai, the learned counsel for the petitioners, made a strenuous effort to impress upon the Court that AGRC committed a grave error in not condoning the delay without adverting to the causes ascribed for the delay, and in upholding the order dated 1st December, 2021. An endeavour was made to demonstrate that the proposal of Navjagruti (P1) was never rejected. At any rate, the decision to accept the proposal of Aai Ambabai CHS (R1) was never conveyed to those who represented Navjagruti (P1).

7. The submissions of Mr. Pai are plainly against the weight of the material on record. The very premise of the petitioners that the proposal of the Navjagruti (P1) was kept in abeyance, is misconceived. The communication dated 30th June, 2021 makes it explicitly clear that for failure on the part of the Chief Promoter of Navjagruti to remove the deficiencies and comply with the requisitions, for over three years, the proposal of Navjagruti was filed. It defies comprehension as to how, the said communication could be construed as one keeping the proposal in abeyance.

8. Moreover, it appears that in response thereto a communication was addressed on behalf of the Balaji Space Infra LLP. (P2), the proposed developer of Navjagruti, wherein a request was made to further process the proposal of Navjagruti (P1) by revoking the decision to file the proposal. The response thereto dated 27th September, 2021 by SRA, makes the position beyond cavil. By the said reply, not only the fact that the proposal of Navjagruti (P1) was filed was informed but it was also informed that a Special General Body Meeting of Aai Ambabai CHS (R1) was held on 29th August, 2021 and in the said meeting the proposal of Aai Ambabai CHS (R1) to

implement slum rehabilitation scheme was approved by 71.57% of the slum dwellers.

9. In the face of aforesaid documents, to which the attention of the Court was invited by Mr. Khandeparkar, the learned Counsel for respondent No.4, the endeavour of the petitioners, or for that matter, the representatives of Navjagruti (P1) to feign ignorance about the acceptance of the proposal of Aai Ambabai CHS (R1) cannot be countenanced. The AGRC, thus, cannot be stated to have committed any error in declining to condone the delay and upholding the order dated 1st December, 2021. Even on the merits of the matter, the petitioners do not have any case.

10. Thus, the petition does not deserve to be entertained and, accordingly, stands dismissed.

[N. J. JAMADAR, J.]