

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION 12131 OF 2025
IN
WRIT PETITION (ST) NO. 1563 OF 2023

Anantaya Buildcon LLP .. Applicant

In The Matter Between
Rajesh Tarsi Kuvriya .. Petitioner
Versus
AGRC & Ors. .. Respondents

WITH
INTERIM APPLICATION 12128 OF 2025
IN
WRIT PETITION (ST) NO. 1556 OF 2023

Anantaya Buildcon LLP .. Applicant

In The Matter Between
Shankarlal Pragaji Prajapati .. Petitioner
Versus
AGRC & Ors. .. Respondents

WITH
INTERIM APPLICATION 12129 OF 2025
IN
WRIT PETITION (ST) NO. 1557 OF 2023

Anantaya Buildcon LLP .. Applicant

In The Matter Between
Aruna Mallesh Vailal .. Petitioner
Versus
AGRC & Ors. .. Respondents

WITH
INTERIM APPLICATION 12132 OF 2025
IN
WRIT PETITION (ST) NO. 1561 OF 2023

Anantaya Buildcon LLP .. Applicant

In The Matter Between

Vinod Tarsi Kuvriya .. Petitioner

Versus

AGRC & Ors. .. Respondents

**WITH
INTERIM APPLICATION 12130 OF 2025
IN
WRIT PETITION (ST) NO. 1562 OF 2023**

Anantaya Buildcon LLP .. Applicant

In The Matter Between

Parshuram Vallappa Gollar .. Petitioner

Versus

AGRC & Ors. .. Respondents

-
- Mr. Amogh Singh a/w Mr. Santosh Pathak & Mr. Deepesh Kadam i/by M/s. Law Origin, Advocates for Applicant
 - Mr. Rajkumar Jaiswal, Advocates for Petitioners
 - Mr. Jagdish G. Aradwad (Reddy), Advocate for Respondent No. 1 - AGRC
 - Mr. Abhijit Patil, Advocate for SRA

.....
CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2025

P.C.:

1. Heard Mr. Singh, learned Advocates for Applicant; Mr. Jaiswal, learned Advocate for Petitioners; Mr. Aradwad (Reddy), learned Advocate for AGRC and Mr. Patil, learned Advocate for SRA.

2. Writ Petition (St) No. 1561/2023 is filed by Petitioner - Vinod Tarsi Kuvriya. This Petition along with IA 12132/2025 is adjourned to **10th November, 2025**. This order will not apply to this Writ Petition as a serious issue of area is raised by Petitioner of the alternate rehab premises shown to him. Hence this Petition will have to be heard separately later. Petitioner's Advocate shall remove all office objections before next date failing which Petition will not be heard by the Court.

3. As far as Writ Petition (St) Nos. 1563/2023, 1556/2023, 1557/2023 and 1562/2023 along with pending Interim Applications therein are concerned, this common order is passed:-

4. After hearing the parties on 13.10.2025, this Court passed the following order:-

"1. Heard learned Advocate appearing for the parties.

2. This is a group of five Writ Petitions. Intervention is filed by Developer. All five Writ Petitions can be disposed by passing the following order.

3. One of the submission of Developer is that two of five Petitioners are not eligible. However, their eligibility will be decided by Slum Rehabilitation Authority (for short 'SRA'). With respect to their eligibility, Petitioners can file their appropriate Application seeking eligibility before SRA and if any such Application is filed, the same shall be decided within a period of six weeks from today. If Application is already filed by them, Petitioners are permitted to add any additional documents to them and file the same before SRA within a period of two weeks from today. SRA shall give them a hearing within a period of six weeks and pass speaking order. The two non eligible persons are Vinod Kuvriya and Rajesh Kuvriya.

4. In so far three eligible Petitioners are concerned they are Shankarlal Pragaji Prajapati, Mr. Aruna Mallesh Vailal and Parshuram Vallappa Gollar.

Both learned Advocates before me including Advocate for Developer confirm the aforesaid position.

5. Today the learned Advocate for Developer has identified the alternate commercial premises to be given to all five Petitioners. Needless to state that the alternate premises to be given to two ineligible Petitioners will be subject to their eligibility only and not otherwise. However, the Developer will not create third party rights in the said premises until their eligibility is decided either by the SRA or by Appellate Authority or by this Court, if so required.

6. For the sake of convenience, the provisions of commercial rehab alternate premises which has been decided by the Developer to be given to the five Petitioners before me is stated in the chart. Said chart is taken on record and marked 'X' for identification by this Court. The said chart is scanned and reproduced below:-

"X" *13/12/2025*

Parshuram Vallappa Gollar
Vs
AGRC and Ors

.....Petitioner
.....Respondents

AND
I.A. (L) No. 26238 of 2025
IN
W.P. (St) No. 1563 of 2023

Anantaya Buildcon LLP
In the matter between:
Rajesh Tarsi Kuvriya
Vs
AGRC and Ors

.....Applicants
.....Petitioner
.....Respondents

PROVISIONS OF COMMERCIAL REHAB MADE BY THE APPLICANT FOR ALL FIVE PETITIONERS IN THE ABOVE RESPECTIVE PETITIONS:

Sr.No.	Annexure No.	Name	Provision in Rehab
1)	F/4 – Eligible	Shankarlal Pragaji Prajapati	Gala No. 12, Ground Floor
2)	F/13 – Eligible	Aruna Mallesh Vailal	Gala No.26, Ground Floor
3)	F/11 – Not Eligible	Vinod Tarsi Kuvriya	Gala No.104, 1 st Floor.
4)	C/1 – Not Eligible	Parshuram Vallappa Gollar	Provision has been made in Rehab <i>Cat No: 28 or 29.</i>
5)	A/4 – Not Eligible	Rajesh Tarsi Kuvriya	Gala No. 229, 2 nd Floor

7. *Mr. Jaiswal represents five Petitioners before me. He has understood the context of the above order. Petitioners are directed by this Court to go and confirm the existence of the rehab commercial premises as stated herein above. The Developer who is Intervenor shall keep an officer representing the Developer present at 11:00 a.m. tomorrow i.e. on 14.10.2025 at the site.*

8. *I am informed that Mr. Hari Parmar or any other Officer in his place shall remain present. Developer shall ensure that Gala No.12, Ground Floor; Gala No.26, Ground Floor; Gala No.104, First Floor; Gala No.28 or 29, Ground Floor and Gala No.229, Second Floor shall be specifically identified and shown in vacant condition to the Petitioners before me. Petitioners shall confirm the same and once they find that the said Galas are available and vacant, they shall inform the position to the Court on Wednesday morning. Once the said position is informed to the Court, parties will be directed to file appropriate Consent Terms or an order of the Court shall be passed on 15.10.2025.*

9. *Needless to state that once the Petitioners confirm the above and new Developer confirms availability of these five alternate rehab commercial component premises, appropriate directions will be passed for executing the PAAA within a time bound programme for the eligible persons and in so far the ineligible persons are concerned, it will be subject to the outcome of their case. Once these directions are passed, the Petitioners will be directed to vacate and give and take possession simultaneously so that the building which is ready can be given the Occupation Certificate so that the other allottees are not inconvenienced.*

10. *Stand over to **15th October, 2025**. To be placed under the caption **'First on Board'**."*

5. In view of the above order, Mr. Jaiswal and Mr. Singh both learned Advocate inform the Court that due compliance has been effected of the directions contained in paragraph Nos. 8 and 9 of the said order. The alternate premises as depicted in the Chart scanned and reproduced in paragraph No. 6 of the above order have been shown to the Petitioners. The four Petitioners have agreed to accept the alternate rehab commercial premises as offered by the Developer. In that view of the matter, directions contained in paragraph No.9 will have to be implemented. Directions are to the effect that vacating of

the impugned structures by the three eligible Petitioners before me shall be simultaneously done alongwith they being handed over physical possession of the agreed commercial rehab premises as stated in paragraph No. 6 for Sr. Nos. 1, 2 and 4. Needless to state that this order shall apply to the 3 Petitioners before me only. 4th Petitioner i.e. Rajesh Tarsi Kuvriya (Writ Petition (St) No. 1563/2023) to whom Gala No. 229 on the second floor has been sought to be allotted as rehab commercial premises shall not be allotted unless and until his eligibility is proved as per the directions contained in the aforesaid order. Mr. Jaiswal also informs the Court that considering the eligibility of Rajesh Tarsi Kuvriya being still pending, he has taken inspection of the said alternate rehab commercial premises and has instructions to inform the Court that he is not interested in taking Gala No. 229 as rehab component. If he is not taking Gala No. 229, this Court cannot come to his aid. Since the right of Rajesh Tarsi Kuvriya is subject to his eligibility and has already been protected by the Developer, the Developer is directed by Court not to create any third party rights with respect to Gala No. 229 on the second floor which will be preserved as the alternate rehab commercial premises to be allotted to Rajesh Tarsi Kuvriya if at all he is declared eligible.

6. The aforesaid order shall apply only to the 3 Petitions who are eligible at present i.e. Shankarlal Pragaji Prajapati, Aruna Mallesh

Vailal and Parshuram Vallappa Gollar. SRA is directed by this Court to allot the agreed alternate commercial premises to these 3 Petitioners as stated in paragraph No. 6 of the order dated 13.10.2025 in accordance with law. Allotment letters shall be issued to these Petitioners within a period of two weeks from today. Keys and possession of the alternate rehab commercial premises shall be given to these Petitioners simultaneously while taking possession of their impugned structures which are obstructing the newly constructed building.

7. Needless to state that if the aforesaid order is implemented by the parties and impugned structures are handed over to the Developer, Developer can proceed with demolition of these structures and as soon as demolition is completed, Developer can apply for OC from the Competent Authority i.e. SRA and SRA shall grant OC as expeditiously as possible within a period of three weeks strictly in accordance with law after considering all other compliances as required in law.

8. Liberty to apply in case of any exigency.

9. In view of the above orders, Writ Petition Nos. 1556 of 2023, 1557 of 2023 and 1562 of 2023 along with pending Interim Applications pending therein are disposed.

10. Writ Petition (st) Nos. 1561/2023 and 1563/2023 are adjourned to **10th November, 2025** for passing further orders after hearing both the parties.

[MILIND N. JADHAV, J.]

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Digitally signed
by RAVINDRA
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AMBERKAR
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2025.10.16
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