

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2415 OF 2024

Moraj AHN Developers LLP

...Petitioners

Versus

Apex Grievance Redressal Committee & Ors.,

...Respondents

Mr. Karl Tamboly a/w Mr. Farid Karachiwala and Ms. Anushka Panchmatia i/b J. Sagar Associates for the Petitioner.

Mr. Vijay Patil, Senior Counsel a/w Mr. Abhijit Patil for Respondent No. - AGRC.

Ms. Aparna Vhatkar for Respondent Nos. 2, 4 & 5.

Mr. Anashak Daver a/w Mr. Suraj Iyer & Mr. Mani Thevar i/b Ganesh & Co., for Respondent No.3.

Ms. Anuja for Tirmali a/w Mr. Jyoti Mhatre i/b Ms. Komal Punjabi for Respondent No.6.

Mr. Vinay Nair i/b Mr. Arun Panickar for Respondent No.8.

CORAM : R.I. CHAGLA, J.

DATED : 2nd MAY, 2025.

ORDER :

1. By this Writ Petition, the Petitioner is impugning the Order dated 23rd June, 2022 passed by the Respondent No.1 – Apex Grievance Redressal Committee (“AGRC”) and has sought question for quashing and setting aside of the same.

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2. Mr. Karl Tamboly, learned Counsel appearing for the Petitioner has tendered an Affidavit of Service dated 25th July, 2022 which shows service on the Respondent No.7 and 9 to 28. In spite of being served with the Writ Petition alongwith intimation of circulation, they failed to make an appearance.

3. Mr. Tamboly has referred to the impugned order to the Petition (Exhibit-A to the Petition). He has submitted that by the impugned order, the Respondent No.1 – AGRC has rejected the Annexure II dated 25th April, 2019 which has been prepared by the Petitioner as the new Developer pursuant to the order of this Court dated 14th March, 2019. He has submitted that the very same Annexure II had been challenged by the Respondent Nos. 7 and 9 to 28 and which challenge had been rejected by the Respondent No.1 – AGRC vide Order dated 7th October, 2019 finding no substance in the challenge. He has submitted that in rejecting Annexure II dated 25th April, 2019, the Respondent No.1 – AGRC has failed to consider its prior Order dated 7th October, 2019 which had rejected the challenge to Annexure – II.

4. Mr. Tamboly has submitted that the Order of the

Respondent No.1 – AGRC dated 7th October, 2019 is subject matter of Writ Petition filed before this Court in which, no stay has been granted of the said order. This was required to be taken into consideration by the Respondent No.1 – AGRC whilst passing the impugned order which is impugned by the present Petition. He has submitted that by the said impugned order the Respondent No.1 – AGRC has set aside Order dated 3rd December, 2021 passed by Tehsildar-I, (Special Cell) SRA under Section 33 and 38 of the Maharashtra Slum Areas Act, 1971 and 48 hours Notice dated 21st February, 2022 issued by the Tehsildar-I, (Special Cell) SRA. He has accordingly sought for ad-interim stay of the impugned order.

5. Having considered the submissions on behalf of the Petitioner and noting that Respondent Nos. 7 and 9 to 28 inspite of service have failed to make an appearance, there appears to be much merit in the submission of Mr. Tambol, Annexure II dated 25th April, 2019 could not have been rejected by the Respondent No.1 – AGRC, particularly when they had earlier rejected the challenge to Annexure II in Application No.179 of 2019 vide Order dated 7th October, 2019. The said order is subject matter of challenge in Writ Petition filed before this Court, where no stay has been granted. Thus, I am of the

prima facie view that the finding in the impugned order rejecting Annexure II dated 25th April, 2019 is erroneous. Till the next date, the impugned order requires to be stayed.

6. Accordingly, there shall be ad-interim stay of the operation, effect and implementation of the impugned order passed on 23rd June, 2022 till the next date.

7. The notice of this order shall be served by the Advocate for the Petitioner on Respondent Nos. 7 and 9 to 28.

8. The Respondent No.1 – AGRC and Respondent Nos. 2, 4 and 5 do not intend to file Affidavit-in-Reply.

9. The Respondent No.8 has appeared through Counsel and supports the Petitioners.

10. The Writ Petition shall be placed for further consideration on 24th June, 2025.

[R.I. CHAGLA, J.]