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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.4836 OF 2025

Vijay Namdev Gujar

...Petitioner

Versus

The State Of Maharashtra,
Department Of Housing

...Respondents

Mr. Prasad Dhakephalkar Senior Advocate (V.C.) a/w.Mr. Abhinav Bhatkar
i/b. Ms.Kavita Narvekar, for Petitioner.

Ms. Vrushali Kabre, AGP for Respondent No.1/State.

Mr. P.H.Kantharia, for Respondent Nos.2 to 6/SRA.

Mr. Kshitish Shukla for Respondent Nos.7 & 8.

Mr. Shakeep Shaikh, Ms. Afreen Thanevala i/b. Vis Legis Law Practice,
for Respondent No.9.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 23 December 2025

P.C.

1. On 25th November 2025 we had passed a detailed order after hearing learned counsel for the parties.

2. The issues before the Court in the present proceedings were twofold. Firstly, Respondent No.9 had defaulted in the payment of transit rent. Consequently, an inquiry was required to be undertaken by the Competent Officer of the Slum Rehabilitation Authority ('SRA' for short) to determine the transit rent payable to the Petitioners by Respondent No.9. The second issue pertained to the possession of the tenements, as it was the case of the Petitioners that although the

remaining Petitioners had been allotted their respective tenements, the keys thereof were not handed over to them. In pursuance of the orders passed by this Court the Competent Officer of the SRA viz. Assistant Registrar Co-operative Societies, has passed an order dated 11th December 2025, whereby in respect of the 33 Petitioners an amount of Rs.3,59,24,701/- has been determined to be payable to the Petitioners. Such amount would now be required to be paid, as the order is a detailed and reasoned order passed after hearing all the parties and upon consideration of all relevant facts, including the arrears of rent, which in fact pertain to the period 2018–19. It is thus clear from the facts of the case that the developer having avoided making payment of the rent had utilised the amounts for the project, thereby depriving the basic entitlement of the Petitioners, to receive such amounts, not only as per the agreement but also under the Rules and Regulations and Circulars issued by the SRA. It is in such context we had made the following observations in our order dated 25th November 2025:

2. The development in question is of a slum under the provisions of Regulation 33(10) of Development Control and Promotion Regulations, 2034 for Greater Mumbai.
3. The learned counsel for the developers-respondent nos.7 & 8 states that his client is ready and willing to pay the legitimate amounts of transit rent which are due and payable. The calculation in that regard is intended to be submitted to the Competent Authority of the Slum Rehabilitation Authority. Let the petitioners in that event also calculate the amount of arrears of transit rent and place it for consideration of the Competent Officer.
4. In this view of the matter, in our opinion, it would be in the interest of justice that the Competent Officer of the SRA intervenes in the issue in regard to the amount of transit rent, which is due and payable to the petitioners. Let a personal hearing in that regard be granted by the Competent Officer, which shall be within two weeks from today and an appropriate decision be taken on the rival contentions and clear orders be passed on the amount of transit rent being payable to the petitioners.

5. In view of the fair stand taken on behalf of the developers of their readiness and willingness to pay the amount due and payable as per the rules, in fact further adjudication of the petition is not called for. However, as the petitioners are slum dwellers, we cannot expect them to again approach this Court agitating the same cause of action in the event their grievance is not redressed appropriately. We are, hence, of the opinion that the present petition at this stage can be disposed of, with liberty to the petitioners to revive this petition in the event the grievance of the petitioners survives after the orders are passed by the Competent Authority determining the transit rent payable, do not provide appropriate relief to them as per law.

6. We also direct that the amount of transit rent which would be decided by the Competent Authority, shall be immediately disbursed to the petitioners by the developer as per the rules either by depositing the said amount with the Slum Rehabilitation Authority within one week of the passing of the order or as may be directed by the Competent Authority.

7. We also direct the Competent Authority that appropriate interest shall also be determined as per the Circular/policy of SRA which would become payable on the arrears of the transit rent.

8. At this stage, we are pointed out that there is a recent amendment by incorporating Section 33B to the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 vide Mah. 42 of 2025 with effect from 29 August, 2025, which in fact would take care of the concerns which we have expressed. However, under the said provision, actions needs to be taken and the provisions ought not to remain in the statute book. Section 33B of the Act reads thus.

“33B. (1) The eligible slum dwellers of the Slum Rehabilitation Scheme or Slum Redevelopment Project, may apply to the Chief Executive Officer or the Competent Authority, as the case may be, for recovery of rent in lieu of transit accommodation due from the developer of such Scheme or Project, in such manner and accompanied by such fees, as may be determined by the authority.

(2) Where the Chief Executive Officer or the Competent Authority, as the case may be, is satisfied that the developer of any Slum Rehabilitation Scheme or Slum Redevelopment Project has defaulted in paying rent in lieu of transit accommodation to the eligible slum dwellers as agreed, the Chief Executive Officer or the Competent Authority may, after making such enquiry in respect of any amount due, on his own motion or on receipt of the application from the eligible slum dwellers, issue an order

for the recovery of such amount within such stipulated time as may be specified in the order.

(3) The amount specified in every such order for recovery issued by the Chief Executive Officer or the Competent Authority, as the case may be, if not paid by the developer within the time specified in the order, it shall be recoverable as an arrears of land revenue in accordance with the law for the time being in force:

Provided that, if the person against whom the order for recovery is issued, is a company or a limited liability partnership having no sufficient property to satisfy the amount due under recovery order, then such amount shall be recovered from the personal property of the directors or partners of such company or firm, as the case may be.”

9. Thus, there is now a clear mandate of law, which needs to be meticulously observed. It is in the wisdom of the Chief Executive Officer, appropriate action in that regard now be taken.

10. Before parting, we may observe that the nature of the grievances of the slum dwellers as raised in the petition on default in payment of transit rent are reaching not only the Court but also the grievance redressal forums. Although proactive steps in this regard are taken by the SRA to secure advance deposits of transit rent, however, it appears to us that the said directives cannot remain to be paper directives and the policy in that regard need to be effectively implemented. Such grievances which are legitimate/genuine, ought not to come to the High Court merely because of the apathy and inaction on the part of the Competent Officers of SRA who are not deciding such representations which are in fact touching the rights of the slum dwellers under Article 21 of the Constitution, i.e., Right to Shelter, which would be otherwise be available by ensuing timely payment of transit rent. Such rights cannot be defeated by such inaction of these officers. We, accordingly direct that no sooner such complaint is received, the same ought to be decided in accordance with law within a period of 15 days, failing which it would be required to be considered to be a breach of the fundamental rights of the slum dwellers at the hands of the slum authorities and the concerned officer accountable. Let a circular in that regard be issued by the CEO and forwarded to all the Competent Officers who are supposed to entertain such complaints and decide the same. This more for the reason that the developers cannot take a position that they would undertake the scheme, not pay the transit and utilize the money towards the transit rent for other purpose thereby depriving the slum dwellers of their legitimate amounts. This is neither the scheme under the Development Control & Promotion Regulations nor could be recognized under any prudent norms and rationale recognized under the provisions of the Maharashtra Slum Areas

(Improvement, Clearance and Redevelopment) Act, 1971 or the rules which are framed by the Slum Rehabilitation Authority. Hence, we sound a note of caution to the Chief Executive Officer of SRA that if any of these matters remain undecided, the Court would be required to take a strict view of such issues and pass appropriate orders including to hold the Competent Officers who are showing laxity in dealing with such complaints including in many cases overlooking the orders passed by the Competent forums/Court.

3. Insofar as the handing over of the possession of the tenements in question is concerned, Respondent No.9 had already handed over the keys of the tenements, to the Competent Officer of the SRA, to be allotted to the Petitioners as informed to us by Ms. Kantharia, learned counsel for the SRA. She has also tendered a communication letter dated 22nd December 2025, received from the Estate Manager. Same is taken on record. The said communication sets out that the Slum Rehabilitation Authority (SRA), upon conducting a lottery and after verifying the administrative and/or legal heirship of the 33 Petitioners, would hand over possession of the allotted tenements by delivery of the keys through the concerned Officer of the SRA. Let this exercise be undertaken as expeditiously as possible and in any event within a period of 10 days from today.

4. Insofar as the arrears of transit rent are concerned, learned counsel for Respondent No. 9 contended that an amount of approximately Rs.69,00,000/- is not in dispute, and that the said amount can be disbursed. It was further submitted that, to that effect, cheques have been deposited with the Slum Rehabilitation Authority (SRA). For the undisputed amount, the said cheques shall be disbursed in favour of the Petitioners, insofar as the balance amount is concerned,

Rs.3,59,24,701/- minus Rs.69,00,000/- i.e. an amount of Rs.2,90,24,701/- remains outstanding and payable to the Petitioners .

5. In our opinion, although the Court has observed in the earlier orders supra that the said amount would be required to be recovered as arrears of land Revenue, supra, in the peculiar facts of the case, the recovery of the amounts as arrears of land revenue would certainly be a long drawn process which would lend further time to Respondent No.9 to litigate. The arrears of rent date back to the period 2018-19. In this view of the matter, we are of the opinion that it would be eminently in the interest of justice, and more particularly considering the plight of the Petitioners who were completely at the mercy of the present developer, Respondent No. 9, for payment of transit rent, that the Petitioners are required to be paid the amounts in respect of which Respondent No. 9 has admittedly defaulted for which the amounts need to be secured.

6. In this view of the matter, we pass a conditional order which is to the effect that within a period of 10 days from today, the Respondent No.9 shall deposit an amount of Rs.2,90,24,701/- with the SRA and which shall be subject to the proceedings which the Respondent Nos.7 and 8 intend to initiate against order dated 11th December 2025.

7. However, merely for the reason that a remedy is available against the order dated 11th December 2025, it cannot be countenanced that the said amounts be permitted not to be brought and deposited with the SRA considering the persistent defaults as noted hereinabove.

8. Till such amounts are deposited, we direct that insofar as the freesale building is concerned, the Petitioners shall not be permitted to deal with any of the unsold tenements.

9. We also direct that the named proprietors of Respondent No.9 (Mr.Pravin Viram Satra and Mr. Darshan Pravin Satra), also need to file their respective disclosure Affidavit, disclosing all their movable and immovable properties as also details of the bank accounts, PAN numbers to be placed on record of this Petition by tomorrow, so that further appropriate orders, in that regard can be passed. The disclosure affidavit shall also state whether any other projects are being undertaken by Respondent No.9 in Mumbai or outside Mumbai. Also the income tax returns of the Proprietor and the Proprietary concern for the last four years, shall be submitted in a sealed envelope.

10. The part occupation certificate in regard to the freesale building also shall not be granted by the SRA, till the issues in regard to the transit rent payable to the Petitioners are resolved.

11. Accordingly, list the proceedings for tomorrow, i.e. 24th December 2025, for acceptance of the disclosure affidavit to be filed on behalf of Respondent No.9/ its named proprietor & their Proprietors.

12. We also direct Chief Executive officer of the SRA to examine the files in regard to this project as to how proprietorship like Respondent No.9 was accepted as a developer under the rules and regulations and whether the Respondent No.9 is merely a front and whether the project is being undertaken by a third party. Let a

report to that effect be also placed on record by the Chief Executive officer of SRA. Such report be placed on record on or before 9th January 2026.

13. We shall consider such report and make an endeavour to pass further appropriate orders.

14. In respect of any issue in regard to the payment of arrears of rent to any of the Petitioners or legal heirs the Respondent No.9 will be at liberty to either issue a fresh cheque as may be directed by the Concerned Officer of the SRA or to deposit the amounts with the SRA in respect of such persons.

15. List on **24th December 2025**, for filing disclosure affidavit.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)