IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4656 OF 2026

Anand Nagar SRA CHS (Prop.) ... Petitioner
versus
Apex Grievance Redressal Committee & Ors. … Respondents

Mr. Mayur Khandeparkar with Mr. Santosh Pathak, Mr. Devansh Shah i/by Law Origin, for Petitioner.
Ms. Tanaya Goswami, for AGRC and SRA.
Mr. Simil Purohit, Sr. Advocate with Ms. Sandhya Yadav, Ms. Neeta Jain i/by Ashok Purohit and Co., for Respondent No.6.
Ms. Jyoti Mhatre, Ms. Komal Punjabi, for Respondent No.8.
Mr. Chirag Mody with Mr. Rohan Sawant i/by Mr. Jayesh Mestry, for Intervener.

CORAM: N.J.JAMADAR, J.

DATE : 12 OCTOBER 2026

ORDER :

SWAROOP SHARAD PHADKE

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Date: 2026.10.16 21:26:11 +0530

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to an order dated 30 May 2025 passed by the Apex Grievance Redressal Committee in Application No.197 of 2021, whereby the acceptance of proposal dated 26 October 2020 submitted by Balan Realty Two LLP (R7) under Regulation 33(10) of the DCPR 2034 in respect of the slum rehabilitation scheme on the plot of land bearing CTS Nos.15 (part), 16 (part) of Village Borla, Chembur East, Mumbai, (the subject property), for Anand Nagar SRA CHS, came to be set aside and the CEO, SRA was directed to process the proposal submitted by M.K.Shelters Pvt. Ltd.

(R6) – the Applicant in Application No.197 of 2021, for the implementation of the subject SR Scheme and assist the Respondent No.6 in getting the Annexure II from MCGM.

3. The Petitioner Arun Pawar claims to be the Chief Promoter of Anand Nagar SRA CHS (Prop.). In the year 1999, the subject property was declared as slum. After the initial appointment of the developer, namely M/s. Abhinay Developers and the subsequent termination under Section 13(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, the society of slum dwellers has purportedly appointed Respondent No.6 as developer pursuant to a resolution passed in the Special General Body meeting of the Society dated 9 April 2017. Vide communication dated 16 December 2017, the letter of acceptance in favour of Respondent No.6 came to be issued by the SRA.

4. It seems a dispute was sought to be raised regarding the legality and validity of the said resolution and revocation of the appointment of Respondent No.6 was sought. On 26 December 2018, the Deputy Registrar, Co-operative societies / SRA appointed an Authorized Officer to hold the Special General Body meeting of the Society to constitute the managing committee of the society and pass appropriate resolutions in connection with the subject SR Scheme.

5. In the Special General Body meeting held on 13 January 2019, Arun

Pawar claimed to have been elected as Chief Promoter and M/s. Balan Realty (R7) was purportedly appointed as a new developer. Eventually, SRA issued letter of acceptance in favour of Respondent No.7 on 26 October 2020.

6. Being aggrieved, Respondent No.6 filed an application before AGRC. By the impugned order, AGRC was persuaded to allow the application as the process of holding a fresh General Body meeting of the society and appointment of a new developer was found to be not in conformity with the SRA provisions and principle of natural justice.

7. Mr. Khandeparkar, learned Counsel for the Petitioner, submitted that the AGRC was in error in holding that the resolutions were passed in the Special General Body meeting of the Society without following governing provisions of the Slum Act, 1971 and the schemes framed and the circulars issued by the SRA. An endeavour was made to draw support from the resolution passed in the Special General Body meeting held on 13 January 1999.

8. Mr. Khandeparkar further submitted that, though Balan Realty (R7) has not assailed the impugned order, yet, the Petitioner society has a vital stake in the implementation of the SR scheme in a lawful manner. Therefore, the impugned order deserves to be quashed and set aside.

9. The aforesaid submissions do not merit countenance. Incontrovertibly, the SRA had issued a letter of acceptance of proposal submitted by

Respondent No.6. Once the appointment of the Respondent No.6 was found in order and the proposal was processed, there was no occasion for the authorities to indirectly revoke the proposal of Respondent No.6. It is well settled that, simultaneous processing of the proposals is not permissible. The decision of the Division Bench of this Court in the case of **Awdesh Vasistha Tiwari and Ors. V/s. Chief Executive Officer, SRA and Ors.**[1] emphasises the position that the scheme under Regulation 33(10) does not contemplate simultaneous consideration of an application made by a proposed society with another application subsequently made by another proposed society relating to same land. The application received first is to be processed first independently. If it fails to get 70% support, second application can be examined. The obvious intention is to avoid unhealthy competition between the different builders who are interested in supporting such societies. If such a course of simultaneous consideration is permitted to be adopted, unscrupulous persons and builders will try to win over the hutment dwellers who have supported the application made earlier by another society.

10. In the case at hand, it appears an endeavour was made to wriggle out of the aforesaid well settled position in law by a section of the slum dwellers questioning the appointment of the Respondent No.6. Viewed through this

1 2006 SCC Online Bom 481

prism, AGRC was justified in observing that the process followed to indirectly oust Respondent No.6 was not in conformity with the governing provisions and in breach of the principles of natural justice. No opportunity was given to the Respondent No.6.

11. In any event, the subject SR Scheme awaits implementation since the year 2006. Rivalry between two factions of the society cannot be permitted to defeat the object of the provisions of the Slum Act, 1971. Therefore, as this Court does not find any patent illegality or glaring infirmity in the impugned order, no interference is warranted therein.

12. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)