

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 283 OF 2026

Infinity Associates (formerly Known As Siroya
Builders And Developers) ...Petitioner
Versus
Slum Rehabilitation Authority, Mumbai & Ors. ...Respondents

Ms. Prachi Bhutekar a/w Priyesh Patel i/b M/s. Bhutekar & Associates for
Petitioner.

Mr. Vishwanath Patil a/w Akshay Naidu for Respondent - SRA.

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

DATE: 28 JANUARY 2026

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following reliefs:

"a) That a Writ of Mandamus or any other appropriate writ be issued against the
Respondent No. 1 to 5 and the Respondent No.1 to 5 be restrained from
proceedings conducted by them under the said notice date 10th December 2025
and this Hon'ble court may be pleased to quash and set aside the impugned
notice dated 10th December 2025 as well as the proceedings thereunder;

b) That the Writ of Mandamus and/or appropriate writ be issued against the
Respondent No.1 to 5 thereby directing and/or restraining them from issuing any
further notice under Section U/s.13 (2) of the Maharashtra Slum Maharashtra
Slum Improvement, Clearance and Rehabilitation) Act, 1971 and/or any other
notice pursuant to the rent payable to the Slum Dwellers."

2. We find that there was a grievance of the slum dwellers that the petitioner
has not paid the transit rent nor arrears of transit rent. In this view of the matter,
the slum dwellers have approached the Slum Rehabilitation Authority to make
complaint for change of a developer as per the provisions of Section 13(2) of the

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. We find from the record that in regard to the issue of arrears of transit rent, the petitioner had approached this Court in the proceedings of Writ Petition (L) No.23133 of 2025, on which a coordinate Bench of this Court of which one of us (G. S. Kulkarni, J.) was a member, passed an order dated 6 August 2025. The said order required to be noted which reads thus:

"1. As a short issue is involved in this petition, we are inclined to dispose of this petition.

2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

"a. That a writ of certiorari or any other appropriate writ be issued against the Respondent No. 2 and 3 and after calling for the records and proceedings of the complaint filed by the respondent no. 4 and after going into legality and validity of the impugned direction/order dated 27th December, 2024 (Ex-I) and two directions dated 8th May, 2025 issued by the Respondent No.3 and order dated 25th April, 2025 passed by Respondent No.2 be pleased to quash and set aside the same.

b. That the Respondent No.1 be directed to carry out survey of the transit accommodation allotted to the slum dwellers, to identify the illegal occupation of the transit camp accommodation by the slum dwellers constructed on the plot of land bearing CTS No. 184-2/184 of Village Parel, Sewri Division, Mumbai."

3. In the impugned communication dated 27 December 2024, there is a demand of Rs.167,33,520/- made against the petitioner, which, according to the communication, is due and payable by the petitioner to the slum dwellers who have formed Jijau Prerna SRA Co. Housing Society Limited, Kalachowki, Mumbai 400033. The grievance of the petitioner is that there are certain slum dwellers who are already accommodated in transit accommodation and insofar as those who are not allotted transit accommodation, rents are being regularly paid. The petitioner's contention is that all this has been informed not only to the Secretary/Chairman of the society, but also the same was placed on record of the SRA. The grievance of the petitioner is that such contentions are not taken into consideration in issuing the impugned communication, as also no hearing was granted to the petitioner.

4. In this view of the matter, we are of the opinion that the petitioner be provided with a copy of the complaint as made by the slum dwellers, as also the petitioner be granted an opportunity of hearing in regard to all its contentions and an opportunity to place on record of the SRA, the correct facts which can be verified. In this view of the matter, we are of the opinion that the impugned order be not acted upon and a fresh order be passed. Let this exercise be undertaken in accordance with law within a period of 15 days from today.

5. Needless to observe that the Designated Officer of the SRA shall hear all

the parties and pass an appropriate order in accordance with law in regard to any amounts which are payable by the petitioner towards transit rent to the slum dwellers.

6. The SRA shall also take an appropriate decision on the stop work notice depending on the fresh decision which would be taken in regard to the arrears of transit rent payable to the slum dwellers by the petitioners.

7. Needless to observe that in the event the Designated Officer is satisfied that the entire transit rent has been paid to the slum dwellers and/or there is no grievance whatsoever in this regard, the orders in regard to stop work would be required to be revoked and the petitioner in that event be permitted to progress with the construction of the project.

8. Disposed of in the aforesaid terms. No costs."

3. Having heard learned counsel for the parties. The grievance of the petitioner is thus in regard to a show cause notice issued to the petitioner by the SRA under Section 13(2). The case of the petitioner is that after the petition was filed, entire arrears of transit rent had already been deposited. It is also urged on behalf of the petitioner that the impugned notice ought not to have been issued in the teeth of the aforesaid orders passed by this Court. The notice in question is only a show cause notice, the petitioner is permitted to raise all contentions and place the entire details in regard to such payment of transit rent before the Competent Officer issuing the impugned notice. Also it is open for the petitioners to raise contention on the basis of the orders (supra) passed by this Court in responding to the show cause notice. It is for the Competent Officer to get satisfied in regard to the payment of transit rent. The petitioner has also shown inclination to pay any deficit amount which the authority may determine.

4. Let the Competent Officer take an appropriate view of the matter, and an order be passed after considering the petitioner's contention that the arrears of transit rent have already been deposited/paid.

5. In this view of the matter, keeping open all contentions of the petitioner to be urged before the Competent Officer, we dispose of this petition.

6. Disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)