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

WRIT PETITION NO. 4795 OF 2025

1. Crestline Developer LLP,
Having address at Unit No.B1, Ground
Floor, Wadala Udyog Bhavan, Wadala East,
Mumbai – 400 031 ... Petitioner

Versus

1. The Commissioner,
Municipal Corporation of Greater Mumbai,
Head Office Mahanagarpalika Marg,
Mumbai 400 001.
2. The Assistant Commissioner (Estate),
Office of the Assistant Commissioner
(Estate), Head Office, Mahanagarpalika
Marg, Mumbai 400 001
3. The Administrative Officer (Society),
Office of the Assistant Commissioner
(Estate), Head Office, Mahanagarpalika
Marg, Mumbai 400 001
4. The Municipal Corporation of Greater
Mumbai, Head Office, Mahanagarpalika
Marg, Mumbai 400 001
5. Atmiya Future Venture Pvt. Ltd.,
Having its registered office at Flat No. 10,
Pravin Mansion, Kamla Nehru Road 3,
BLK-9, Kandivali West, Mumbai – 400 067.
6. Sant Rohidas Co-op Housing Society Ltd.
having its address at Plot bearing C.S. No.
597, 597A, 597B, T.P.S. IV, Mahim
Division, J.B. Road,
Prabhadevi, Mumbai – 400 025.
7. The Divisional Joint Registrar,
Co-operative Societies, Mumbai Division,
Mumbai

8. State of Maharashtra
Through the Secretary,
Co-operation Department, Mantralaya, Fort,
Mumbai – 400 032 ... Respondents

**WITH
WRIT PETITION (L) NO. 38451 OF 2025**

Deepika Jitendra Bhaskar,
Aged – 50 years, Occupation: Housewife,
Residing at: Room No. 4, Ground Floor,
Karapurkar House J.B. Road,
Mumbai 400 025Petitioner

Versus

- [1] Municipal Corporation of Greater Mumbai,
Through its Commissioner,
Brihanmumbai Municipal Corporation,
Head Quarter, Mahanagarpalika Marg,
Mumbai 400 001.
- [2] Atmiya Future Venture Pvt. Ltd.,
Having its registered office at : Flat No. 10,
Pravin Mansion, Kamla Nehru Road 3,
BLK-9, Kandivali West, Mumbai – 400 067.
- [3] Buicon Consultants LLP
Having its registered office at : 118/12,
Shree Pragati Soc., Mahavir Nagar,
Kandivali West, Mumbai 400 067.
- [4] Sant Rohidas CHS Ltd.,
Having its address at Plot bearing C.S.
No.597, 597A, 597B, T.P.S. IV, Mahim
Division, J.B. Road,
Prabhadevi, Mumbai 400 025.
- [5] State of Maharashtra,
Through the Secretary,
Co-operative Department, Mantralaya, Fort,
Mumbai 400 032. ... Respondents

...

Mr.Sanjiv Sawant a/w Mr.Samir Suryawanshi, Mr.Aadil Parasampuria, Mr.Pankaj Kode and Ms.Bhakti Wast for the Petitioner in WP No. 4795 of 2025.

Dr. Suman Bhardwaj (appearing through VC) a/w Ms.Rutuja S. Gholap h/f. Mr. Harshal B. Khawale for the Petitioner in WP (L) No. 38451 of 2025.

Mr.Anoop Patil a/w Ms.Vaishali Ugale for the Respondent Nos.1 to 4/BMC in WP No.4795 of 2025.

Mr.Mayur Khandeparkar a/w Adv.Mangirishh Saraf and Adv.Joshua Samuel i/b. LJ Law for Respondent No. 5 in WP No. 4795 of 2025 and for Respondent No.2 in WP (L) No. 38451 of 2025.

Mr.R.R.Mishra for Respondent No.6 in WP No. 4795 of 2025- Society.

Mr.Nishigandh Patil, AGP for Respondent Nos. 7 and 8/State.

Ms.Vaishali Ugale for the Respondent/BMC in WP (L) No. 38451 of 2025.

Mrs.Gaurangi Patil, AGP for Respondent No. 5/State in WP (L) No. 38451 of 2025.

Mr.Santosh Nachanekar (Head Clerk- Estate) present in the Court.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

RESERVED ON : 23rd JANUARY, 2026

PRONOUNCED ON : 13th MARCH, 2026

JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

2. We have heard the lengthy oral submissions of the learned Advocates for the respective sides. They have tendered extensive written notes of submissions. To avoid repetition, we are adverting to their submissions in the course of this Judgment.

3. In the first Petition, the Petitioner is a Developer, namely Crestline Developers LLP (hereinafter referred as the Petitioner/Developer). In the second Petition, the Petitioner is an individual, who claims to be a Member of the Karapurkar Chawl, one of the seven Chawls which are under development.

4. In the first Petition, the Municipal Corporation and its officials are arrayed as Respondent Nos.1 to 4. Respondent No.5 is a Developer, namely Atmiya Future Venture Pvt. Ltd. (hereinafter referred to as the Respondent/Developer). Respondent No.6 is a Cooperative Housing Society Ltd.

5. The Petitioner/Developer had approached this Court earlier in Writ Petition No.3503 of 2025. The Petition was disposed off by an order dated 19th September, 2025, which reads thus :-

“1. Interim Application (I) No. 29955 of 2025, was not on board. Taken on board.

2. The Petitioners have assailed the approval granted by Respondent No.1 to Respondent No.2, for the redevelopment of the property.

3. According to the Petitioners and the Interveners, who have tendered an Intervention Application, Respondent No.1 has allegedly surreptitiously granted the approval to Respondent No.2.

4. The learned Advocate representing Respondent Nos.2 & 3 submits that neither any secrecy was maintained in the matter, nor was the procedure opaque. In a transparent way, the approval has been granted.

5. The Petitioners have issued a legal notice to the Corporation through a lawyer's firm. Such a legal notice cannot be construed as a representation made by an aggrieved party to the Corporation.

6. The Petitioners as well as the Interveners submit that they would be making their representations to the Corporation within a period of one week.

7. The learned Advocate for the Corporation submits that if such representations are tendered, the Appropriate Officer deputed by Respondent No.1 would grant a reasonable opportunity of hearing to all the stakeholders and after considering the respective stands and grievances, an appropriate decision with reasons would be arrived at.

8. *In view of the above statements having been recorded, **this Petition is disposed off.***

9. *The learned Advocate for the Corporation submitted that a scrutiny of the claims of the tenants and due verification of the documents / consent, would be initiated from 25th September, 2025. We find that the said exercise could be taken forward and could be concluded. We direct that, the Corporation would neither disclose its decision in the light of such exercise, nor would formalize the claims of any person, until the grievances of the representatives or grievances voiced in the representations, are dealt with.*

10. *We make it clear that those who do not file the representations within 7 days, would be precluded from making such representations, thereafter. On the presumption that the representations would be filed on or before **26th September, 2025**, the Appropriate Officer deputed by Respondent No.1 would arrange for a hearing on the representations starting from **1st October, 2025** at 11.30 a.m. in his office.*

11. *If the hearing is not concluded, the next date of hearing would be fixed on the same day. The hearing would be completed by **8th October, 2025** and a reasoned order would be passed by the Corporation on or before **18th October, 2025**. The decision would be pronounced to all the parties.*

12. *Having recorded the above statements and the directions issued, **the Writ Petition and Intervention Application are disposed off.***

6. In pursuance to the above order, the Municipal Corporation has delivered an extensive order running into 22 Pages, dated 17th October, 2025, which is impugned in the first Petition.

BRIEF HISTORY OF THE LITIGATION

7. The Municipal tenanted property is a cluster of Seven Chawls situated on City Survey No.597, 597-A and 597-B of TPS IV Mahim Division, which is commonly identified as Ahmed Manzil Chawl, J.B. Marg, Elphinstone Parel, Mumbai-400025. A redevelopment of the tenanted property under Regulation 33(7) of the Development Control and Promotion Regulations, 2034 (hereinafter referred to as the ‘**DCPR-2034**’) is contemplated.

8. The procedure for redevelopment is that an AGM has to be conducted by a Society and a resolution has to be passed with 2/3rd majority of the Members. The redevelopment proposal is then tendered. The proposal can be approved if supported by the consent of 51% of the occupants/tenants of the Society.

9. While considering such a proposal under Regulation 33(7), in the light of the provisions of the Maharashtra Housing and Area Development Act, 1976 (hereinafter referred to as the ‘**MHADA Act, 1976**’), the Planning Authority of Maharashtra Housing and Area Development Authority (‘**MHADA**’) and the Mumbai Building Repairs

and Reconstruction Board (hereinafter referred to as the ‘**MBRRB**’), examine several mandatory parameters. The eligibility of the premises to be subjected to redevelopment, is assessed. Whether the structure existed prior to 30th September, 1969 and whether it is cessed or was formally a cessed building governed by the MHADA Act, 1976, is verified. The eligibility has to be formally certified by the MBRRB.

10. The locus of the party proposing redevelopment is scrutinized. A redevelopment proposal can be initiated by the landlord, a cooperative housing society of occupiers, a Cooperative Housing Society of landlords or a Joint Body of landlord and occupiers. A developer does not have an independent right to individually propose development and can act only through one of the recognized entities.

11. What is of great significance, rather a decisive factor, is that an irrevocable written consent of not less than 51% of the eligible occupiers, has to be received. Such consent cannot be merely contractual. It has to be statutorily enforceable. The MBRRB has to verify and certify that 51% and more written consents have been received. The Authorities have to verify the genuineness of the consent declarations and scrutinize whether each of them is free from coercion, fraud or misrepresentation.

The list of eligible occupiers and the areas occupied by each tenant, must also be certified by the MBRRB, because the rehabilitation entitlement and Floor Space Index ('FSI') calculation, depends upon such certification.

12. In addition to the above, the proposal must provide for statutory rehabilitation entitlements, including minimum and maximum carpet area, transit accommodation, corpus fund and compliance with MHADA norms. The Planning Authority examines whether the proposed FSI and incentive FSI are in accordance with Regulation 33(7), whether the MHADA/MCGM share of surplus built-up area is correctly provided and whether the developer has the adequate financial and technical capacity to complete the project. Public interest considerations such as safety, density, open spaces and road width are also taken into account.

13. In the backdrop of the above procedure, it is also admitted that two competitive or parallel development proposals for the same cessed building, cannot be entertained at the same time. The judgment delivered in *Awdesh Vasistha Tiwari and Others V/s. Chief Executive Officers, Slum Rehabilitation Authority and Others, 2006 Mh.L.J. 282*, concludes that the Scheme under Regulation 33(10) of the Development Control Regulation for the City of Mumbai, 1991 (DCR-1991), mandates that the first

application received has to be processed and decided first, and two applications cannot be simultaneously considered. The same prescription of law is also applicable under DCPR-2034 by certain circulars of the Corporation, is an admitted position. A second proposal may be considered only in exceptional circumstances, such as, where the consent for the first proposal subsequently falls below 51% or the approved proposal is abandoned or not acted upon for a substantial period or when consent is found to be vitiated due to fraud, coercion or misrepresentation.

14. The record reveals that Respondent No.6/Society had earlier submitted a proposal along with a Developer M/s. Hi-Rock Vora and Vishal Joint Ventures. The office of the Corporation issued an LOI in favour of the Developer and the Society, on 19th October, 2016. There was no development or progress on the said proposal for almost eight years. With the approval of the Administrator (IMP.COM) vide ICR No.07 dated 24th June, 2024 and Administrator (Corporation) vide ICR No.226 dated 2nd July, 2024, the said proposal was recorded (rejected) and the Society as well as the Developer were informed vide Office Letter dated 3rd August, 2024. This paved the way for submission of a fresh proposal by the society.

15. After the letter of termination of earlier LOI was issued, the Society, ‘Sant Rohidas Co.Op. Hsg. Society (Ltd.) (Respondent No.6/Society)’ held a General Body Meeting on 4th August, 2024 and appointed Respondent No.5/Developer, and Mr. Patravala as their Architect. A Resolution dated 4th August, 2024 was passed to this effect. The architect, Mr. Kulin Patravala of M/s. Buicons Consultant LLP (hereinafter referred to as the Architect), made an online application on 13th November, 2024, on behalf of Respondent no. 5 developer. The Corporation was requested to accept the proposal for redevelopment of five Municipal Chawls under Regulation 33(7) of DCPR-2034. The Corporation informed the Respondent No.5/Developer vide letter dated 12.03.2025, to submit a consolidated proposal for redevelopment of all seven chawls situated on the said plots, along with the consent of Principal Tenants, through online system. Record reveals that the Architect uploaded the additional consents of remaining chawls and other documents, for the seven chawls.

16. The demand register tendered by the Architect indicates 154 Municipal Tenants in seven chawls. Out of these, 117 are residential tenants and 37 are commercial tenants. In addition, there are about 31 occupants out of which 19 are residential and 12 are commercial, which are

of protected nature. Respondent No.5/Developer submitted 113 consents of Municipal Tenants. 82 amongst them are Principal Tenants and 31 are sub-tenants. Consequentially, the Respondent No.5/Developer had produced 53.25% consents of the Principal Tenants.

17. The grievance of the Petitioner/Developer, as is pleaded in the Petition, is that Respondent No.6/Society suffered an order of liquidation. Few individual members have taken a decision without the consent of the majority of members. Such consent can be given only after liquidation proceedings are concluded.

18. The Respondent No.6/Society was registered on 26th August, 2009 under the provisions of the Maharashtra Cooperative Societies Act, 1960. An interim liquidation order was passed on 27th November, 2017. A final order was passed on 30th July, 2018. Further orders of modification were passed on 10th December 2020, 22nd July, 2022 and 10th November, 2022 by the Deputy Registrar Cooperative Societies. The order of liquidation was finally quashed and set aside by the order of the Divisional Registrar Cooperative Societies in Appeal No.85/2025, dated 15th May, 2025. As such, the status of Respondent No.6/Society was restored and remains intact till today.

19. The Petitioner/Developer has alleged that the GB of Respondent No.6/Society had passed the Resolution in a meeting attended by only 17 occupants. The collective interest and welfare of the occupant community has to be considered. The DCPR-2034 requires that the meeting must be attended by 2/3rd members of the Society. The Petitioner/Developer also submitted an online proposal on 3rd May, 2025 for redevelopment on the plot consisting five chawls having 85 tenants. The Petitioner/Developer had initially submitted 39 consents out of 85 tenants (from 5 chawls only). 29 were Principal Tenants, 6 were sub-tenants and 4 were not on record. The Petitioner/Developer then tendered 17 more consents on 16th May, 2025. Amongst these, there are 10 Principal Tenants, 4 sub-tenants and 3 are not on record. As per the Corporation, the Petitioner/Developer had 45.88% consents.

20. The Petitioner/Developer has repeatedly averred in the memo of the Petition that the General Body Meeting of Respondent No.6/Society was not attended by majority members and only 17 members have attended the meeting and, therefore, the GBM resolution dated 04.08.2024 is invalid. The Corporation should not have taken cognizance of the same. The Will of the majority has to prevail. A false claim is made by Respondent No.6/Society that majority have consented in favour of

Respondent No.5/Developer. Per contra, the Respondent no.6 Society has refuted these allegations. So also, the registered consents falsify the allegations of the Petitioner Developer.

21. The Petitioner/Developer has formulated its grounds at Clauses A to O (Page Nos.24 to 29), which read as under (verbatim) :-

“A. That the impugned order dated 17th October, 2025 is in violation of the unequivocal statement made by the MCGM, which is recorded in paragraph 9 of the order dated 19th September, 2025 passed in Writ Petition No.3503 of 2025 wherein the Respondents/MCGM was under an obligation to scrutinise all the claim of the tenants and due verification of the documents/consents, but without carrying out that exercise, the Respondent Nos. 1 to 4/MCGM failed to comply with the same and, therefore, the said act itself shows that there is a violation of the order passed by this Hon'ble Court dated 19th September, 2025 in Writ Petition No.3503 of 2025 with Interim Application Lodging No.29955 of 2025 and due to the contemptuous act on the part of the Respondent Nos.1 to 4, the impugned orders dated 17th October, 2025 and 26th May, 2026 need to be quashed and set aside.

B. That the impugned order dated 17th October, 2025 and the earlier approval granted on 26th May, 2025 is passed by the Respondent No.2, which clearly shows that he has acted “to take a decision for his own cause”, there is a violation of fundamental rule of natural justice/procedural fairness. In the present case, the decision maker, does not have a personal or pecuniary interest in the outcome and the said strict judicial act is expected from quasi judicial and administrative authority. There is a violation of settled

principle of law that “no person can be a Judge in his own cause”. (Memo Jubex In Causa Sua).

C. Thus the Respondent No.2 violated the basic principle of audi alteram partem evolved through judicial interpretation as “basic elements of fair hearing”.

D. That the impugned order passed by the Respondent No.1 herein is utter non compliance of the order dated 19th September, 2025 passed by the Hon'ble High Court. As this Hon'ble Court specifically observed that the appropriate officer deputed by the Respondent No.1 would grant reasonable opportunity of hearing to all the stake holders and after considering the respective stands and the grievances and appropriate decisions with reasons would be arrived at. The Respondent No.1 herein failed to comply with the mandate of this Hon'ble Court.

E. That the Impugned order dated 17th October 2025 passed by the Ld. Assistant Commissioner (Estate), MCGM. It is surprising that the impugned approval dated 26th May, 2025 was also passed by the Ld. Assistant Commissioner (Estate) therefore there is utter violation settled principle of law and the Respondent No.1 herein failed to follow the principal of natural justice. The Ld. The Assistant Commissioner (Estate) has granted the approval and the same officer could not have been expected to objectively reconsider the representation. Hence there is no application of mind as the impugned order does not deal with the grounds or document submitted by the Petitioner.

F. That the impugned order dated 17th October, 2025 and 26.05.2025 are ex facie illegal, arbitrary, and unsustainable in law. It has been granted without notice to or participation of the lawful tenants/occupants of the cluster, thereby violating their fundamental right to be heard under the principles of natural justice.

G. That the some of the members of the Society who are lawful occupants and primary stakeholders in the redevelopment process, were not consulted or heard prior to the grant of approval. Their legal notice dated 27.05.2025, highlighting material objections, has gone unaddressed, evidencing a mechanical and biased administrative approach.

H. That the purported appointment of Respondent No. 5 is based on a General Body Meeting dated 04.08.2024, allegedly attended by only 17 individuals from Ahmed Manzil Chawl alone. This meeting excluded occupants of the remaining four chawls, rendering the resolution non-representative, procedurally defective, and void ab initio.

I. That the actions of Respondents No. 5, in uploading documents on the MCGM portal without proper and verified consent from the majority of occupants, and the manner in which Respondent No. 1 processed and approved the proposal, are riddled with procedural irregularities, including disregard for the rights of affected tenants.

J. That even after being formally notified through a legal notice dated 27.05.2025 of the illegality and procedural lapses, Respondent No. 1 failed to undertake any remedial or corrective measures. This inaction not only perpetuates illegality but also reflects abdication of statutory responsibility.

K. That the sequence of events and timing of the approval raise serious concerns regarding mala fide intent and lack of application of mind by Respondent No. 1. Despite being aware of the dissolution of the society and the dubious nature of the GBM, the approval was still granted, indicating extraneous considerations.

L. That the members of the society, as lawful occupants of the majority of the cluster, face the threat

of dispossession and loss of property rights through an opaque and illegal process. Permitting such actions to stand would amount to legalizing fraud and abuse of the redevelopment mechanism established under law.

M. That the selective recognition of a defunct Society's resolution, without verifying its locus or obtaining cluster-wide representation, amounts arbitrary and discriminatory administrative action. It violates Article 14 of the Constitution by treating similarly placed chawl occupants differently and excluding them from decisions affecting their homes and rights.

N. That the members of the Society who have given consent in favour of the Petitioner herein are lawful and long-term occupants, had a legitimate expectation of being consulted and included in any redevelopment proposal. The denial of this participative right, despite formal representations, constitutes a breach of administrative fairness and transparency, attracting interference under Article 226.

O. That the Respondent Nos.1 to 4 herein failed to consider the individual consent given in favour of the Petitioner herein and without considering the same the Respondent No.1 herein have passed the impugned order dated 17th October, 2025.”

22. The Municipal Corporation, Respondent Nos.1 to 4, has filed the affidavit in reply dated 21st January 2026, through Dr. Prithviraj Chavan, Assistant Commissioner (Estates). It is canvassed that pursuant to the order of this Court in the earlier Petition, dated 19th September, 2025 (reproduced herein above below Paragraph No.5), a notice of hearing was issued. The hearing were conducted on 1st October 2025, 3rd October 2025,

6th October 2025, 7th October, 2025 and 8th October, 2025. Respondent No.5/Developer submitted 87 registered consents of Principal Municipal Tenants (**'PMT'**), duly registered before the Office of the Joint Sub-Registrar Mumbai. After conducting the hearing in the matter on several dates and after recording the statements of all those who appeared before the authority, a detailed order was passed by the Corporation on 17th October 2025, which is impugned in this Petition.

23. The 87 registered consents were tendered by R5 Developer, prior to 17th October, 2025. Thereafter, two registered consents of PMT were submitted by Respondent No.5/Developer on 31st October, 2025. The law mandates that only one proposal has to be entertained at a time and only after the proposal is rejected or disposed off for any reason, that the proposal of the Petitioner/Developer could have been considered. Respondent No.5/Developer had the registered consents of 53.25%.

24. Be that as it may, the consents tendered by the Petitioner/Developer would be inconsequential because the second proposal for development of all the chawls was never tendered by the Petitioner/Developer, in as much as, the proposal of the Petitioner/Developer cannot be entertained until the proposal of Respondent No.5/Developer is rejected. All the consents tendered by

Respondent No.5/Developer were duly registered before the Joint Sub-Registrar Mumbai. The Corporation submits that a further verification of the consents would not be necessary because all the consents were registered before the Joint Sub-Registrar Mumbai, in view of the amendment to the extent of 'Consent Verification', having been duly made to the Circular No.AC/Estates/12/2020-2021, dated 17th November, 2020, vide the amending Circular bearing No. AC/ESTATES/538455/AE(IMP)/AO(SOC), dated 17th February, 2025. The entire list of the registered consents submitted by Respondent No.5/Developer with the BMC, have been placed on record.

25. The amendment circular dated 17th February, 2025 clearly indicates that if the Society/Developer submits notarized consent forms of the Principal Tenants, the procedure for verification of the consents will be followed as per the earlier circular dated 17th November, 2020, which required consent verification of the tenants, biometric data recording, video shooting etc. However, if the Society/Developer submits original consents of the tenants duly registered in the Office of the Sub-Registrar, Mumbai City/Suburban, at the time of submission of the redevelopment proposal or before consent verification, the procedure for consent verification will not be followed since it would amount to being a repetitive procedure.

26. Respondent No.5/Society has contended as follows :

(a) The MCGM, in its capacity of being the landlord of the subject property, has accepted the proposal for redevelopment submitted by Respondent No.5/Developer vide its order dated 26th May, 2025 under Section 33(7) of the DCPR, 2034.

(b) The Competent Authority has rejected the objections of the Petitioner/Developer vide the impugned order dated 17th October, 2025 by recording the following findings :-

(i) There are a total 154 Municipal Tenants in 7 chawls. 117 are residential and 37 are commercial tenants.

(ii) Respondent No.5/Developer submitted 113 irrevocable consents of Municipal Tenants at the time of submission of its revised proposal on 24th April, 2025. It had 53.25% consents, thereby qualifying as per Rule 37(7) of the DCPR-2034.

(iii) The Petitioner/Developer tendered an online proposal on 3rd May, 2025 in relation to only 5 chawls, namely Karapurwala Chawl, Marwadi Chawl, Bhagsheth Waikul Chawl, Dulambi Kasam Chawl and Ahmed Manzil Chawl. The Petitioner/Developer has submitted 29 consents of

Principal Tenants and 6 sub-tenants. In addition, it attempted to tender 17 consents on 16th May, 2025, out of which 10 consents were of Principal Tenants and 4 were sub-tenants. This was for only 5 chawls and accounted for 45.88%, which does not fulfill the criteria of minimum 51% consents.

(iv) The MCGM had rejected the proposal of the Petitioner/Developer since an earlier application filed by Respondent No.5/Developer was already accepted. The Petitioner/Developer did not fulfill 51% consents and the Municipal Commissioner had directed the redevelopment of the subject property over all three plots which covered seven chawls to be undertaken by a single developer.

(v) The liquidation order earlier passed in the context of Respondent No.6/Society was set aside in appeal proceedings on 15th May, 2025. Respondent No.6/Society submitted letters of its General Body Meeting dated 17th June, 2025 and 25th July 2025, which records that 99 tenants had given their consents to support the redevelopment through Respondent No.5/Developer.

(vi) The MCGM had directed Respondent No.5/Developer by communication dated 12th March, 2025, to submit a consolidated proposal for developing all seven chawls. Respondent No.5/Developer tendered consents of 113 tenants which were scrutinized and accepted by MCGM on 26th May, 2025.

(vii) Respondent No.6/Society had informed MCGM by letter dated 22nd July, 2025 that its Membership was of 96 tenants and share certificates of Membership was issued to them.

(viii) Objection raised by the Petitioner/Developer as regards the title of MCGM, on the claim made by the Wakf Board, was rejected in the light of the PR Card and the TPS IV of Mahim Division that was sanctioned w.e.f. 15th August, 1963.

(c) As long as the first proposal tendered by a Developer with more than 51% registered consents or verified consents was pending and not yet rejected, a second proposal cannot be entertained by the Corporation. The Petitioner/Developer submitted

his proposal when the proposal of Respondent No.5/Developer was still pending.

(d) In *Awdesh Vasistha Tiwari (Supra)*, it was held that a second proposal during the pendency of the first proposal, cannot be entertained under Regulation 33(10), DCR-1991. It is interpreted by this Court that unhealthy competition amongst rival developers has to be prevented so as to restrain horse trading of tenants in the matter of granting consents.

(e) The Petitioner/Developer had 45.88% consents, whereas Respondent No.5/Developer had 53.25% registered consents.

(f) The Petitioner/Developer tendered a proposal for only five chawls, whereas the Respondent No.5/Developer submitted the revised proposal for all seven chawls, before the Petitioner/Developer tendered its proposal.

(g) The MCGM rightly took a decision that the redevelopment of all seven chawls having 154 tenants, was needed because, if the Petitioner/Developer's proposal for developing five chawls would have been accepted, the remaining two chawls would get no developer and redevelopment would not be feasible due to planning constraints for only 2 chawls.

(h) The MCGM has filed an affidavit in reply dated 21st January 2026, which indicates that the Petitioner/Developer tendered its proposal on 25/26, September 2025, only after the order of this Court dated 19th October, 2025 in Writ Petition No.3503 of 2025.

(i) The Respondent No.5/Developer has submitted 87 registered consents of Principal Tenants before 17th October, 2025 and two more were submitted on 31st October 2025, accounting for 53.25% consents for all the seven chawls.

(j) The impugned order is detailed running into 22 Pages considering all the contentions and objections of the Petitioner/Developer, which are now being canvassed in this Petition.

(k) The MCGM (BMC) had conveyed to the Architect of Respondent No.5/Developer, vide its letter dated 26th May, 2025 that the proposal tendered would be processed on its merits and the Architect should contact the Competent Office to complete the procedure of inventory and tenancy verification of the tenants. In view of the said communication, Respondent No.5/Developer

ensured that each tenant was presented before the joint sub-registrar for the registration of his/her consent.

ANALYSIS AND CONCLUSIONS

27. We have come across hundreds of cases, wherein disputes between developers have truncated the redevelopment projects. In several cases, competing developers created a deadlock which resulted in the failure of the redevelopment. There are several instances when buildings have been demolished, the tenants/occupants have been dislodged and all of them are in wilderness. The unhealthy competition amongst the developers has also created a deadlock and tenants/occupants have spent years in the hope that the chawls would be redeveloped. The redevelopment projects in hundreds of case in Mumbai, Thane, Bhiwandi-Nizampur, Vasai-Virar, etc. have come to a standstill and the tenants, occupants, have become distraught and exasperated. The wisdom of the Corporation in not entertaining a competing developer until the first proposal is rejected or withdrawn, in the light of *Awdesh Vasistha Tiwari (Supra)*, is fair, proper and appropriate. Tenants/occupants are in dire straits, characterised by severe financial distress, due to truncated redevelopment projects.

28. Much ado is created by the Petitioner/Developer by contending that Respondent No.6/Society had suffered an interim order of appointment of a liquidator. However, subsequently the Appellate Authority, vide order dated 15th May, 2025 quashed the order of liquidation. As such, the order of liquidation does not exist in the eyes of law. A majority of 53.25% registered consents disprove the allegations of the Petitioner.

29. In *Awdesh Vasistha Tiwari (Supra)*, the Bombay High Court has concluded in Paragraph Nos.20 and 21, as under :

“20. If the entire scheme under Regulation 33(10) is perused it is obvious that if 70% of the slum dwellers on a particular area come together and apply after formation of proposed co-operative housing society, the said application has to be independently considered in accordance with law. The scheme does not contemplate simultaneous consideration of such an application made by a proposed society with an Application subsequently made by another proposed society relating to same land. The Applicant-society has to have 70% support which obviously two societies cannot have. 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. Therefore, it is not desirable that an application which is earlier made and the one which is subsequently filed should be considered

together. That is not the scheme provided under D.C. Regulation 33(10). It is necessary that the application which is first received in respect of a particular property by the SRA should be processed and decided first. After decision of the first Application, the second Application made by another society can be considered depending on the result of the first Application. The reason is that none of the societies have any right, title and interest in respect of the property. Such a course will prevent the unhealthy competition between the builders or between the leaders of two groups in a slum area.

21. On this background when we come back to the present case, we find that regular application of the petitioner No. 20-Society was accepted on 8th November, 2004 and was numbered. The Chief Executive Officer committed an error by entertaining the application dated 9th December, 2004 made by the fifth respondent-builder though it was not accompanied with Annexure-I, Annexure-II and Annexure-III and other prescribed documents. The scheme does not contemplate simultaneous consideration of two such applications. In our view, the application made by the petitioner No. 20 should have been considered first in accordance with law. If the scheme submitted by the petitioner No. 20 was not viable or did not have 70% support, the SRA could have always rejected the application of the petitioner No. 20 and considered the application of the respondent Nos. 4/5 provided a regular application was made as per the procedure. The regular applications of the respondent Nos. 4 and 5 was registered on 3rd August, 2005 i.e. before formal rejection of the application of the petitioner No. 20 and the applications of the respondent Nos. 4 and 5 was in fact considered along with the application of the petitioner No. 20. This was completely erroneous and illegal. The respondent Nos.4 and 5 were seeking larger area. Even if the Application of the petitioner No. 20 was granted, the Application of the fourth respondent could have been considered for remaining area.”

30. We have perused the impugned order thread-bare. On 14th January 2026, during the first hearing in this matter, the learned Advocate for the Corporation had sought an adjournment. Hence, we had passed an *ex parte* ad-interim order that the Assistant Commissioner, BMC, would not pass a final order, so that this Petition does not become infructuous. The said order was passed without considering the merits of the matter.

31. The detailed 22 Pages impugned order indicates that the concerned Authority has recorded the submissions of those persons including the Petitioner, Deepika Jitendra Bhaskar, who has filed a second Petition before us. Out of 154 tenants, a handful of tenants have opposed Respondent No.5/Developer. However, the fact remains that 53.25% of the tenants have registered their consents before the statutory Authority. The handful complaining tenants have either harped upon their personal desire of opposing Respondent No.5/Developer or that the Respondent No.6/Society had suffered a liquidation order. The Appellate Authority had quashed and set aside the order of liquidation.

32. In such circumstances, we do not find that the impugned order could be branded as being perverse or erroneous.

33. Consequentially, **Writ Petition No.4795 of 2025** filed by the Petitioner/Developer **stands dismissed**. As a result, **Writ Petition (L) No. 38451 of 2025**, filed by a solitary Tenant, also **stands dismissed**.

34. Rule is discharged.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)