

- (iii) Aggrieved by the aforesaid Order dated NIL, Ramakant Rajaram Rajbhar filed a Slum Appeal No. 74 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (iv) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 13th October, 2014, dismissed the Slum Appeal No. 74 of 2014 and upheld the Order passed by MCGM, for the reasons as setout therein. However, under this Order, Ramakant Rajaram Rajbhar was permitted to correct the error in the name in the Annexure II and directed MCGM to satisfy, whether the Appellant was indeed a sole heir of late Rajaram Kalu Rajbhar and only thereafter enter the Appellants name in Annexure II.
- (v) Aggrieved by the aforesaid Order dated 13th October, 2014 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Ramakant Rajaram Rajbhar preferred Writ Petition No. 10411 of 2014 in the Hon'ble High Court.
- (vi) By and under an Order dated 12th January, 2015 passed by the Hon'ble Bombay High Court in the Writ Petition No. 10411 of 2014, upheld the aforesaid Order dated 13th October, 2014 to the extent MCGM directed the demolition of the structure of the Ramakant Rajaram Rajbhar therein. The Hon'ble Bombay High Court also held that Ramakant Rajaram Rajbhar's name ought to have been included in the Annexure II and directed Respondent Nos. 2 and 3 that the name of the Ramakant Rajaram Rajbhar be included in the Annexure II upon the Petitioner furnishing an indemnity bond, in the manner as setout therein. Vide this Order, the Developer is also directed to pay compensation towards transit accommodation to Ramakant Rajaram Rajbhar and to allot to Ramakant Rajaram Rajbhar permanent accommodation once the scheme is completed. We have been informed by the Developer that Ramakant Rajaram Rajbhar has been provided temporary transit.
- (vii) Ramakant Rajaram Rajbhar filed a Review Petition (Stamp) No. 3329 of 2015 with respect to the aforesaid Order dated 12th January, 2015 passed by the Hon'ble Bombay High Court in Writ Petition No. 10411 of 2014.



- (viii) By and under an Order dated 23rd March, 2015, the Hon'ble Bombay High Court dismissed the aforesaid Review Petition (Stamp) No. 3329 of 2015, for the reasons as more particularly setout therein.
- (ix) We have been informed by the Developer that Ramakant Rajaram Rajbhar has not initiated any further proceedings pursuant to the aforesaid Order dated 23rd March, 2015 passed by the Hon'ble Bombay High Court in the Review Petition (Stamp) No. 3329 of 2015.
- (x) We have been informed by the Developer that the structure held by Ramakant Rajaram Rajbhar (Slum Appeal No. 74 of 2014) has been demolished.
- (l) **Amudganeshan Chettiyar (Slum Appeal No. 76 of 2014)**
 - (i) By and under a Letter dated 2nd May, 2014 addressed by MCGM to Amudganeshan Chettiyar under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Amudganeshan Chettiyar to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
 - (ii) Thereafter, by and under an Order dated NIL passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Chettiyar Ganesh Muniappan (Non-Eligible), MCGM directed for vacation of the structure in possession of Chettiyar Ganesh Muniappan, for the reasons as more particularly setout therein.
 - (iii) Aggrieved by the aforesaid Order dated NIL, Amudganeshan Chettiyar filed a Slum Appeal No. 76 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
 - (iv) By and under an Order dated 22nd October, 2014, Additional Collector, Encroachment/ Removal remanded back the matter to be heard again by the Competent Authority & Assistant Commissioner, for passing of clear Orders.

- (v) We have been informed by the Developer that the structure held by Amudganeshan Chettiyar (Slum Appeal No. 76 of 2014) has been subsequently demolished.
- (m) Kalawati Ganpat Parte (Slum Appeal No. 82 of 2014 and Slum Appeal No. 36 of 2015)
- (i) By and under a Letter dated 2nd May, 2014 addressed by MCGM to Kalawati Ganpat Parte under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Kalawati Ganpat Parte to show cause within a period of 7 days, as to why the structure occupied by her (standing on the said Land) should not be vacated by MCGM.
- (ii) Thereafter, by and under an Order dated NIL passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Kalawati Ganpat Parte, MCGM directed for vacation of the structure in possession of Kalawati Ganpat Parte, for the reasons as more particularly setout therein.
- (iii) Aggrieved by the aforesaid Order dated NIL, Kalawati Ganpat Parte filed a Slum Appeal No. 82 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (iv) By and under an Order dated 2nd February, 2015, Additional Collector, Encroachment/ Removal remanded back the matter to be heard again by the Competent Authority & Assistant Commissioner, MCGM inter-alia for giving opportunity of being heard to the Appellant.
- (v) By and under a Letter dated 7th March, 2015 addressed by Assistant Commissioner, MCGM to Kalawati Ganpat Parte, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Kalawati Ganpat Parte to show cause within a period of 7 days, as to why the structure occupied by her (standing on the said Land) should not be vacated by MCGM.
- (vi) Thereafter, by and under an Order dated 10th April, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the

matter of Everest Fincap Pvt. Ltd. Vs. Kalawati Ganpat Parte, MCGM directed for vacation of the structure in possession of Kalawati Ganpat Parte, for the reasons as more particularly setout therein.

- (vii) Aggrieved by the aforesaid Order dated 10th April, 2015, Kalawati Ganpat Parte filed a Slum Appeal No. 36 of 2015 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (viii) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 25th May, 2015, rejected the Slum Appeal No. 36 of 2015 and upheld the aforesaid Order dated 10th April, 2015 passed by MCGM, for the reasons as setout therein. However, it was directed to the Developer to give house rent to Kalawati Ganpat Parte for temporary residential accommodation, till the time the decision on her eligibility appeal is decided, as accepted by other slum dwellers by majority.
- (ix) We have been informed by the Developer that Kalawati Ganpat Parte has not initiated any further proceedings pursuant to the aforesaid Order dated 25th May, 2015 passed by the Additional Collector, Encroachment/ Removal in the Slum Appeal No. 36 of 2015.
- (x) We have been informed by the Developer that the structure held by Kalawati Ganpat Parte (Slum Appeal No. 82 of 2014 and Slum Appeal No. 36 of 2015) has been demolished.

(n) **Sanjay Bhikaji Pagare (Slum Appeal No. 84 of 2014)**

- (i) Sanjay Bhikaji Pagare filed an Application No. 565 of 2009 before the High Power Committee – 2, Government of Maharashtra, for deciding his eligibility, as he was held ineligible in the Annexure II issued by the competent authority.
- (ii) By and under an Order dated 1st October, 2009, passed by High Power Committee – 2, Government of Maharashtra, High Power Committee – 2, Government of Maharashtra directed Sanjay Bhikaji Pagare to approach Secretary, SRA for proving his eligibility.



- (iii) Sanjay Bhikaji Pagare filed an Appeal dated 26th October, 2009 against him being declared ineligible in Annexure II, before the Secretary, SRA.
- (iv) By and under a Letter dated 2nd May, 2014 addressed by MCGM to Sanjay Bhikaji Pagare under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sanjay Bhikaji Pagare to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
- (v) Thereafter, by and under an Order dated NIL passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Sanjay Bhikaji Pagare (Non-eligible), MCGM directed for vacation of the structure in possession of Sanjay Bhikaji Pagare within a period of 7 days and give possession of the same to the Developer.
- (vi) Aggrieved by the aforesaid Order dated NIL, Sanjay Bhikaji Pagare filed a Slum Appeal No. 84 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (vii) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 22nd October, 2014 rejected the Slum Appeal No. 84 of 2015 and upheld the aforesaid Order dated NIL passed by MCGM, for the reasons as setout therein.
- (viii) Aggrieved by the aforesaid Order dated 22nd October, 2014 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sanjay Bhikaji Pagare preferred Writ Petition No. 52 of 2015 in the Hon'ble High Court.
- (ix) By an Order dated 12th January, 2015 in the Writ Petition No. 52 of 2015, the Hon'ble Bombay High Court upheld the aforesaid Order dated 22nd October, 2014 to the extent MCGM directed the demolition of the structure of Sanjay Bhikaji Pagare therein. Further, the competent authority was directed to dispose of the Appeal of Sanjay Bhikaji Pagare (with respect to his eligibility) within a period of 6 (six) weeks. Vide this Order, the Developer was also directed to pay compensation towards transit

accommodation to Sanjay Bhikaji Pagare and to allot to Sanjay Bhikaji Pagare permanent accommodation once the scheme is completed.

- (x) We have been informed by the Developer that the structure held by Sanjay Bhikaji Pagare (Slum Appeal No. 84 of 2014) has been demolished.

(o) **Sukharajidevi Sochan Rajbhar (Slum Appeal No. 95 of 2014)**

- (i) Sukharajidevi Sochan Rajbhar filed an Appeal dated 18th March, 2014 against him being declared ineligible in Annexure II, before the CEO, SRA.
- (ii) By and under a Letter dated 2nd May, 2014 addressed by MCGM to Sukharajidevi Sochan Rajbhar under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sukharajidevi Sochan Rajbhar to show cause within a period of 7 days, as to why the structure occupied by her (standing on the said Land) should not be vacated by MCGM.
- (iii) Thereafter, by and under an Order dated NIL passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Rajbhar Sochan Panchu (Eligible) (deceased) and Sukharajidevi Sochan Rajbhar (wife), MCGM directed Sukharajidevi Sochan Rajbhar (wife) to accept the temporary transit compensation of Rs. 12,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days and thereafter, the structure occupied by her shall be demolished.
- (iv) Aggrieved by the said aforesaid Order dated NIL passed by MCGM, Sukharajidevi Sochan Rajbhar filed a Slum Appeal No. 95 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (v) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 22nd October, 2014, dismissed the Slum Appeal No. 95 of 2014 and upheld the aforesaid Order dated 22nd July, 2014 passed by MCGM, for the reasons as set out therein.



- (vi) Aggrieved by the aforesaid Order dated 22nd October, 2014 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sukhrajidevi Sochan Rajbhar preferred Writ Petition No. 53 of 2015 in the Hon'ble High Court.
 - (vii) By and under an Order dated 20th January, 2015 passed by the Hon'ble Bombay High Court in the Writ Petition No. 53 of 2015, upheld the aforesaid Order dated 22nd October, 2014 to the extent MCGM directed the demolition of the structure of the Sukhrajidevi Sochan Rajbhar therein. The Hon'ble Bombay High Court also held that Sukhrajidevi Sochan Rajbhar's name ought to have been included in the Annexure II and directed the Authorities that the name of Sukhrajidevi Sochan Rajbhar be included in the Annexure II upon the Petitioner furnishing an indemnity bond, if required. Vide this Order, the Developer is also directed to pay compensation towards transit accommodation to Sukhrajidevi Sochan Rajbhar and to allot to Sukhrajidevi Sochan Rajbhar permanent accommodation once the scheme is completed.
 - (viii) We have been informed by the Developer that the structure held by Sukhrajidevi Sochan Rajbhar (Slum Appeal No. 95 of 2014) has been demolished.
- (p) **Ganpat Krishna Parte (Slum Appeal No. 78 of 2015)**
- (i) By and under a Letter dated 21st October, 2015 addressed by MCGM to Ganpat Krishna Parte under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Ganpat Krishna Parte to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
 - (ii) Thereafter, by and under an Order dated 4th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Parte Ganpat Krishna, MCGM directed Parte Ganpat Krishna to accept the temporary transit compensation of Rs. 12,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the

structure occupied by him shall be demolished, for the reasons as set out therein.

- (iii) Aggrieved by the aforesaid Order dated 4th December, 2015 passed by MCGM, Ganpat Krishna Parte filed a Slum Appeal No. 78 of 2015 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (iv) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 29th January, 2016, disposed the Slum Appeal No. 78 of 2015 with a direction that the Ganpat Krishna Parte's structure should as far as possible be demolished along with Hut Nos. 54 and 56 at the same time, if they have consent for the demolition, otherwise the action for demolition of Hut Nos. 54 and 56 should be taken in with prescribed procedure. It was further stated that till such procedure is completed, there was no need to hold the demolition of Ganpat Krishna Parte's structure and he should be given compensation in the form of house rent of Rs. 15,000/- for 11 months.
- (v) Aggrieved by the aforesaid Order dated 29th January, 2016 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Ganpat Krishna Parte preferred Writ Petition No. 7239 of 2016 in the Hon'ble High Court.
- (vi) By and under an Order dated 29th June, 2016, passed by the Hon'ble Bombay High Court, the Writ Petition No. 7239 of 2016 was dismissed for the reasons as set out therein.
- (vii) We have been informed by the Developer that Ganpat Krishna Parte has not initiated any further proceedings pursuant to the aforesaid Order dated 29th June, 2016, passed by the Hon'ble Bombay High Court in the Writ Petition No. 7239 of 2016.
- (viii) We have been informed by the Developer that the structure held by Ganpat Krishna Parte (Slum Appeal No. 78 of 2015) has been demolished.



(q) Sanjay Surana (Slum Appeal No. 79 of 2015)

- (i) By and under a Letter dated 23rd October, 2015, addressed by MCGM to Sanjay Surana, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sanjay Surana to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
- (ii) By and under an Order dated 4th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Dr. Sanjay Surana, MCGM directed Dr. Sanjay Surana to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- (iii) Aggrieved by the aforesaid Order dated 4th December, 2015 passed by MCGM, Dr. Sanjay Surana filed a Slum Appeal No. 79 of 2015 before the Additional Collector and Appellate Authority.
- (iv) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 19th January, 2016, rejected the Slum Appeal No. 79 of 2015 and upheld the Order dated 4th December, 2015 passed by MCGM observing that it would be proper if Sanjay Surana accepts the alternate arrangement in the form of house rent (advance rent at the rate of Rs. 13,000/- (Rupees Thirteen Thousand only) per month for a period of 11 months) and to demolish his structure which is causing obstruction in the development work.
- (v) Aggrieved by the aforesaid Order dated 19th January, 2016 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sanjay Surana preferred an Appeal No. 11 of 2016 before the High Power Committee.
- (vi) Thereafter, Sanjay Surana filed a Writ Petition No. 958 of 2016 in the Hon'ble High Court challenging the aforesaid Order dated 19th January, 2016 passed by the Additional Collector, Encroachment/ Removal,



Eastern Suburb, Mumbai Suburban District inter-alia stating that as the High Power Committee is not sitting regularly it is not possible for Petitioner to get an early hearing and there is instant threat of execution of the impugned order of eviction.

- (vii) By and under an Order dated 19th August, 2016, the Writ Petition No. 958 of 2016 was disposed of in lieu of the Affidavit filed by Mr. Nainesh Shah on behalf of the Developer whereby it is stated that the Petitioner will be provided permanent alternate accommodation i.e. a commercial premises on the ground floor of rehab building No. 2 facing rehab building No. 1.
- (viii) We have been informed by the Developer that Sanjay Surana has not initiated any further proceedings pursuant to the aforesaid Order dated 19th August, 2016, passed by the Hon'ble Bombay High Court in the Writ Petition No. 958 of 2016.
- (ix) We have been informed by the Developer that the structure held by Sanjay Surana (Slum Appeal No. 79 of 2015) has been demolished.
- (r) **Gunvanti K. Babar (Slum Appeal No. 80 of 2015)**
 - (i) Name of one Gunvanti K. Babar is shown as eligible for one commercial structure in the Annexure II issued by the competent authority.
 - (ii) By and under a Letter dated 21st May, 2011 addressed by MCGM to Gunvanti K. Babar, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Gunvanti K. Babar accept transit accommodation offered by the Developer and vacate the structure occupied by her within a period of 24 hours failing which the structure occupied by her shall be demolished, for the reasons as setout therein.
 - (iii) Aggrieved by the aforesaid Letter dated 21st May, 2011, Gunvanti K. Babar filed an Appeal No. 622 of 2011 before Administrator and Division Commissioner, Konkan Division.
 - (iv) Gunvanti K. Babar filed an Appeal dated 3rd June, 2011 before MCGM inter-alia praying for incorporating the name of Gunvanti K. Babar in the



Annexure II for using the separate residential structure of 8' x 8' square feet carpet area.

- (v) By an Order dated 30th August, 2011 passed by the Administrator and Division Commissioner, Konkan Division in the Appeal No. 622 of 2011, the Administrator and Division Commissioner, Konkan Division whilst disallowed the appeal, the Administrator and Division Commissioner, Konkan Division inter-alia ordered as follows:
 - a. The Developer shall allot and communicate the transit accommodation or the rent amount as given to similar slum dwellers in the scheme for a period of 30 months in advance. Within 10 days from receipt of the transit accommodation or rent, subject to the compliance as mentioned at Sr. No. 3 (setout therein), the Appellant shall vacate his commercial premises, failing which the same shall be got vacated as per law by the competent authority.
 - b. The Appellant's claim for eligibility for residential accommodation shall be decided within 10 (ten) days from the receipt of this order and after giving her opportunity of being heard. If she fails to cooperate, the matter be decided on merits on the basis of documents on record as submitted by the appellant in the past. In case the appellant is held eligible the rental amount for 30 months be sent along with the order. Irrespective of for or against decision in the matter, the appellant shall be given 3 days' time to vacate the structure. If she fails to comply, she should be evicted as per the impugned notice/order.
- (vi) Aggrieved by Order dated 30th August, 2011 passed by the Administrator and Division Commissioner, Konkan Division, Gunvanti K. Babar filed a Writ Petition No. 7693 of 2011 before the Hon'ble High Court.
- (vii) By and under an Order dated 27th July, 2011 passed by the MCGM, Annexure II was modified and the claim of Gunvanti K. Babar as commercial has been changed to residential/commercial for the 120 square feet area.

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- (viii) By and under an Order dated 27th February, 2012 in Writ Petition No. 7693 of 2011, the Hon'ble High Court set aside the Order dated 21st May, 2011 passed by Assistant Commissioner and Competent Authority, MCGM for the reasons as set out therein. It is stated herein that by an amendment of petition, the Petitioner, Gunvanti K. Babar has also sought to challenge the Order dated 27th July, 2011 and directed that the hearing of such appeal should be expedited. It was further directed that within two weeks the Competent Authority shall issue show cause notice to the Petitioner, Gunvanti K. Babar.
- (ix) Aggrieved by the aforesaid Order dated 27th July, 2011, Gunvanti K. Babar filed an Application dated 21st March, 2013 before Secretary, SRA. By and under a Letter dated 14th March, 2014, Secretary, SRA called upon Gunvanti K. Babar to file appeal before Additional Collector Enc. and C.A. Eastern Division, Mumbai being the competent authority.
- (x) Gunvanti K. Babar filed a Writ Petition (L) No. 2064 of 2015 in the Hon'ble Bombay High Court inter-alia challenging the aforesaid Order dated 27th July, 2011 and Letter dated 14th March, 2014, addressed by Secretary, SRA to Gunvanti K. Babar and also a direction to Additional Collector Enc. and C.A. Eastern Division, Mumbai for accepting the two applications filed by the Petitioner for considering eligibility for residential and commercial purpose.
- (xi) By and under an Order dated 22nd September, 2015, the Writ Petition (Stamp) No. 2064 of 2015 has been disposed off as rejected under Rule 986 of the High Court Original Side Rules, in the manner as setout therein.
- (xii) It appears that a Chamber Orders (L) No. 843 of 2015 has been filed in the Hon'ble Bombay High Court for restoration of this Writ Petition (L) No. 2064 of 2015. By an Order dated 28th September, 2016 passed in this Chamber Orders (L) No. 843 of 2015, Hon'ble Bombay High Court permitted to withdraw the Chamber Orders (L) No. 843 of 2015.
- (xiii) It appears that by and under a Letter dated 23rd October, 2015, addressed by MCGM to Gunvanti K. Babar under the provisions of Sections 33 and

38 of the Slum Act, MCGM directed Gunvanti K. Babar to show cause within a period of 7 days, as to why the structure occupied by her (standing on the said Land) should not be vacated by MCGM. We have been informed by the Developer that they do not have a copy of this Letter dated 23rd October, 2015.

- (xiv) By and under an Order dated 4th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Babar Kanji Dhirubhai (deceased) and Babar Gunvanti Kanji (wife), MCGM directed Gunvanti K. Babar to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by her shall be demolished, for the reasons as setout therein.
- (xv) Aggrieved by the aforesaid Order dated 4th December, 2015 and 27th July, 2011 passed by MCGM, Gunvanti K. Babar filed a Slum Appeal No. 80 of 2015 before the Additional Collector and Appellate Authority.
- (xvi) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 22nd February, 2016, rejected the Slum Appeal No. 80 of 2015 for the reasons as set out therein.
- (xvii) Aggrieved by the aforesaid Order dated 22nd February, 2016 passed by the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Gunvanti K. Babar preferred Writ Petition No. 945 of 2016 (Writ petition (L) No. 874 of 2016) in the Hon'ble High Court.
- (xviii) By and under an Order dated 7th April, 2016, the Hon'ble High Court disposed of the Writ Petition No. 945 of 2016 (Writ petition (L) No. 874 of 2016) and directed that due to peculiar circumstances of the matter (the Petitioner being a widow and a senior citizen and having agreed to restrict her entitlement to 180 square feet carpet area commercial structure), Gunvanti Kanjibhai Babar would be entitled to rehab commercial structure admeasuring 180 square feet carpet area on the ground floor of Rehab Building No. 2 and Gunvanti Kanjibhai Babar shall within a period four weeks from the date thereof hand over quiet, vacant and peaceful



possession of her existing structure for the purposes of demolition and implementation of the Slum Rehabilitation Scheme.

- (xix) We have been informed by the Developer that Gunvanti Kanjibhai Babar has not initiated any further proceedings pursuant to the aforesaid Order dated 7th April, 2016, passed by the Hon'ble Bombay High Court in the Writ Petition No. 945 of 2016.
- (xx) We have been informed by the Developer that the structure held by Gunvanti Kanjibhai Babar (Slum Appeal No. 80 of 2015) has been demolished pursuant to the Order dated 7th April, 2016.
- (s) Writ Petition No. 712 of 2010 together with Slum Appeal No. 1 of 2016, Slum Appeal No. 4 of 2016, Slum Appeal No. 5 of 2016, Slum Appeal No. 6 of 2016
 - (i) Writ Petition No. 712 of 2010
 - a. By and under an Eviction Order dated 5th November, 2008 passed under Section 105B of the Mumbai Municipal Corporation Act, 1888 by the Enquiry Officer with respect to the structure on the said Land belonging to deceased Hiralal P. Shah on the ground that the deceased Hiralal P. Shah was in arrears of compensation.
 - b. Aggrieved by the aforesaid Order dated 5th November, 2008, the legal heirs of deceased Hiralal P. Shah, Jamuna Hiralal Shah and Mewalal Hiralal Shah filed Miscellaneous Appeal No. 9 of 2009 before the Hon'ble City Civil Court.
 - c. By and under an Order dated 21st December, 2009, the Hon'ble City Civil court upheld the Order passed by the Enquiry Officer for the reason as mentioned therein.
 - d. Aggrieved by the aforesaid Order dated 21st December, 2009, the Petitioners being Jamuna Hiralal Shah and Mewalal Hiralal Shah (legal heirs of deceased Hiralal P. Shah) filed Writ Petition No. 712 of 2010 before the Hon'ble Bombay High Court.

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- e. By and under an Order dated 23rd February, 2010, the Hon'ble High Court directed the Respondents not to act upon the Orders dated 5th November, 2008 passed by the Enquiry Officer and 21st December, 2009 passed by the Hon'ble City Civil Court.
- f. By and under a Letter dated 15th June, 2011 addressed by MCGM to the Developer, MCGM inter-alia held that instead of name one name (Sr. No. 3 of Annexure II dated 29th May, 2000 of Hiralal P. Shah), fours name (i) Sudhendu Mevalal Shah (non-residential structure having area of 220 square feet), (ii) Sudhendu Mevalal Shah (non-residential structure having area of 180 square feet), (iii) Sunita Mevalal Shah (non-residential structure having area of 180 square feet), and (iv) Mevalal Hiralal Shah (non-residential structure having area of 180 square feet) are entered in Annexure II as eligible. The Letter dated 15th June, 2011 addressed by MCGM to the Developer refers to the Contempt Petition No. 131 of 2007 and 132 of 2007. We have been informed by the Developer that they do not have the copies of the papers and proceedings in the Contempt Petition No. 131 of 2007 and 132 of 2007 as referred to in the Letter dated 15th June, 2011 addressed by MCGM to the Developer, as they were not parties therein.
- g. From the website of the Hon'ble Bombay High Court it appears that, Mewalal Hiralal Shah filed Civil Application (Stamp) No. 1414 of 2016. We have not perused a copy of the Civil Application (Stamp) No. 1414 of 2016 or any papers and proceedings therein. Further, by and under an Order dated 6th September, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 1414 of 2016, the Hon'ble Bombay disposed of the Civil Application No. 1414 of 2016 as withdrawn as Counsel for the Petitioners submitted writing on Farad form. We have been informed by the Developer that they do not have a copy of the writing as 'Farad' furnished to the court as referred to in this Order dated 6th September, 2016.



(ii) Mewalal Hiralal Shah (Slum Appeal No. 1 of 2016)

- a. By and under a Letter dated 5th November, 2015 addressed by MCGM to Mewalal Hiralal Shah under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Mewalal Hiralal Shah to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
- b. Thereafter, by and under an Order dated 16th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Mewalal Hiralal Shah, MCGM directed Mewalal Hiralal Shah to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- c. Aggrieved by the aforesaid Order dated 16th December, 2015 passed by MCGM inter-alia in the Writ Petition No. 712 of 2010, Mewalal Hiralal Shah filed a Slum Appeal No. 1 of 2016 before the Additional Collector and Appellate Authority.
- d. The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide a Common Order dated 21st March, 2015 passed in inter-alia Slum Appeal No. 1 of 2016, rejected the Slum Appeal No. 1 of 2016 and upheld the Order dated 16th December, 2015 passed by MCGM for the reasons as set out therein.
- e. Aggrieved by the aforesaid Order dated 21st March, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Mewalal Hiralal Shah filed Writ Petition No. 7237 of 2016 before the Hon'ble High Court in Slum Appeal No. 1 of 2016.



- f. By and under a Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No. 7237 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No. 7237 of 2016 with the direction that the petitioners shall file an undertaking (on or before 5th July, 2016) in writing to the effect that the petitioners shall vacate the structures and remove the structure from the site on or before 10th August, 2016.
- g. By and under a Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No. 7237 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court clarified that now there is no protection to the petitioner under the Common Order dated 29th June, 2016 and the respondents are at liberty to take steps for eviction in accordance with law, for the reasons as setout therein.
- h. Mewalal Hiralal Shah filed Civil Application No. 2146 of 2016 in Writ Petition No. 7237 of 2016 praying inter-alia for a direction that the Petitioner be allowed to retain the portion of their shop (Shop No. 23 E 14, Supplementary Annexure II at Serial No. 4 Slum Plot Hut No. 569, Dr. Damji Chawl, RMD Estate, Survey No. 227-B) which is outside the said Land and to direct the parties to maintain status quo till the Petitioner's application to SRA dated 28th April, 2016 (requesting that petitioners are ready and willing to surrender the portion required for construction but in the remaining portion should be allowed to carry on business) is decided on merit.
- i. Thereafter, Mewalal Hiralal Shah filed Civil Application (Stamp) No. 23520 of 2016 for amendment to the Civil Application No. 2146 of 2016 in Writ Petition No. 7237 of 2016 for inter-alia including the prayer for condonation of delay and for recalling the Orders dated 29th June, 2016 and 8th August, 2016.
- j. By and under an Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2146 of 2016, the Hon'ble Bombay disposed of the Civil Application No. 2146 of 2016 as withdrawn as Counsel for the Petitioners submitted that in view of the subsequent developments, nothing



survives in the Civil Application and sought a permission to withdraw the same and to that effect the Petitioners Counsel gave an undertaking on Farad. This undertaking was accepted. The Civil Application No. 2146 of 2016 was disposed of with liberty as prayed. We have been informed by the Developer that they do not have a copy of the writing as 'Farad' furnished to the court as referred to in this Order dated 6th October, 2016.

- k. By an under its Order dated 27th June, 2017, the Hon'ble Bombay High Court dismissed the Civil Application (Stamp) No. 23520 of 2016 for non-prosecution.
- l. Further, we have been informed by the Developer that the structure under Slum Appeal No. 1 of 2016 has been demolished.

(iii) **Sudhendu Mewalal Shah (Slum Appeal No. 4 of 2016)**

- a. By and under a Letter dated 5th November, 2015 addressed by MCGM to Sudhendu Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sudhendu Mewalal Shah to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
- b. Thereafter, by and under an Order dated 16th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Sudhendu Mewalal Shah, MCGM directed Sudhendu Mewalal Shah to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- c. Aggrieved by the aforesaid Order dated 16th December, 2015 passed by MCGM, Sudhendu Mewalal Shah filed a Slum Appeal No. 4 of 2016 before the Additional Collector and Appellate Authority.

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- d. The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 4 of 2016, rejected the Slum Appeal No. 4 of 2016 and upheld the Order dated 16th December, 2015 passed by MCGM for the reasons as set out therein.
- e. Aggrieved by the aforesaid Order dated 21st March, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sudhendu Mewalal Shah filed Writ Petition No. 7236 of 2016 before the Hon'ble High Court in Slum Appeal No. 4 of 2016.
- f. By and under a Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No. 7236 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No. 7236 of 2016 with the direction that the petitioners shall file an undertaking (on or before 5th July, 2016) in writing to the effect that the petitioners shall vacate the structures and remove the structure from the site on or before 10th August, 2016.
- g. By and under a Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No. 7236 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court clarified that now there is no protection to the petitioner under the Common Order dated 29th June, 2016 and the respondents are at liberty to take steps for eviction in accordance with law, for the reasons as setout therein.
- h. We have been informed by the Developer that the structure under Slum Appeal No. 4 of 2016 has been demolished.

(iv) **Sudhendu Mewalal Shah (Slum Appeal No. 5 of 2016)**

- a. By and under a Letter dated 5th November, 2015 addressed by MCGM to Sudhendu Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sudhendu Mewalal Shah to show cause within a period of 7 days, as to why the



structure occupied by him (standing on the said Land) should not be vacated by MCGM.

- b. Thereafter, by and under an Order dated 16th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Sudhendu Mewalal Shah, MCGM directed Sudhendu Mewalal Shah to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- c. Aggrieved by the aforesaid Order dated 16th December, 2015 passed by MCGM, Sudhendu Mewalal Shah filed a Slum Appeal No. 5 of 2016 before the Additional Collector and Appellate Authority.
- d. The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide an Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 5 of 2016, rejected the Slum Appeal No. 5 of 2016 and upheld the Order dated 16th December, 2015 passed by MCGM for the reasons as set out therein.
- e. Aggrieved by the aforesaid Order dated 21st March, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sudhendu Mewalal Shah filed Writ Petition No. 6827 of 2016 before the Hon'ble High Court in Slum Appeal No. 5 of 2016.
- f. By and under a Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No. 6827 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No. 6827 of 2016 with the direction that the petitioners shall file an undertaking (on or before 5th July, 2016) in writing to the effect that the petitioners shall vacate the structures and remove the structure from the site on or before 10th August, 2016.



- g. By and under a Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No. 6827 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court clarified that now there is no protection to the petitioner under the Common Order dated 29th June, 2016 and the respondents are at liberty to take steps for eviction in accordance with law, for the reasons as setout therein.
- h. We have been informed by the Developer that the structure under Slum Appeal No. 5 of 2016 has been demolished.

(v) **Sunita Mewalal Shah (Slum Appeal No. 6 of 2016)**

- a. By and under a Letter dated 5th November, 2015 addressed by MCGM to Sunita Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Sunita Mewalal Shah to show cause within a period of 7 days, as to why the structure occupied by her (standing on the said Land) should not be vacated by MCGM.
- b. Thereafter, by and under an Order dated 16th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Sunita Mewalal Shah, MCGM directed Sunita Mewalal Shah to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- c. Aggrieved by the aforesaid Order dated 16th December, 2015 passed by MCGM, Sunita Mewalal Shah filed a Slum Appeal No. 6 of 2016 before the Additional Collector and Appellate Authority.
- d. The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide a Common Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 6 of 2016, rejected the Slum Appeal No. 6 of 2016 and upheld the Order dated 16th December, 2015 passed by MCGM for the reasons as set out

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therein.

- e. Aggrieved by the aforesaid Order dated 21st March, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Sunita Mewalal Shah filed Writ Petition No. 6362 of 2016 before the Hon'ble High Court in Slum Appeal No. 6 of 2016.
- f. By and under a Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No. 6362 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No. 6362 of 2016 with the direction that the petitioners shall file an undertaking (on or before 5th July, 2016) in writing to the effect that the petitioners shall vacate the structures and remove the structure from the site on or before 10th August, 2016.
- g. By and under a Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No. 6362 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court clarified that now there is no protection to the petitioner under the Common Order dated 29th June, 2016 and the respondents are at liberty to take steps for eviction in accordance with law, for the reasons as setout therein.
- h. Sunita Mewalal Shah filed Civil Application No. 2236 of 2016 in Writ Petition No. 6362 of 2016 praying inter-alia for a direction that the Petitioner be allowed to retain the portion of their shop (Shop No. 23 E 30, Supplementary Annexure II at Serial No. 3 Slum Plot Hut No. 570, Dr. Damji Chawl, RMD Estate, Survey No. 227-B) which is outside the said Land and to direct the parties to maintain status quo till the Petitioner's application to SRA dated 28th April, 2016 (requesting that petitioners are ready and willing to surrender the portion required for construction but in the remaining portion should be allowed to carry on business) is decided on merit.
- i. Thereafter, Sunita Mewalal Shah filed Civil Application (Stamp) No. 23517 of 2016 for amendment to the Civil Application No. 2236 of 2016 in Writ Petition No. 6362 of 2016 for inter-alia including the

prayer for condonation of delay and for recalling the Orders dated 29th June, 2016 and 8th August, 2016.

- j. By and under an Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2236 of 2016, the Hon'ble Bombay disposed of the Civil Application No. 2236 of 2016 as withdrawn as Counsel for the Petitioners submitted that in view of the subsequent developments, nothing survives in the Civil Application and sought a permission to withdraw the same and to that effect the Petitioners Counsel gave an undertaking on Farad. This undertaking was accepted. The Civil Application No. 2236 of 2016 was disposed of with liberty as prayed. We have been informed by the Developer that they do not have a copy of the writing as 'Farad' furnished to the court as referred to in this Order dated 6th October, 2016.
- k. By and under its Order dated 27th June, 2017, the Hon'ble Bombay High Court dismissed the Civil Application (Stamp) No. 23517 of 2016 for non-prosecution.
- l. We have been informed by the Developer that the structure under Slum Appeal No. 6 of 2016 has been demolished.

(t) **Mewalal Hiralal Shah (Slum Appeal No. 2 of 2016)**

- (i) It appears that Mewalal Hiralal Shah filed L. C. Suit No. 5859 of 1998 in the Hon'ble Bombay City Civil Court at Bombay for declaration and damages for illegal demolition of suit premises by MCGM. We have been informed by the Developer that they do not have copies of papers and proceedings in aforesaid L.C. Suit No. 5859 of 1998.
- (ii) By and under a Common Order dated 5th February, 2008 passed by the Hon'ble Bombay City Civil Court at Bombay inter-alia in the aforesaid L. C. Suit No. 5859 of 1998, the Hon'ble Bombay City Civil Court at Bombay decreed the aforesaid L. C. Suit No. 5859 of 1998 and inter-alia directed MCGM to pay a compensation of Rs. 40,000/- (Rupees Forty Thousand only) to the Plaintiff for reconstruction of suit premises, in the manner as



setout therein.

- (iii) It appears that aggrieved by the aforesaid Order dated 5th February, 2008 passed in the L. C. Suit No. 5859 of 1998, MCGM filed a First Appeal No. 1297 of 2008 in the Hon'ble Bombay High Court. It appears that MCGM also filed a Civil Application No. 3283 of 2008 in the First Appeal No. 1297 of 2008. We have been informed by the Developer that they do not have a copy of papers and proceedings in aforesaid Civil Application No. 3283 of 2008 and the First Appeal No. 1297 of 2008.
- (iv) It appears that by and under an Order dated 12th August, 2008, the Hon'ble Bombay High Court has admitted the aforesaid First Appeal No. 1297 of 2008. We have been informed that the aforesaid First Appeal No. 1297 of 2008 is pending.
- (v) By and under an Order dated 9th September, 2008 passed by the Hon'ble Bombay High Court in therefore said Civil Application No. 3283 of 2008, the Hon'ble Bombay High Court adjourned the matter to 24th September, 2008 and ordered that in the meantime ad-interim relief granted by way of status quo to operate.
- (vi) By and under an Order dated 22nd October, 2008 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 3283 of 2008, the Hon'ble Bombay High Court allowed the aforesaid Civil Application in terms of prayer clause (a) thereof on a condition that the Applicant to deposit a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only), in the manner as setout therein. The Civil Application No. 3283 of 2008 was accordingly disposed of.
- (vii) By and under a Letter dated 5th November, 2015 addressed by MCGM to Mewalal Hiralal Shah under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Mewalal Hiralal Shah to show cause within a period of 7 days, as to why the structure occupied by him (standing on the said Land) should not be vacated by MCGM.
- (viii) Thereafter, by and under an Order dated 16th December, 2015 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the



matter of Everest Fincap Pvt. Ltd. Vs. Mewalal Hiralal Shah, MCGM directed Mewalal Hiralal Shah to accept the temporary transit compensation of Rs. 13,000/- per month being paid for 11 months in advance by the Developer within a period of 14 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.

- (ix) Aggrieved by the aforesaid Order dated 16th December, 2015 passed by MCGM, Mewalal Hiralal Shah filed a Slum Appeal No. 2 of 2016 before the Additional Collector and Appellate Authority.
- (x) The Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District vide a Common Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 2 of 2016, rejected the Slum Appeal No. 2 of 2016 and upheld the Order dated 16th December, 2015 passed by MCGM for the reasons as set out therein.
- (xi) Aggrieved by the aforesaid Order dated 21st March, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Mewalal Hiralal Shah filed Writ Petition No. 7234 of 2016 before the Hon'ble High Court in Slum Appeal No. 2 of 2016.
- (xii) By and under a Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No. 7234 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No. 7234 of 2016 with the direction that the petitioners shall file an undertaking (on or before 5th July, 2016) in writing to the effect that the petitioners shall vacate the structures and remove the structure from the site on or before 10th August, 2016.
- (xiii) By and under a Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No. 7234 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay Court clarified that now there is no protection to the petitioner under the Common Order dated 29th June, 2016 and the respondents are at liberty to take steps for eviction in accordance with law, for the reasons as setout therein.

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