BEFORE THE GRIEVANCE REDRESSAL COMMITTEE,
MUMBAI SUBURBAN, MUMBAI.
[APPEAL U/S.35 (1A) OF THE MAHARASHTRA SLUM AREAS
(IMPROVEMENT, CLEARANCE AND REDEVELOPMENT) ACT, 1971].

APPEAL NO.317 OF 2021 जा.क्र. 396

Mr. Vaibhav Harishchandra Jangam
Aged 42 year, Occ.: Business
Having address at A/7, Plot No.107,
Mamta Co-operative Housing Society Ltd.,
Garodia Nagar, Ghatkopar (East),
Mumbai - 400 077. ...Appellant

VERSUS

1. The Additional Collector (Enc.)
Eastern Suburban, Appellate Authority,
Industrial Assurance Building, 1st Floor,
Opp. Churchgate Railway Station,
Mumbai - 400 020.

2. The Assistant Commissioner
N-Ward, Jawahar Road, Ghatkopar (E),
Mumbai - 400 077.

3. M/s. Everest Pincap Pvt. Ltd.
(Builders & Developers)
18th Road, Near Ambedkar Garden,
Chembur (E), Mumbai - 400 071.

4. Nallanda SRA Co-op. Hsg. Society Ltd.
Through its Secretary and Chairman
Plot No.274, CTS No.5808,
Dr. Damji Compound, Raigad Chowk,
Ghatkopar (East), Mumbai - 400 077.

5. The Deputy Collector,
SRA House, Near Bandra East
Railway Station, Anant Kanekar Marg,
Bandra (East), Mumbai - 400 051. ...Respondents

Advocate Yogesh Gandhi for appellant present.
Representative of respondent No.3 Ritika Bhosale present.
Representative of respondent No.2 Digambar Davare present.

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None present for the other respondents.

Hearing Date: 21.10.2021
Order Date: 21.10.2021

ORDER:-

By this appeal, the appellant challenged the impugned order dated 04.03.2020 passed by the learned Appellate Authority i.e. Additional Collector (E&R), Eastern Suburb, in appeal No.54 of 2019 whereby said appeal has been dismissed.

1. This appeal is filed on 22.06.2021 before this Committee. Appeal was called out for hearing on 16.09.2021 and lastly on 21.10.2021 wherein appellant and advocate was present and representative of respondent No.2 and 3 was present and other respondents were absent in spite of due notices were served to them. Appellant's advocate advanced oral submissions in support of this appeal. After hearing the parties matter was closed for passing appropriate order.

2. Perused appellant's application and the appeal papers.

3. In filing present appeal there is delay, it is therefore the appellant preferred separate application for condonation of delay. The committee issued notices to the parties for hearing of appeal and application for condonation of delay. The matter was on board dated 21.10.2021 the advocate for appellant present, representative of respondent No.2 and 3 was present and none appear for the other respondents. The committee considered the application for condonation of delay of 380 days caused to appellant for filing the present appeal. The committee upon perusal of application and facts mentioned in para 2 to 5 of the said application, satisfied for the reasons mentioned therein and condone the delay and heard the appeal forthwith on merits. The committee heard the oral submission of the appellant advocate. Appeal was closed for passing order.

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4. The appellant in present appeal contended that, appellant is permanent occupier and resident of the structure at the address mentioned in cause title of appeal memo. The appellant further contended that, name of appellant was not included by the Competent Authority. The appellant submitted documentary proofs for his claim such as transfer document executed by Vandana Patil to Neelam H. Jangam on 12.01.1992, Gumasta License, Electricity bill, Survey Slip, Etc. The Competent Authority rejected the claim of Appellant on the ground as the structure claimed by the appellant was not shown in the Table Survey Map. The Appellant approached to the Appellate Authority by filing appeal along with documents. The appellant further contended that the Appellate Authority not considered the documents and dismissed said appeal, on the ground that as per Section 35 (2) of Slum Act, 1971 there is no any order, notice issued by the Competent Authority with appeal memo as also on the ground of the structure is included in Sr.No.56 Hut No.77. Being aggrieved and dissatisfied with the same the appellant preferred present appeal before this committee praying to set aside the order passed by the Additional Collector and also seeks direction as against the competent authority to include his name in the annexure-II and decide appellant's eligibility freshly in respect of said structure.

5. This committee perused the documents submitted by the appellant and copy of appeal memo, and order passed by the appellate authority. In the present case the committee is required to consider whether appellant proved the case as to interference in the impugned order at the hands of this committee is necessary? It is important to note here that the name of appellant is not mentioned in Annexure-II and said Annexure-II prepared on 29.05.2000 and from 2000 to 2017 the appellant not filed any application before the Competent Authority for seeking inclusion of his name in annexure-II. As the Appellant want to include his

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name in annexure-II which is prepared on the basis of eligibility cut-off date i.e. 01.01.1995 and appellant failed to produce any document prior to 01.01.1995 in respect of said structure. There is no any document was filed by the Appellant before this Committee to show that, appellant was using and occupying the structure since prior to 01.01.1995 and 01.01.2000. In deciding the claim of eligibility of any structure the guidelines are required to be seen, if appellant establishes the case as per the GR dated 16.05.2015 then he will be entitled to get relief. In present case the appellant completely failed to establish the case as per GR dated 16.05.2015.

6. It is therefore this committee is of the view that the order passed by the appellate authority is legal one and by giving ample opportunity to the appellant. Hence there is no need to interference by the hands of this committee in impugned order. Hence following order.

Order-

1. The appeal No.317 of 2021 is hereby dismissed.
2. No order as to cost.
3. This order shall be communicated to all parties.

Sd/-
(Arun Abhang)
(Addl. Collector, Mumbai City)
Chairperson,
Grievance Redressal Committee,
Mumbai Suburb.

(Absent)
(Dipak Kshirsagar)
Jt. Chief Officer, MHADA,
Member,
Grievance Redressal Committee,
Mumbai Suburb.

Sd/-
(Sanjog S. Kabare)
Dy. Municipal Commissioner (Spl.),
MCGM.
Member,
Grievance Redressal Committee
Mumbai Suburb.

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