

ITEM NO.54

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).25924-25925/2023

(Arising out of impugned interim order dated 02-11-2023 in WPL Nos.27879/2023 and 22378/2023 passed by the High Court of Judicature at Bombay)

DEEPAK DINKAR HEDA00 & ORS. ETC.ETC.

Petitioner(s)

VERSUS

THE COMMISSIONER MCGM & ORS.

Respondent(s)

(IA No. 242046/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 242049/2023 - EXEMPTION FROM FILING O.T.

IA No. 252978/2023 - INTERVENTION/IMPLEADMENT

IA No. 256999/2023 - INTERVENTION/IMPLEADMENT

IA No. 259574/2023 - INTERVENTION/IMPLEADMENT

IA No. 260100/2023 - INTERVENTION/IMPLEADMENT

IA D No. 260282/2023 - INTERVENTION/IMPLEADMENT)

Date : 15-12-2023 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL**

For Petitioner(s)

**Mr. Satish Pandey, AOR
Mr. Manmohan Sharma, Adv.
Mr. Prashant Kanjare, Adv.
Mr. Anirudh Bankura, Adv.
Mr. Braj Kishore Mishra, Adv.
Ms. Jay Jaimni Pandey, Adv.**

For Respondent(s)

**Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Ms. Anwesha Padhi, Adv.
Mr. Nivit Srivastava, Adv.
Mr. Rajesh Kumar, Adv.
Ms. Shivani Agrawal, Adv.
Mr. E. C. Agrawala, AOR**

Mr. Dhruv Mehta, Sr. Adv.
Mr. Garvesh Kabra, AOR
Mr. Abhishek Jaju, Adv.
Mrs. Mrs. Nikita Kabra, Adv.
Mrs. Pooja Kabra, Adv.

Mr. Samrat Krishnarao Shinde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Raavi Sharma, Adv.

Mr. Aniruddha Joshi, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Pradnya S Adgaonkar, Adv.
Col Amit Kumar, Adv.

Mr. M. Vijaya Bhaskar, AOR

M/S. Juristrust Law Offices, AOR

Mr. Rajiv Agnihotri, Adv.
Mr. Pankaj Sharma, AOR

Mr. Chirag M. Shroff, AOR
Ms. Mahima C. Shroff, Adv.

UPON hearing the counsel the Court made the following
O R D E R

After having heard the learned counsel appearing for the parties in the Special Leave Petitions and the learned counsel appearing for applicants in the applications for intervention, we pass the following order:

1. We make it clear that benefit of this order will remain confined to all the petitioners in the Special Leave Petitions, all the private parties who are proforma respondents in the

Special leave Petitions who were the petitioners before the High Court and all the applicants who are intervenors . The benefit of this order will also be available to those slum dwellers whose names are mentioned in Annexure II to IA No.260100/2023;

2. Broadly, we are dealing with three categories of alleged slum dwellers forming part of parties referred in paragraph 1 above. The first category is of those whose names appear as eligible for rehabilitation in Annexure 2 issued by the competent authority. The second category is of all those who are shown as ineligible in Annexure 2 issued by the competent authority and the third category is of persons whose names do not appear in Annexure 2;

3. As far as those of the aforesaid parties who have been held eligible under Annexure 2 are concerned, rent shall be paid in advance to them in terms of what is recorded in paragraph 9 of the impugned order with the modification that there will be 10% enhancement every year;

4. If the persons who are shown as eligible want time to vacate the structures in their possession, they shall file undertakings on oath

along with their adult family members stating that they will vacate the existing tenements in their possession by the end of April, 2024. In the undertaking, the eligible persons will also incorporate the structure number which is incorporated against their names in Annexure 2;

5. We grant time of one month to file undertakings in this Court with advance copies to the learned counsel appearing for the Developer and the official respondent. We will pass consequential orders regarding the payment of advance rent etc. after examining the undertakings;

6. It is obvious that those eligible persons who fail to file the undertakings within the stipulated time, will not get protection of this order in the sense that we are directing that only those who file undertakings within the stipulated time, shall not be evicted till 30th April, 2024;

7. The eligible persons who fail to give undertaking within the stipulated time will have to vacate, of course, subject to Developer making advance payment of rent, as indicated above;

8. It will be open for those persons whose names appear in Annexure 2 as ineligible, to prefer statutory appeals to the concerned Additional Collector (First Appellate Authority) within a period of three weeks from today along with all necessary documents;

9. If such appeals are filed, the First Appellate Authority shall endeavour to dispose of the same within a maximum period of six weeks from the date on which the appeals are filed;

10. We make it clear only those persons who are shown as ineligible in Annexure 2 who prefer appeals within three weeks from today shall be protected from eviction till further orders. Others will not be entitled to protection from eviction;

11. Those parties who are before this Court as mentioned in paragraph 1 above whose names do not appear in Annexure 2 either as eligible or ineligible may apply to the competent authority (The Municipal Corporation of Greater Mumbai) along with the necessary documents within a period of three weeks from today to enable the competent authority to consider their eligibility for rehabilitation. While making the

applications, the concerned party shall give correct and clear description of the tenements in respect of which they are claiming eligibility. Such applications shall be considered by the Municipal Corporation/Competent Authority and appropriate decision shall be taken thereon within a period of six weeks from the date on which the applications are filed;

12. We make it clear that the structures claimed by only those persons who apply to the competent authority within a period of three weeks shall not be demolished till further orders. Those who fail to apply within three weeks to the Competent Authority will not be entitled to any protection;

13. Simultaneously with filing of the appeals and/or applications to the Competent Authority, the copies thereof shall be served on Mr. Nivit Srivastava (nivit08@gmail.com), the learned counsel for the Developer; and

14. The other issues such as outer limit for completion of project etc. will be taken up on the next date.

For reporting compliance, list on 16th February,
2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER