



WADIA GHANDY & Co.

ADVOCATES, SOLICITORS & NOTARY

N. M. Wadia Buildings, 123, Mahatma Gandhi Road, Mumbai - 400 001, India.

Tel: +91 22 2267 0669, +91 22 2271 5600 | Fax: +91 22 2267 6784, +91 22 2267 0226

General e-mail: contact@wadiaghandy.com | Personal e-mail: firstname.lastname@wadiaghandy.com

NL-NAR-10044 / 6351 / 2017

July 20, 2017

Money Magnum Nest Private Limited

Samruddhi, Office Floor,
Plot No. 157, 18th Road,
Near Ambedkar Garden,
Chembur (E),
Mumbai – 400 071

Kind Attn: Mr. Nainesh Shah

Dear Sirs,

Re: All those pieces and parcels of land or ground admeasuring 8412.20 square meters or thereabouts and comprising of (i) land admeasuring 7,363.30 square meters and bearing Old Final Plot No. 274(part), New Final Plot No. 274A(Part) of Town Planning Scheme No.– III and corresponding to C.T.S. No. 5808 (part) Village Ghatkopar-Kirol, Taluka Kurla and (ii) land admeasuring 1,048.90 square meters forming part of the existing 18.30 meters wide Jawahar Road on the North of the Final Plot No. 274A (part), lying, being and situate at Jawahar Road, Damji Compound, Patel Chowk, Ghatkopar (East), Mumbai – 400 077 ("the said Land").

Please find enclosed herewith our Title Certificate dated 20th July, 2017 with respect to the said Land.

Yours truly,
For Wadia Ghandy & Co.

Partner

Encl : a.a.



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NL-NAR-10044 / 6350/2017

TITLE CERTIFICATE

Re: All those pieces and parcels of land or ground admeasuring 8412.20 square meters or thereabouts and comprising of (i) land admeasuring 7,363.30 square meters and bearing Old Final Plot No. 274(part), New Final Plot No. 274A(Part) of Town Planning Scheme No.- III and corresponding to C.T.S. No. 5808 (part) Village Ghatkopar-Kirol, Taluka Kurla and (ii) land admeasuring 1,048.90 square meters forming part of the existing 18.30 meters wide Jawahar Road on the North of the Final Plot No. 274A (part), lying, being and situate at Jawahar Road, Damji Compound, Patel Chowk, Ghatkopar (East), Mumbai – 400 077 (“the said Land”). The said Land is more particularly described in the Schedule hereunder written.

A. INTRODUCTION

1. We have been requested by our client Money Magnum Nest Private Limited (previously known as Everest Fincap Private Limited) (“the Developer”), a company incorporated under the provisions of the Companies Act, 1956 and having its registered office at Samruddhi, Office Floor, Plot No. 157, 18th Road, Near Ambedkar Garden, Chembur (E), Mumbai – 400 071, to investigate its right, title and interest to develop the said Land under the provisions of the Regulation 33(10) of the Development Control Regulations for Greater Mumbai, 1991 (“DCR”) pursuant to Revised Letter of Intent dated 30th March, 2017 granted by the Slum Rehabilitation Authority (“SRA”) in favour of the Developer.

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B. STEPS

1. For the purpose of investigation of title, we have undertaken the following steps:
 - (a) Conducted searches at the office of the Sub Registrar of Assurances at Mumbai for the years 1973 to 2017 as specified in paragraph C.7(a) herein below;
 - (b) Conducted searches at the office of the Registrar of Companies upto 13th September, 2016 for the Developer as specified in paragraph C.7(b) herein below;
 - (c) Examined the property register card with respect to land bearing CTS No. 5808 (part) of Village Ghatkopar-Kirol corresponding to Final Plot No. 274A(part) of Town Planning Scheme-III, Ghatkopar (East) of which the said Land forms a part;
 - (d) Issued public notices in (a) Free Press Journal in its edition dated 17th May, 2017 and (b) Navshakti in its edition dated 17th May, 2017;
 - (e) The Developer has furnished to us a Declaration dated 20th July, 2017 pertaining to various facts in relation to the said Land ("**Declaration**"). We have relied on the said Declaration for the purposes of preparing this Title Certificate and we have assumed the information and facts set out in the same to be true and correct;
 - (f) Examined the deeds, documents, writings and correspondence as detailed in **Annexure "A"** hereto.
 - (g) Examined the original and certified true copies of the deeds, documents, writings and correspondences as detailed in **Annexure "B"** hereto.

C. BASED ON THE INVESTIGATION OF TITLE WE HAVE UNDERTAKEN, WE STATE AS UNDER:**1. Ownership of the said Land**

Municipal Corporation of Greater Mumbai ("**MCGM**") is the owner of Old Final Plot No. 274(part), New Final Plot No. 274A(Part) of Town Planning Scheme No.- III and

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corresponding to C.T.S. No. 5808 (part) Village Ghatkopar-Kirol, Taluka Kurla of which a portion of the said Land as is evident from the Property Register Card of the said Land. The Developer has declared and stated that the balance land admeasuring 1,048.90 square meters is an existing road known as Jawahar Road.

2. Slum Rehabilitation Scheme

- (a) The development rights of the Developer emanate from statutory scheme undertaken by the Developer under the provisions of Regulation 33 (10) of the Development Control Regulations for Greater Mumbai, 1991 ("DCR") being the Slum Rehabilitation Scheme.
- (b) The Developer has declared that there existed 376 (three hundred and seventy six) number of slum dwellers on the said Land which comprised of 307 (three hundred and seven) eligible slum dwellers (being qualified for rehabilitation under the provisions of Regulation 33(10) of the DCR) and 69 ineligible slum dwellers (who are not qualified for rehabilitation under the provisions of Regulation 33(10) of the DCR). In addition, there is a structure on the said Land for which eligibility is not yet decided.
- (c) The eligible slum dwellers have constituted themselves into a co-operative housing society known as Nalanda SRA Co-operative Housing Society Limited ("**said Society**"), registered under the provisions of the Maharashtra Cooperative Societies Act, 1960 and the Rules made thereunder.
- (d) The eligible slum dwellers on the said Land have accorded their consent to the Developer for the development of the said Land under Regulation 33(10) of the DCR.
- (e) By and under a Development Agreement dated 20th March, 2003 executed inter alia between the said Society, then known as Ghatkopar Shree Nalanda SRA Cooperative Housing Society Limited (proposed) and the Developer ("**the said Development Agreement**"), the Society has conferred development rights unto the Developer to inter-alia develop the said Land in the manner and on the terms and conditions as stated therein.

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- (f) The Developer has executed a Deed of Confirmation dated 7th January, 2005 as a deed poll by the Developer (with the said Development Agreement duly annexed thereto). The Deed of Confirmation is registered with the office of the Sub Registrar of Assurances under Serial No. BDR13-1118 of 2005 before the Sub-registrar of Assurances.
- (g) By and under a Power of Attorney dated 20th March, 2003 executed by the Society in favour of the representatives of the Developer being (a) Mr. Vimal K. Shah, (b) Mr. Kishor K. Shah and (c) Mr. Nainesh K. Shah, the Society has conferred powers and authorities unto them to undertake various acts, deeds, matters and things with regard to the development of the said Land as stated therein.
- (h) Slum Rehabilitation Authority ("SRA") has duly sanctioned the slum rehabilitation scheme to be undertaken on the said Land and in this regard has issued revised Letter of Intent dated 30th March, 2017 ("the said LOI") in favour of the Developer and the Society for development of the said Land as slum rehabilitation scheme under Regulation 33(10) of the DCR in the manner and on the terms and conditions as stated therein.
- (i) The basic features of the Slum Rehabilitation Scheme as sanctioned in the said LOI are as follows:
- (i) The total FSI sanctioned for development of the said Land is computed at 2.999.
 - (ii) The total built up area sanctioned for the development of the said Land is 25,235.27 square meters which comprises of the rehabilitation built up area to an extent of 10130.50 square meters ("**Rehab Built-up Area**") and the free sale component to an extent of 15,104.77 square meters ("**Free Sale Component**"). The entire Free Sale Component is permissible to be constructed in-situ.
 - (iii) There are total no. of 390 tenements to be constructed towards the rehab tenements comprising of the following:

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- a. The total number of slum dwellers to be re-accommodated is 305 (three hundred and five only).
 - b. Tenements to be constructed for Project Affected Persons (PAP) are 49 (forty nine).
 - c. PAP tenements to be constructed as against non-eligible slum dwellers are 30 (thirty).
 - d. Additional PAP tenements to be constructed as per Government Notification dated 1st October, 2016 are 6 (six).
- (iv) The buildable reservation on the said Land is for municipal retail market with an area of 1,104.27 square meters.
- (v) The non-buildable reservation on the said Land are as follows:
- a. An area of 1545.30 square meters towards set-back of 18.30 meters wide existing road known as Jawahar road on north side; and
 - b. An area of 166.77 square meters towards set-back of existing 18.30 meters wide existing road known as A.S. Gawade road on south side.
- (j) SRA vide its Letter 13th April, 2017 sanctioned the amended /subdivision layout plan of the said Land ("**Layout Plan**"). As per the Layout Plan, the said Land is to be developed in the following manner:
- (i) Two Rehab building/s ("**Rehab Buildings**") are to be constructed on a portion of the said Land admeasuring 3318.77 square meters ("**Rehab Land**");
 - (ii) Sale building ("**Free Sale Building**") is to be constructed on a portion of the said Land admeasuring 3381.36 square meters ("**Free Sale Land**");
 - (iii) An aggregate area of 1712.07 square meters is towards setback area to be handed over to MCGM ("**Set-Back Land**");



- (k) The Developer has duly completed the Rehab Building No. 1 comprising of 62 rehab tenements, municipal market towards the buildable reservation of municipal market, 1 Balwadi, 2 sale shops. SRA has issued Amended occupation certificate dated 13th April, 2017 in respect of the Rehab Building No. 1.
- (l) SRA has issued Intimation of Approval dated 15th May, 2014 and Commencement Certificate dated 22nd July, 2014 with respect to the Rehabilitation Building No. 2 and presently the same is under construction. SRA has sanctioned amended plans of the Rehabilitation Building No. 2 on 13th April, 2017.
- (m) SRA has issued Intimation of Approval dated 2nd December, 2014 in favour of the Developer for construction of 1 (one) building i.e. Sale Building No. 3. As per the present sanctioned plans dated 17th April, 2017 of the Sale Building No. 3, the same comprises of Wing A, Wing B, Wing C and Wing D. Plans have been sanctioned for 2 basements + ground floor + 1st Podium floor + 2nd floor (part) podium and (part) residential + 3rd to 15th Upper floors for Wing A and B, 2 Basements + ground floor + 1st Podium floor + 2nd floor (part) podium and (part) residential + 3rd to 7th Upper floors for Wing C and D.. It is contemplated that rehabilitation of few commercial tenements (comprised of the Rehab Built-up Area) shall be undertaken by the Developer, on the ground floor of the Free Sale Building. SRA has also issued Commencement Certificate dated 24th July, 2015 for the Free Sale Building.
- (n) By and under its Letter dated 1st July, 2013 addressed by the Government of Maharashtra, State Expert and Impact Assessment Authority, the environmental clearance in pursuance of Environment Impact Assessment Notification, 2006 issued by the Ministry of Environment and Forest Department is duly accorded by utilization of an FSI to the extent of 21,711.27 square meters with admissible fungible FSI in the manner and on the terms and conditions as stated therein. The same is valid for a period of 5 (five) years.
- (o) The said Land is affected by railway buffer zone of Central Railway Buffer boundary and therefore specific remark of the concerned authority was to be obtained for the development of the said Land. By and under a letter dated 28th

March, 2014 addressed by the Central Railway Authority to the Developer, the Central Railway Authority has issued its no objection for the development of the said Land, in the manner as stated therein.

- (p) By and under an NOC dated 3rd August, 2015 addressed by Airport Authority of India to the Developer, the height clearance is accorded to an extent of 56.9 meters AMSL (i.e. 49.60 meters above the ground level), in the manner as stated therein.
- (q) By and under letter dated 22nd March, 2017 SRA inter alia to the Developers and the Society, SRA informed that by direction and approval of the CEO, SRA, the change of name of the Developer from Everest Fincap Private Limited to Money Magnum Nest Private Limited was taken on records of the SRA.
- (r) We have been informed that 366 (three hundred and sixty six) slum dwellers are evacuated from the said Land and shifted in transit accommodation/ rent/ rehab building and approximately 15 slum dwellers still exist on the said Land.
- (s) The said Land is a part of land bearing CTS No. 5808 (Part) of Village Ghatkopar-Kirol corresponding to Final Plot No. 274A of Town Planning Scheme No. III. The area comprised in Final Plot No. 274A is 8,592.5 square meters. The said Land will have to be sub-divided as an independent plot and the same will have to be recorded as such in by issuance of a new property register card with respect to the said Land.

3. Litigation

(a) Neel Yog Builders Private Limited and M/s. Shree Siddhivinayak Construction Co.

- (i) There were disputes and differences arisen between the Society and the Developer. The Society convened a special general body meeting on 29th May, 2004 at which time the Society inter alia passed a resolution to terminate the rights of the Developer to execute the slum rehabilitation scheme on the said Land. In the same special general body meeting, the Society has also sought to appoint one Neel Yog Builders Pvt. Ltd. ("Neel Yog") as a developer to execute the slum rehabilitation scheme on the said Land.

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- (ii) By and under a Development Agreement dated 1st July, 2004 executed between the Society and Neel Yog, the Society had duly appointed Neel Yog as the developer to undertake the slum rehabilitation scheme on the said Land in the manner and on the terms and conditions as recorded therein ("**the Neel Yog Development Agreement**").
- (iii) By and under a Power of Attorney dated 1st July, 2004 executed by the Society in favour of Neel Yog to enable Neel Yog to perform various acts, deeds, matter and things as stated therein with regard to the development of the said Land.
- (iv) By and under a letter dated 3rd July, 2004 addressed by the Society to the Developer, the Society has terminated the rights of the Developer to execute the slum rehabilitation scheme on the said Land.
- (v) Subsequent thereto, necessary application was made by the Society to SRA to seek a change of the developer from the Developer to Neel Yog by following the due process of law under Section 13(2) of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 ("**Slum Act**"). SRA issued direction to the said Society to convene a General Body Meeting in the presence of Assistant Registrar of Societies to decide with regard to the removal of the Developer as the developer to execute the slum rehabilitation scheme on the said Land. Accordingly, a general body meeting was convened on 12th December, 2004 by the said Society wherein it was unanimously resolved that the Developer shall continue with the development of the said Land. In view of the same, the appointment of the Developer continued to be valid, binding and subsisting.
- (vi) The Developer has challenged the act of the Society to terminate the rights of the Developer to undertake the slum rehabilitation scheme on the said Land by institution of a suit against the Society in the Hon'ble Bombay City Civil Court being Suit No. 4194 of 2004. On 30th July, 2005 the Developer and the Society have duly filed the Consent Terms in the Suit No. 4194 of 2004 and in terms thereof, the Suit No. 4194 of 2004 is decreed in favour of the Developer and against the Society.



- (vii) One, M/s. Shree Siddhivinayak Construction Co (being the predecessor of the Developer) has filed a Notice of Motion No. 111 of 2008 in the Suit No. 4194 of 2004 before the Hon'ble Bombay City Civil Court inter alia to set aside the decree (in pursuance to the Consent Terms between the said Society and the Developer) and also for the impleadment of M/s. Shree Siddhivinayak Construction Co (being the predecessor of the Developer) as necessary party to the Suit No. 4194 of 2004. By and under its order dated 17th April, 2008 passed by the Hon'ble Bombay City Civil Court the said Notice of Motion No. 111 of 2008 in the Suit No. 4194 of 2004 was dismissed.
- (viii) M/s. Shree Siddhivinayak Construction Co. has filed an Appeal bearing No. 488 of 2008 in the Hon'ble Bombay High Court challenging the order dated 17th April, 2008 passed by the Hon'ble Bombay City Civil Court in Notice of Motion No.111 of 2008 in said Suit No. 4194 of 2004. By and under its order dated 20th November, 2008 passed by the Hon'ble Bombay High Court it is recorded that M/s. Shree Siddhivinayak Construction Co. has sought to withdraw the Appeal with liberty to file a fresh appeal. We have been informed that no further Appeal was filed by M/s. Shree Siddhivinayak Construction Co in this regard. In view of the same the order dated 17th April, 2008 passed by the Hon'ble Bombay City Civil Court whereby the said Notice of Motion No. 111 of 2008 in the Suit No. 4194 of 2004 was dismissed has achieved finality.
- (ix) M/s. Shree Siddhivinayak Construction Co. has also sought to challenge the rights of the Developer before the High Power Committee ("HPC") by filing an appeal being Appeal No. 196 of 2008. By and under its order dated 18th July, 2009 the HPC has dismissed the said Appeal No. 196 of 2008 as pre-mature.
- (x) M/s. Shree Siddhivinayak Construction Co. has filed a Writ Petition bearing No. 749 of 2010 in the Hon'ble Bombay High Court inter alia against the SRA, the Developer and the Society, inter alia for quashing the approvals accorded by to the Developer to undertake the slum rehabilitation scheme on the said Land. On 22nd January, 2013, the Hon'ble Bombay High Court has vide its order dismissed the Writ Petition.

M/s. Shree Siddhivinayak Construction Co filed a Notice of Motion No. 105 of 2013 before the Hon'ble High Court to seek restoration of the Writ Petition No. 749 of 2010.

- (xi) By and under an Order dated 26th August, 2015 passed by the Hon'ble Bombay High Court in Notice of Motion No. 105 of 2013, the Hon'ble High Court dismissed the Order dated 22nd January, 2013 and restored the Writ Petition.
- (xii) By and under an Order dated 3rd September, 2015 passed by the Hon'ble Bombay High Court, the Writ Petition No. 749 of 2010 was dismissed by the Hon'ble High Court. The Developer has declared that no Appeal has been filed pursuant to the aforesaid Order dated 3rd September, 2015.
- (xiii) We have been informed by the Developer that M/s. Shree Siddhivinayak Construction Co. has not adopted any fresh proceedings pursuant to dismissal of Writ Petition No. 749 of 2010.

(b) **Writ Petition No. 1719 of 2004 filed by Nirbhay Co-operative Housing Society Ltd (proposed) and Ganpat Babaji Pawar (the Chief Promoter thereof)**

- (i) One, Nirbhay Co-operative Housing Society Ltd (proposed) and Ganpat Babaji Pawar (the Chief Promoter thereof) has filed a Writ Petition No. 1719 of 2004 in the Hon'ble Bombay High Court inter alia for quashing the approvals accorded to the said Society to undertake the slum rehabilitation scheme on the said Land. By and under its order dated 17th June, 2004 passed in the Writ Petition No. 1719 of 2004, the Hon'ble Bombay High Court has held that once the SRA has recognized the Society (as the society for the purpose of execution of the slum rehabilitation scheme) in the absence of Nirbhay Co-operative Housing Society Ltd having any rights or recognition it will not be possible to entertain the Writ Petition No. 1719 of 2004 unless the said Society is de-recognized by the SRA and in view thereof has duly dismissed the said Writ Petition.

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(c) Public Interest Litigation No. 56 of 2012 filed by Joshi Shivshankar Jatashankar

- (i) A Public Interest Litigation bearing No. 56 of 2012 has been filed by One Joshi Shivshankar Jatashankar inter alia against the State of Maharashtra and SRA wherein it has inter alia sought for cancellation and revocation of the approvals accorded by the SRA to the Developer to undertake the slum rehabilitation scheme on the said Land, inter alia on the ground that the said Land is within the railway buffer zone. By and under its letter dated 28th March, 2014 addressed by the Central Railway Authority to the Developer, it has issued its no objection for the development of the said Land as stated above.
- (ii) By and under an Order dated 28th July, 2016 passed by the Hon'ble Bombay High Court, the aforesaid Public Interest Litigation No. 56 of 2012 was not entertained in view of the substantial work carried out by the developer and hence this Public Interest Litigation was disposed of. The Developer has declared that no Appeal has been filed pursuant to the aforesaid Order dated 28th July, 2016.

(d) Termination of Joint Development Agreement with Joyce Realtors Private Limited

- (i) By and under a Joint Development Agreement dated 23rd May, 2008 ("JDA") executed between the Developer and one Joyce Realtors Pvt. Ltd., the Developer and Joyce Realtors Pvt. Ltd. ("Joyce") has *inter-alia* undertaken to jointly develop the said Land in the manner and on the terms and conditions as stated therein. The said JDA is registered with the office of the Sub-Registrar of Assurances under Serial No. BDR/3/5549 of 2008.
- (ii) From a perusal of the said JDA, it appears that one M/s Suchitra Construction Company ("Suchitra") is developing a portion of land bearing CTS No. 5808 (part) corresponding to Final Plot No. 274(part) of Town Planning Scheme-III, Ghatkopar (East), Mumbai. A separate and independent Letter of Intent dated 7th May, 2005 ("Market LOI") issued by the MCGM (Market Department) inter-alia to Suchitra for an area

admeasuring 1,324.75 square meters which is reserved for existing market under the Development Plan. We have been informed by the Developer that so far the subdivision of the CTS No. 5808 (part) has not been undertaken. The Developer shall have to undertake necessary steps to subdivide the CTS No. 5808 (part) to subdivide the said Land under the said LOI and the land falling within the CTS No. 5808 (part) under the Market LOI.

- (iii) There are disputes and differences arisen between the Developer and Joyce, pursuant to which by and under a letter dated 31st October, 2012 addressed on behalf of the Developer to Joyce, the Developer has duly terminated the JDA for reasons recorded therein and revoked all rights of Joyce under the JDA in respect of the said Land.
- (iv) Joyce comprises of two groups of shareholders viz. Urban Infrastructure Venture Capital Fund and Urban Infrastructure Trustees (hereinafter collectively referred to as "**Urban**") and Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah. Their inter-se relationships are governed under the Shareholders Agreement dated 24th April, 2008 and Share Subscription Agreement dated 24th April, 2008 executed between Urban, Mr. Kishor N. Shah, Mr. Vimal Kishor Shah and Mr. Nainesh Kishor Shah and Joyce. There is an inter-se dispute between both the group of shareholders being Urban and Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah.
- (v) Due to the disputes between the Developer and Joyce vis-a-vis the development of the said Property, the Developer invoked the arbitration contained in the JDA.
- (vi) Accordingly, the Arbitral Tribunal comprising of Justice B.P Singh, Justice Ashok Agarwal and Justice F.I Rebello was constituted to adjudicate the disputes between the Developer and Joyce, arising out of the JDA.
- (vii) Pursuant thereto, the Developer filed its Statement of Claim dated 31st May, 2013 inter-alia seeking damages from Joyce, aggregating to an amount of Rs 341,92,00,000/- (Rupees Three Hundred Forty One Crores and Ninety Two Lacs only), as the particulars of Claim mentioned therein.

- (viii) Thereafter, vide an Application dated 23rd July, 2013, the Developer *inter-alia* sought leave of the Hon'ble Tribunal to withdraw the claim for damages made against Joyce and prayed for termination of the arbitral proceedings.
- (ix) Vide the Procedural Order dated 28th August, 2013, the Hon'ble Tribunal was pleased to allow the aforesaid Application of the Developer dated 23rd July, 2013 and the arbitration proceedings between the Developer and Joyce stood terminated. The aforesaid Procedural Order dated 28th August, 2013, however, records that the withdrawal of the Claim for damages by the Developer and the consequent termination of the arbitral proceedings between the Developer and Joyce, shall not prejudice the rights of the parties in any manner and the parties are at liberty to seek such remedy as available under Law.
- (x) Further, Urban has commenced proceedings by institution of an Arbitration Application No. 230 of 2012 in the Hon'ble Bombay High Court against another set of shareholders of Joyce viz. Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah and Joyce Realtors Private Limited under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("**Arbitration Act**") for the constitution of an Arbitral Tribunal to comprise of 3 (three) arbitrators to adjudicate the disputes which have arisen *inter-se* between them. By and under an order dated 25th April 2013, the Arbitration Application was allowed and an Arbitral Tribunal was directed to be constituted.
- (xi) Urban has also filed an Arbitration Petition No. 1181 of 2012 ("**Arbitration Petition**") under Section 9 of the Arbitration Act against Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah and Joyce Realtors Private Limited *inter-alia* praying for an order and injunction from acting upon the termination of the Joint Development Agreements (including the said JDA) in respect of the projects mentioned therein (including the development of the said Land) and creation of any third party rights in respect of the project properties and/or from dealing with the project properties (including the development of the said Land). Vide its order dated 1st November, 2012, the Hon'ble High Court has declined



to accord any interim reliefs to Urban. By and under an order dated 25th April 2013, the Hon'ble High Court has disposed off the Arbitration Petition with the liberty to convert the Arbitration Petition as an application under Section 17 (for interim protection) of the Arbitration Act before the Arbitral Tribunal.

- (xii) The proceedings for the adjudication of disputes inter-alia between Urban, Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah and Joyce Realtors Private Limited before the Arbitral Tribunal is pending. The application of Urban under section 17 (for interim protection) of the Arbitration Act was heard by the Tribunal on 19th November 2013, wherein it is inter-alia directed by the Tribunal that (i) any transactions made by Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah touching inter-alia the said Land shall be subject to the result of such directions as the Tribunal may ultimately make and (ii) while dealing with any of the project properties, Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah shall bring to the notice of the other side the factum of the pendency of the present proceedings. The Hon'ble Arbitral Tribunal vide its Order dated 6th October, 2014 had disposed of the said Application and held that the directions made on 19th November 2013 shall remain in operation during the course of hearing. No injunction and / or status quo order was granted in favour of the Petitioner as prayed for.
- (xiii) Urban has also filed a Suit No. 117 of 2014 ("**the said Suit**") before the Hon'ble Bombay High Court against Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah, Joyce Realtors Private Limited and the Developer contending that the termination of the said JDA is wrongful and illegal and inter alia, seeking specific performance of the said JDA and/or for damages incurred by Urban pursuant to the alleged wrongful termination of the said JDA. Urban has registered a notice of *Lis Pendense* (details whereof are set out herein) in respect of the said Suit. Urban have not taken out any application in the said Suit seeking grant of any interim and/or ad-interim reliefs.
- (xiv) Thereafter, a Counter Claim being Counter Claim (L) No. 1194 of 2015 in Suit No. 117 of 2014 ("**said Counter Claim**") has been filed by the Developer, seeking, inter-alia damages against Joyce and Urban.



(xv) Presently, the said Counter Claim in the said Suit is pending adjudication before the Hon'ble High Court.

(e) **Slum Appeal No. 619 of 2011 and 620 of 2011 and Writ Petition No. 8638 of 2011**

(i) By and under a Letter dated 21st May, 2011 addressed by MCGM to Prabhakar Ganesh Salgaonkar and Keshav Jairam Choudhari respectively, MCGM directing them to vacate and hand over possession of their respective premises occupied by them on the said Land within a period of 24 hours by accepting rent in lieu of temporary alternate accommodation from the Developer, failing which they would be evicted from their premises by use of police force.

(ii) Being aggrieved by the aforesaid notices dated 21st May, 2011, Prabhakar Ganesh Sawant and Keshav Jairam Choudhari preferred Slum Appeal No. 619 of 2011 and Slum Appeal No. 620 of 2011 respectively before the Administrative and Divisional Commissioner, Konkan Division, Mumbai, *inter alia* on the grounds that the aforesaid eviction notices had been issued to them without giving them an opportunity to be heard and prayed that the same be quashed and set aside.

(iii) By and under a Common Order dated 30th August, 2011 bearing no. Appeal/Desk/Slum-618, 619 & 620/11 passed by the Administrator and Divisional Commissioner, Konkan Division, Mumbai, Administrator and Divisional Commissioner was pleased to inter-alia reject the afore-stated Slum Appeal No. 619 of 2011 and Slum Appeal No. 620 of 2011 for the reasons more particularly set out therein.

(iv) Being aggrieved by the aforesaid common Order dated 30th August, 2011 bearing no. Appeal/Desk/Slum-618, 619 & 620/11, one of the appellants i.e. Prabhakar Ganesh Salgaonkar preferred Writ Petition No. 8638 of 2011 before the Hon'ble Bombay High Court, *inter alia* praying that the common order dated 30th August, 2011 bearing no. Appeal/Desk/Slum-618, 619 & 620/11 be quashed and set aside on the grounds more particularly specified therein.

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- (v) By and under Order dated 27th January, 2012 passed by the Hon'ble Bombay High Court in Writ Petition No. 8638 of 2011, the Hon'ble High Court was pleased reject the writ petition on the grounds that it was not a fit case for the Court to exercise extraordinary jurisdiction under Article 226 and 227 of the Constitution of India.
- (vi) The Developer has declared and stated that premises occupied by Prabhakar Ganesh Salgaonkar and Keshav Jairam Choudhari have been demolished.
- (f) **Application No. 608 of 2009 before the President of High Power Committee and Principle Secretary (Housing) and Slum Appeal No. 973 of 2011**
- (i) One Krishnappa S Pujari being an occupant of one of the structure on the said Land addressed letter dated 18th December, 2008 to the SRA *inter alia* raising objections to the sanctioning and implementing of plan pertaining to Rehab Building No. 3 submitted by the Developer for the reasons set out therein. By the said letter the aforesaid Krishnappa S Pujari also stated that the position of his structure shown in the plan submitted by the Developer was not acceptable to him. It was also submitted by him that in terms of circular no. 70 dated 30th December, 2004 addressed of the SRA, he was eligible to purchase additional area from the Developer at the rate of construction cost incurred by the developer and was ready and willing to pay for such additional area.
- (ii) Being aggrieved by the fact that the his Letter dated 18th December, 2008 was not replied to or acted upon by the SRA, the aforesaid Mr. Krishnappa S Pujari preferred Application No. 608 of 2009 before the President of High Power Committee and Principle Secretary (Housing) on the ground set out therein and inter-alia praying that the Developer be directed to submit new plan for Rehab Building No. 3 showing the area of his structure as 544 square feet facing towards Yashwant Sheth Jadhav Marg and to direct the Respondents therein i.e. SRA, Developer and the Society to decide the rate of construction cost for the additional area of 275 square feet (over and above the 269 square feet) proposed to be purchased by him in terms of the aforesaid Circular No. 70 of the SRA.

- (iii) By and under Order dated 24th September, 2009 passed by the High Power Committee-2, Government of Maharashtra, the High Power Committee-2 was please to dismiss the Application No. 608 of 2009 filed by Mr. Krishnappa S Pujari for reasons more particularly specified therein.
- (iv) By and under a Letter dated 21st May, 2011 addressed by MCGM to Poojari Krishna Siddhu, MCGM directing him to vacate and hand over possession of his premises occupied by him on the said Land within a period of 24 hours by accepting rent in lieu of temporary alternate accommodation from the Developer, failing which they would be evicted from their premises by use of police force. The Developer has declared and stated that Poojari Krishna Siddhu and Krishnappa S Pujari are one and the same person.
- (v) By and under notice dated 16th September, 2011 addressed by the MCGM to Mr. Poojari Krishna Siddhu, the MCGM informed Mr. Poojari Krishna Siddhu that though he had been given eviction notice dated 21st May, 2011 directing him to vacate his premises and once again called upon Mr. Poojari Krishna Siddhu to vacate his premises at the earliest.
- (vi) Being aggrieved by the aforesaid notices dated 21st May, 2011 and notice dated 16th September, 2011, Poojari Krishna Siddhu preferred Slum Appeal No. 973 of 2011 before the Administrative and Divisional Commissioner, Konkan Division, Mumbai, *inter alia* on the grounds that the aforesaid eviction notices had been issued to him without giving him an opportunity to be heard and prayed that the same be quashed and set aside.
- (vii) The Developer has declared and stated that the premises occupied by Poojari Krishna Siddhu has been demolished and Poojari Krishna Siddhu has been handed over permanent alternate accommodation in the Rehab Building No. 1. We have not been provided with details of the present status of the Appeal No. 973 of 2011.

(g) Application No. 492 of 2011 before the High Power Committee of the Government of Maharashtra

- (i) The Annexure II dated 29th May, 2000 was issued by the Assistant Commissioner, N Ward, MCGM in respect of the said Land. It appears that the name of one Atul Raghuvver Jangam, occupant of structure No. 590 was not included in the aforesaid Annexure II dated 29th May, 2000.
- (ii) Being aggrieved by the fact that his name was not included in the Annexure II dated 29th May, 2000 issued by MCGM with respect to the said Land, Mr. Atul Raghuvver Jangam preferred Application dated 9th February, 2009 before the High Power Committee. We have not perused copies of papers and proceedings in the Application dated 9th February, 2009 before the High Power Committee.
- (iii) By and under an Order dated 11th February, 2010 bearing no. CAN/30755/Slum, the High Power Committee of the Government of Maharashtra decided the eligibility of the aforesaid Atul Raghuvver Jangam and declared him eligible for commercial premises
- (iv) Being aggrieved by aforesaid Order dated 11th February, 2010 of the High Power Committee of the SRA, Atul Raghuvver Jangam preferred Appeal No. 5734 of 2010 before the SRA on the grounds more particularly set out therein.
- (v) By and under Order dated 9th March, 2011 addressed by the SRA to the MCGM, the SRA referred the Appeal No. 5734 of 2010 filed by Atul Raghuvver Jangam to the MCGM, as they were the competent authority to decide the Appeal and since the SRA did not have the jurisdiction to decide the same.
- (vi) By and under a Letter dated 29th April, 2011 addressed by the, MCGM to the SRA, MCGM informed SRA that the Appellant i.e. Atul Raghuvver Jangam's request to be declared as eligible for commercial cum residential purpose cannot be considered and requested the SRA to take an appropriate decision in the matter.



- (vii) Being aggrieved by the aforesaid Order dated 29th April, 2011, of MCGM, the aforesaid Atul Raghuvver Jangam preferred Application No. 492 of 2011 before the High Power Committee, Government of Maharashtra on the grounds more particularly set out therein and *inter alia* praying that the aforesaid Letter dated 11th February, 2010 of the High Power Committee, SRA and 29th April, 2011 addressed by the MCGM to the SRA, be quashed and set aside.
- (viii) By and under order dated 15th September, 2012 passed by the High Power Committee, the High Power Committee was pleased to dispose of the aforesaid Application by holding that the applicant Atul Raghuvver Jangam was eligible for commercial cum residential tenement.
- (ix) The Developer has declared and stated that the premises occupied by Atul Raghuvver Jangam has been demolished.
- (h) **Satyawati Bhaskar Mestry (Slum Appeal No. 616 of 2011)**
- (i) By and under a Letter dated 21st May, 2011 addressed by MCGM to Satyawati Bhaskar Mestry, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Satyawati Bhaskar Mestry to 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 set out therein.
- (ii) Aggrieved by the aforesaid Letter dated 21st May, 2011, Satyawati Bhaskar Mestry filed a Slum Appeal No. 616 of 2011 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai.
- (iii) The Administrator & Divisional Commissioner, Konkan Division, Mumbai vide an Order dated 18th August, 2011, inter-alia disposed of the Slum Appeal No. 616 of as the Appellant agreed to vacate the suit structure subject to availability of commencement certificate and 36 months' rent to Satyawati Bhaskar Mestry.
- (iv) Aggrieved by the aforesaid Order dated 18th August, 2011 passed by the Administrator & Divisional Commissioner, Konkan Division, Mumbai,

Satyawati Bhaskar Mestry preferred Writ Petition No. 8527 of 2011 in the Hon'ble High Court.

- (v) By and under an Order dated 19th December, 2011 passed by the Hon'ble Bombay Court in captioned Writ Petition, the Hon'ble Bombay High Court disposed of the captioned Writ Petition in terms of the Consent Terms dated 19th December, 2011 filed by the Petitioner and the Respondent No. 5 wherein the Developer undertook to provide temporary transit accommodation till Satyawati Bhaskar Mestry is offered permanent alternate accommodation in accordance with the slum rehabilitation scheme.
- (vi) We have been informed by the Developer that the structure held by Satyawati Bhaskar Mestry has been demolished.

(i) **Kashinath Shivram Sawant (Slum Appeal No. 618 of 2011, Slum Appel No. 170 of 2012 and Slum Appel No. 54 of 2014)**

- (i) By and under a Letter dated 21st May, 2011 addressed by MCGM to Kashinath Shivram Sawant, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Kashinath Shivram Sawant to accept transit accommodation offered by the Developer and vacate the structure occupied by him within a period of 24 hours failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- (ii) Aggrieved by the aforesaid Letter dated 21st May, 2011, Kashinath Shivram Sawant filed a Slum Appeal No. 618 of 2011 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai.
- (iii) The Administrator & Divisional Commissioner, Konkan Division, Mumbai vide an Order dated 30th August, 2011, disposed of the Slum Appeal No. 618 of 2011 inter-alia disallowing the appeal and directing the developer to pay the rent and transit accommodation and ordering the appellant to vacate the structure occupied by them.
- (iv) Aggrieved by the aforesaid Order dated 30th August, 2011 passed by the Administrator & Divisional Commissioner, Konkan Division, Mumbai,

Kashinath Shivram Sawant preferred Writ Petition No. 9192 of 2011 in the Hon'ble High Court. We have not been provided with copies of papers and proceedings in the Writ Petition No. 9192 of 2011.

- (v) By and under an Order dated 14th December, 2011 passed by the Hon'ble Bombay High Court in the Writ Petition No. 9192 of 2011, the Hon'ble Bombay High Court by consent quashed and set aside the (i) Letter dated 21st May, 2011 addressed by MCGM to Kashinath Shivram Sawant and (ii) Order dated 30th August, 2011 passed by the Administrator & Divisional Commissioner, Konkan Division, Mumbai, only on the ground that the competent authority had not given any show cause notice or opportunity of hearing to the Petitioner therein. It was further inter-alia ordered that a fresh show cause notice to be issued to the Petitioner by the competent authority in the manner as setout therein.
- (vi) By and under a Letter dated 18th January, 2012 addressed by MCGM to Kashinath Shivram Sawant, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Kashinath Shivram Sawant to accept transit accommodation offered by the Developer and vacate the structure occupied by him within a period of 24 hours failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- (vii) 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. Kashinath Shivram Sawant, MCGM directed Kashinath Shivram Sawant to accept the temporary transit compensation of Rs. 8,000/- per month being paid for 11 months in advance by the Developer within a period of 3 days, failing which the structure occupied by him shall be demolished, for the reasons as setout therein.
- (viii) Aggrieved by the aforesaid Order dated NIL passed by MCGM, Kashinath Shivram Sawant filed a Slum Appeal No. 170 of 2012 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai.
- (ix) The Administrator & Divisional Commissioner, Konkan Division, Mumbai vide an Order dated 13th December, 2012 allowed the Slum Appeal No. 170 of 2012 and directed MCGM to undertake action as per the Order

passed by the Hon'ble Bombay High Court in the Writ Petition No. 9192 of 2011.

- (x) By and under a Letter dated 9th January, 2014 addressed by MCGM to Kashinath Shivram Sawant, under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Kashinath Shivram Sawant to vacate his structure within a period of 7 days and hand over the possession, failing which necessary action will be taken for demolition of his structure.
- (xi) Thereafter, by and under an Order dated 6th March, 2014 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Kashinath Shivram Sawant, MCGM directed Kashinath Shivram Sawant to accept the temporary transit compensation of Rs. 8,000/- 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.
- (xii) Aggrieved by the aforesaid Order dated 6th March, 2014, Kashinath Shivram Sawant filed a Slum Appeal No. 54 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District.
- (xiii) By and under an Order dated 9th September, 2014, Slum Appeal No. 54 of 2014 was dismissed stating that the Slum Appeal No. 54 of 2014 inter-alia has become infructuous inter-alia for the reasons that the Appellant has accepted the temporary transit accommodation offered by the Developer and the structure of the Appellant has been demolished.
- (xiv) Aggrieved by the aforesaid Order dated 9th September, 2014 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District in Slum Appeal No. 54 of 2014, Kashinath Shivram Sawant filed Writ Petition No. 3655 of 2016 before the Hon'ble High Court.
- (xv) By and under an Order dated 17th November, 2016, the Hon'ble Bombay High Court dismissed the Writ Petition No. 3655 of 2016 for the reasons more particularly setout therein.



(xvi) We have been informed by the Developer that the structure held by Kashinath Shivram Sawant (Slum Appeal No. 54 of 2014) has been demolished.

(j) **Appeal No. 286 of 2013 and Stay Application No. 286 of 2013 (Rakhee Harishchandra Jadhav)**

(i) It appears that one Rakhee Harishchandra Jadhav occupied structure nos. 49, 50 and 406 present on the said Land and used it for the purposes of running a restaurant cum bar. It further appears that the aforesaid three structures were illegally amalgamated by Rakhee Harishchandra Jadhav who also constructed an unauthorized floor thereon.

(ii) By and under Show Cause Notice dated 9th May, 2012 issued by MCGM to Rakhee Harishchandra Jadhav, MCGM in exercise of his powers under Sections 33 and 38 of the Slum Act called upon the aforesaid Rakhee Harishchandra Jadhav to show cause why the unauthorizedly amalgamated structure nos. 49, 50 and 406 occupied by her on the said Land should not be demolished. It appears that the aforesaid Show Cause Notice was issued pursuant to a complaint made to the MCGM by one Arun Mestry. We have not been provided with copies of complaint filed by Arun Mestry vide letter dated 23rd May, 2012 and Minutes of 17th Meeting of the HPC dated 7th March, 2009 referred to in the aforesaid Show Cause Notice dated 9th May, 2012.

(iii) By and under Order dated 15th March, 2013 passed by the MCGM, MCGM, directed Rakhee Harishchandra Jadhav to demolish the illegally amalgamated structures nos. 49, 50 and 406 occupied by her on the said Land failing which the same would be demolished by use of police force.

(iv) Being aggrieved by the aforesaid Order dated 15th March, 2013 issued by MCGM, the aforesaid Rakhee Harishchandra Jadhav preferred Appeal No. 286 of 2013 before the Administrator and Divisional Commissioner, Konkan Division, Mumbai *inter alia* praying that the Order dated 15th March, 2013 be set aside and her name be included in the Annexure II issued in respect of the said Land. The aforesaid Rakhee Harishchandra

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Jadhav also took out Stay Application No. 286 of 2013 in the aforesaid Appeal No. 286 of 2013 seeking stay on the Order dated 15th March, 2013 pending the hearing and final disposal of the Appeal No. 286 of 2013.

- (v) By and under Order dated 25th March, 2013, the Administrator and Divisional Commissioner, Konkan Division, Mumbai stayed the aforesaid Order 15th March, 2013 until the next date of hearing of the matter, viz. 9th April, 2013. We have not been informed whether the aforesaid stay order was extended after 9th April, 2013.
- (vi) By and under Order dated 30th May, 2013 passed by the Administrator and Divisional Commissioner, Konkan Division, Mumbai, the Appeal No. 286 of 2013 was partly allowed and the appellant Rakhee Harishchandra Jadhav was directed to demolish her structure voluntarily as and when required by the Developer, after intimating the same to the Competent Authority. We have not been furnished with the letters/notices referred to in the aforesaid Order dated 30th May, 2013.
- (vii) The Developer has declared and stated that premises occupied by Rakhee Harishchandra Jadhav have been demolished.

(k) **Ramakant Rajaram Rajbhar (Slum Appeal No. 74 of 2014)**

- (i) By and under a Letter dated 2nd May, 2014 addressed by MCGM to Rajbhar Ramlal Kalu under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Rajbhar Ramlal Kalu 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. Rajbhar Ramlal Kalu (deceased) and Rajbhar Ramakant Rajaram (son), MCGM directed Rajbhar Ramakant Rajaram 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 setout therein.

- (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.

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- (v) We have been informed by the Developer that the structure held by Amudganesan 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.

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- (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.

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- (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

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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.

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(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,

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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

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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, Konkarn Division in the Appeal No. 622 of 2011, the Administrator and Division Commissioner, Konkarn Division whilst disallowed the appeal, the Administrator and Division Commissioner, Konkarn 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, Konkarn 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 set out 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 Guvanti 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 Guvanti 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), four names (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.

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(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.

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- 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

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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 set out 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.

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- 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 set out 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 set out 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 set out 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 an 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

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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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- (xiv) Mewalal Hiralal Shah filed Civil Application No. 2238 of 2016 in Writ Petition No. 7234 of 2016 praying inter-alia for a direction that the Petitioner be allowed to retain the portion of their shop (Shop No. 243/8, Annexure II at Serial No. 420, 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.
- (xv) Thereafter, Mewalal Hiralal Shah filed Civil Application (Stamp) No. 23518 of 2016 for amendment to the Civil Application No. 2238 of 2016 in Writ Petition No. 7234 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.
- (xvi) By and under an Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2238 of 2016, the Hon'ble Bombay disposed of the Civil Application No. 2238 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 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. 2238 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.
- (xvii) By an under its Order dated 27th June, 2017, the Hon'ble Bombay High Court dismissed the Civil Application (Stamp) No. 23518 of 2016 for non-prosecution.
- (xviii) We have been informed by the Developer that the structure under Slum Appeal No. 2 of 2016 has been demolished.

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(u) Mewalal Hiralal Shah (Slum Appeal No. 3 of 2016)

- (i) It appears that Mewalal Hiralal Shah filed L. C. Suit No. 5858 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 a copy of papers and proceedings in aforesaid L.C. Suit No. 5858 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. 5858 of 1998, the Hon'ble Bombay City Civil Court at Bombay decreed the aforesaid L. C. Suit No. 5858 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. 5858 of 1998, MCGM filed a First Appeal No. 1298 of 2008 in the Hon'ble Bombay High Court. It appears that MCGM also filed a Civil Application No. 3276 of 2008 in the First Appeal No. 1298 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. 3276 of 2008 and the First Appeal No. 1298 of 2008.
- (iv) It appears that by and Order dated 12th August, 2008, the Hon'ble Bombay High Court has admitted the aforesaid First Appeal No. 1298 of 2008. We have been informed that the aforesaid First Appeal No. 1298 of 2008 is pending.
- (v) By and under an Order dated 9th September, 2008 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 3276 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. 3276 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. 3276 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. 3 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. 3 of 2016, rejected the Slum Appeal No. 3 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. 7229 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

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Writ Petition No.7229 of 2016 by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court disposed of the Writ Petition No.7229 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. 7229 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.
- (xiv) Mewalal Hiralal Shah filed Civil Application No. 2237 of 2016 in Writ Petition No. 7229 of 2016 praying inter-alia for a direction that the Petitioner be allowed to retain the portion of their shop (Shop No. 241/5, Supplementary Annexure II at Serial No. 5 Slum Plot Hut No. 420A, 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.
- (xv) Thereafter, Mewalal Hiralal Shah filed Civil Application (Stamp) No. 23519 of 2016 for amendment to the Civil Application No. 2237 of 2016 in Writ Petition No. 7229 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.
- (xvi) By and under an Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2237 of 2016, the Hon'ble Bombay disposed of the Civil Application No. 2237 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

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Counsel gave an undertaking on Farad. This undertaking was accepted. The Civil Application No. 2237 of 2016 was disposed of with liberty as prayed. We have been informed by the Developer 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.

(xvii) We have been informed by the Developer that the structure under Slum Appeal No. 3 of 2016 has been demolished.

(v) **Hasmukh Devram Vegad (Slum Appeal No. 53 of 2016)**

- (i) By and under a Letter dated 10th June, 2015 addressed by MCGM to Hasamukh Devram Vegad under the provisions of Sections 33 and 38 of the Slum Act, MCGM directed Vegad Harikumar D. 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 26th October, 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. Vegad Harikumar D., MCGM directed Vegad Harikumar D. 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 setout therein.
- (iii) Aggrieved by the aforesaid Order dated 26th October, 2015, Hasamukh Devram Vegad filed Slum Appeal No. 73 of 2015 before Additional Collector, Encroachment/ Removal.
- (iv) By and under an Order dated 21st November, 2015, the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District partially allowed the Slum Appeal No. 73 of 2015 with an inter-alia direction to MCGM to decide Hasamukh Devram Vegad's application for inserting his name in Annexure II in place of his mother within a period of 4 weeks. Name of Hasamukh Devram Vegad has been inserted in Annexure II in place of his mother vide a Letter dated 1st September, 2016.



- (v) By and under a Notice dated 24th June, 2016 issued by Assistant Commissioner, 'N' Ward and Competent Authority under Sections 33 and 38 of the Slum Act, Harikumar Devram Vegad was directed to vacate his structure within 48 hours, failing which, his structure will be demolished.
- (vi) Aggrieved by the aforesaid Notice dated 24th June, 2016 issued by Assistant Commissioner, 'N' Ward and Competent Authority and Order dated 21st November, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District, Hasmukh Devram Vegad filed Slum Appeal No. 53 of 2016 before Additional Collector, Encroachment/ Removal, Eastern suburb, Mumbai Suburban District. We have been informed by the Developer that they have not received a copy of the Order passed by Additional Collector, Encroachment/ Removal, Eastern suburb, Mumbai Suburban District in Slum Appeal No. 53 of 2016.
- (vii) We have been informed by the Developer that the structure under Slum Appeal no. 53 of 2016 has been demolished.

(w) **Writ Petition No. 2943 of 2014 filed by Palaiswamy Chettiar**

- (i) A Writ Petition No. 2943 of 2014 has been filed by a slum dweller, Palaiswamy Chettiar against the Municipal Corporation, the Developer and Ors. inter-alia praying that his name be included in the Annexure II issued in respect of the said Property and that pending the hearing and final disposal of the aforesaid Writ, the Respondents including the Developer therein be restrained from evicting the Petitioner.
- (ii) By and under an Order dated 13th October, 2016 passed by the Hon'ble Bombay Court in captioned Writ Petition, the Hon'ble Bombay High Court disposed of the captioned Writ Petition inter-alia in light of the fact that the Petitioner and the Respondent No. 5 (i.e. the Developer) have entered into a permanent alternate accommodation agreement.
- (iii) We have been informed by the Developer that the structure held by Palaiswamy Chettiar has been demolished.

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(x) **Complaint No. 15 of 2007 filed by Arvind Bhaskar Mestri before High Power Committee**

- (i) One Arvind Bhaskar Mestri has filed Complaint No. 15 of 2007 before the High Power Committee in respect of the Annexure II issued in respect of the entire plot bearing CTS 5808, FP No. 274 of TPS III, Village Ghatkopar-Kirol wherein by and under an order dated 15th January, 2011, the High Power Committee has directed the Slum Rehabilitation Authority to restrict the number of eligible slum dwellers in respect of the said Property to 236. Subsequent thereto, further 5 (five) slum dwellers have proved their eligibility and accordingly the SRA has issued a revised Letter of Intent dated 18th February, 2014 for 241 eligible slum dwellers.
- (ii) By and under an Order dated 31st December, 2014, the High Power Committee disposed off the Complaint No. 15 of 2007 observing that grievances of Arvind Bhaskar Mestri regarding Annexure II have been substantially addressed as setout therein.

(y) **Application of Ashadevi Ramdhani Maurya for deciding her eligibility**

- (i) By and under an Application filed by Smt. Ashadevi Ramdhani Maurya in the year 2015 before the Senior Colony Officer, MCGM ('N' Ward), Ashadevi Ramdhani Maurya inter-alia prayed for calling the records and proceedings of issuance of Annexure II in respect of the said Society and for considering her eligibility as her name was not showing in the Annexure II. We have been informed by the Developer that this Application is pending with MCGM.
- (ii) Further, Ashadevi Ramdhani Maurya has been provided with rent for transit accommodation by the Developer. We have been informed by the Developer that the structure held by Ashadevi Ramdhani Maurya has been demolished.

(z) **Writ Petition (Stamp) No. 2669 of 2015**

- (i) By and under a Letter dated 18th August, 2015 addressed by the Developer to Nathu Ganpat Pawar, the Developer called upon Nathu

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Ganpat Pawar to vacate and handover Gala No. 8 in the transit camp within 7 days from the receipt of the Letter, for the reasons as setout therein.

- (ii) Aggrieved by the aforesaid Letter dated 18th August, 2015, Nathu Ganpat Pawar filed Writ Petition (Stamp) No. 2669 of 2015 praying inter alia to restrain the Developer and its representatives, from demolishing the transit camp and to appoint an independent officer to conduct investigation/inspection in respect of the construction to be carried out on the said Land.
- (iii) By and under an Order dated 27th October, 2015, this Writ Petition was disposed as rejected under Rule 986 of the High Court Original Side Rules, in the manner as setout therein.
- (iv) We have been informed by the Developer that Nathu Ganpat Pawar has not initiated any further proceedings pursuant to the aforesaid Order dated 27th October, 2015 passed by the Hon'ble High Court in Writ Petition (Stamp) No. 2669 of 2015.
- (v) We have been informed by the Developer that the transit accommodation held by Nathu Ganpat Pawar has been surrendered by him and he has been allotted permanent alternate accommodation in Rehab Building No. 1.

(aa) **L.C. Suit No. 2593 of 2015**

- (i) (1) Narendra Babulal Thakkar, (2) Harshad Babulal Thakkar, (3) Moosa Ibrahim Selot, (4) Haroon Ibrahim Selot, (5) Hussain Ibrahim Selot, (6) Aadam Ibrahim Selot, (7) Jamila Arif Kalchara, (8) Roshan Aril Kalanta, (9) Taslim Anwar Selot, (10) Yasmin Mohammed Selot, (11) Aadam Ebrahim Selot, (12) Nanjibhai Vasram Patel, (13) Moosa Ibrahim Selot, (14) Jagdish Babulal Thakkar, (15) Haroon Ibrahim Selot, (16) Dinesh Punaji Humane and (17) Pushpa Punaji Humane, filed L.C. Suit No. 2593 of 2015 in the Hon'ble City Civil Court at Bombay against (1) MCGM and (2) Assistant Municipal Commissioner inter-alia praying for a declaration that the defendants are not entitled to demolish, damage or use force or

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dispossess and or destroy the business and goodwill and brand of the plaintiff in the suit premises.

- (ii) The Plaintiffs in this Suit filed a Notice of Motion praying for inter-alia an injunction restraining Defendants from dispossessing them from the suit premises.
- (iii) By and under an Order dated 3rd November, 2015 passed in the aforesaid unregistered Notice of Motion in L.C. Suit No. 2593 of 2015, the Bombay City Civil Court rejected the ad-interim relief prayed for by the Plaintiffs in light of the specific bar for filing the suits of present nature under Section 42 of the Slum Act.
- (iv) Aggrieved by the aforesaid Order dated 3rd November, 2015, the Plaintiffs filed Appeal from Order (Stamp) No. 30842 of 2015 in the Hon'ble Bombay High Court. The Plaintiffs also filed a Civil Application (Stamp) No. 30843 of 2015 in the Appeal from Order (Stamp) No. 30842 of 2015 inter-alia praying for permanent injunction restraining the Defendants and their representatives from demolishing the brand good will of the plaintiffs and to appoint a Court Commissioner to visit and inspect the development of the suit property.
- (v) By and under an Order dated 17th November, 2015, the Hon'ble Bombay High Court dismissed the aforesaid Appeal from Order (Stamp) No. 30842 of 2015 and Civil Application (Stamp) No. 30843 of 2015 filed therein for the reasons setout therein.
- (vi) Plaintiffs filed a Notice of Motion bearing No. 2413 of 2016 in L.C. Suit No. 2593 of 2015 inter-alia praying for injunction, restraining the Defendants and their representatives from any act prejudicial to the rights of the Plaintiffs and to appoint an Officer as Commissioner to visit the site to find out whether there is transit camp already constructed on the site and report the same to the Hon'ble Court.
- (vii) By and under an Order dated 30th June, 2016 in Notice of Motion bearing No. 2413 of 2016 in L.C. Suit No. 2593 of 2015, the Notice of Motion No. 2413 of 2016 has been dismissed for the reasons as set out therein.

- (viii) Plaintiffs filed a Notice of Motion bearing No. 2414 of 2016 in L.C. Suit No. 2593 of 2015 inter-alia praying for restraining the Defendants and their representatives from demolishing and destroying the structure occupied by the plaintiffs, pending the final disposal of the suit.
- (ix) By and under an Order dated 30th June, 2016 in Notice of Motion bearing No. 2414 of 2016 in L.C. Suit No. 2593 of 2015, the Notice of Motion No. 2414 of 2016 has been dismissed for the reasons as set out therein.
- (x) Manohar Ghisulal Jain and Lalit Manoharlal Jain filed a Chamber Summons bearing No. 1004 of 2016 in L.C. Suit No. 2593 of 2015 to add themselves as Plaintiffs and to carry out consequential amendments to the Plaint stating that they also hold structure in the same compound as Plaintiffs under Suit No. 2593 of 2015. This Chamber Summons No. 1004 of 2016 in L.C. Suit No. 2593 of 2015 is pending.
- (xi) We have been informed by the Developer that the structures held by 1) Narendra Babulal Thakkar, 2) Harshad Babulal Thakkar, 3) Moosa Ibrahim Selot, 4) Haroon Ibrahim Selot, 5) Hussain Ibrahim Selot, 6) Aadam Ibrahim Selot, 7) Jamila Arif Kalchara, 8) Roshan Aril Kalanta, 9) Taslim Anwar Selot, 10) Yasmin Mohammed Selot, 11) Aadam Ebrahim Selot, 12) Nanjibhai Vasram Patel, 13) Moosa Ibrahim Selot, 14) Jagdish Babulal Thakkar, 15) Haroon Ibrahim Selot, 16) Dinesh Punaji Humane and 17) Pushpa Punaji Humane have been demolished.

(bb) **Satyawati Mestry (Writ Petition (Stamp) No. 8828 of 2016)**

- (i) By and under Letters dated 18th September, 2015, Satyawati Mestry requested Bharti Jadhav and Rakhi Jadhav to vacate their respective structures for the purpose of construction of Rehab Building No. 2 alleging that their structures are coming in the alignment of Rehab Building No. 2.
- (ii) Thereafter, Satyawati B. Mestry filed Application dated 8th October, 2015 to MCGM requesting to initiate action against inter-alia against Bharti Jadhav and Rakhi Jadhav under Section 33 and 38 of the Slum Act alleging that their structures are coming in the alignment of Rehab

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Building No. 2.

- (iii) By and under an Order dated 1st January, 2016, MCGM rejected the application of Satyawati Mestry for initiating action under Sections 33 and 38 of the Slum Act without assigning any reason.
- (iv) Aggrieved by the aforesaid Order dated 1st January, 2016, Satyawati Mestry filed Appeal before Additional Collector, Encroachment/ Removal.
- (v) By and under an Order dated 3rd February, 2016, Additional Collector, Encroachment/ Removal, the slum appeal was disposed off stating that Satyawati Mestry has made appeal against communication of Satyawati Mestry and MCGM and not against any order or notice and hence the same is not maintainable under Section 35 of the Slum Act.
- (vi) Aggrieved by the aforesaid Order dated 3rd February, 2016, Satyawati Mestry filed a Writ Petition (Stamp) No. 8828 of 2016. We have been informed that the Writ Petition (Stamp) No. 8828 of 2016 is pending.

(cc) **Ganpat Krishna Parte (Writ Petition No. 7099 of 2016)**

- (i) Premises of Ganpat Krishna Parte is reflected as residential in the Annexure II issued by the competent authority.
- (ii) Aggrieved by the same, Ganpat Krishna Parte filed an Appeal dated 30th August, 2008 before MCGM for changing the premises of Ganpat Krishan Parte from residential to commercial.
- (iii) By and under a Letter / Order dated 13th October, 2008 issued by MCGM, MCGM declared Ganpat Krishna Parte rejected the aforesaid Appeal dated 30th August, 2008 of Ganpat Krishna Parte.
- (iv) Aggrieved by the aforesaid Letter / Order dated 13th October, 2008 passed by MCGM, Ganpat Krishna Parte preferred an Appeal before the Secretary, SRA being Appeal No. 734 of 2012.

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- (v) By and under an Order dated 2nd September, 2013 passed in Appeal No. 734 of 2012, the Secretary, SRA confirmed the decision of MCGM dated 13th October, 2008, for the reasons as set out therein.
- (vi) Aggrieved by the aforesaid Order dated 2nd September, 2013 in Appeal No. 734 of 2012, Ganpat Krishna Parte challenged the same before the High Power Committee, Government of Maharashtra vide an Application No. 292 of 2013.
- (vii) By and under an Order dated 1st August, 2015, the High Power Committee, Government of Maharashtra dismissed the Application No. 292 of 2013 for the reasons as more particularly setout therein.
- (viii) Aggrieved by the aforesaid Order dated 1st August, 2015 in Application No. 292 of 2013, Ganpat Krishna Parte preferred Writ Petition No. 7099 of 2016 before the Hon'ble High Court.
- (ix) By and under and Order dated 29th June, 2016 passed by the Hon'ble Bombay High Court, the Hon'ble Bombay High Court admitted Writ Petition No. 7099 of 2016 and the same is pending.

(dd) **S.C. Suit (Stamp) No. 2839 of 2016**

- (i) Mewalal Hiralal Shah filed S.C. Suit No. 2839 of 2016 in the Hon'ble Bombay City Civil Court against the Developer inter-alia praying for a permanent injunction restraining the Defendants from cutting Peepal tree situated on structure of the Plaintiff and / or interfering with and / or disturbing the Plaintiff's peaceful use, occupation and possession of premises without following due process of law.
- (ii) Mewalal Hiralal Shah also filed a Notice of Motion No. 1099 of 2016 in the aforesaid S. C. Suit No. 2839 of 2016 inter-alia praying for appointment of a Court Commissioner to visit the suit site and report the present status to the Court and to restrain the Defendants from cutting the Peepal tree situated on structure of the Plaintiff and from entering the structure for cutting the tree. We have been informed that the S. C. Suit No. 2839 of 2016 and the aforesaid Notice of Motion No. 1099 of 2016 are pending

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and till date no interim / ad-interim reliefs have been granted to the Plaintiff.

(ee) Writ Petition (Stamp) No. 6943 of 2016 (now Writ Petition No. 9282 of 2016)

- (i) By and under an Order dated 12th November, 2009, addressed by the Tree Authority, MCGM to the Developer, the Tree Authority (MCGM) inter-alia granted the permission to the Developer for cutting 3 (three) trees and transplanting of 1 (one) tree along with a direction to plant 6 (six) trees.
- (ii) Further, aggrieved by the aforesaid Permission dated 12th November, 2009, Sudhendu Mewalal Shah filed Writ Petition (Stamp) No. 6943 of 2016 (now Writ Petition No. 9282 of 2016) inter-alia praying for quashing and setting aside the Permission/Order dated 12th November, 2009 granted by MCGM.
- (iii) By and under an Order dated 15th March, 2016, the Hon'ble High Court directed that save and except the trees, the numbers of which are mentioned in the aforesaid Order dated 12th November, 2009, no other tree or trees to be cut until further orders of this Court.
- (iv) By and under an Order dated 28th September, 2016 passed in the Writ Petition, the Hon'ble High Court reject the Writ Petition, for the reasons setout therein.
- (v) By and under a Letter dated 22nd March, 2016 issued by MCGM to the Developer, MCGM called upon the Developer to undertake action as per aforesaid Order dated 12th November, 2009 read with the Order dated 15th March, 2016 passed in the Writ Petition No. 9282 of 2016. It appears that in this letter it is wrongly mentioned that the Writ Petition No. 9282 of 2016 has been disposed off.
- (vi) Sudhendu Mewalal Shah filed a Contempt Petition (Stamp) No. 10040 of 2016 before the Hon'ble High Court wherein he alleged that the agents of the Developer again started illegally cutting the branches of the tree and inter-alia prayed (i) that the Developer be punished for contempt of court proceeding and of the aforesaid Order dated 15th March, 2016 and (ii) to

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direct the Tree Authority to initiate departmental inquiry against the Officer who issued the Letter dated 22nd March, 2016 stating that Writ Petition (Stamp) No. 6943 of 2016 (now Writ Petition No. 9282 of 2016) has been disposed of. We have been informed that the Contempt Petition (Stamp) No. 10040 of 2016 is pending and till date no relief has been granted to the Petitioner therein.

4. **Structures on said Portion (as defined below)**

- (a) The Developer has declared and stated that on a portion of the said Land admeasuring 1,048.90 square meters ("the said Portion"), there are 9 (nine) structures ("the said Structures") occupied by various slum dwellers / occupants ("the said Occupants") including few other structures which are already included in the said Scheme.
- (b) By and under a Letter dated 30th January, 2015 addressed by Mr. Kaushik Kothari, Advocate on behalf of the said Occupants to the Developer, inter-alia the Developer was informed that the said Occupants are willing to accept permanent alternative accommodation in lieu of their respective said Structures, in the manner as setout therein.
- (c) At the General Body Meeting of the Society held on 17th April, 2015, the members of the Society, resolved to include the said Structures as a part of the slum rehabilitation scheme submitted by them in respect of the said Land, as the same would be beneficial for their scheme.
- (d) Thereafter, by letter dated Nil, addressed by the Society to the CEO, SRA, the Society informed the SRA that the occupants of the said Structures had expressed their desire to get included in the Society and that the Society has no objection to the same. By the aforesaid letter, the Society requested the CEO SRA to include the said Structures in the Annexure II for the said Land after taking a decision on the eligibility of its occupants.
- (e) By and under a Letter dated 7th December, 2015 bearing No. SRA/UG/PU/KV-2309/2015/2309 addressed by the SRA to MCGM, the SRA requested MCGM to prepare Annexure II with respect to the said Portion and the said Structures,

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in the manner as stated therein.

- (f) By and under a Public Notice dated 6th January, 2016 bearing no. SAN/916/OD/SR, the Assistant Commissioner, N Ward, MCGM, the Assistant Engineer informed that its officials/employees/representatives would be visiting the said Land to inspect/conduct enquiry of the said Structures that were included in the slum rehabilitation scheme proposed by the Society, for the purpose of issuing Supplementary Annexure II for the said Land.
- (g) By and under a separate Letter (all dated 6th January, 2016 and 11th February, 2016) addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Krishnaji Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia, occupants of the said Structures, the said occupant was informed that the CEO, SRA had approved the proposal for inclusion of the said Structures as part of the slum rehabilitation scheme submitted by the Society and called upon the occupants to submit the Annexure 3 and Annexure 4 along with all relevant documents to verify his eligibility.
- (h) By and under a Letter dated 8th February, 2016 addressed by Mr. Kaushik Kothari, Advocate (on behalf of the said Occupants) to MCGM, he questioned the inclusion of the said Structures in slum rehabilitation scheme.
- (i) By and under separate Letters (all dated 2nd March, 2016) addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia, occupants of the said Structures, they were called upon to remain present for hearing on 9th March, 2016 to give his say on the issue of inclusion of their name in the slum rehabilitation scheme submitted by the said Society.
- (j) By and under a Letter dated 7th March, 2016 addressed by Mr. Kaushik Kothari, Advocate (on behalf of the said Occupants) to MCGM, he questioned the inclusion of the said Structures in slum rehabilitation scheme, in the manner stated therein.

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- (k) By and under letter dated 2nd March, 2016 addressed by the MCGM to the Society and the Developers, the MCGM informed that by letters dated 6th January, 2016 and 11th February, 2016 the Occupants of the said Structures were called upon to submit the Annexure 3 and Annexure 4 along with all relevant documents to verify their eligibility, but the same was not furnished by them and therefore it was not possible to include their name in the slum rehabilitation scheme of the said Society or take a decision about their eligibility. The MCGM, by the said Letter called upon the Society and the Developer to remain present for hearing on 9th March, 2016 to give their say regarding inclusion of the occupants of the said Structures in the Society's slum rehabilitation scheme and for decision regarding eligibility of such occupants.
- (l) In the Minutes of Meeting held before MCGM on 23rd March, 2016 it is reflected that MCGM directed the said Occupants to provide their eligibility documents on or before 12th April, 2014
- (m) By and under a Letter dated 2nd April, 2016 addressed by the Developer to the MCGM, the Developer requested the Assistant Commissioner to certify the Supplementary Annexure II in respect of the occupants of the said Structures, for reasons more particularly specified therein.
- (n) By and under a Letter dated 11th April, 2016, addressed by Mr. Kaushik Kothari, Advocate for the Occupants of the said Structures to the MCGM, the said Occupant's advocate stated that the representative of the Developer was to come up with an offer for alternate accommodation, however no such offer was made to them and thus they requested the Assistant Commissioner to close the matter as they were not interested in joining the Society's slum rehabilitation scheme and also being treated as slum dwellers in the slum rehabilitation scheme being implemented on the said Land.
- (o) By and under separate Letters (all dated 14th December, 2016) addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia, occupants of the said Structures, they were called upon to submit relevant documents in relation to their eligibility failing which MCGM shall undertake necessary steps.

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- (p) By and under a Letter dated 21st December, 2016 addressed by Advocate for Mr. Sunil Thakkar, one of the occupants of the said Structures to the Assistant Engineer, N Ward, MCGM, the aforesaid occupant's advocate informed the Assistant Engineer that despite being called upon by letter dated 11th April, 2016 to close the matter regarding inclusion of the said Structures in the Society's slum rehabilitation scheme, the MCGM had not closed the matter and were continuously insisting that his client furnish documents for verification of his eligibility, and that his client was not interested in submitting any papers to them.
- (q) By and under a Letter dated 28th December, 2016 bearing no. CAN/38623/SI addressed by the MCGM to the SRA, MCGM inter-alia issued Annexure II with respect to the said Portion of the said Land.
- (r) By and under separate Letters (all dated 3rd May, 2017) addressed by the Developers to (i) Mohan Krishnaji Agale (two letters) (ii) Mahendra Krishnaji Agale (iii) Kirit Madhavdas Bhatia (iv) Varsha Kirit Gondalia (v) Viresh Gondalia (vi) S D Kothari (vii) Vijay Kumar S Singh and Harivansh S Singh and (viii) Brijnandan Singh respectively, the Developers called upon the aforesaid Occupants join the Society's slum rehabilitation scheme, accept rent/compensation of 1,76,000/- (Rupees One Lakh and Seventy Six Thousand Only) for 11 (eleven) months and shift to temporary alternate accommodation (on their own) within 15 days from the date of receipt of the notice, as their presence was obstructing the construction work on the said Land. By the aforesaid letter, it was further informed to the Occupants, that if they fail to join the scheme by vacating, demolishing and handing over their respective structures, the same would be removed and demolished by action under section 33, 33A and 38 of the Slum Act.
- (s) By and under a Letter dated 12th May, 2017 addressed by the Kaushik Kothari, Advocate for Mr. Sunil S. Thakkar (occupant of one of the said Structures) to the Developer, the Advocate of Mr. Sunil S. Thakkar, in response to the Developers aforesaid letter dated 3rd May, 2017, sought certain documents from the Developer, as more particularly set out therein.
- (t) By and under a Letter dated 12th May, 2017 addressed by Mr. Kaushik Kothari, Advocate for Mr. Kirit Madhavdas Bhatia (occupant of one of the said Structures) to the Developer, the Advocate of Mr. Kirit Madhavdas Bhatia, in

response to the Developers aforesaid letter dated 3rd May, 2017, sought certain documents from the Developer, as more particularly set out therein.

- (u) By and under a Letter dated 12th May, 2017 addressed by Mr. Mayur D. Sapkale, Advocate for Ms. Varsha Kirit Gondalia (occupant of one of the said Structures) to the Developer, the Advocate of Ms. Varsha Kirit Gondalia, in response to the Developers aforesaid letter dated 3rd May, 2017, sought certain documents from the Developer, as more particularly set out therein.
- (v) By and under a Letter dated 12th May, 2017 addressed by Mr. Mayur D. Sapkale, Advocate for Mr. Viresh Gondalia (occupant of one of the said Structures) to the Developer, the Advocate of Mr. Viresh Gondalia, in response to the Developers aforesaid letter dated 3rd May, 2017, sought certain documents from the Developer, as more particularly set out therein.
- (w) By and under a Letter dated 18th May, 2017 addressed by Mr. Sunil Kumar Karoth, Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S. Singh to the Developer, the Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S Singh in response to the Developers aforesaid letter dated 3rd May, 2017 *inter alia* informed the Developer that his clients were ready for redevelopment but not within the slum rehabilitation scheme and that they be allotted an area of 1260 square feet in place of their existing godown structure.
- (x) By and under letter dated 18th May, 2017 addressed by the Mr. Sunil Kumar Karoth, Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S Singh to the Developer, the Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S Singh in response to the Developers letter dated 3rd May, 2017 stated hereinabove, *inter alia* informed the Developer that his clients were ready for redevelopment but not within the slum rehabilitation scheme and that they be allotted an area of 1200 square feet in place of their existing godown structure.
- (y) By under two Letters (both dated 22nd May, 2017) addressed by Mr. Kaushik Kothari, Advocate for Mr. Mahendra Krishnaji Agale (one of the occupants of the said Structures viz structure A and B) to the Developer, the Advocate of Mr. Agale, in response to the Developers aforesaid letter dated 3rd May, 2017, called upon the developer to furnish certain documents from the Developer, as more particularly set out therein.

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(z) By and under a Letter dated 20th May, 2017 and Letter dated 12th June, 2017 addressed by the Developer to the MCGM, the Developer informed the MCGM that despite several requests by the Developer to accept rent/compensation and vacate their respective structures, the Occupants had failed to vacate the same thereby causing obstruction to the construction of building on the said Land and unreasonable delay in the rehabilitation of the slum dwellers. By the aforesaid letter, the Developer requested Assistant Commissioner, N Ward, MCGM to initiate action against the Occupants under sections 33, 33A and 38 of the Slum Act.

(aa) By and under a Letter dated 9th June, 2017 addressed by Mr. Kaushik Kothari, Advocate on behalf of (i) Mr. Mohan Agale, (ii) Mr. Mahendra Agale, (iii) Mr. Kirit Bhatia, (iv) M/s. V. M. Traders, (v) M/s. H. M. Gondalia, and (vi) M/s. S. D. Kothari to the Society, it was stated that the clients of Mr. Kaushik Kothari are hutment-dwellers but are owners and occupiers of their respective Godown-Structures standing upon the land beyond the slum land of the Society. It is further stated that none of these individuals are members of the Society nor have they given their consent for being included in the slum rehabilitation scheme being implemented on the said Land.

5. Property Tax

(a) We have been provided with a Property Tax Bill dated 23rd April, 2016 for a period from 1st April, 2016 to 31st March, 2017 for an aggregate amount of Rs. 25,03,888/- (Rupees Twenty Five Lac Three Thousand Eight Hundred and Eighty Eight only). We have also been provided with copies of two receipt (both) dated 5th December, 2016 issued by MCGM reflecting payment of the aforesaid amount of Rs. 25,03,888/- (Rupees Twenty Five Lac Three Thousand Eight Hundred and Eighty Eight only). The Developer has declared and stated that there are no property tax dues or demands outstanding.

6. Non-Agricultural Order

(a) By and under a Notice dated 10th January, 2012 addressed by the office of the Collector to the said Society and the Developer it has called upon them to produce the requisite permission (if any obtained) for non-agricultural use and for construction on the said Land under the Maharashtra Land Revenue Act,

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1966 ("MLRC") and the Rules thereunder failing which penal action under MLRC shall be initiated for unauthorized use of land.

- (b) By and under an Application dated 11th June, 2013, the Developer has made the requisite application to the office of the Collector under section 14 of MLRC for use of the said Land for non-agricultural purpose. The formal order for the use of the said Land as a non-agricultural land is yet awaited from the office of the Collector. We have been informed by the Developer that till date no non-agricultural order with respect to the said Land has been issued by the Collector.

7. **Searches Conducted**

(a) **Searches at the office of the Sub-Registrar of Assurances**

- (i) The searches undertaken at the office of the Sub-Registrar of Assurances with respect to the said Land reflected the instruments as listed in Annexure "C" hereto.

(b) **Searches at the office of the Registrar of Companies**

- (i) Name of Everest Fincap Private Limited was changed to Money Magnum Nest Private Limited. A certificate of incorporation dated 6th January, 2011 was issued by the Registrar of Companies in this respect.
- (ii) We have caused searches to be conducted at the office of the Registrar of Companies with respect to Money Magnum Nest Private Limited and as per the same there are no charges on the said Land and or the buildings proposed to be constructed thereon.

8. **Third Party Rights**

- (a) There are allotments and pre-sales undertaken with regard to the premises to be constructed by utilisation of the free sale component comprised in the said LOI.

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D. OBSERVATIONS

1. Subject to what is mentioned above, we hereby certify that the Developer has a clear and marketable title to the develop the said Land in the manner and on the terms and conditions as recorded in the said LOI being the revised Letter of Intent dated 30th March, 2017 issued by SRA in favour of the Developer under the provisions of Regulation 33(10) of the DCR and subject to the obtainment and compliance of all the approvals and sanctions for the development of the said Land obtained and/or to be obtained from the statutory authorities, and construct free sale buildings on the Free Sale Land and sell the premises therein and the development rights of the Developer to the said Land by utilization of the free sale component is clear and marketable.

SCHEDULE HEREINABOVE REFERRED TO

(Description of the said Land)

All those pieces and parcels of land or ground admeasuring 8412.20 square meters or thereabouts and comprising of (i) land admeasuring 7,363.30 square meters and bearing Old Final Plot No. 274(part), New Final Plot No. 274A(Part) of Town Planning Scheme No.– III and corresponding to C.T.S. No. 5808 (part) Village Ghatkopar-Kirol, Taluka Kurla and (ii) land admeasuring 1,048.90 square meters forming part of the existing 18.30 meters wide Jawahar Road on the North of the Final Plot No. 274A (part), lying, being and situate at Jawahar Road, Damji Compound, Patel Chowk, Ghatkopar (E), Mumbai – 400 077 and bounded as follows:

- | | | |
|-----------------|---|--|
| On the East by | : | Existing 9.15 meters (30 feet) wide Road known as Dr Datta Samant Marg (Station Road); |
| On the West by | : | Adjoining Plot bearing Final Plot No. 273A/1, Final Plot No. 273A/3, Final Plot No. 273B/1, and Final Plot No. 273B/2, partly existing Jawahar Road. |
| On the North by | : | Railway land and 9.15 meters wide Road.; and |
| On the South by | : | Existing 18.30 meters wide road known as A. S. Gawde Marg & existing Fish Market land bearing F.P. No. 274A (part). |

Dated this 20th day of July, 2017

For Wadia Ghandy & Co.



Partner

ANNEXURE "A"

We have perused and examined copies of the following documents to investigate the title and the right of the Developer to develop the said Property:

1. Articles of Association dated 30th May, 1996 of Money Magnum Nest Private Limited, previously known as Everest Fincap Private Limited.
2. Memorandum of Association dated 30th May, 1996 of the Developer.
3. Letter dated 29th March, 2000 addressed by Municipal Corporation of Greater Mumbai MCGM to the SRA granting it's No Objection for the slum rehabilitation scheme.
4. Memorandum of Understanding dated 27th April, 2000 executed by and between the said Society of One Part and Siddhivinayak Construction Company ("**Siddhivinayak**") of the Other Part for the development of the said Property on the terms and conditions more particularly specified therein.
5. General Power of Attorney dated 27th April, 2000 by the said Society authorizing Siddhivinayak to do various acts, deeds, matters and things in relation to the development of the Property as more particularly set out therein.
6. Annexure II dated 19th May, 2000 issued by MCGM with regard to Plot No. 273 and 274 corresponding to CTS No. 5808 and 5809, Ghatkopar, Mumbai.
7. Resolution dated 8th March, 2001 passed by said Society.
8. Articles of Agreement dated 28th July, 2001 between Pant Nagar Municipal Market Vyapari Welfare Association of the One Part and M/s Suchita Construction Company of the Other Part.
9. Power of Attorney dated 31st July, 2001 by M/s Pant Nagar Municipal Market Vyapari Welfare Association in favour of Mr. Rajendra Singh of M/s Suchitra Construction Company.
10. Letter of Intent dated 6th July, 2002 issued by SRA to Siddhivinayak and the Society.
11. Sub Development Agreement dated 1st November, 2002 between Siddhivinayak and the Developer.
12. Power of Attorney dated 1st November, 2002 by Siddhivinayak appointing the representatives of the Developer (i) Vimal K. Shah, (ii) Kishor N. Shah and (iii) Nainesh K. Shah as constituted attorney *inter alia* to either singly or jointly redevelop the said Property.
13. Commencement Certificate dated 6th February, 2003 by SRA in favour of the Developer for work upto plinth level in Rehab Building No. 1
14. Tripartite Agreement dated 20th March, 2003 executed between the Society, M/s. Siddhivinayak as Confirming Party and Everest as the Developer. Power of Attorney dated 20th March, 2003 executed by the Society appointing the representatives of

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- the Developer (i) Vimal K. Shah, (ii) Kishor N. Shah and (iii) Nainesh K. Shah as the constituted attorney *inter alia* to either singly or jointly redevelop the said Property.
15. Letter dated 16th April, 2003 addressed by Ranjit Naik (Architect) to the Executive Engineer, SRA for taking on record the Developer as the developer in place of Siddhivinayak.
 16. Letter dated 3rd September, 2003 addressed by SRA to Ranjit Naik and copied to Siddhivinayak, the Developer and the Society.
 17. Development Agreement dated 9th October, 2003 between M/s Suchita Construction Company of the One Part and the Developer of the Other Part.
 18. Substituted General Power of Attorney dated 9th October, 2003.
 19. Supplemental Agreements dated 9th October, 2003, 12th March, 2004, 17th May, 2004 executed between Suchitra Construction Company and the Developer.
 20. Minutes of special body meeting dated 29th May, 2004 of Nalanda Society held in the presence of slum dwellers.
 21. Letter dated 4th June, 2004 addressed by the Society to the SRA for change of developer pursuant to the meeting dated 29th May, 2004.
 22. Letter dated 11th June, 2004 from Shree Siddhivinayak Construction Co. to SRA Chief Executive Officer.
 23. Development Agreement dated 1st July, 2004 executed between Ghatkopar Shree Nalanda SRA Co-op. Hsg. Society Ltd. therein referred to as the owners and Neel Yog Builders Pvt. Ltd. therein referred to as the Developer.
 24. Letter dated 12th July, 2004 from M/s. Neelyog Builders Pvt. Ltd to SRA Executive Engineer.
 25. Letter dated 11th August, 2004 addressed by SRA to the Developer.
 26. No dues letter date 6th October, 2010 addressed by Thane Bharat Sahakari Bank to Mr. Kishor Shah.
 27. Minutes dated 12th December, 2004 passed by General Body Meeting of the said Society.
 28. Letter dated 21st December, 2004 by ARS, SRA to the Executive Engineer, SRA enclosing the minutes of the meeting dated 12th December, 2004 of the Society.
 29. The Deed of Confirmation dated 7th January, 2005 executed by the Developer bearing Serial No. 1118 of 2005
 30. Consent Terms dated 30th April, 2005 executed between Society and the Developer in Short Cause Suit No. 4194 of 2004.
 31. Letter dated 7th May, 2005 addressed by MCGM (Market Department) to Pantnagar BMC market Vyapari Association, Suchitra and M.N. Shah, Architect along with Annexure II.

32. Letter dated 20th September, 2007 addressed by Siddhivinayak to the Developer terminating the sub-development agreement dated 1st November, 2002 and the tripartite agreement dated 20th March, 2003.
33. Letter dated 6th October, 2007 addressed by Suraj Swami (advocate of the Developer) to Siddhivinayak in reply to the termination letter dated 20th September, 2007.
34. Joint Development Agreement dated 23rd May, 2008 executed by and between the Developer therein referred to as the Developer and Joyce Realtors Limited therein referred to as the Co-developer.
35. Subscription Agreement dated 24th April, 2008 executed by and between Joyce Realtors Pvt. Ltd. (therein referred to as "Company") and Vimal K. Shah, Nainesh K. Shah and Kishore Nandlal Shah (therein referred to as "Promoters") and Urban Infrastructure Trustees Ltd. (therein referred to as "the Investor").
36. Shareholders Agreement dated 24th April 2008 executed by and between the promoters Urban Infrastructure Trustees Ltd. and Joyce Realtors Ltd.
37. Revised Annexure II dated 14th July, 2008 issued by SRA in respect of the said Society.
38. Letter dated 4th September, 2008 addressed by SRA to the Developer requesting payment of premium as per the Govt. Notification dated 16th April, 2008.
39. Letter of Intent dated 6th September, 2008 issued by SRA to the Developer.
40. Undertaking dated 11th September, 2008 of Mr. Kishor Shah, director of the Developer.
41. Owners Affidavit dated 17th September, 2008 for plot area by Nainesh Shah to the Executive Engineer, SRA.
42. Annexure III dated 20th September, 2008 issued by the SRA.
43. Letter dated 19th November, 2008 addressed by SRA to Hemant Parikh approving the construction with respect to the building No.1 in the transit camp.
44. Public Notice dated 26th November, 2008.issued by the said Society.
45. Minutes dated 3rd December, 2008 passed General Body Meeting.
46. Letter dated 2nd January, 2009 issued by SRA revalidating the Letter of Intent upto 5th March, 2009.
47. DP remarks dated 10th February, 2009 with respect to the said Property.
48. Letter dated 6th March, 2009 addressed by the Developer intimating the CEO, SRA of their appointment as the developer of the said Property.
49. Letter dated 16th March, 2009 issued by the SRA, revalidating the Letter of Intent upto 4th September, 2009.



50. Letter dated 23rd March, 2009 addressed by the SRA to the Developer for payment of land premium and to comply with the conditions of the Letter of Intent.
51. No Objection Certificate dated 17th April, 2009 issued by Airport Authority of India ("AAI") in favour of the Developer.
52. Letter dated 12th November, 2009 addressed by MCGM (Tree Authority) granting it's no objection to the Developer.
53. Letter dated 3rd February, 2010 addressed by the SRA to Hemant Parikh approving the construction of the Building No. 1 in the transit camp.
54. NOC dated 25th October, 2010 issued by Chief Fire Office in respect of the project.
55. Intimation of Approval (IOA) dated 26th October, 2010 issued by the SRA to the Developer with respect to Rehab Building No. 1 along with the approved Building Plans dated 26th October, 2010.
56. Report of MCGM dated 26th October, 2010 with respect to the Municipal Market.
57. Intimation of Disapproval dated 30th October, 2010 along with Approved Market Plan of the Municipal Market dated 29th October, 2010 issued in favour of M/s Suchita Constructions Company.
58. Fresh Certificate of Incorporation dated 6th January, 2011 Money Magnum Nest Private Limited
59. Letter dated 2nd June, 2011 from the Developer to the Central Railway requesting for the issuance of its no objection.
60. Letter dated 4th June, 2011 addressed by the Developer to Joyce for payment of Rs. 15,00,00,000/- (Rupees Fifteen Crore Only) towards settlement with the tenants and for utilization for the site evacuation, rehab construction, etc.
61. Commencement Certificate dated 6th June, 2011 issued by the SRA to the Developer for construction work upto plinth level with respect to Rehab Building No. 1.
62. Letter dated 10th January, 2012 addressed by the Mandal Officer (Kurla) and the Talathi Officer to the Society requesting for the NA Order.
63. Letter dated 28th March, 2012 addressed by Urban Infrastructure Venture Capital to Vimal K. Shah, Nainesh K. Shah and Kishore Nandlal Shah
64. Reply dated 28th April, 2012 addressed by Mr. Vimal K. Shah to Urban Infrastructure Trustees Ltd.
65. Minutes of general Body Meeting dated 22nd May, 2012 passed by the said Society appointing the Developer as the developer.
66. Letter dated 31st May, 2012 addressed by Urban Infrastructure Venture Capital to Vimal K. Shah, Nainesh K. Shah and Kishore Nandlal Shah for the appointment of an Justice Sujata Manohar as the sole arbitrator.
67. Certificate of registration dated 19th July, 2012 of the said Society.

68. Minutes of the Meeting dated 31st October, 2012 of SEIAA (the Government of Maharashtra) granting environmental clearance for the proposed scheme on the said Property.
69. Letter dated 31st October, 2012 addressed by Gayatri Sharma (advocate for the Developer) to Joyce.
70. Public Notice dated 15th February, 2013 in Gujrat Samachar informing the public that JRLP is the co-developer and that Urban Infrastructure Venture Capital Fund and Urban Infrastructure Trustees Ltd are 50% shareholders of JRLP and the balance 50% is held by Kishore Shah, Vimal shah and Nainesh Shah.
71. Letter dated 19th February, 2013 addressed by Siddhivinayak to Urban in response to the Public Notice issued on 15th February, 2013.
72. Arbitration Petition No.1181 of 2012 filed by Urban Infrastructure Venture Capital Fund and Urban Infrastructure Trustees Ltd. against the promoters and Joyce and Arbitration Application No. 230 of 2012 filed by Urban Infrastructure Venture Capital Fund and Urban Infrastructure Trustees Ltd. for appointment Arbitrator pursuant to Clause 20.2 of the Shareholders Agreement dated 24th April, 2008.
73. Order dated 25th April, 2013 passed in Arbitration Petition No. 1181 of 2012
74. Order dated 25th April, 2013 passed in Arbitration Application No. 230 of 2012
75. Order dated 1st November, 2012 passed in Arbitration Petition No.1181 of 2012
76. Intimation of Approval dated 6th February, 2003 bearing reference No. SRA/Eng/914/N/ML/AP issued by the SRA to the said Society for work upto the plinth level of Rehab Building No. 1
77. Letter dated 3rd February, 2010 addressed by SRA in favour of the Developer, approving the construction of the temporary transit camp building No. 1.
78. Letter dated 15th April, 2013 bearing reference No. AAI/20012/05/2013 –ARI (NOC), the office of General Manager (ATM-NOC) authorized the Regional Executive Director (W.R.) of the Airports Authority of India to issue a revised no objection certificate for height clearance.
79. Letter dated 3rd June, 2013 addressed by the AAI to the Developer granting height clearance upto 56.9 meters.
80. Letter dated 1st July, 2013 bearing reference No. SEAC-2011/C.R.94/TC-II addressed by the Government of Maharashtra granting environmental clearance for the proposed slum rehabilitation scheme to be undertaken on the said Property.
81. Letter dated 28th March, 2014 bearing reference No.BB/W/6561/NOC/GC/900/DB, the Central Railway issued its No objection.
82. DP Remarks dated 28th August, 2014 with respect of the said Property.
83. Order of High Power Committee dated 5th September, 2009 passed in Application No. 956 of 2009 directing the SRA to refund to the Developer the refund of the amount paid by it in land premium.

84. Letter dated 4th June, 2011 addressed by the Developer to Joyce.
85. Letter dated 28th March, 2012 addressed by Urban to the promoters of Urban seeking to refer disputes to arbitration.
86. Letter dated 28th April, 2012 addressed by Mr. Vimal Shah to Urban, replying to the letter dated 28th March 2012.
87. Letter dated 31st October, 2012 bearing reference No. N/2/2 addressed by the Developer to Joyce terminating the Joint Development Agreement dated 23rd May, 2008.
88. Revised letter of Intent dated 18th February, 2014 bearing reference No. SRA/Eng/537/N/ML/LOI issued by the SRA to the Developer.
89. Application dated 16th May, 2013 under section 14 of Maharashtra Land Revenue Code, 1966 by the Developer to the Collector, Mumbai Suburban District for use of the said Property for Non-Agricultural use.
90. Notice dated 27th March, 2014 bearing No. NX13569 addressed by the Assistant Assessor & Collector Ward-N under Section 162(2) of the Mumbai Municipal Corporation Act for payment of an amount of Rs.1,79,38,224/- (Rupees one crore seventy nine lakh thirty eight thousand two hundred and twenty four only) in arrears of property tax from the 1st April, 2010 upto 31st March, 2014 with respect to the said Property.
91. Public Notice dated 28th March, 2013 issued in the DNA (English) and Sakal (Hindi) newspaper.
92. Letter dated 19th April, 2014, the Developer replied to the Notice dated 27th March, 2014 issued by Assistant Assessor & Collector Ward-N.
93. Intimation of Approval dated 15th May, 2014 with respect to the Rehabilitation Building No. 2
94. The No Objection dated 7th June, 2014 issued by the Chief Fire Officer in respect of Rehab Building No 2
95. Letter dated 11th June, 2014 by SRA to Mr. Vishwas Satodia (Architect) approving the layout plans. Terms and conditions dated 6th June, 2014 referred to therein and registered under serial no. KRL1-4703-2014.
96. Commencement Certificate dated 22nd July, 2014 with respect to the Rehabilitation Building No. 2 re-endorsed on 13th April, 2017 for amended plans dated 13th April, 2017
97. Intimation of Approval dated 2nd December, 2014 with respect to the Sale Building No. 3
98. Undertaking dated 20th December, 2014 given by the Developer to SRA.
99. Letter dated 30th April, 2015 issued by Assistant Registrar (co-operative societies), SRA.

100. Undertaking-cum-Indemnity Bond dated 10th July, 2015 given by the Developer to MCGM.
101. Undertaking dated 23rd July, 2015 bearing registration no. KRL1-7911-2015 given by the Developer to SRA
102. Undertaking dated 24th July, 2015 given by the Developer to SRA
103. Certified copy of Commencement Certificate dated 24th July, 2015 with respect to the Sale Building No. 3, re-endorsed on 17th April, 2017 for amended plans sanctioned on 17th April, 2017
104. Letter dated 29th June, 2015 issued by Assistant Registrar (co-operative societies), SRA.
105. Commencement Certificate dated 24th July, 2015 for the Free Sale Building 3
106. NOC dated 3rd August, 2015 addressed by Airport Authority of India to the Developer
107. Letter dated 2nd September, 2015 addressed by Joint Registrar, Co-operative Societies (Eastern & Western Suburb), SRA to Deputy collector, SRA.
108. Declaration-cum-Undertaking dated 6th October, 2015 of the Developer.
109. Letter dated 21st October, 2015 addressed by MCGM
Letter dated 7th December, 2015 addressed by SRA to Assistant Commission, N-Ward, MCGM.
110. Property Tax Bill dated 2nd February, 2016 and receipt thereof dated 12th July, 2016 issued by MCGM
111. Property Tax Bill dated 23rd April, 2016 and receipt thereof dated 5th December, 2016 issued by MCGM
112. Tax clearance certificate dated 30th March, 2015 and 11th December, 2015 issued by MCGM.
113. Work Contract / Tripartite Agreement dated 24th February, 2016 bearing registration no. KRL1-1986-2016 between the Developer, the Society and M/s. Supreme Fire Equipment Company.
114. Work Contract / Tripartite Agreement dated 24th February, 2016 bearing registration no. KRL1-1994-2016 between the Developer, the Society, and M/s. ThyssenKrupp Elevator (India) Private Limited.
115. Letter dated 22nd April, 2016 addressed by the Developer to SRA.
116. Letter dated 26th May, 2016 addressed by the Developer to MCGM.
117. Letter dated 6th June, 2016 of MCGM.
118. Letter dated 21st June, 2016 addressed by Asst. engineer, SRA to the Asst. Engineer (DP), MCGM requesting to arrange to take over the built up reservation of MRM.

119. Search Reports issued by Search Clerk Mr. Ashish Zaveri dated 3rd July, 2013 19th June, 2014 and 25th July, 2016
120. Occupation Certificate dated 28th March, 2016 in respect of the Rehab Building No. 1
121. ROC Inspection Report dated 13th September, 2016 issued by M/s. Robert Pavery and Associates.
122. Letter dated 22nd March, 2017 for change of name of the Developer from Everest Fincap to Money Magnum Nest Private Limited.
123. Letter dated 13th April, 2017 approving amended layout plan for the said Land.
124. Revised Occupation Certificate dated 13th April, 2017 for Rehab Building No. 1.
125. Letter dated 13th April, 2017 approving amended plans for Rehab Building No. 2 along with approved building plans.
126. Letter dated 17th April, 2017 approving amended plans for Sale Building No. 3 along with approved building plans.
127. Supplementary Annexure II dated 28th June, 2016 bearing No. CAN/38626/Zho.Su
128. Revised Letter of Intent dated 30th March, 2017
129. The following papers and proceedings in respect of Short Cause Suit No.4194 of 2004 filed by *Money Magnum Nest Private Limited against Nalanda SRA CHS Ltd.* before the Civil City Court, Bombay and annexures thereto:-
 - (a) Notice of Motion No. 3833 of 2004 in Short Cause Suit No. 4194 of 2004 filed by the Developer.
 - (b) Notice of Lis Pendens dated 11th October, 2004 registered under serial no. BDR-3/9731/2004 before the office of Sub- registrar of Assurances by the Developer.
 - (c) Consent Terms entered into by the parties, dated 30th April, 2005 ("**Consent Decree**")
 - (d) Chamber Summons No.683 of 2007 filed by Siddhivinayak for setting aside the Consent Decree.
 - (e) Order dated 8th January, 2008 passed by the Hon'ble Addl. Sessions Judge.
 - (f) Notice of Motion No.111 of 2008 filed by Siddhivinayak;
 - (g) Order dated 17th April 2008 passed by the Hon'ble Judge Shri A.M. Tamboli.
 - (h) Chamber Summons No. 171 of 2009 filed by Siddhivinayak.
130. The following papers and proceedings in respect of Appeal No. 488 of 2008 filed by M/s Shree Siddhivinayak Construction against M/s Everest Fincap Pvt. Ltd. &Ors. before the Hon'ble Bombay High Court:-
 - (a) The Memo of Appeal No. 488 of 2008 filed by Siddhivinayak challenging order dated 17th April, 2008.
 - (b) Civil Application No. 565 of 2008 filed by Siddhivinayak.
 - (c) Order dated 20th November 2008
131. The following papers and proceedings in respect of Appeal No.196 of 2008 filed by M/s Shree Siddhivinayak Construction against M/s Everest Fincap Pvt. Ltd. & Anr. before the High Power committee, SRA Mantralaya:-

- (a) Appeal No. 196 of 2008 filed by Siddhivinayak against the Developer and SRA.
- (b) Order dated 18th July 2009 dismissing the captioned matter.
132. The following papers and proceedings in respect of Writ Petition No. 749 of 2010 M/s Shree Shidhivinayak Constructions against M/s Everest Fincap Pvt. Ltd. before in the Hon'ble Bombay High Court:-
- (a) Writ Petition on 3rd March, 2010 filed by Siddhivinayak against SRA, the Developer and the said Society and annexure thereto.
- (b) Notice of Motion No.105 of 2013 dated 20th February, 2013 filed by Siddhivinayak.
- (c) Order dated 22nd January, 2013 passed by Hon'ble Justice Mr. Vazifdar dismissing the captioned matter.
133. The following papers and proceedings in respect of Suit No. 117 of 2014 filed by *Urban Infrastructural Venture Capital Fund and Anr. against Mr. Kishor N. Shah and Ors.*:-
- (a) Suit No. 117 of 2014 filed on 25th October, 2013 by Urban against Joyce Realtors Private Limited, Mr. Kishor N. Shah, Mr. Vimal Kishor Shah, Mr. Nainesh Kishor Shah and the Developer and annexures thereto;
- (b) Notice of *Lis Pendens* dated 14th November, 2013 registered with the Sub-registrar of Assurances under BDR-7/10764/2013 by Urban.
134. The following papers and proceedings in respect of Arbitration with Joyce before the Arbitral Tribunal comprising of Justice B.P Singh, Justice Ashok Agarwal and Justice F.I Rebello:
- (a) Statement of Claim dated 31st May, 2013 with exhibits
- (b) Application dated 23rd July, 2013 filed by the Developer with exhibits
- (c) Procedural Order dated 28th August, 2013
135. The following papers and proceedings in respect of Slum Appeal No. 619 of 2011 and 620 of 2011 before the Administrator and Divisional Commissioner, Konkan Division, Mumbai:
- (a) Memo of Appeal for Slum Appeal No. 619 of 2011 with exhibits
- (b) Memo of Appeal for Slum Appeal No. 620 of 2011 with exhibits
- (c) Common Order dated 30th August, 2011 bearing no. Appeal/Desk/Slum-618, 619 & 620/11 passed by the Administrator and Divisional Commissioner, Konkan Division, Mumbai
136. The following papers and proceedings in respect of Writ Petition No. 8638 of 2011 filed before the Hon'ble Bombay High Court:
- (a) Petition (*Incomplete*)
- (b) Order dated 27th January, 2012 passed by the Hon'ble Bombay High Court
137. The following papers and proceedings in respect of Application No. 608 of 2009 filed before High Power Committee-2:
- (a) Application along with all exhibits
- (b) Order dated 24th September, 2009 passed by the High Power Committee-2
138. The following papers and proceedings in respect of Slum Appeal No. 973 of 2011 filed before Administrator and Divisional Commissioner, Konkan Division, Mumbai:
- (a) Memo of Appeal along with all exhibits

139. The following papers and proceedings in respect of Application No. 492 of 2011 filed before the High Power Committee:
 - (a) Application along with exhibits.
 - (b) Order dated 15th September, 2012 passed by the High Power Committee
140. The following papers and proceedings in respect of Public Interest Litigation No. 56 of 2012 filed by *Mr. Joshi Shivshankar Jatashankar against State of Maharashtra and Ors.* before the Hon'ble Bombay High Court:
 - (a) Public Interest Litigation No. 56 of 2012 filed by Mr. Joshi Shivshankar Jatashankar against the State of Maharashtra, SRA, General Manager (Central Railway), the Developer and Neelyog and annexures thereto.
141. Complaint No. 15 of 2007 filed by one Arvind Bhaskar Mestri before the High Power Committee in respect of the Annexure II issued in respect of the entire plot bearing CTS 5808, FP No. 274 of TPS III, Village Ghatkopar-Kirol.
142. Order dated 15th January, 2011 passed by the High Power Committee in Complaint No. 15 of 2007 directing the Slum Rehabilitation Authority to restrict the number of eligible slum dwellers in respect of the said Property to 236.
143. Order dated 31st December, 2014 passed by the High Power Committee in Complaint No. 15 of 2007
144. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Mewalal Hiralal Shah [Commercial Hut No.13/3 C (Eligible)], whereby MCGM inter-alia directed Mewalal Hiralal Shah to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished by following the procedure under Section 33 and 38 of the Slum Act.
145. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Sudhendu Mewalal Shah [Commercial Hut No.13/3 (Eligible)], whereby MCGM inter-alia directed Sudhendu Mewalal Shah to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
146. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Sudhendu Mewalal Shah [Commercial Hut No.13/3A (Eligible)], whereby MCGM inter-alia directed Sudhendu Mewalal Shah to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
147. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Miss Sunita M. Shah [Commercial Hut No.13/3B (Eligible)], whereby MCGM inter-alia directed Miss Sunita M. Shah to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
148. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Mewalal Hiralal Shah [Commercial Hut as per Sr.No.420 of Table Survey Plan (Eligible)], whereby MCGM inter-alia directed Mewalal Hiralal Shah to provide vacant possession of the land under slum structure for the development

within a period of 48 hours, failing which the structure will be demolished by following the procedure under Section 33 and 38 of the Slum Act.

149. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Jain Dalchandra Vardhichand, whereby MCGM directed Jain Dalchandra Vardhichand 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 premises occupied by him shall be demolished for the reasons as set out therein.
150. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Jain Dalchandra Vardhichand [(Commercial Hut No. 50 22/22(Eligible)], whereby MCGM inter-alia directed Shri Jain Dalchandra Vardhichand to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
151. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Nanjibhai Vishrambhai Patel [(Commercial Hut No. 50 20/22 (Eligible)], whereby MCGM inter-alia directed Shri Nanjibhai Vishrambhai Patel to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
152. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Patel Nanjibhai Vishrambhai, whereby MCGM directed Patel Nanjibhai Vishrambhai 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 premises occupied by him shall be demolished for the reasons as set out therein.
153. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Has Mukh Babulal Thakkar [(Commercial Hut No.50 19/22 (Eligible)], whereby MCGM inter-alia directed Shri Has Mukh Babulal Thakkar to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
154. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Thakkar Has Mukh Babulal, whereby MCGM directed Thakkar Has Mukh Babulal 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 premises occupied by him shall be demolished for the reasons as set out therein.
155. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Vandana Ashok Pagare [(Residential Hut No. 50 16/22 (Eligible)], whereby MCGM inter-alia directed Vandana Ashok Pagare to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.

156. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Pagare Vandana Ashok, whereby MCGM directed Pagare Vandana Ashok 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 premises occupied by him shall be demolished for the reasons as set out therein.
157. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Thakkar Harshad Babulal [(Commercial Hut No. 50 15/22 (Eligible)], whereby MCGM inter-alia directed Thakkar Harshad Babulal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
158. Order dated 5th November, 2015 bearing reference No. ACN/859/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Thakkar Harshad Babulal, whereby MCGM directed Thakkar Harshad Babulal 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 premises occupied by him shall be demolished for the reasons as set out therein.
159. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Sawant Prakash Gopal [(Residential Hut No. 50 2/22 (Eligible)], whereby MCGM inter-alia directed Sawant Prakash Gopal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
160. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Sawant Prakash Gopal, whereby MCGM directed Sawant Prakash Gopal 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 premises occupied by him shall be demolished for the reasons as set out therein.
161. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Thakkar Ashok Babulal [(Residential Hut No. 50 3/22 (Ineligible)], whereby MCGM inter-alia directed Thakkar Ashok Babulal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
162. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Thakkar Ashok Babulal, whereby MCGM directed Thakkar Ashok Babulal 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 premises occupied by him shall be demolished for the reasons as set out therein.
163. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Thakkar Ashok Babulal [(Residential Hut No. 50 3/22 (eligible)],

whereby MCGM inter-alia directed Thakkar Ashok Babulal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.

164. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Thakkar Ashok Babulal, whereby MCGM directed Thakkar Ashok Babulal 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 premises occupied by him shall be demolished for the reasons as set out therein.
165. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Selot Moosa Ibrahim [(Commercial Hut No. 50 1/22 (Eligible)], whereby MCGM inter-alia directed Shri Selot Moosa Ibrahim to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
166. Order dated 24th May, 2016 bearing reference No. ACN/OD/66/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Selot Moosa Ibrahim, whereby MCGM directed Selot Moosa Ibrahim 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 premises occupied by him shall be demolished for the reasons as set out therein.
167. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Narendra Babulal Thakkar [(Commercial Hut No.3 6/13 (Eligible)], whereby MCGM inter-alia directed Shri Narendra Babulal Thakkar to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
168. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Narendra Babulal Thakkar, whereby MCGM directed Narendra Babulal Thakkar 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 premises occupied by him shall be demolished for the reasons as set out therein.
169. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Thakkar Harshad Babulal [(Commercial Hut No.3 5/13 (Eligible)], whereby MCGM inter-alia directed Thakkar Harshad Babulal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
170. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Thakkar Harshad Babulal, whereby MCGM directed Thakkar Harshad Babulal 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 premises occupied by him shall be demolished for the reasons as set out therein.

171. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Haji Bawan Telly [(Commercial Hut No.2 8/8 (Ineligible)], whereby MCGM inter-alia directed Shri Haji Bawan Telly to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
172. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Telly Haji Bawan, whereby MCGM directed Telly Haji Bawan 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 premises occupied by him shall be demolished for the reasons as set out therein.
173. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Haroon Ibrahim Selot [(Commercial Hut No.2 6/8 (Ineligible)], whereby MCGM inter-alia directed Shri Haroon Ibrahim Selot to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
174. Order dated 5th November, 2015 bearing reference No. ACN/859/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Selot Haroon Ibrahim, whereby MCGM directed Selot Haroon Ibrahim, 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 premises occupied by him shall be demolished for the reasons as set out therein.
175. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Adam Ibrahim Selot [(Commercial Hut No.2 5/8 (Ineligible)], whereby MCGM inter-alia directed Shri Adam Ibrahim Selot to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
176. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Selot Aadam Ibrahim, whereby MCGM directed Selot Aadam Ibrahim, 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 premises occupied by him shall be demolished for the reasons as set out therein.
177. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Smt. Mandakini Shivaji Phulvade [(Commercial Hut No.3 8/13 (Eligible)], whereby MCGM inter-alia directed Smt. Mandakini Shivaji Phulvade to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.

178. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Mandakini Shivaji Phulvade, whereby MCGM directed Mandakini Shivaji Phulvade 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 premises occupied by him shall be demolished for the reasons as set out therein.
179. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Smt. Mariam Ibrahim Telly [(Commercial Hut No.1 2/3 (Eligible)], whereby MCGM inter-alia directed Smt. Mariam Ibrahim Telly to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
180. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Telly Mariam Ibrahim, whereby MCGM directed Telly Mariam Ibrahim 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 premises occupied by him shall be demolished for the reasons as set out therein.
181. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Smt. Bavala Bawan Telly [(Commercial Hut No.1 1/3 (Eligible)], whereby MCGM inter-alia directed Smt. Bavala Bawan Telly to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
182. Order dated 26th October, 2015 bearing reference No. ACN/847/OD/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Telly Bavala Bawan, whereby MCGM directed Telly Bavala Bawan 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 premises occupied by him shall be demolished for the reasons as set out therein.
183. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Jain Manoharlal Girsukhlal [(Commercial Hut No.3 1/5 (Eligible)], whereby MCGM inter-alia directed Shri Jain Manoharlal Girsukhlal to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
184. Order dated 4th December, 2015 bearing reference No. ACN/OD/882/ZOSU passed by MCGM under Section 33 and 38 of the Slum Act in the matter of Nalanda SRA Co-operative Housing Society (Everest Fincap Pvt. Ltd.) vs. Jain Manoharlal Girsukhlal, whereby MCGM directed Jain Manoharlal Girsukhlal 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 premises occupied by him shall be demolished for the reasons as set out therein.
185. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Parte Ganpat Krishna [(Residential Hut No.8 5/6 (Eligible)],

whereby MCGM inter-alia directed Shri Parte Ganpat Krishna to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.

186. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Dr. Sanjay Surana [(Commercial Hut No.54 1/1 (Eligible)], whereby MCGM inter-alia directed Dr. Sanjay Surana to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
187. Letter dated 24th June, 2016 bearing reference No. ACN/OD/103/ZOSU addressed by MCGM to Shri Mewalal Hiralal Shah [(Commercial Hut No.55 1/1 (Eligible)], whereby MCGM inter-alia directed Shri Mewalal Hiralal Shah to provide vacant possession of the land under slum structure for the development within a period of 48 hours, failing which the structure will be demolished under Section 33 and 38 of the Slum Act.
188. Supplementary Annexure II vide the following documents:
- (a) Letter dated 11th February, 2010 addressed by MCGM to SRA
 - (b) Letter dated 15th June, 2011 addressed by MCGM to the Developer
 - (c) Letter dated 26th July, 2011 addressed by MCGM to the Developer
 - (d) Letter dated 26th August, 2011 addressed by MCGM to SRA
 - (e) Order dated 17th October, 2011 of SRA
 - (f) Letter dated 20th July, 2015 addressed by MCGM to SRA
 - (g) Letter dated 20th July, 2015 addressed by MCGM to SRA
 - (h) Order dated 12th October, 2015 addressed by MCGM to SRA
189. The following papers and proceedings in respect of Slum Appeal No. 616 of 2011 filed by Satyawati Bhaskar Mestry:-
- (a) Letter dated 21st May, 2011 addressed by MCGM to Satyawati Bhaskar Mestry, under the provisions of Sections 33 and 38 of the Slum Act
 - (b) Slum Appeal No. 616 of 2011 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai
 - (c) Order dated 18th August, 2011, inter-alia disposed of the Slum Appeal No. 616 of 2011
 - (d) Writ Petition No. 8527 of 2011 in the Hon'ble High Court
 - (e) Order dated 19th December, 2011 passed by the Hon'ble Bombay Court in captioned Writ Petition
190. The following papers and proceedings in respect of Slum Appeal No. 168 of 2011, Slum Appel No. 170 of 2012 and Slum Appel No. 54 of 2014 filed by Kashinath Shivram Sawant :-
- (a) Letter dated 21st May, 2011 addressed by MCGM to Kashinath Shivram Sawant, under the provisions of Sections 33 and 38 of the Slum Act
 - (b) Slum Appeal No. 618 of 2011 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai
 - (c) Order dated 30th August, 2011 wherein the Slum Appeal No. 618 of 2011 was disposed of.
 - (d) Order dated 14th December, 2011 passed by the Hon'ble Bombay High Court in the Writ Petition No. 9192 of 2011

- (e) 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. Kashinath Shivram Sawant
- (f) Slum Appeal No. 170 of 2012 before the Administrator & Divisional Commissioner, Konkan Division, Mumbai
- (g) Order dated 13th December, 2012 wherein the Slum Appeal No. 170 of 2012 was allowed
- (h) Order dated 6th March, 2014 passed by MCGM under the provisions of Section 33 and 38 of the Slum Act in the matter of Everest Fincap Pvt. Ltd. Vs. Kashinath Shivram Sawant
- (i) Slum Appeal No. 54 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (j) Order dated 9th September, 2014 wherein Slum Appeal No. 54 of 2014 was dismissed
- (k) Writ Petition No. 3655 of 2016 before the Hon'ble Bombay High Court.
- (l) Order dated 17th November, 2016 passed by the Hon'ble Bombay High Court
191. The following papers and proceedings in respect of Slum Appeal No. 286 of 2013 Administrator and Divisional Commissioner, Konkan Division, Mumbai
- (a) Memo of Appeal along with exhibits
- (b) Stay Application
- (c) Order dated 25th March, 2013 bearing no. Appeal/Desk/Slum/286/2013
- (d) Order dated 30th May, 2013 passed by the Administrator and Divisional Commissioner, Konkan Division, Mumbai
192. The following papers and proceedings in respect of Slum Appeal No. 74 of 2014 filed by Ramakant Rajaram Rajbhar :-
- (a) Letter dated 2nd May, 2014 addressed by MCGM to Rajbhar Ramlal Kalu under the provisions of Sections 33 and 38 of the Slum Act
- (b) 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 Ramlal Kalu (deceased) and Rajbhar Ramakant Rajaram (son)
- (c) Slum Appeal No. 74 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (d) Order dated 13th October, 2014 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District in Slum Appeal No. 74 of 2014
- (e) Writ Petition No. 10411 of 2014 in the Hon'ble High Court
- (f) Order dated 12th January, 2015 passed by the Hon'ble Bombay High Court in the Writ Petition No. 10411 of 2014.
- (g) 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
- (h) Order dated 23rd March, 2015, the Hon'ble Bombay High Court wherein aforesaid Review Petition (Stamp) No. 3329 of 2015 was dismissed
193. The following papers and proceedings in respect of Slum Appeal No. 76 of 2014 filed by Amudganeshan Chettiyyar :-
- (a) Letter dated 2nd May, 2014 addressed by MCGM to Amudganeshan Chettiyyar under the provisions of Sections 33 and 38 of the Slum Act

- (b) 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. Chettiyyar Ganesh Muniappan (Non-Eligible),
- (c) Slum Appeal No. 76 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (d) Order dated 22nd October, 2014, Additional Collector, Encroachment/ Removal
194. The following papers and proceedings in respect of Slum Appeal No. 82 of 2014 and Slum Appeal No. 36 of 2015 filed by Kalawati Ganpat Parte :-
- (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
- (b) 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
- (c) Slum Appeal No. 82 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (d) Order dated 2nd February, 2015 passed by Additional Collector, Encroachment/ Removal
- (e) 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
- (f) 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
- (g) Slum Appeal No. 36 of 2015 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (h) Order dated 25th May, 2015 passed by Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
195. The following papers and proceedings in respect of Slum Appeal No. 84 of 2014 filed by Sanjay Bhikaji Pagare:-
- (a) Application No. 565 of 2009 before the High Power Committee – 2, Government of Maharashtra
- (b) Order dated 1st October, 2009, passed by High Power Committee – 2, Government of Maharashtra
- (c) Appeal dated 26th October, 2009 before the Secretary, SRA
- (d) Letter dated 2nd May, 2014 addressed by MCGM to Sanjay Bhikaji Pagare under the provisions of Sections 33 and 38 of the Slum Act
- (e) 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)
- (f) Slum Appeal No. 84 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
- (g) Order dated 22nd October, 2014 wherein the Slum Appeal No. 84 of 2015 was rejected
- (h) Writ Petition No. 52 of 2015 in the Hon'ble High Court
- (i) Order dated 12th January, 2015 in the Writ Petition No. 52 of 2015
196. The following papers and proceedings in respect of Slum Appeal No. 95 of 2014 filed by Sukharajidevi Sochan Rajbhar:-
- (a) Appeal dated 18th March, 2014 before the CEO, SRA

- (b) Letter dated 2nd May, 2014 addressed by MCGM to Sukharajidevi Sochan Rajbhar under the provisions of Sections 33 and 38 of the Slum Act
 - (c) 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)
 - (d) Slum Appeal No. 95 of 2014 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
 - (e) Order dated 22nd October, 2014 wherein the Slum Appeal No. 95 of 2014 was dismissed
 - (f) Writ Petition No. 53 of 2015 in the Hon'ble High Court
 - (g) Order dated 20th January, 2015 passed by the Hon'ble Bombay High Court in the Writ Petition No. 53 of 2015
197. The following papers and proceedings in respect of Slum Appeal No. 78 of 2015 filed by Ganpat Krishna Parte:-
- (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
 - (b) 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
 - (c) Slum Appeal No. 78 of 2015 before the Additional Collector, Encroachment/ Removal, Eastern Suburb, Mumbai Suburban District
 - (d) Order dated 29th January, 2016 wherein the Slum Appeal No. 78 of 2015 was disposed of
 - (e) Writ Petition No. 7239 of 2016 in the Hon'ble High Court
 - (f) Order dated 29th June, 2016, passed by the Hon'ble Bombay High Court
198. The following papers and proceedings in respect of Slum Appeal No. 79 of 2015 filed by Sanjay Surana:-
- (a) Letter dated 23rd October, 2015, addressed by MCGM to Sanjay Surana, under the provisions of Sections 33 and 38 of the Slum Act
 - (b) 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
 - (c) Slum Appeal No. 79 of 2015 before the Additional Collector and Appellate Authority
 - (d) Order dated 19th January, 2016 wherein the Slum Appeal No. 79 of 2015 was rejected
 - (e) Appeal No. 11 of 2016 before the High Power Committee
 - (f) Writ Petition No. 958 of 2016 in the Hon'ble High Court challenging the aforesaid Order dated 19th January, 2016
 - (g) Order dated 19th August, 2016 wherein the Writ Petition No. 958 of 2016 was disposed of
199. The following papers and proceedings in respect of Slum Appeal No. 80 of 2015 filed by Gunvanti K. Babar:-
- (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
 - (b) Appeal No. 622 of 2011 before Administrator and Division Commissioner, Konkan Division
 - (c) Appeal dated 3rd June, 2011 before MCGM

- (d) Order dated 30th August, 2011 passed by the Administrator and Division Commissioner, Konkan Division in the Appeal No. 622 of 2011
- (e) Writ Petition No. 7693 of 2011 before the Hon'ble High Court
- (f) Order dated 27th July, 2011 passed by the MCGM
- (g) Order dated 27th February, 2012 in Writ Petition No. 7693 of 2011
- (h) Application dated 21st March, 2013 before Secretary, SRA
- (i) Letter dated 14th March, 2014 addressed by Secretary, SRA to Gunvanti K. Babar
- (j) Writ Petition (L) No. 2064 of 2015 in the Hon'ble Bombay High Court
- (k) Order dated 22nd September, 2015 in the Writ Petition (Stamp) No. 2064 of 2015
- (l) Chamber Orders (L) No. 843 of 2015 in the Hon'ble Bombay High Court
- (m) Order dated 28th January, 2016 passed in the Chamber Orders (L) No. 843 of 2015
- (n) 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)
- (o) Slum Appeal No. 80 of 2015 before the Additional Collector and Appellate Authority
- (p) Order dated 22nd February, 2016 wherein the Slum Appeal No. 80 of 2015 was rejected
- (q) Writ Petition No. 945 of 2016 (Writ petition (L) No. 874 of 2016) in the Hon'ble High Court
- (r) Order dated 7th April, 2016 passed by the Hon'ble High Court in the Writ Petition No. 945 of 2016 (Writ petition (L) No. 874 of 2016)

200. The following papers and proceedings in respect of 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:-

- (a) Writ Petition No. 712 of 2016
 - (i) 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
 - (ii) Miscellaneous Appeal No. 9 of 2009 before the Hon'ble City Civil Court
 - (iii) Order dated 21st December, 2009 passed by the Hon'ble City Civil court
 - (iv) Writ Petition No. 712 of 2010 before the Hon'ble Bombay High Court
 - (v) Order dated 23rd February, 2010 passed by the Hon'ble High Court
 - (vi) Order dated 6th September, 2016 passed by the Hon'ble Bombay High Court in Civil Application No. 1414 of 2016 filed in Writ Petition No. 712 of 2010
 - (vii) Letter dated 15th June, 2011 addressed by MCGM to the Developer
- (b) Mewalal Hiralal Shah (Slum Appeal No. 1 of 2016)
 - (i) Letter dated 5th November, 2015 addressed by MCGM to Mewalal Hiralal Shah under the provisions of Sections 33 and 38 of the Slum Act
 - (ii) 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
 - (iii) Slum Appeal No. 1 of 2016 before the Additional Collector and Appellate Authority

- (iv) Common Order dated 21st March, 2015 passed in inter-alia Slum Appeal No. 1 of 2016
 - (v) Writ Petition No. 7237 of 2016 before the Hon'ble High Court in Slum Appeal No. 1 of 2016
 - (vi) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.7237 of 2016 by the Hon'ble Bombay High Court
 - (vii) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.7237of 2016
 - (viii) Civil Application No. 2146 of 2016 in Writ Petition No. 7237 of 2016
 - (ix) Application to SRA dated 28th April, 2016
 - (x) Civil Application (Stamp) No. 23520 of 2016 for amendment to the Civil Application No. 2146 of 2016 in Writ Petition No. 7237 of 2016.
 - (xi) Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2146 of 2016
 - (xii) Order dated 27th June, 2017 passed by the Hon'ble Bombay High Court in Civil Application (Stamp) No. 23520 of 2016
- (c) Sudhendu Mewalal Shah (Slum Appeal No. 4 of 2016)
- (i) Letter dated 5th November, 2015 addressed by MCGM to Sudhendu Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act
 - (ii) 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
 - (iii) Slum Appeal No. 4 of 2016 before the Additional Collector and Appellate Authority
 - (iv) Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 4 of 2016
 - (v) Writ Petition No. 7236 of 2016 before the Hon'ble High Court in Slum Appeal No. 4 of 2016
 - (vi) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.7236 of 2016
 - (vii) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.7236 of 2016
- (d) Sudhendu Mewalal Shah (Slum Appeal No. 5 of 2016)
- (i) Letter dated 5th November, 2015 addressed by MCGM to Sudhendu Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act
 - (ii) 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
 - (iii) Sudhendu Mewalal Shah filed a Slum Appeal No. 5 of 2016 before the Additional Collector and Appellate Authority
 - (iv) Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 5 of 2016
 - (v) Writ Petition No. 6827 of 2016 before the Hon'ble High Court in Slum Appeal No. 5 of 2016
 - (vi) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.6827 of 2016 by the Hon'ble Bombay High Court
 - (vii) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.6827 of 2016 by the Hon'ble Bombay High Court

- (e) Sunita Mewalal Shah (Slum Appeal No. 6 of 2016)
 - (i) Letter dated 5th November, 2015 addressed by MCGM to Sunita Mewalal Shah under the provisions of Sections 33 and 38 of the Slum Act
 - (ii) 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
 - (iii) Slum Appeal No. 6 of 2016 before the Additional Collector and Appellate Authority
 - (iv) Common Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 6 of 2016
 - (v) Writ Petition No. 6362 of 2016 before the Hon'ble High Court in Slum Appeal No. 6 of 2016
 - (vi) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.6362 of 2016 by the Hon'ble Bombay High Court
 - (vii) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.6362 of 2016 by the Hon'ble Bombay High Court
 - (viii) Civil Application No. 2236 of 2016 in Writ Petition No. 6362 of 2016
 - (ix) Application to SRA dated 28th April, 2016
 - (x) Civil Application (Stamp) No. 23517 of 2016 for amendment to the Civil Application No. 2236 of 2016 in Writ Petition No. 6362 of 2016
 - (xi) Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2236 of 2016
 - (xii) Order dated 27th June, 2017 passed by the Hon'ble Bombay High Court in Civil Application (Stamp) No. 23517 of 2016.

201. The following papers and proceedings in respect of Slum Appeal No. 2 of 2016 filed by Mewalal Hiralal Shah:-

- (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
- (b) Order dated 12th August, 2008, the Hon'ble Bombay High Court in First Appeal No. 1297 of 2008
- (c) Order dated 9th September, 2008 passed by the Hon'ble Bombay High Court in the Civil Application No. 3283 of 2008
- (d) Order dated 22nd October, 2008 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 3283 of 2008
- (e) Letter dated 5th November, 2015 addressed by MCGM to Mewalal Hiralal Shah under the provisions of Sections 33 and 38 of the Slum Act
- (f) 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
- (g) Slum Appeal No. 2 of 2016 before the Additional Collector and Appellate Authority
- (h) Common Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 2 of 2016
- (i) Writ Petition No. 7234 of 2016 before the Hon'ble High Court in Slum Appeal No. 2 of 2016
- (j) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.7234 of 2016 by the Hon'ble Bombay High Court
- (k) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.7234 of 2016 by the Hon'ble Bombay High Court
- (l) Civil Application No. 2238 of 2016 in Writ Petition No. 7234 of 2016
- (m) Application to SRA dated 28th April, 2016

(2)

- (n) Civil Application (Stamp) No. 23518 of 2016 for amendment to the Civil Application No. 2238 of 2016 in Writ Petition No. 7234 of 2016
- (o) Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2238 of 2016
- (p) Order dated 27th June, 2017 passed the Hon'ble Bombay High Court in the Civil Application (Stamp) No. 23518 of 2016

202. The following papers and proceedings in respect of Slum Appeal No. 3 of 2016 filed by Mewalal Hiralal Shah:-

- (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. 5858 of 1998
- (b) Order dated 12th August, 2008, the Hon'ble Bombay High Court in First Appeal No. 1298 of 2008
- (c) Order dated 9th September, 2008 passed by the Hon'ble Bombay High Court in the Civil Application No. 3276 of 2008
- (d) Order dated 22nd October, 2008 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 3276 of 2008
- (e) Letter dated 5th November, 2015 addressed by MCGM to Mewalal Hiralal Shah under the provisions of Sections 33 and 38 of the Slum Act
- (f) 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
- (g) Slum Appeal No. 3 of 2016 before the Additional Collector and Appellate Authority
- (h) Common Order dated 21st March, 2015, passed in inter-alia Slum Appeal No. 3 of 2016
- (i) Writ Petition No. 7229 of 2016 before the Hon'ble High Court in Slum Appeal No. 2 of 2016
- (j) Common Order dated 29th June, 2016 passed in inter-alia Writ Petition No.7229 of 2016 by the Hon'ble Bombay High Court
- (k) Common Order dated 8th August, 2016 passed in inter-alia Writ Petition No.7229 of 2016 by the Hon'ble Bombay High Court
- (l) Civil Application No. 2237 of 2016 in Writ Petition No. 7229 of 2016
- (m) Application to SRA dated 28th April, 2016
- (n) Civil Application (Stamp) No. 23519 of 2016 for amendment to the Civil Application No. 2237 of 2016 in Writ Petition No. 7229 of 2016
- (o) Order dated 6th October, 2016 passed by the Hon'ble Bombay High Court in the aforesaid Civil Application No. 2237 of 2016

203. The following papers and proceedings in respect of Slum Appeal No. 53 of 2016 filed by Hasmukh Devram Vegad:-

- (a) Letter dated 10th June, 2015 addressed by MCGM to Hasmukh Devram Vegad under the provisions of Sections 33 and 38 of the Slum Act
- (b) Order dated 26th October, 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. Vegad Harikumar D.
- (c) Slum Appeal No. 73 of 2015 before Additional Collector, Encroachment/Removal
- (d) Order dated 21st November, 2015, the Additional Collector, Encroachment/Removal, Eastern Suburb, Mumbai Suburban District
- (e) Notice dated 24th June, 2016 issued by Assistant Commissioner, 'N' Ward and Competent Authority under Sections 33 and 38 of the Slum Act

- (f) Slum Appeal No. 53 of 2016 before Additional Collector, Encroachment/ Removal. Eastern suburb, Mumbai Suburban District
204. The following papers and proceedings in respect of Writ Petition No. 2943 of 2014 filed by Palaiswamy Chettiar:-
- (a) Writ Petition No. 2943 of 2014 filed by a slum dweller, Palaiswamy Chettiar against the Municipal Corporation
- (b) Order dated 13th October, 2016 passed by the Hon'ble Bombay Court in Writ Petition No. 2943 of 2014
205. The following papers and proceedings in respect of Complaint No. 15 of 2007 filed by Arvind Bhaskar Mestri before High Power Committee:-
- (a) Complaint No. 15 of 2007 before the High Power Committee
- (b) Order dated 31st December, 2014 passed by the High Power Committee
206. Application filed by Smt. Ashadevi Ramdhani Maurya in the year 2015 before the Senior Colony Officer, MCGM ('N' Ward)
207. With respect to Writ Petition (Stamp) No. 2669 of 2015:-
- (a) Letter dated 18th August, 2015 addressed by the Developer to Nathu Ganpat Pawar
- (b) Writ Petition (Stamp) No. 2669 of 2015
- (c) Order dated 27th October, 2015
208. With respect to L.C. Suit No. 2593 of 2015:-
- (a) L.C. Suit No. 2593 of 2015 in the Hon'ble City Civil Court at Bombay
- (b) An unregistered Notice of Motion praying for inter-alia an injunction restraining Defendants from dispossessing them from the suit premises
- (c) Order dated 3rd November, 2015 passed in the aforesaid unregistered Notice of Motion in L.C. Suit No. 2593 of 2015
- (d) Appeal from Order (Stamp) No. 30842 of 2015 in the Hon'ble Bombay High Court
- (e) Civil Application (Stamp) No. 30843 of 2015 in the Appeal from Order (Stamp) No. 30842 of 2015
- (f) Order dated 17th November, 2015, the Hon'ble Bombay High Court dismissed the aforesaid Appeal from Order (Stamp) No. 30842 of 2015 and Civil Application (Stamp) No. 30843 of 2015
- (g) Letter dated 7th December, 2015, the Developer requested MCGM to initiate legal action under Section 33 and 38 of the Slum Act
- (h) Notice of Motion bearing No. 2413 of 2016 in L.C. Suit No. 2593 of 2015
- (i) Notice of Motion bearing No. 2414 of 2016 in L.C. Suit No. 2593 of 2015
- (j) Chamber Summons bearing No. 1004 of 2016 in L.C. Suit No. 2593 of 2015
209. With respect to Writ Petition (Stamp) No. 8828 of 2016:-
- (a) Letters dated 18th September, 2015 addressed by Satyawati Mestry to Bharti Jadhav and Rakhi Jadhav
- (b) Application dated 8th October, 2015 to MCGM filed by Satyawati B. Mestry
- (c) Order dated 1st January, 2016 wherein MCGM rejected the application of Satyawati Mestry
- (d) Appeal before Additional Collector, Encroachment/ Removal filed by Satyawati B. Mestry

- (e) Order dated 3rd February, 2016 passed by Additional Collector, Encroachment/ Removal
- (f) Writ Petition (Stamp) No. 8828 of 2016
210. With respect to Writ Petition No. 7099 of 2016:-
- (a) Appeal dated 30th August, 2008 before MCGM filed by Ganpat Krishna Parte
- (b) Letter / Order dated 13th October, 2008 issued by MCGM
- (c) Appeal before the Secretary, SRA being Appeal No. 734 of 2012
- (d) Order dated 2nd September, 2013 passed in Appeal No. 734 of 2012
- (e) Application No. 292 of 2013 before the High Power Committee, Government of Maharashtra filed by Ganpat Krishna Parte
- (f) Order dated 1st August, 2015 passed by the High Power Committee
- (g) Writ Petition No. 7099 of 2016 before the Hon'ble High Court
- (h) Order dated 29th June, 2016 passed by the Hon'ble Bombay High Court
211. With respect to S.C. Suit (Stamp) No. 2839 of 2016:-
- (a) S.C. Suit No. 2839 of 2016 in the Hon'ble Bombay City Civil Court against the Developer
- (b) Notice of Motion No. 1099 of 2016 in the aforesaid S. C. Suit No. 2839 of 2016
212. With respect to Writ Petition (Stamp) No. 6943 of 2016 (now Writ Petition No. 9282 of 2016):-
- (a) Order dated 12th November, 2009, addressed by the Tree Authority, MCGM to the Developer,
- (b) Writ Petition (Stamp) No. 6943 of 2016 (now Writ Petition No. 9282 of 2016) filed by Sudhendu Mewalal Shah,
- (c) Order dated 15th March, 2016 passed by the Hon'ble High Court,
- (d) Order dated 28th September, 2016 passed in the Writ Petition by the Hon'ble High Court,
- (e) Letter dated 22nd March, 2016 issued by MCGM to the Developer,
- (f) Contempt Petition (Stamp) No. 10040 of 2016 before the Hon'ble High Court;
213. With respect to Structures on said Portion:
- (a) Letter dated 30th January, 2015 addressed by Mr. Kaushik Kothari, Advocate to the Developer
- (b) Letter dated Nil addressed by the Society to the CEO, SRA informing that the occupants of the said Structures had expressed their desire to get included in the Society.
- (c) Letter dated 7th December, 2015 addressed by the SRA to MCGM
- (d) Public Notice dated 6th January, 2016 issued by the Assistant Commissioner, N Ward, MCGM.
- (e) Eight letters all dated 6th January, 2016 addressed by the MCGM to (i) Mr. Mahendra Agle, (ii) Mohan Krishnaji Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia respectively

- (f) Separate Letters (all dated 11th February, 2016) addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia.
- (g) Letter dated 11th February, 2016 addressed by MCGM to Mr. Mahendra Agle.
- (h) Letter dated 8th February, 2016 addressed by Mr. Kaushik Kothari, Advocate to MCGM
- (i) Nine Letters all dated 2nd March, 2016 addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders and (viii) H. M. Gondalia respectively.
- (j) Letter dated 7th March, 2016 addressed by Mr. Kaushik Kothari, Advocate to MCGM
- (k) Letter dated 2nd March, 2016 addressed by the MCGM to the Society and the Developer
- (l) Minutes of Meeting of MCGM held on 23rd March, 2016.
- (m) Letter dated 2nd April, 2016 addressed by the Developer to the MCGM
- (n) Letter dated 11th April, 2016, addressed by Mr. Kaushik Kothari, Advocate to the MCGM.
- (o) Nine Letters all dated 14th December, 2016 addressed by the MCGM to (i) Mr. Mahendra Agle (two letters), (ii) Mohan Agale (iii) Kirit Bhatia, (iv) S D Kothari, (v) M/s. V M Traders, (vi) B. B. Singh, (vii) M/s. Laxmi Traders, (viii) H. M. Gondalia respectively.
- (p) Letter dated 21st December, 2016 addressed by Advocate for Mr. Sunil Thakkar, to the Assistant Engineer, N Ward, MCGM.
- (q) Letter dated 28th December, 2016 addressed by the MCGM to the SRA.
- (r) Nine Letters all dated 3rd May, 2017 addressed by the Developers to (i) Mohan Krishnaji Agale (two letters) (ii) Mahendra Krishnaji Agale (iii) Kirit Madhavdas Bhatia (iv) Varsha Kirit Gondalia (v) Viresh Gondalia (vi) S D Kothari (vii) Vijay Kumar S Singh and Harivansh S Singh and (viii) Brijnandan Singh respectively.
- (s) Letter dated 12th May, 2017 addressed by the Kaushik Kothari, Advocate for Mr. Sunil S. Thakkar to the Developer
- (t) Letter dated 12th May, 2017 addressed by Mr. Kaushik Kothari, Advocate for Mr. Kirit Madhavdas Bhatia to the Developer
- (u) Letter dated 12th May, 2017 addressed by Mr. Mayur D. Sapkale, Advocate for Ms. Varsha Kirit Gondalia to the Developer

- (v) Letter dated 12th May, 2017 addressed by Mr. Mayur D. Sapkale, Advocate for Mr. Viresh Gondalia to the Developer
 - (w) Letter dated 18th May, 2017 addressed by Mr. Sunil Kumar Karoth, Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S. Singh to the Developer
 - (x) Letter dated 18th May, 2017 addressed by the Mr. Sunil Kumar Karoth, Advocate for Mr. Vijaykumar Singh and Mr. Harivansh S Singh to the Developer.
 - (y) Two Letters both dated 22nd May, 2017 addressed by Mr. Kaushik Kothari, Advocate for Mr. Mahendra Krishnaji Agale to the Developer
 - (z) Letter dated 20th May, 2017 addressed by the Developer to the MCGM.
 - (aa) Letter dated 9th June, 2017 addressed by Mr. Kaushik Kothari, Advocate to the Society
 - (bb) Letter dated 12th June, 2017 addressed by the Developer to the MCGM.
214. Letter dated 28th December, 2016 issued by MCGM whereby supplementary Annexure II was issued with respect to 9 structures on the said Land.

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ANNEXURE "B"

We have perused and examined the original and certified true copies of the following documents to investigate the title and the right of the Developer to develop the said Property:

1. Sub-Development Agreement dated 1st November, 2002 executed by and between Siddhivinayak and the Everest Fincap Private Limited.
2. Siddhivinayak has by and under a Power of Attorney dated 1st November, 2002 substituted/ appointed representatives of the Developer(i) Vimal K. Shah, (ii) Kishor N. Shah and (iii) Nainesh K. Shah.
3. Development Agreement dated 20th March, 2003 executed by and between Ghatkopar Shree Nalanda SRA Cooperative Housing Society Limited.
4. Power of Attorney dated 20th March, 2003 appointed representatives of the Developer(i) Vimal K. Shah, (ii) Kishor N. Shah and (iii) Nainesh K. Shah.
5. Certified true copy of the Board Resolution dated 29th May, 2004 passed by the Society.
6. Copy of Annexure II dated 14th July, 2008 issued by SRA.
7. Copy of Letter of Intent dated 6th September, 2008 bearing No. SRA/Eng/537/N/ML/LOI
8. Joint Development Agreement dated 23rd May, 2008 executed by and between the Developer of the One Part and Joyce Realtors Limited of the Other Part
9. Certificate of Incorporation dated 6th January 2011 in respect of change of name of Everest Fincap Private Limited to Money Magnum Nest Private Limited
10. Certified true copy of Articles of Association and Memorandum of Association of the Developer.
11. Revised Letter of Intent dated 18th February, 2014 bearing reference No. SRA/Eng/537/N/ML/LOI.
12. Occupation Certificate dated 28th March, 2016 of the Rehab Building No. 1 issued by the SRA.
13. Intimation of Approval dated 15th May, 2014 with respect to the Rehabilitation Building No. 2 issued by the SRA.
14. Certified copy of Commencement Certificate dated 22nd July, 2014 with respect to the Rehabilitation Building No. 2 issued by the SRA and re-endorsed on 13th April, 2017
15. Intimation of Approval dated 2nd December, 2014 of Sale Building No. 3 issued by the SRA.

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16. Certified copy of Commencement Certificated dated 24th July, 2015 i.e. Sale Building No. 3 issued by the SRA and re-endorsed on 17th April, 2017.
17. Supplementary Annexure II dated 28th December, 2016 issued by MCGM.
18. Revised Letter of Intent dated 30th March, 2017 bearing no. SRA/ENG/537/N/ML/LOI
19. Letter dated 22nd March, 2017 bearing no. SRA/ENG/537/N/ML/LOI
20. Letter dated 13th April, 2017 bearing no. SRA/ENG/692/N/ML/LAY along with approved plans
21. Revised Occupation Certificate dated 13th April, 2017 bearing no. SRA/ENG/2165/N/ML/AP for Rehab Building 1.
22. Letter dated 13th April, 2017 bearing no. SRA/ENG/2164/N/ML/AP along with approved plans for Rehab Building No. 2.
23. Letter dated 17th April, 2017 bearing no. SRA/ENG/2163/N/ML along with approved building plans for Sale Building 3.
24. Consent of 318 slum dwellers.

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Annexure "C"

(List of documents reflected in Search Reports)

1. Undertaking executed by Shree Siddhivinayak Construction Co. in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 3377 of 2002.
2. Undertaking dated 14th October, 2002 executed by Nalanda Co-op. Housing Society (Proposed) in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 5804 of 2002.
3. Undertaking dated 14th October, 2002 executed by Nalanda Co-op. Housing Society (Proposed) in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 5805 of 2002.
4. Undertaking (undated) executed by Nalanda Co-op. Housing Society (Proposed) in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 6274 of 2002.
5. Notice of Lis Pendense dated 11th October, 2004 registered under serial no. BDR-3/9731/2004 before the office of Sub- registrar of Assurances by the Developer.
6. Deed of Confirmation dated 7th January, 2005 as a deed poll by the Developer (with the said Development Agreement duly annexed thereto) and registered with the office of the Sub Registrar of Assurances under Serial No. 1118 of 2005 before the Sub-registrar of Assurances.
7. Joint Development Agreement dated 23rd May, 2008 executed between the Developer and one Joyce Realtors Pvt. Ltd., and registered with the office of the Sub-Registrar of Assurances under Serial No. BDR/3/5549 of 2008
8. Undertaking dated 11th September, 2008 of Mr. Kishor Shah, director of the Developer and registered with the office of the Sub-Registrar of Assurances at Sr. No. BDR-3/7897/2008.
9. Undertaking dated 22nd November, 2010 executed by Everest Fincap Private Limited in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 12762 of 2010.
10. Undertaking dated 1st June, 2011 executed by Everest Fincap Private Limited in favour of the Chief Executive Officer, Slum Rehabilitation Authority and registered with the office of the Sub Registrar of Assurances under serial No. 6100 of 2011.
11. Notice of *Lis Pendense* dated 14th November, 2013 registered with the Sub-registrar of Assurances under BDR-7/10764/2013 by Urban.

(N)