

Ref. No. MCHI/PRES/12-13/120

March 13, 2013

To,
Shri Nirmal Deshmukh, (I.A.S.)
Chief Executive Officer,
Slum Rehabilitation Authority,
5th Floor, Administrative Building,
Anant Kanitkar Marg,
Bandra (E), Mumbai 400 051

Sir,

Re: In action on the part of the authorities while implementing the Slum Rehabilitation Schemes creates uncertainties in execution of the slum projects

1. You are aware that we are established in 1982 and/or thereafter, have memberships of real estate developers which accounts for 90% of the housing supply in Mumbai, Kalyan, Mulund, Thane and in its vicinity. Amongst the objectives for which we constituted, includes:
 - (i) To protect and encourage trade, industry and provision of construction works and all other ancillary and allied trades and industries.
 - (ii) To develop a common platform of interest connected with construction industry for supporting or opposing such of the legislations affecting the interests of construction industry and take constructive action.
2. As part our objectives, we have been taking up various policy issues with the local bodies (like Municipal Authorities, Slum Rehabilitation Authorities etc.), State Government and Central Government on issues relating to real estate industry.
3. You are aware that in Slum Rehabilitation Schemes, under the Circular No.54 dated 25th August 2003, issued by Slum Rehabilitation Authority allows only eligible slum dwellers whose names are appearing in Annexure - II to participate in the management and affairs of Slum Society, constituted by the Slum Dwellers for the implementation of Slum Rehabilitation Scheme. Therefore, only eligible slum dwellers whose names are appearing in Annexure - II are entitled for the membership of the Slum Society. The copy of the Circular No.54 of 25th August 2003 is annexed hereto and marked as **Annexure "1"**.

4. You will appreciate that while implementing the Slum Rehabilitation Scheme, the rival developer lure the slum dwellers by offering amounts and other benefits in order to create obstacle in the smooth implementation of the project. The rival developers in order to create such obstacle and hurdle, sometime do not shy to use the court machinery and abuse the process of law.
5. As part of our objective, we also request authorities to initiate the process for bringing the certainties so far as their policies are concerned for the smooth implementation of the schemes. One of the instances which we have come across in the matter of Wadala Village Welfare Co-operative Housing Society Limited ("said Society") constituted for the implementation of Slum Rehabilitation Scheme at Plot No.10 and other plots of Sewree Wadala Scheme No.57 Naigaon Division, F/North Ward Mumbai ("said Plot) being Civil Appeal No.7237 of 2012, pending before the Hon'ble Supreme Court in which the Hon'ble Court passed an order on 1st October 2012 as an interim arrangement, thereby directed the Administrator of the said Society to conduct election of the said Society on the basis of its maintained I & J Forms of the Register. The copy of the order dated 1st October 2012 is annexed hereto and marked as **Annexure "2"**.
6. The Administrator of the said Society, allowed the non-eligible slum dwellers to participate in the election process and the election so conducted, has led to the election of Managing Committee members, who are no way concerned with the implementation of the Scheme, as their names do not reflect in Annexure - II. The possibility of such participation of the non-eligible members at the instance of rival developer cannot be ruled out. Even otherwise, the participation of the slum dwellers whose names are not appearing in Annexure - II in the affairs of slum society is contrary to Circular No.54 dated 23rd August 2003. It is an obligation Slum Rehabilitation Authority to ensure the implementation of its policies in its letter and spirit to bring the certainty in implementation of the Slum Rehabilitation Scheme.
7. You will appreciate that when Assistant Registrar of Society acting under the wings of Slum Rehabilitation Authority issued letter dated 18th January, 2013 to the Managing Committee of the said Society as to how the Chairman and Secretary who are not eligible slum dwellers, participated and got themselves elected as managing committee member of the said Society. In reply thereto, the said Chairman and the Secretary through the Society replied by their letter dated 12th February, 2013 by taking the cover of the order of the Hon'ble Supreme Court dated 1st October 2012 stating that the elections are conducted as per the directions of Hon'ble Supreme Court. The copies of the said letters dated 18th January, 2013 and 12th February, 2013 are annexed hereto and marked as **Annexures "3" and "4"**.

8. The Managing Committee of the said Society constitute of the Chairman, Secretary and two other members who are no way concerned with the implementation of Slum, Rehabilitation Scheme are controlling the management and affairs of the said Society contrary to the policies framed by the Slum Rehabilitation Authority. We have also learnt that the said Managing Committee not only acted contrary to the orders of the Slum Rehabilitation Authority, but also gone ahead and joined hands with the rival developers. It is further pertinent to note that the so-elected Managing Committee has not even taken a step for the furtherance of the implementation of the Slum Rehabilitation Scheme. In fact, the building constructed for the permanent alternate accommodation is lying vacant and as such the implementation of the scheme is obstructed at the instance of the members forming part of the so-elected Managing Committee.
9. In view of the above facts, it is an obligation of the authorities to ensure to take effective steps for bringing the certainty atleast for the policies so declared by them. The authorities even if they have to apply before the Hon'ble Supreme Court in the said Civil Appeal for the appropriate orders, they should not shy away for taking such action. As such action will be in the line of the policies of the Authorities to bring the certainty. You will appreciate that the Hon'ble Authority will not allow non-eligible slum dwellers to take control of the slum society at the instance of rival developers. Therefore, we request you to take appropriate steps including making appropriate Application before the Hon'ble Supreme Court for appropriate order so that the policies framed by you may just not remain on paper. We further request you to frame policies to curb the practices adopted by the eligible and non-eligible slum dwellers for creating and obstacle at the instance of rival developer.
10. Prompt action on behalf of the Authority will go long way in fulfilling the assurance given by us for mass housing in the city of Mumbai and the State of Maharashtra.

Thanking you in anticipation.

With Best Regards,
For MCHI-CREDAI

Paras Gundecha
President

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Encl : As above