

LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase-II, Vasant Kunj]
New Delhi

Complaint Nos. : 214/2023
Date : February 26, 2024.
Coram : **Justice Pradip Kumar Mohanty**
Hon'ble Acting Chairperson

Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh,
Member.

ORDER

Perused the complaint.

2. The complainant has filed the present complaint on behalf of the "Borivali Sai Suman Co-operative Housing Society" (the Society, for short) having obtained a letter of authorization for this purpose, from the said Society. The complaint is directed against a Member of Parliament, Lok Sabha, named in the complaint and hereinafter referred to as the public servant.
3. The complainant is aggrieved by the delay in the redevelopment project of the Society which, according to him, has been caused intentionally by using political clout. A series of civil litigation and arbitration proceedings appear to have taken place. As per the complainant, the Redevelopment Agreement between



the Society and the developer, which was entered into in October, 2008, was terminated on 30, November, 2018.

4. Now, the new purchasers of flats in the Society, are engaged in litigation and several complaints have been filed before the RERA, against the erstwhile developer, who is stated to be in jail.

5. There appear to be orders of the Hon'ble High Court of Bombay regarding this litigation and connected matters, and it appears that the disputes are far from settled. The immediate cause of action for filing the present complaint, appears to be an incident that allegedly took place on 9th April, 2023, when the new flat purchasers came to the Society with police officers of MHB, Police Station, Borivali West, and stopped the work after a period of almost 8 to 9 years, on the pretext that the new flat purchasers have filed several complaints to stop the demolition work. The public servant named also allegedly arrived on the site of the Society, along with media. According to the complainant, there is no stay order from any competent Court and the Police have neither issued summons nor recorded any statements. The complainant Society is allegedly been made to suffer even after favorable orders have been passed by the Hon'ble Bombay High Court. The complainant has prayed that an investigation into the matter be conducted and necessary action be taken against the public servant.

6. We have perused the contents of the complaint and accorded our consideration to the same. This appears to be a matter regarding a Redevelopment Agreement between the Society and the developer, culminating into a series of disputes and litigations



before the Civil Court and Hon'ble High Court of Bombay, revocation of the Redevelopment Agreement at the behest of the complainant Society and continuing of disputes even thereafter. It is a matter thoroughly embroiled in litigation, where several orders have been passed by the Hon'ble Bombay High Court and other Courts, at various stages and points of time.

7. Although the name of the public servant has been mentioned and he is stated to have arrived at the site with the police personnel who allegedly stopped the construction work, there are no allegations of corruption against him or any other public servant, to bring the complaint under the ambit and scope of the Lokpal and Lokayuktas Act, 2013.

8. In the absence of any such allegations and as no other role is attributed to the public servant, looking to the fact that it is a civil matter that has witnessed several litigations, we do not consider it either prudent, or necessary, to proceed any further.

9. Accordingly, the complaint stands disposed of.


COURT MASTER,
LOKPAL OF INDIA.