

Maharashtra Redevelopment & Property Law Review

SRA · DCPR 2034 · MRTD · municipal law · property ·
redevelopment.

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EXECUTIVE BRIEFING

Redevelopment is a regulatory system before it is a construction project.

The 2026 environment is defined by implementation scrutiny: the Supreme Court's Yash Developers decision, the Bombay High Court's performance-audit judgment, active SRA use of Section 13(2), and continuing scheme-level administration under DCPR 2034.

13(2)

PRESSURE POINT

delay / default / substitution

33(10)

DCPR SPINE

slum rehabilitation schemes

4

RISK GATES

title · mandate · plan · delivery

01

Titleownership, CTS,
encumbrances

02

EligibilityAnnexure II and
beneficiary record

03

PlanningDCPR, FSI,
reservations,
approvals

04

Deliverytransit, milestones,
finance, rehab

05

RemedySRA, AGRC, writ /
civil / arbitration

A scheme fails when these files are treated as separate universes.

JUDICIAL SIGNAL

Yash Developers (2024 INSC 559) treated Section 13 accountability as a public-law duty and triggered a wider performance audit of the Slum Act. The Bombay High Court's 8 May 2026 judgment then directed constitution of an expert committee for that audit.

ADMINISTRATIVE SIGNAL

SRA continues to publish Section 13(2) orders and scheme material in 2026. Live due diligence therefore requires checking the current SRA record, not relying only on the society agreement or an old LOI.

Executive file test

AUTHORITY

Identify the current statutory authority, operative approval and decision-maker for each live issue.

EVIDENCE

Keep title, eligibility, planning, transit and progress records reconciled to one dated project chronology.

NEXT STEP

Convert each unresolved risk into an owner, required document, statutory route and decision deadline.

01 | PERFORMANCE AUDIT

What the Bombay High Court actually did on 8 May 2026

The Court did not rewrite DCPR 2034. It responded to the Supreme Court’s mandate by identifying systemic concerns and directing the State to constitute an Expert Committee to conduct a performance audit of the Maharashtra Slum Areas Act.

SC

Yash Developers

30 Jul 2024 · 2024
INSC 559

HC

Suo motu audit

8 May 2026 · 2026:BHC-
OS:11970-DB

STATE

Expert committee

performance audit
directed

NEXT

Policy response

recommendations
require State
consideration

Expert Committee to conduct performance audit	Operative judicial direction	Binding direction in the judgment.
Concerns on delay, density, Annexure II, transit, developer selection and institutional design	Matters analysed/recorded by the Court	Important interpretive and policy context; not a substitute for the applicable statute/DCPR.
Suggestions of amici and responses from SRA/State	Submissions / proposals unless separately adopted	Never presented as already binding law merely because reproduced in the judgment.

Read the audit judgment in layers

DIRECTION

What did the Court actually order the State, SRA or committee to do?

OBSERVATION

Which institutional problems did the Court analyse or record without turning them into a new statutory rule?

PROPOSAL

Which ideas are submissions, recommendations or matters for Government consideration rather than operative law?

02 | SECTION 13(2)

Delay, default and the statutory substitution file

The central advocacy task is to separate legally excusable delay from non-performance, and then build a record capable of surviving statutory hearing and judicial review.

1

Trigger

delay / breach / non-completion

2

Record

LOI, plans, milestones, transit ledger

3

Hearing

notice, reply, evidence, causation

4

Order

reasoned statutory outcome

Yash Developers v. Harihar Krupa CHS, 2024 INSC 559	The Supreme Court rejected an indefinite developer entitlement in a long-stalled scheme and emphasised accountability of statutory officers exercising Section 13 powers.	Build a period-by-period delay chronology; identify who controlled each approval or obstruction.
Bombay HC performance-audit judgment, 8 May 2026	Records Section 13(2) as a mechanism used where plans/conditions are breached or development is not completed within specified time; the judgment also records SRA use in transit-rent default contexts.	Keep transit rent, approvals and progress in the same statutory default file.

Section 13(2) file test

CAUSATION

For each period of delay, who controlled the approval, finance, possession, obstruction or litigation?

NOTICE

Does the statutory notice identify the breach precisely enough for a meaningful reply and hearing?

SUBSTITUTION

If replacement is sought, is there a workable handover path for plans, approvals, site control and member obligations?

03 | ELIGIBILITY

Annexure II is an evidence architecture

Eligibility disputes should be presented as a proposition-by-proposition chronology: identity, occupation, cut-off status, continuity and prior rehabilitation. A pile of documents is not the same thing as proof.

	PRIMARY	CORROBORATIVE	CHECK	APPEAL
Certified Annexure II				
Property / land record				
Electoral / utility record				
Biometric / Aadhaar				
Prior rehab / PAP record				

Certified Annexure II / current SRA output	Who is presently recognised as an eligible beneficiary?	Latest certification, objection and appeal history.
Property card / land record	Who owns / controls the land and what is the cadastral identity?	CTS mismatch, mutation, public-land status, encumbrance.
Electoral / utility / licence material	What historic occupation or activity is evidenced?	Relevant cut-off, identity match, continuity and address consistency.
Biometric / Aadhaar-linked record	Is the claimant's identity linked to the SRA system?	Duplicate / prior benefit and data mismatch.

Eligibility-file discipline

IDENTITY Do name, structure number, address and claimant identity match across records?	TIME Does the evidence prove the legally relevant cut-off/continuity proposition rather than merely current occupation?	CHALLENGE Is every adverse certification, objection, appeal or prior rehabilitation entry mapped to its procedural remedy?
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04 | DCPR 2034

Never underwrite a scheme from a generic FSI assumption

Regulations 33(10) and 33(11) must be read with the current DCPR text, appendices, scheme-specific LOI, reservations, overlays, road/setback constraints and other statutory approvals.

TITLE	CTS / ownership / encumbrance
RESERVATION	DP road / amenity / public purpose
REHAB	eligible population / rehab area
FSI	base / incentive / fungible / TDR
APPROVALS	fire / height / environment / utilities
PHASING	rehab / PAP / sale / finance

CRUX underwriting rule: the development model should be capable of being reconstructed from the title file, beneficiary/rehab computation, DCPR calculation sheet, LOI conditions, reservation/overlay map and approval matrix. If one of those is missing, the financial model is not yet a legal model.

Model-to-file reconciliation

AREA	CONSTRAINTS	CONDITIONS
Can each rehab/sale-area input be traced to an approved or legally supportable source?	Are reservations, road/setback, height, fire, environment and utility constraints visible in the model?	Does every material LOI/approval condition have a cost, owner, dependency and timing assumption?

05 | TRANSIT + SOCIETY GOVERNANCE

The scheme’s social contract is measured in possession, rent and milestones

Transit rent and member consent are not side issues. They are often the point at which a project moves from contractual stress to regulatory intervention.

A

Possession

document surrender + trigger date

B

Transit

rate, escalation, bank proof

C

Milestone

rehab progress + approvals

D

Default

arrears, notice, cure, statutory route

Transit ledger	Member-wise due date, rate, escalation, payment proof, failed transfers	Independent reconciliation against bank statements and possession dates.
Milestone record	Approval dependencies, site progress, finance, obstruction and litigation	Resolutions, notices and evidence of promised vs actual progress.
Replacement strategy	Section 13/SRA pathway, handover, title/plan/IP continuity	Do not assume a private termination resolution alone completes statutory substitution.

Member-protection controls

POSSESSION

Is possession evidenced by member, date, structure and trigger for transit obligations?

RENT

Can every due amount be reconciled to bank proof, escalation terms and arrears position?

MILESTONES

Do society resolutions and developer records tell the same story about approvals, progress and promised dates?

06 | DUE DILIGENCE

Five gates before a redevelopment mandate becomes executable

A top-tier diligence file does not merely identify documents. It converts every material risk into a condition, owner, deadline and remedy.

01

TITLE

ownership · CTS · encumbrance · public land

02

MANDATE

society authority · consent · developer appointment

03

POTENTIAL

DCPR · rehab burden · FSI/TDR · reservations

04

SECURITY

transit · bank guarantee · finance · escrow

05

EXIT

default · substitution · handover · dispute route

DILIGENCE OUTPUT

A completed review should convert each material issue into: evidence, legal position, commercial consequence, responsible owner, condition precedent/cure step, deadline and remedy.

PRIMARY-SOURCE REGISTER

Authorities and administrative material checked for this issue

The publication separates binding holdings, statutory text, administrative records and policy suggestions. That distinction is part of the editorial method.

- 01 Supreme Court: Yash Developers v. Harihar Krupa Co-operative Housing Society Ltd. & Ors., Civil Appeal No.8127 of 2024, 2024 INSC 559, decided 30 July 2024.
- 02 Bombay High Court: High Court On Its Own Motion / connected proceedings concerning performance audit of the Maharashtra Slum Areas Act, judgment dated 8 May 2026, 2026:BHC-OS:11970-DB.
- 03 SRA live administration: official Slum Rehabilitation Authority website, including 2026 Section 13(2) orders and scheme/LOI material.
- 04 Annexure II: SRA Circular 234 dated 9 January 2026 concerning the committee structure for Annexure-II eligibility and miscellaneous disputes, read with the current scheme record.
- 05 DCPR 2034: current applicable DCPR provisions and scheme-specific LOI/approvals. Regulation 33(10) governs slum rehabilitation schemes; Regulation 33(11) requires project-specific reading where invoked.
- 06 Method: suggestions made by amici or matters recorded as under Government/SRA consideration are not described as operative law unless separately adopted or directed.

HOW TO USE THIS ISSUE

Treat each framework as a diligence map, not a substitute for the live file. Current title, SRA record, DCPR text, LOI conditions, planning overlays and litigation must be re-verified for every scheme.

Editorial standard

Every live scheme requires current verification of title, eligibility, DCPR text, LOI conditions, SRA orders, planning overlays and litigation. This Review provides a framework for that verification; it does not replace it.