

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION STAMP NO.30543 OF 2015**

**IN**

**WRIT PETITION NO.11284 OF 2014**

**Shubham Vipra Developers**

**.. Petitioner**

**Versus**

**Shubham Vishwa CHS Ltd. and others**

**.. Respondents**

**Mr. Kuldeep S. Patil i/by Mr. H. P. Giri for the Petitioner.**

**Mr. T. D. Deshmukh for the Respondent No.1.**

**CORAM : R.M. SAVANT, J.**

**DATE : 14<sup>th</sup> JULY 2016**

**PC.**

1 By an order passed today in Civil Application No.270 of 2015, the delay in filing the above Review Petition has been condoned.

2 With the consent of the Learned Counsel for the parties, the Review Petition is taken up for hearing.

3 By the above Review Petition, the review is sought of the order dated 17.08.2015 passed in the above Writ Petition. By the said order, the Writ Petition came to be dismissed and resultantly, the order dated 01.12.2014 passed by the Competent Authority and District Deputy Registrar, Co-operative Societies, Pune (Rural) granting deemed

conveyance to the Respondent No.1 society came to be confirmed. The review is sought on the ground that the revised sanctioned plan was neither placed before this Court nor before the Competent Authority and therefore the Competent Authority had erred in passing the order granting deemed conveyance of the area of the structure mentioned in the order. In so far as the above Writ Petition is concerned, the order of deemed conveyance was challenged on the ground that the Petitioner was entitled to put up construction on the open space to the extent of 24000 sq.ft. In the said context, this Court has observed that the sanctioned plan discloses that the space for amenities is 1375 sq.mtrs. equivalent to about 14000 sq.ft. and not 24000 sq.ft. as was the contention made on behalf of the Writ Petitioner. This Court also adverted to the covenants in the flat purchasers agreement, wherein there is no covenant which entitles the Petitioner to utilize space for amenities for construction. This Court also observed that if it is the case of the Petitioner that he is entitled to load TDR on the existing buildings, then it is open for the Petitioner to adopt appropriate civil proceedings.

4           Hence, having regard to the case which was urged before this Court in the said Writ Petition, the revised sanctioned plan has no relevance. Even considering the said aspect independently, in my view, even if the revised sanctioned plan is taken into consideration, that would

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not make any difference to the grant of unilateral deemed conveyance which has to be in respect of the land mentioned in the schedule of the flat purchasers agreement. In that view of the matter, no case for review in any of the eventualities mentioned in Order 47 of the CPC is made out. The Review Petition is accordingly dismissed.

**[R.M. SAVANT, J]**