

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10838 OF 2017****Vishwabharati “A” Co-operative Housing  
Society Ltd. & Anr.****..... Petitioners****VERSUS****The State of Maharashtra & Ors.****..... Respondents**

Mr.Karl Tamboly, a/w. Mr.Huda Diamondwala, i/b. Diamondwala &  
Co. for the Petitioners.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 1 and 2.

Mr.Sandeep Jalan, i/b. Mr.Hitesh D. for the Respondent nos. 9, 11 and  
14.

**CORAM : R.D. DHANUKA, J.****DATE : 6<sup>th</sup> JUNE, 2018****P.C.**

The competent authority in the impugned order dated 5<sup>th</sup> May, 2017 has rejected the application of the deemed conveyance filed by the petitioners on the ground that the petitioners had not submitted the building completion certificate in compliance with the Government resolution dated 14<sup>th</sup> June, 2016.

2. Mr.Tamboly, learned counsel for the petitioners invited my attention to the subsequent Government resolution dated 18<sup>th</sup> September, 2017 thereby clarifying the condition no.7 of the Government resolution dated 14<sup>th</sup> June, 2016. He submits that the petitioners are ready and willing to comply with the condition no.7 if

the Government resolution dated 14<sup>th</sup> June, 2016 clarifying the Government resolution dated 18<sup>th</sup> September, 2017 within two weeks from today. Statement is accepted. Learned counsel for the respondent nos. 9, 11 and 14 has no objection if such compliance is made by the petitioners without prejudice to the rights and contention of his client on the merits of the case. Statement is accepted.

3. The petitioners shall comply with the statement made before this court within two weeks from today. Upon the petitioners complying with the statement and to the said condition no.7 of the Government resolution dated 18<sup>th</sup> September, 2017, the competent authority shall reconsider the application for deemed conveyance made by the petitioners. The impugned order dated 5<sup>th</sup> May, 2017 is accordingly set aside with a direction to re-consider the application of the deemed conveyance after compliance of the Government resolution dated 18<sup>th</sup> September, 2017 is made by the petitioners. It is made clear that the merits of the application made by the petitioners shall be considered by the competent authority after hearing both the sides.

4. The application for the deemed conveyance shall be disposed off by the competent authority expeditiously and not later than three months from the date of petitioners complying with the aforesaid requirements.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

6. The parties as well as the competent authority to act on the authenticated copy of this order.

7. The petitioners as well as the respondents shall appear before the competent authority on 25<sup>th</sup> June, 2018 at 03.00 p.m.

**[R.D. DHANUKA, J.]**