

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 4291 OF 2014****Guptachandra Ratilal Shah****..... Petitioner****VERSUS****Leela Apartments Co-op.Housing
Society Ltd. & Ors.****..... Respondents**

Mr.V.R.Tripathi for the Petitioner.

Mr.Gaurav Shah, i/b. Mr.Tejas Shah for the Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 24th APRIL, 2018****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 6th February, 2014 passed by the respondent no.9 passing of the order of deemed conveyance in favour of the respondent no.1 society.

2. The main grievance of the petitioner is that though all the agreements in respect of the flats were not registered, the authority has passed an order of deemed conveyance. It is submitted by the learned counsel that under section 4 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, the registration of the agreement was compulsory. The learned authority thus could not have passed an order of deemed conveyance in favour of the respondent no.1 society in view of the fact that all the agreements were not registered. Mr. Shah, learned counsel

for the respondents on the other hand invited my attention to the findings of facts recorded by the learned authority in the order of deemed conveyance in favour of the respondent no.1. It is submitted that there is an internal dispute between the developer and the owners which could not have been gone into by the authority under section 11(3) of the MOFA.

3. A perusal of the order indicates that all the requisite documents required for the purpose of granting deemed conveyance under section 11(3) of the MOFA were produced by the respondent no.1. The internal dispute between the owners and the developers cannot be gone into by the authority under section 11(3) of the MOFA. The certificate under section 11(5) is already issued by the authority. I do not find any infirmity in the impugned order passed by the authority. Writ petition is devoid of merit and is dismissed. no order as to costs.

4. Ad-interim order passed by this court to stand vacated.

5. In view of the dismissal of the writ petition, Civil Application (St) No.24925 of 2017 does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]