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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4855 OF 2016

M/s.Kushalraj Land Developers Pvt. Ltd. & Ors.	...Petitioners
V/s.	
Kushal Vihar Co-op. Hsg. Soc. Ltd. & Anr.	...Respondents

Mr.Vishwanath Talkute for the Petitioners.

Mr.Uday Warunjikar for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 25TH JUNE, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 3rd October, 2013 passed by the Competent Authority and the District Deputy Registrar, Co-operative Societies, Pune City, Pune in Deemed Conveyance Application No.139 of 2013.

2. It is not in dispute that the said order dated 3rd October, 2013 passed by the Competent Authority has been already implemented. The deemed conveyance is already executed and is already registered.

3. Mr.Talkute, learned counsel appearing for the petitioners states that under the individual agreement between the developer and

the flat purchasers, it was agreed that the additional taxes like service tax etc. were to be paid by the purchaser only. In my view the petitioners cannot refuse to execute the conveyance in favour of the society on the ground that the flat purchasers have not paid such taxes till date.

4. In my view, the remedy of the petitioners thus would be by way of a civil suit for recovery of taxes, if any. It is made clear that this Court has not expressed any views as to whether the petitioners would be entitled to recover any taxes from the flat purchasers or not and the said issue is kept open.

5. The writ petition is dismissed with the aforesaid clarification. There shall be no order as to costs.

6. Mr.Warunjikar, leaned counsel appearing for the respondent no.1 society undertakes to file Vakalatnama during the course of the day. The undertaking is accepted.

(R.D. DHANUKA, J.)