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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3660 OF 2019**

M/s. Amit Enterprises through Partners
and another

.....Petitioners

V/s.

The District Dy. Registrar Co-Op. Soc.
Pune and others

.....Respondents

Mr. V. H. Narvekar for the petitioners

Mr. Shrikant Patil i/b Radhikesh Uttarwar for respondent no. 3

Mr. S. H. Kankal AGP for respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 4, 2019.

P.C.

Heard. Impugned in the petition is an order dated 11/02/2019 passed by District Deputy Registrar Co-operative Societies, Pune City. The issue which was taken up for decision was the Deemed Conveyance under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) (MOFA) Act, 1963.

2 The present petitioner raised an objection as regards maintainability of the said proceedings and the objection of the petitioner came to be rejected by the impugned order. As such, this petition.

3 Attention of this Court is invited to the Rozanama maintained by the Authority wherein application of the petitioner was listed on 30/01/2019 and upon a request for adjournment, matter was posted on 12/02/2019 for hearing. The submission of the learned counsel for the petitioner is, before the matter could be heard, the Authority on 11/02/2019 passed an order rejecting the application moved by the petitioner.

4 So as to substantiate his contention, he has relied upon the Rozanama maintained by the said Authority of 30/1/2019 and 12/02/2019.

5 The submission as such is, without hearing, the order

impugned came to be passed adverse to the interest of the petitioner.

6 When confronted, the learned counsel for the respondent tried to support the order, however is unable to explain as to whether the petitioner was granted an opportunity of hearing or not. Similar appears to be stand of the learned Assistant Government Pleader.

7 From the record as such, it could be derived that the matter was adjourned for hearing on 30/01/2019 to 12/02/2019 and without hearing the petitioner, the order impugned came to be passed. As such, order impugned is not sustainable and is accordingly quashed and set aside.

8 As a consequence of above, the application of the petitioner stood restored to file of the learned District Deputy Registrar Co-operative Societies, Pune City. Parties herein agree that they shall appear before the said Authority on 24/06/2019 and it is expected of the Authority to pass order after hearing parties concerned.

9 With above observations, petition stands partly allowed.

[NITIN W. SAMBRE, J.]