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

WRIT PETITION NO. 1069 OF 2015

Apoorvai Cooperative Housing Society
Limited through its Chairman

.....Petitioner

V/s.

Yashashri Construction through its
director and others

.....Respondents

Mr. Rameshwar N. Gite for the Petitioner
Mr. C. D. Mali AGP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 7, 2019.

P.C.

The registration granted in favour of the petitioner was the subject matter of challenge before Revisional Authority at the behest of the builder. The Competent Authority while dealing with application under Section 11 of the Maharashtra Ownership of flats (Regulation of the promotion of construction, sale, management & transfer) Act, 1963 (Hereinafter referred to as 'the said Act') moved by the petitioner rejected the same.

2 The learned counsel for the petitioner informs that the order of granting registration in favour of the petitioner-society has attained finality as proceedings initiated by the builder in the form of Revision resulted into remand. After the remand, the order of grant of registration stood confirmed. He has invited attention of this Court to the order dated 03/09/2016 passed under Section 9 of The Maharashtra Co-operative Societies Act, 1960 in favour of petitioner-society.

3 According to him, in the aforesaid view of subsequent development, the order impugned is not sustainable and it is necessary to direct the respondent-authorities to decide the application of the petitioner pending for deemed conveyance preferred under section 11 of the said Act afresh.

4 Upon perusal of the order impugned, what could be noticed is the learned District Deputy Registrar while dealing with the application under section 11 of the MOFA Act for grant of deemed conveyance, has formed a basis of pendency of revision at the behest of builder against the order of grant of registration. The Competent

Authority i.e. District Deputy Registrar, Nashik vide order dated 03/09/2016 has confirmed the grant of registration in favour of the petitioner and in view thereof the basis for refusal to grant deemed conveyance in favour of the petitioner no more survives.

5 In the aforesaid background, the order impugned dated 01/10/2014 passed by the District Deputy Registrar in exercise of powers under Section 11 of the said Act is hereby quashed and set aside.

6 The District Deputy Registrar is directed to decide the application of the petitioner for grant of deemed conveyance in the backdrop of above observations and subsequent development as expeditiously as possible but in any case within 3 months from the date of appearance of the petitioner. The petitioner shall appear before the learned Registrar on 24/06/2019.

7 Petition stands disposed of.

[NITIN W. SAMBRE, J.]