

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4895 OF 2021**

Umiya Developers]
Through it's Partners;]
Mr. Hansraj B. Patel and others.] **Petitioners**

Vs

The Chairman/Secretary,]
Uma Paradise Complex C Type]
BCD, Co-operative Housing Society]
Mouje Titwala, near Ganesh Mandir]
Talao, Taluka Kalyan, District Thane]
and others.] **Respondents**

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Mr. D.S. Mhaispurkar, for Petitioner.
Ms. Chhaya Lawand, for Respondent No.1.
Mr. R. P. Kadam, A.G.P, for Respondent-State.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 1st SEPTEMBER, 2021.

P.C.

1. Heard learned Counsel for the parties.
2. By this petition under Article 227 of the Constitution of India, the petitioner is challenging the certificate issued by the Authority dated 21st July, 2020 of deemed Conveyance.

3. Learned Counsel appearing on behalf of respondent No.1-Society submits that they have no objection to set aside the order dated 21st July, 2020. She submits that matter be remanded for fresh hearing. She submits that respondent No.1 be permitted to carry out amendment in their application dated 29th January, 2020.

4. Learned Counsel appearing on behalf of the petitioner submits that respondents No.8 to 12 are the formal parties. They may be permitted to delete their names from the cause title of the petition. The same is permitted.

5. Hence, by consent of learned Counsel for the parties, following order is passed;

: ORDER :

- (a) Order dated 21st July, 2020 passed by the Authority under section 11 (3) of the Maharashtra Ownership of Flats (Regulations of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 is set aside;
- (b) Matter is remanded to the Authority;
- (c) Liberty is granted to respondent No.1-Society to carry out amendment in their application dated 29th January, 2020 on or before 30th September, 2021;
- (d) Amended copy of the application be served on the other side immediately;

- (e) The petitioner is permitted to file written statement/submission before the Authority on or before 16th October, 2021 with copy to the other side;
- (f) Authority is directed to decide respondent No.1's application dated 29th January, 2020 on it's own merits after hearing all the parties as early as possible;
- (g) Writ Petition stands disposed of in the aforesaid terms;
- (h) No order as to costs;
- (i) All contentions of the parties are kept open.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]