

Bhogale

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

**INTERIM APPLICATION ST. NO. 99452 OF 2020
WITH
INTERIM APPLICATION ST. NO. 99708 OF 2020
IN
WRIT PETITION NO. 599 OF 2020**

Lucina Land Development Limited .. Applicant

IN THE MATTER BETWEEN

Lucina Land Development Limited & anr. .. Petitioners
VS.

Competent Officer and District Deputy
Registrar & ors. .. Respondents

Shri Mayur Khandeparkar, Shri Chirag Kamdar a/w Shri Abir Patel
and Garima Agarwal I/b. Wadia Ghandy & Co. for the
Applicant/Petitioners.

Shri J.S. Kini a/w Ms. Sapna Krishnappa I/b. Shri Naresh Pai for
Respondent No.3.

Shri S.H. Kankal, AGP for the State.

CORAM : M.S.KARNIK, J.

DATE : JANUARY 19, 2021

P.C.:-

Heard learned counsel for the parties in the Interim
Applications.

2. I had asked learned AGP to take instructions from the
competent authority as to the status of the proceedings pending
before him in respect of the original Application under Section 5

of the Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963 (hereinafter referred to as 'the said Act'). It is pointed out that an application for amendment was moved by the Society on which the arguments were heard. The same is to be decided. Shri Khandeparkar expressed an apprehension that without hearing the Petitioners, the competent authority may decide the main application under Section 5 of the said Act. Learned AGP on instructions submitted that the Petitioners are not appearing before the competent authority and co-operating in the proceedings. Shri Khandeparkar on instructions disputes this position but nonetheless undertakes that the Petitioners will co-operate in the proceedings before the competent authority. Considering the controversy, the ends of justice would be met if the competent authority is requested to dispose of the application made under Section 5 of the said Act itself preferably within a period of 12 weeks from today.

3. Needless to mention that the application for amendment shall be decided in the first instance after hearing the Petitioners as well. It is made clear that the Petitioners as well as the Society will co-operate with the competent authority and will not seek unnecessary adjournments. The proceedings to be decided

without being influenced by the observations made in the order dated 28.10.2020.

4. All contentions on merits are kept open. I may not be understood to have expressed any opinion on merits of the controversy involved.

5. The parties undertake to appear before the competent authority tomorrow i.e. 20.01.2021 as the hearing is scheduled tomorrow so that further steps can be taken by the competent authority in the light of the directions issued herein above.

6. Interim Applications are disposed of.

(M.S.KARNIK, J.)