

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1676 OF 2015

Anisha Constructions LLP

.. Petitioner

Versus

District Deputy Registrar, Co-Operative
Societies, Thane and Ors.

.. Respondents

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- Mr. Nitesh Menon, a/w. Mr. Anand Iyer and Ms. Simran Nagi i./by Divya Shah Associates for Petitioner
- Mr. K. S. Thorat, AGP for State – Respondent No.1
- Mr. Ramadasan K. V. for Respondent No.2
- Mr. Ameya Chaudhary, Representative of Petitioner

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 30, 2023

P.C.:

1. Heard Mr. Menon, learned Advocate for Petitioner; Mr. Thorat, learned AGP for State – Respondent No.1 and Mr. Ramadasan, learned Advocate for Respondent No.2.

2. On 23.01.2023, this Court passed the following order:-

“1. Heard Mr. Kanade, learned Advocate for Petitioner, Mr. Pujari, learned AGP for Respondent No.1 and Mr. Ramadasan, learned Advocate for Respondent No.2.

2. On 07.01.2023 this Court has passed the following order:

“1. Heard Mr. Kanade, learned Advocate for Petitioner; Mr. Ramadasan, learned Advocate for Respondent No. 2 and Mr. Mali, AGP for the State.

2. The dispute in the present case pertains to the area in respect of which deemed conveyance has been allowed by the Competent Authority in favour of the Society. The Developer holding power of Attorney on behalf of the land owner has challenged the order passed by the Competent Authority.

3. *Mr. Kanade, learned Advocate appearing for the Petitioner submitted that deemed conveyance has been granted in respect of the area admeasuring 1104.20 sqr. mtrs. According to him, considering the documents, inter alia, pertaining to the property held by the Society, the Society i.e. Respondent No. 2 would be entitled only to an area admeasuring 548.26 sqr. mtrs. This was the position in 2015 when the Petition came to be filed.*
4. *Today, both the learned Advocate are ad-idem and submitted that the parties have reconciled their differences and arrived at a compromise whereby the Society i.e. Respondent No. 2 has agreed to accept an area admeasuring 548.26 sqr. mtrs. as the area of the Society in respect of which deemed conveyance be granted.*
5. *Mr. Ramdasan, learned Advocate for Respondent No. 2 submitted that he has a letter issued by one Ramchandran Pillai, Chairman of Akansha Galaxy CHS giving his acceptance to the consent minutes of the order between the parties. Considering that Respondent No. 2 is a Co-operative Housing Society and in order to insulate the Petitioner from any further actions, it is directed that Respondent No. 2 Society shall consider the consent minutes of orders in a Special AGM which may be called immediately in accordance with the bye-laws and pass a resolution for accepting the consent minutes of the order and place the same along with an authority letter signed by the managing committee members. A representative of the Society Managing Committee is directed to remain present alongwith the above documents on the next date in Court.*
6. *Stand over to **23rd January, 2023** for filing Consent Terms."*
3. *Mr. Kanade would submit that the name of the Petitioner has been changed from M/s. Anisha Construction Pvt. Ltd. to Anisha Constructions LLP. He seeks leave to amend the name of the Petitioner.*
4. *Leave to amend granted.*
5. *Necessary Amendment to be carried out forthwith. Amended copy of cause title of the Writ Petition be served on Respondents.*
6. *Re-verification is dispensed with.*
7. *Today parties have submitted Consent Minutes of Order dated 23.01.2023 which is taken on record and marked "X" for identification.*
8. *Consent Minutes of Order which have been signed by Advocate for Petitioner, representative of Petitioner, Advocate for Respondent No.2 and authorised representative of Respondent No.2. Undertakings given in the Consent Minutes of Order are taken as undertaking given to this Court.*
9. *Mr. Joshi, Authorised representative of Respondent No.2 present today confirms that pursuant to the earlier order passed by this Court,*

the Managing Committee and all members of the society have taken cognizance of the same and he has been authorised to sign the Consent Minutes of Order.

10. The Consent Minutes of Order are submitted however there are no timelines mentioned therein. Parties are impressed upon to confirm the timelines of the various acts required to be done by the Competent/Statutory Authorities and accordingly submit supplementary terms.

11. Mr. Kanade and Mr. Ramadasan would jointly submit that in so far as timelines are concerned, they may be permitted to file supplementary Consent Minutes of Order.

12. Leave granted to file the supplementary Consent Minutes of Order which shall form part of today's order.

13. Stand over to 24th January, 2023 for filing supplementary Consent Minutes of Order."

3. In terms of clause-12 of the above order, parties have now tendered supplementary Consent Minutes of Order indicating the timelines in so far as the Consent Minutes of Order and obligations of the parties are concerned. Supplementary Consent Minutes of Orders dated 30.01.2023 are signed by the learned Advocates for Petitioner and Respondent No.2. The Supplementary Consent Minutes of Order are taken on record and marked as 'X1' for identification. The undertakings recorded in the Supplementary Consent Minutes of Order are accepted as undertakings given to this Court.

4. In view of the above, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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