

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

CIVIL WRIT PETITION NO. 8867 OF 2021

Rishal Buildcon Pvt. Ltd. ...Petitioner

vs.

The State of Maharashtra Thr. GP and Ors. ...Respondents

Ms. Uma Sharma i/by Dharam & Co. - Advocate for the Petitioner
(Mr. Suresh Bhandary – Director of Company – present in person)

Mr. R. S. Pawar – AGP for the Respondent Nos. 1 and 2-State

Mr. Nishant Sasidharan a/w Ms. Saloni Manjrekar i/by Harsh
Beharty – Advocate for the Respondent No. 4

Mr. Vikram Jain – Director of Respondent No. 4 – present

Mr. R. Y. Sirsikar – For Respondent No. 3-MCGM

CORAM : S. M. MODAK, J.

DATE : 29th MAY, 2023

P. C. :-

1. Not on board. Mentioned. Taken on board.
2. Heard learned Advocate for the Petitioner and learned
APP for the Respondent Nos. 1 and 2 and also heard learned
Advocate for MCGM-Respondent No. 3 and learned Advocate for
Respondent No. 4.
3. The Respondent No. 5 is the promoter/developer who
have assigned right to the present Petitioner. There is an order

passed by the Respondent No. 2 dated 31/12/2020 by which the application made by Respondent No. 4 for deemed conveyance was allowed. This order is challenged by the Petitioner.

4. As per the said order the Respondent No. 4 has lodged the deed of conveyance for registration with the Sub-Registrar of assurances. However further progress has not taken place. Now during the pendency of this petition, the contesting parties that is the Petitioner and the Respondent No. 4-Company have entered into the settlement. There are two documents tendered. One is consent terms of the order and it is taken on record and marked as 'Annexure-X' and second is consent terms alongwith annexures and it is marked as 'Annexure-Y'.

5. As per those consent terms, the Petitioner has relinquished their right to challenge the said impugned order in this petition. Apart from that the Company-Respondent No. 4 has agreed to admit one Bharat Kumar Jain and Lalit Jain as members of their Company. The details are given in para no. 3 and 4 of the consent terms.

6. Now the Petitioner does not want to contest this petition. In view of this settlement and the transfer of the certain

premises/flats by the Petitioner to above two persons, Respondent No. 4 wants to carry out certain amendments or to lodge the fresh deed of conveyance containing all above details. Instead of carrying out amendment in deed of conveyance lodged, it is better to that Respondent No. 4 will lodge a fresh deed of conveyance containing particulars about settlement and giving consent to above two referred persons.

7. In view of that petition is disposed of.

8. The Respondent No. 4 is at liberty to carry out amendment as prayed and then the conveyance be registered as per Rules. Respondent No. 4 is at liberty to ask for refund of the stamp duty paid if any on the earlier deed of conveyance lodged with the Sub-Registrar.

[S. M. MODAK, J.]