

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 1936 OF 2015

Takshashila Co-operative Housing Society .. Petitioner

Versus

The District Deputy Registrar of Maharashtra
Co-operative Societies & Ors. .. Respondents

.....

- Mr. G.S. Godbole, Senior Advocate a/w Ms. Shruti Tulpule & Mr. Sumit Kothari for Petitioner
- Mr. Dharam Jumani a/w Mr. Mihir Nerulkar & Ms. Maithili Prabhu i/by MDP & Partners for Respondent Nos. 2 & 3
- Mr. S.B. Gore & Mr. M.A. Saiyed, AGP for Respondent Nos. 1 & 8 - State

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 21, 2023

P.C.:

1. Heard learned Advocates appearing for the respective parties. After hearing and deliberating on the pleadings, learned Advocates appearing for the principal contesting parties have tendered Minutes of Order dated 21.07.2023 signed by the learned Advocate for Petitioner Ms. Shruti Tulpule and learned Advocate for the contesting Respondent Nos. 2 and 3 who are represented by Advocate instructed by MDP & Partners. The Minutes of Order are taken on record and marked “X” for identification. In order to have no ambiguity, said Minutes of Order are scanned and reproduced below:-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1936 OF 2015

Talashashila Co-operative Housing Society ... Petitioner
Versus
The District Deputy Registrar of Maharashtra
Co-operative Societies & Ors. ... Respondents

- Mr. G. S. Godbole, Senior Advocate n/w Ms. Shruti Tulpule & Mr. Sumit Kathuri for the Petitioner
- Mr. M. A. Saiyed, A.G.P. for Respondent No. 1 & 8
- Mr. Dharam Jhumani, Mr. Mihir Nerulkar & Ms. Maithili Prabhu i/b MDP & Partners for Respondent Nos. 2 and 3

Court: Milind N. Jadhav J.
Date: July 21, 2023

MINUTES OF ORDER

1. The Petitioner Society has filed this Petition challenging the impugned Order dated 3.3.2015 passed by the Respondent No. 1, i.e. the District Deputy Registrar, Maharashtra Co-operative Societies, Mumbai City - 2, Konkan Bhavan, Belapur, Navi Mumbai rejecting the Application dated 26th June 2014 bearing No. DC1000072/2014 filed by the Petitioner Society under Section 11 (2) of the Maharashtra Ownership Flats (Promotion of Construction, Sale, Management and Transfer) Act, 1963. The Respondent No. 1 and Respondent Nos. 2 and 3 have filed their respective Affidavits in Reply.
2. After hearing the parties for some time and perusing the G.R. dated 22nd June 2018 which was notified post passing of the impugned Order dated

④ the impugned Order dt. 3.3.2015 is set aside for de novo consideration and. ②

3.3.2015, it is observed that it is in the interest of justice that the Petitioner Society be permitted to amend the Application dated 26th June 2014 bearing No. DC1000072/2014, to include amendments of area sought to be conveyed, grounds etc. Thus, the Petitioner Society is permitted to amend the Application dated 26th June 2014 bearing No. DC1000072/2014 and is also permitted to annex additional documents, if any, in compliance with the G.R. dated 22nd June 2018.

3. The Application dated 26th June 2014 bearing No. DC1000072/2014 filed by the Petitioner Society is, thus, remanded for fresh consideration to the Respondent No. 1, i.e. the District Deputy Registrar, Maharashtra Co-operative Societies, Mumbai City – 2, Konkan Bhavan, Belapur, Navi Mumbai.

4. The Petitioner Society is permitted to amend the Application dated 26th June 2014 bearing No. DC1000072/2014, including amendments of area sought to be conveyed, grounds etc. and is also permitted to annex additional documents, if any, in compliance with the G.R. dated 22nd June 2018. The amendments to the Application dated 26th June 2014 bearing No. DC1000072/2014 pertaining to the amendments of area sought to be conveyed, grounds etc. are to be carried out within 4 weeks from today, and amended copy of the Application to be served simultaneously on the Respondent Nos. 2 and 3. The Respondent Nos. 2 and 3 and other contesting Respondents, if any, are at liberty to file a Reply to the

unmended Application within 4 weeks thereafter alongwith necessary documents as necessary in support of their Reply. Thereafter, the parties may file their Written Submissions within such time as District Deputy Registrar, Maharashtra Co-operative Societies, Mumbai City - 2, Konkun Bhavan, Belapur, Navi Mumbai may deem fit.

5. The District Deputy Registrar, Maharashtra Co-operative Societies, Mumbai City - 2, Konkun Bhavan, Belapur, Navi Mumbai is directed to give a hearing to the Parties, and directed to decide afresh the unended Application finally, within a period of 5 months from today i.e. 20th December 2023 ^{on or before} without in any manner being influenced by the contents of the impugned Order dated 3.3.2015.
6. It is clarified that this Court has not expressed any opinion on the merits of the matter and the District Deputy Registrar, Maharashtra Co-operative Societies, Mumbai City - 2, Konkun Bhavan, Belapur, Navi Mumbai is directed to decide the Application dated 26th June 2014 bearing No. DC1000172/2014 on its own merits and in accordance with law.
7. All rights and contentions of the Parties are expressly kept open.
8. This Writ Petition is disposed off in these terms, with no orders as to costs.



Advocate for Petitioner
Adv. Shanti Tulpale



Adv. For Respondent Nos. 1 & 2
M.D.P. & Partners

- 2.** Order in terms of the Minutes of Order reproduced above.
- 3.** Respondent No. 1 is directed to take cognizance of the directions and timeline mentioned in paragraph No. 5 of the Minutes of Order and comply in accordance with law.
- 4.** Writ Petition is disposed.
- 5.** All parties to act on an authenticated copy of this order.

[MILIND N. JADHAV, J.]