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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 250 OF 2017**

Raj Castle Co-operative Housing Society Ltd ... Petitioner

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Sushil M. Shukla a/w. Janki J. Sampat, for Petitioner.

Mr. Akshay Pansare, for Respondent No.11.

Mr. A.K. Naik, AGP for Respondent Nos. 1 and 2.

CORAM : GAURI GODSE, J.

DATED : 8th MAY 2024

P.C. :-

1. Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file a fresh application under Section 11 of the Maharashtra Ownership Flats(Regulation of the promotion of construction, sale, management and transfer) Act, 1963 ('**MOFA**') for grant of the Unilateral Deemed Conveyance.

2. Perusal of the impugned order indicates that the application is rejected mainly on the ground of non-disclosure of all the material facts with respect to the application for deemed conveyance.

3. Considering the reasons for rejection of the application for

deemed conveyance the prayer made by the petitioner for withdrawal of the petition with liberty to file a fresh application can be granted. No prejudice would be caused to the respondents if a fresh application is filed.

4. Hence, if any fresh application is filed, the same to be decided by issuing notice to all the concerned parties and after following the necessary procedure prescribed under the MOFA read with the Rules framed thereunder and the Government Resolution dated 22nd June 2018 prescribing the guidelines for deciding the application under section 11 of the MOFA .

5. Needless to record that if a fresh application is filed, the same shall be decided in accordance with law by considering the aforesaid observations.

6. All contentions of all parties on merits are kept open.

7. Writ Petition is therefore disposed of as withdrawn with the aforesaid liberty.

(GAURI GODSE, J.)