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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8747 OF 2013**

Avishkar Co-operative Housing Society Ltd ... Petitioner

vs.

Space Builders Private Limited by C.A. of
Atmaram Raghunath Mhatre and Ors ... Respondents

**WITH
WRIT PETITION NO. 8745 OF 2013**

Shiv Smruti Co-operative Housing Society
Limited ... Petitioner

vs.

Space Builders Private Limited by C.A. of
Atmaram Raghunath Mhatre and Ors ... Respondents

**WITH
WRIT PETITION NO. 8746 OF 2013**

Shree Anand Nagar Co-operative Housing
Society Ltd ... Petitioner

vs.

Space Builders Private Limited by C.A. of
Atmaram Raghunath Mhatre and Ors ... Respondents

Mr. Chinmay Gupte a/w. Namrata Sawant, for Petitioners in all the
petitions.

Mr. Bharat R. Zaveri, for Respondent No.1.

Mr. A.K. Naik, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 27th MARCH, 2024

P.C. :-

1. Learned counsel who was earlier appearing for the petitioners submits that there is a typographical error in order dated 20th March 2024. He submits that in paragraph no.1 of the order dated 20th March 2024, instead of Mr. Gupte, it has to be Mr. Vora. Hence, paragraph no. 1 of order dated 20th March 2024 be corrected as follows:

“In paragraph no. 1, the name of Mr. Vora is be stated in place of Mr. Gupte.”

2. Original order to be corrected and corrected order to be uploaded.

3. Learned counsel for the petitioners submits that during the pendency of these petitions, the Unilateral Deemed Conveyance is already granted to respondent nos. 4 and 5. He submits that in view of the subsequent development and non-availability of necessary particulars regarding calculation of area, at the time of filing the applications, the petitioner-society be granted leave to file a fresh application. He therefore seeks leave to withdraw the petition with liberty to file fresh applications under section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ('MOFA'). Considering the

subsequent events and the reasons recorded in the impugned order, the petitioners are granted leave to withdraw the present petitions with liberty to file an appropriate applications under section 11 of the MOFA. If such applications are filed the Competent Authority shall decide the applications on its own merits uninfluenced by reasons recorded in the impugned order.

4. In view of the aforesaid liberty, contentions of all the parties on merits are kept open.

5. Writ Petitions are disposed of as withdrawn with liberty as recorded above.

(GAURI GODSE, J.)