

are multiple buildings in the same layout and hence there would be confusion in future with respect to the other societies.

3. Learned counsel for the petitioner referred to the submissions recorded by the Competent Authority, regarding particulars of the constructed buildings which are part of the same layout as well as the petitioners' request for a particular area for the grant of unilateral deemed conveyance. He submitted that the Competent Authority could not have dismissed the application on the ground that there would be confusion in future. He submitted that even the Government Resolution dated 22nd June 2018 issued by the State Government for the purpose of following procedure for grant of unilateral deemed conveyance specifically provides for guidelines for the purpose of calculation of the entitlement of the society, when there are multiple buildings constructed, pursuant to a larger layout. He therefore, submits that the competent authority ought to have considered the application and granted the application for unilateral deemed conveyance. He thus, submits that the matter be remanded back for reconsideration.

4. Learned counsel appearing for respondent nos. 1 and 2 supports

the submissions made on behalf of the petitioner. He submits that the respondent nos. 1 and 2 were agreeable for grant of proportionate area to the petitioner-society. He therefore, submits that only question to be adjudicated by the competent authority was the entitlement of the petitioner-society to the proportionate area as per the constructed area of the building of the petitioner-society. He therefore, supports the submission made on behalf of the petitioner that the matter be remanded back to the competent authority for considering the entitlement of the petitioner for unilateral deemed conveyance for the proportionate area.

5. Learned AGP also supports the submissions on behalf of the petitioner that the Competent Authority ought to have considered the entitlement of the petitioner-society with respect to proportionate area of construction, pursuant to the larger layout consisting of other buildings.

6. Learned counsel for the petitioner has placed on record GR dated 22nd June 2018 pursuant to which the guidelines are issued for following procedure for grant of unilateral deemed conveyance. The present impugned order was passed on 19th August 2015, and the

aforesaid GR is issued after the impugned order is passed. However, the Competent Authority could have decided the entitlement of the petitioner by taking into consideration the proportionate area required to the building of the petitioner-society and granted unilateral deemed conveyance for a proportionate area.

7. Perusal of the impugned order indicates that only on an apprehension that the grant of unilateral deemed conveyance could create confusion as there are other buildings constructed pursuant to the same layout, the Competent Authority has refused to grant unilateral deemed conveyance in favour of the petitioner.

8. In my view once the parameters as required under section 11(3) of the MOFA are complied with, the Competent Authority ought to have considered the entitlement of the petitioner by taking into consideration the proportionate area required for the petitioner-society.

9. Since now the guidelines in the form of GR dated 22nd June 2018 are available, it will be appropriate to remit the matter to the Competent Authority for deciding the petitioners' application afresh by following the guidelines contained in the GR dated 22nd June 2018.

10. Hence, for the reasons stated above, petition is partly allowed by passing the following order :

(i) Impugned order dated 19th August 2015 passed by the Competent Authority and District Deputy Registrar, CS, Thane in Application No. 4830 of 2015 is quashed and set aside.

(ii) The application bearing No. 4830 of 2015 is restored to the file of the Competent Authority for deciding it afresh.

(iii) Competent Authority i.e respondent no 3 shall decide the application afresh in terms of the guidelines issued vide GR dated 22nd June 2018.

(iv) Writ Petition stands disposed of in the above terms.

[GAURI GODSE, J.]