

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.2690 OF 2024

Wescon Properties Pvt Ltd. Petitioner

Versus

District Deputy Registrar Co-op Respondents
Societies Thane Through Govt. Pleader
And Anr.

Mr. Shreepad Murthy a/w Mr. Sahil Wagh, Mr. Sandeep Desai i/b
Mr. Abhishek Patil, Advocate for the Petitioner.
Mr. J. P. Patil, AGP, for the State.

CORAM : R. M. JOSHI, J.

DATE : 28th AUGUST, 2024.

P.C. :

1. Heard.
2. Learned counsel for the Petitioner submits that the authority has passed order under Section 11(3) of the Maharashtra Ownership Flats Act (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, (for short “MOFA”) without considering the facts that the entire plot has not been

developed and as per the Architect Certificate only 25 building out of 24 are constructed. It is his submissions that the owner/developer therefore, has right over the said undeveloped portion of the plot. According to him these aspects are not taken into consideration by the authority while passing order of deem conveyance and issuance of certificate to that effect. Though, the learned counsel for the Petitioner seeks ad-interim relief, for want of presence of counsel for Respondent No.2, this Court is not inclined to pass any order as the order impugned dated 11th April, 2023, and only for this reason no order passed.

3. By way of indulgence, stand over to 5th September, 2024.

4. If none appears for the contesting Respondent on that date before this Court, the order impugned shall stand stayed. In the event of urgency liberty is granted to move this Court.

(R. M. JOSHI, J.)