

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7475 OF 2024

Shankar Namdev Gaikwad
Thr. POA Rroshan S. Gaikwad
Versus
District Deputy Registrar Co-Operative
Societies Thane & Ors.

...Petitioner

...Respondents

....

Adv. Sanjukta Dey a/w Ms. Priya Dangat i/by Yende Legal Associates, Advocate for the Petitioner.

Ms.Snehal S. Jadhav, A.G.P for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 12th JUNE 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The petitioner claims to be the land owner, who has entered into an Agreement of the development in respect to the land with the Respondent No.3 on 07.01.1996. The Respondent No.3 in accordance with the plan sanctioned by the planning authority entered into an agreement with prospective purchasers in respect of the proposed flats, which have been constructed along with the undivided shares in the

land. Consequent to the completion of the Apartments since the Conveyance was not been executed, an application under Section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ("MOFA Act") came to be filed by the respondent No.2/the society of the flat purchasers, which came to be allowed by the order dated 19.11.2019 (Page-54) which has been revised by the order dated 19.08.2022 (Page-96).

3. The only challenge raised to these orders under Section 11(3) of the MOFA Act directing Deemed Conveyance is that under the Agreement of Development dated 07.01.1996, the respondent No.3 has not paid the entire amount of consideration to the petitioners, who is the land owner. This dispute, in my considered opinion as rightly contented by the learned A.G.P. cannot be considered by the competent authority under Section 11(3) of the MOFA Act. The Petitioner/land owner in case so advised can institute a suit for the same. I therefore do not see any reason to interfere with the impugned order passed by the respondent No.1 directing

deemed conveyance. The petition stands dismissed. No costs.

(AVINASH G. GHAROTE, J.)