

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

WRIT PETITION NO. 8520 OF 2024

VASANT
ANANDRAO
IDHOL

The Tenants Cooperative Hsg Society Ltd ...Petitioner
Versus

State Of Maharashtra Dept Of ...Respondents
Cooperation And Ors.

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Mr.Kishor Tembe for the Petitioner.

Mr.J.P. Patil, A.G.P. for the Respondent – State.

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**CORAM : AVINASH G. GHAROTE, J.
DATE : 25th JUNE 2024**

P.C.:

1. Heard Mr.Tembe, learned counsel appearing for the petitioner. The petition questions the order dated 17.5.2024 (page 112) passed by respondent no.4 in exercise of powers under section 154-B 27 (2) of the Maharashtra Co-operative Societies Act, 1960 (MCS Act), appointing an authorized officer to issue NOC for the purpose of development of plot no.13, CTS No.570/B on the ground that the society inspite of the order dated 30.8.2019 (page 92) has not granted the NOC. Learned counsel for the petitioner submits, that the grant of NOC is

subject to the terms of lease agreement between the petitioner and predecessor of respondent nos.3 and 4 dated 18.3.2000, clauses no.(III) and (IV) of which mandate that in case the lessee intends to deal with the said plot, 50% of the premium received from the transferee shall be paid to the society. The agreement of development between respondent nos.3 and 4 and the developer dated 25.5.2012 (page 36) indicates that the consideration to be received by respondent nos.3 and 4 under it for development of plot no.13 is sum of Rs.88,32,500/-, 50% of which was payable to the society in terms of the lease deed aforesaid. That apart the order dated 30.8.2019 which directs the society to grant permission (page 97) also has this condition, inspite of which it is contended that nothing has been paid on account of which the impugned order is not sustainable in law.

2. Issue notice of respondent nos.3 and 4, returnable on 8.7.2024. Learned AGP waives notice for respondent nos.1 and 2. The petitioner to issue notice to respondent 3 and 4, before the returnable date. Till the returnable date, the effect and operation of of the impugned order dated 17.5.2024 shall stand stayed.

(AVINASH G. GHAROTE, J.)