

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NOS.9015 AND 9021 OF 2024**

Deccan Paper Mills Ltd.

... Petitioner

versus

Competent Authority and District Deputy Registrar Respondents
and ors.

Ms. Meena H. Doshi, Advocate for the Petitioner.

Ms. Aloka A. Nadkarni, AGP for Respondent No.1-State.

CORAM : R. M. JOSHI, J.

DATE : 27th AUGUST, 2024.

P.C. :

1. The learned counsel for the petitioner is ready to file affidavit of the petitioner indicating that the conveyance has not been registered pursuant to the order impugned. She prays for permitting e-filing of the said affidavit for the reasons that the petitioner is at Pune. Permission is granted.
2. Kept back.

Later on called out in the afternoon session:

3. This petition was heard on 10th July 2024. The petitioner was directed to place on record the chart indicating the date of sanctioned plans, the buildings which were constructed as per sanctioned plan, the

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plinth area of the building, the number of units and the layout plan. In response thereto, an affidavit is filed placing on record the said information.

4. Heard learned counsel for the petitioner.

5. It is the case of the petitioner that the orders impugned passed by the authority under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 is based on incorrect appreciation of the facts. According to her, that the authority has relied upon the map dated 8th April 2015, which is filed by the contesting respondents before the said authority. It is contended that it is not the approved plan but it is a building plan. It is submitted that the authority has also failed to take into account various registered documents by virtue of which the portion of the property which is allowed for development to two different developers was surrendered to the petitioner-owner. Learned counsel has also invited the attention of this Court to the fact that practically by passing these two impugned orders, the entire land is granted to the respondent-societies by way of deemed conveyance and thereby no land remains for other construction as well as petitioner. It is submitted that even as per sanctioned plan, it can be seen that at the most, these societies would be entitled to get conveyance in respect of the built up area on which the buildings are constructed.

6. This Court has called upon the counsel for the petitioner to make a statement as to whether on the basis of the impugned orders, the conveyance has been registered or not. Pursuant to the said direction, an affidavit is filed of Siddharth Nainesh Mehta, Director of the petitioner-company who makes statement on oath that pursuant to the impugned orders, the conveyance has not been registered in favour of the respondent-societies. This statement is accepted .

7. Having regard to the above facts, the petitioner has made out an arguable case and hence till the contesting respondents are heard in the matter, it would be in the interest of justice that the said respondent-societies are restrained from getting the conveyance registered pursuant to the impugned orders. Hence, issue notice to the respondents returnable on 23rd September 2024.

8. The interim relief granted to continue till the next date.

(R. M. JOSHI, J.)