

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 10965 OF 2024

M/S Jay Jindendra Realators Private Petitioner
Ltd Throu. Its Directors

Versus

State of Maharashtra Throu. Govt. Respondents
Pleader and Ors.

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Adv. Aarti Bhandari, Advocate for the Petitioner.
Adv. Shahaji Shinde 'A' Panel a/w Adv. Sandip Babar, AGP, for
Respondent Nos.1, 2, 4 & 5 – State.
Adv. Dhaval A. Patil i/b M/s. K. Ashar & Co, Advocate for
Respondent No.3.

CORAM : R. M. JOSHI, J.

DATE : 9th SEPTEMBER, 2024.

P.C. :

1. This petition was heard substantially on the last date of hearing. In order to consider the rival submission, this Court directed to call for the original record from the Deputy District Registrar Co-operative Societies/Competent Authority under Section 11 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

2. Perusal of the said proceedings indicates that there is no acknowledgment indicating receipt of notice by the Petitioner herein.
3. Considering the provisions of Section 11 of the MOFA, the issuance of notice to all concerned is mandatory.
4. Thus, this Court finds that for want of notice to the Petitioner, principle of natural justice are violated. Hence, order impugned cannot sustain. The same is hereby set aside.
5. Parties are directed to appear before the Competent Authority on 18th September, 2024.
6. The Authority is directed to dispose of the application on merits by giving an opportunity of hearing both sides of all concerned parties within a period of three months.
7. The petition stands disposed of in above terms.

(R. M. JOSHI, J.)