

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3026 PF 2024

Periwinkle Bldg No. Co-Op Hsg. Society Ltd.Petitioners

Versus

Govt Of Maharashtra & Ors.Respondents

Mr. Ashok M. Sarogi *i/b. Vikram V. Tare Patil & Sachin N. Nangare, for Petitioner.*

Mr. Suresh M. Sabrad *a/w. Neha R. Parte, Amey C. Sawant, Pratik Sabrad & Eshwaree Kudlkar, for Respondent Nos.4 & 5.*

Mr. Nimesh Bhatt, *for Respondent No.9.*

Mr. Akshay Patil *i/b. Mr. R.D. Suryawanshi & Mr. Suraj N. Naik & Ms Ketkee Kamble, Respondent No.10.*

Smt. V.R. Raje, *AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 02, 2025

ORDER :

1. One of the grounds on which a Deemed Conveyance has been denied in the Impugned Order dated October 20, 2024 is that Respondent No.10 who has entered into a Memorandum of Understanding ("**MOU**") dated July 27, 2022 with the original builder has not been made a party to the proceedings for Deemed Conveyance.

2. There appears to be factual disputes about the consent of the Petitioner-Society having been given on November 30, 2022 and the manner on which such consent would dilute their right to Deemed Conveyance in the manner sought by them.

3. After the matter was argued for some time, Learned Counsel for the parties have consensus that Respondent No.10 be made a party to the proceedings before the Competent Authority. The Competent Authority shall hear the matter afresh, uninfluenced by the stance already taken in the past, and after hearing Respondent No.10 and its version of the events that need to be interpreted, ascertain the entitlement of the Petitioner.

4. With the aforesaid consensus, this Petition is finally *disposed of* remitting the file back to the Competent Authority taking care to ensure that Respondent No.10 is made a party to the proceedings before the Competent Authority. The proceedings before the Competent Authority shall be served on Respondent No.10 within a week from the upload of this order.

5. The Competent Authority is requested to convene in the first instance at 3.00 p.m. on December 15, 2025 and issue further directions to the parties on how to proceed further in the matter.

6. Considering the factual matrix that is in play, rather than the writ Court taking into account these facts, it would be appropriate for the Competent Authority to deal with the facts, also hearing Respondent No.10 to return a specific finding on the disputed entitlements between the parties. The Competent Authority is requested to hear the parties at the earliest and as expeditiously as its roster would permit and endeavour to conclude the proceedings within a period of two months from the upload of this order on the website of this Court.

7. Needless to say, nothing contained in this order is an expression of an opinion on merits of the matter. All contentions of the parties are expressly kept open.

8. In these circumstances, this Petition is hereby ***finally disposed of.***

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]