

2. Learned counsel for the petitioner submits that the deemed conveyance order is passed in respect of Plot No. 106. However, there was an order of amalgamation passed on 29th May 1981 amalgamating Plot No. 106 and 107. He therefore submits that the order would require reconsideration as the proper calculation for available and utilised FSI with regard to the amalgamation and layout is not considered by the Competent Authority.

3. Learned counsel for the society submits that in view of the dispute between the petitioner and respondent no. 2, the society had amended the application and restricted their prayer for deemed conveyance only for Plot No. 106. However, considering the dispute raised in view of the amalgamation, he on instructions of Mr. John M. George on behalf of the society submits that the society be permitted to withdraw their application filed before the Competent Authority with liberty to file fresh application along with proper Architect Certificate and the required procedure.

4. I do not see any impediment in permitting such a request as the impugned order has no clarity with regard to the FSI calculation. As per the sanctioned plan there is no

Architect Certificate seen in the record.

5. In view of the aforesaid submissions nothing would survive in the petition for further consideration. The petition is therefore disposed of by passing following order :

(i) Respondent No. 1 – society is permitted to withdraw their Application No. 67 of 2015 passed under Section 11(3) of MOFA with liberty to file fresh application.

(ii) In view of the liberty granted, the impugned order dated 24th May 2016 passed by the Competent Authority in Application No. 67 of 2015 is quashed and set aside.

(iii) If any fresh application is filed by the society, the same shall be decided by the Competent Authority in accordance with law uninfluenced by the impugned order .

(iv) The rival contentions of the parties on merits are kept. Open.

(v) Writ Petition is disposed of with aforesaid liberty.

(vi) Pending interim application is disposed of as infructuous.

[GAURI GODSE, J.]