

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

WRIT PETITION NO. 502 OF 2025

Girish & Associates & Anr.

... Petitioners

Versus

Competent Authority & District

Deputy Registrar & Ors.

... Respondents

Mr. Nishant Sashidharan *a/w Mr. Karan Jakhar i/b M/s. LJ Law, for the Petitioner.*

Ms. Kavita N. Solunke, *AGP for the Respondent / State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 10 JANUARY 2025.

P.C. :

1) Ms. Solunke, the learned AGP appears on behalf of the Respondent No.1.

2) It appears that the notice in respect of application instituted by Respondent No.2-Society was issued to the Respondents in the application by the Competent Authority on 19 September 2024 fixing the date of hearing as 30 September 2024. Apparently, copies of application filed under Section 11 of the The Maharashtra Ownership of Flats (Regulation of the Promotion of Construction Sale, Management and Transfer) Act, 1963 (**MOFA Act.**) was not appended to the notices and the Respondents in the proceedings were called upon to secure copies of the application from the office of

the Competent Authority. It is the Petitioner's case that they did not receive notice dated 19 September 2024. Respondent No.22, who is a co-developer apparently received notice and his advocate appeared before the Competent Authority on 30 September 2024 and sought time on the ground that he was yet to receive copy of the application. Rejecting the request for adjournment, the Competent Authority has proceeded to allow the application for deemed conveyance by order dated 1 October 2024.

3) Perusal of the impugned order dated 1 October 2024 would indicate that in addition to land admeasuring 2540.32 sq. meters and undivided rights in recreational ground admeasuring 551.09 sq.mtrs. the Competent Authority has proceeded to grant proportionate TDR admeasuring 3578.28 sq.mtrs. in favour of Respondent No.2-Society. *Prima facie* order directing grant of proportionate TDR by the competent authority appears to be clearly erroneous.

4) In that view of the matter, Respondent No.2-Society is restrained from registering the Deed of Conveyance in pursuance of order dated 1 October 2024 which shall remain stayed till the next date of hearing.

5) Issue notice to Respondents, returnable on 5 February 2025.

[SANDEEP V. MARNE, J.]