

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8040 OF 2025

Umesh S. Bapat & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. I. K. Tripathi a/w Mr. Virendra Tripathy and Mr. Faisal Memon, for Petitioners.
- Mr. S. D. Rayrikar, AGP for Respondent Nos.1 and 2.

CORAM : MANISH PITALE, J.

DATE : 25th JUNE 2025.

P. C. :

1. Heard learned counsel for the petitioners.
2. The petitioners are aggrieved by order dated 05th February 2025, passed by the respondent No.2 – Competent Authority, whereby an application filed by the respondent No.3 – Society for grant of unilateral deemed conveyance has been allowed.
3. This Court finds *prima facie* case in favour of the petitioners as the impugned order itself indicates that copies of the registered agreements mandatorily required to be produced, under Section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, were not submitted and yet the said Competent Authority observed that the same could be a curable defect. This

Court finds that Section 11(4) of the said Act requires the Competent Authority to conduct a proper enquiry, including verifying documents such as registered agreements, but the said exercise *prima facie* does not appear to have been conducted in a satisfactory manner by the Competent Authority.

4. Apart from this, the petitioners have raised a specific ground that the members of the purported society, whose registration is also challenged by the petitioners, are their tenants and this aspect has also been ignored by the Competent Authority while passing the impugned order.

5. In view of the above, issue notice for final disposal, returnable on **07th August 2025, “High on Board.”**

6. Mr. Rayrikar, learned AGP waives notice on behalf of respondent Nos.1 and 2.

7. In the meanwhile, there shall be ad-interim reliefs in terms of prayer clauses (b) and (c).

(MANISH PITALE, J.)