



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8751 OF 2025**

Mehta Builders Developers ... Petitioner
versus
State of Maharashtra and Ors. ... Respondents

Mr. Shanay Shah with Ms. Mansi Shah i/by Pravin Mehta and Mithi Co., for Petitioner.

Mr. A.C.Bhadang, AGP for State.

Mr. Vishal Kanade with Mr. A.R.Shaikh i/by ASD Associates, for Respondent No.3.

CORAM: N.J.JAMADAR, J.

DATE : 7 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 23 October 2024 passed by the District Deputy Registrar – Competent Authority under Section 5A of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, directing the grant of Unilateral Deemed Conveyance to the Respondent No.1 Society in respect of the subject premises. The Petitioner was impleaded as party Respondent No.3 in the said Application No.170 of 2022. Respondent Nos.4 and 5 were the promoters of the said project.
3. Mr. Shah, learned Counsel for the Petitioner, fairly submits that in view of the recent decision of this Court in the case of Ravi Jagganath Agarwal V/s.

Prince Tower Co-op. Hsg. Soc. Ltd. and Ors.¹the question whether subsequent purchaser of the interest of the promoter in the project after the grant of the occupation certificate is bound by the obligation to execute the conveyance, stands decided in favour of the flat purchasers.

4. In the said case, this Court has held that, the Promoter, cannot by his unilateral act, frustrate the statutory right of flat purchasers under Section 11 by entering into transaction of sale with a third party before the land could be conveyed to the Society.

5. The aforesaid being the position in law, the Petition does not deserve to be entertained.

6. The Writ Petition stands dismissed.

(N.J.JAMADAR, J.)

1 2024 SCC Online Bom 1015