

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12288 OF 2025

M/s. Mangal Corporation ...Petitioner

Versus

Mangal Orchid Co-operative Hsg. Soc. Ltd
and Ors. ...Respondents

WITH

WRIT PETITION NO. 12549 OF 2025

M/s. Mangal Corporation ...Petitioner

Versus

A Wing Mangal Orchid CHS and Ors. ...Respondents

Mr. Amrut Joshi, a/w Faiza Dhanani and Mr. Yazad Udwadia
i/b CUE Legal, for the petitioner.

Mr. Shanay Shah, a/w Tushar Gujar and Deep Madnani i/b
S.L. Partners, for the respondent No.1 and 3 Societies.

Smt. M. S. Srivastav, AGP for the State in WP/12288/2025.

Mr. P. V. Nelsonranjan, AGP for the State in WP/12549/2025.

CORAM: N. J. JAMADAR, J.

DATED: 3rd OCTOBER, 2025

Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 2nd September, 2025, passed by the Competent Authority under the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 ("the MOFA, 1963"), thereby granting a certificate of unilateral deemed conveyance in favour of respondent No.1 Society.

3. The impugned order came to be passed pursuant to the remand of the matter to the Competent Authority by order dated 14th February, 2025 passed in WP/17874/2024 with WP/18749/2024.

4. This Court (Coram: Sandeep V. Marne, J.) has, however, considered it appropriate to restrict the scope of hearing of the application for deemed conveyance post remand. In clause (iii) of the said order dated 14th February, 2025 this Court clarified that the remand of the proceeding before the Competent Authority was only on account of error in consideration of total plot area 11713.40 sq. meters and, therefore, the petitioner - developer would not be entitled to agitate any further points before the Competent Authority.

5. Mr. Joshi, the learned Counsel for the petitioner, submits that the petitioner is not precluded by the aforesaid clause in the order dated 14th February, 2025 from agitating the legality and validity of the impugned order on the grounds which are now sought to be urged in this petition.

6. Mr. Shah, the learned Counsel for respondent Nos.1 and 3, contests the aforesaid position. It was urged that the entire matter was not open for adjudication by the Competent Authority, post remand.

7. As the parties are at issue over the scope of adjudication, post remand, it would be appropriate that, this petition is listed before the same Court, which passed the order on 14th February, 2025 in WP/17874/2024 and WP/18749/2024.

8. The Registrar (Judicial) is, therefore, requested to place the papers before the Hon'ble the Chief Justice, for appropriate orders.

9. Mr. Shah, the learned Counsel for the respondents, on instructions, submits that the respondents will not precipitate the things till the matter is taken up by the Court, pursuant to the directions which may be issued by the Hon'ble the Chief Justice.

10. The statement is accepted.

[N. J. JAMADAR, J.]