

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14759 OF 2025**

Saguna Cooperative Housing Society Ltd ..Petitioner

Versus

District Deputy Registrar, Cooperative Societies ...Respondents
and Ors

Mr. Tushar V Dahibawalkar, i/b M/s Dahibawalkar & Co, for the
Petitioner.

Smt. P. J. Gavhane, AGP, for Respondent No.1-State.

Mr. Amit Tungare (through VC), for Respondent Nos. 2 and 3.

ARUN
RAMCHANDRA
SANKPAL

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CORAM: N. J. JAMADAR, J.
DATE : 19th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 17th April 2025, passed by the District Deputy Registrar, Cooperative Societies, Mumbai City (3)-the Competent Authority, whereby an Application preferred by the Petitioner for grant of certificate of Unilateral Deemed Conveyance under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (“the Act, 1963”) came to be rejected with liberty to file a fresh Application.

3. The reason which primarily weighed with the Competent Authority for rejection of the Application was, the non-impleadment of the new Trustees. It appeared that, though the names of the new Trustees were placed on record on the Competent Authority, the Petitioner has not carried out formal amendment to bring new Trustees of the Respondent No.2-Trust, which is the owner of the subject premises. If that was the case, the Competent Authority could have directed the Petitioner to carry out the necessary amendment and allowed the Petitioner to rectify the defect in the Application, in view of the Rule 13 of Regulation of the Promotion of Construction, Sale, Management and Transfer Rules, 1964, instead of rejecting the Application.

4. Since the Competent Authority has rejected the Application on a technical ground, it would be appropriate to provide an efficacious opportunity for the Petitioner to make amendment in the Application and, thereafter, prosecute the said Application for a certificate of Unilateral Deemed Conveyance.

5. The impugned Order was, thus, stands quashed and set aside.

6. The Application No. 132 of 2024 stands restored to file of the Competent Authority.

7. The Petitioner-Applicant is permitted to carry out the necessary amendment in the Application so as to bring new Trustees of the

Respondent No.2 – Trust on the record of Competent Authority, within a period of four weeks from the date of uploading of this order.

8. The Competent Authority shall thereafter hear and decide the Application No. 132 of 2024 afresh after providing an effective opportunity of hearing to all the parties.

9. It is clarified that, this Court has not entered into the merits of the matter and all contentions of all the parties are kept open for consideration of the Competent Authority.

10. Petition disposed.

[N. J. JAMADAR, J.]