



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8035 OF 2025
WITH
INTERIM APPLICATION NO.10677 OF 2025**

Jagshi Jethabhai Chheda and Anr. versus District Deputy Registrar of Co-op. Societies, Mumbai and Ors.	...	Applicants/Petitioners
	...	Respondents

Mr. Rohaan Cama with Mr. Yuvraj Singh, Mr. V.S.Vengurlekar i/by M/s. Nair Vengurlekar and Co., for Petitioners.

Mrs. S.D.Chipade, AGP for State.

Mr. Anil V. Anturkar, Sr. Advocate with Mr. Minal Chandnani, Mr. Ashish Jagiasi i/by Jaiwant Chandnani and Associates, for Respondent No.3.

Mr. Rajiv Singh i/by Mr. Sandeep Satkar, for Respondent Nos.4 and 5.

CORAM: N.J.JAMADAR, J.

DATE : 12 AUGUST 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 14 March 2024 passed by the Competent Authority, thereby issuing a unilateral deemed conveyance certificate under Section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.
3. The Petitioners are the lessees of a leasehold land situated at Plot No.268, bearing Survey No.882 (Part), C.S.No.5/10 admeasuring 734.95 sq. meters (the subject land). Municipal Corporation of Greater Mumbai –

Respondent No.6, is the lessor. The Petitioners constructed a building “Meru Heights” on the subject land. The Petitioners sold apartments in the said building to several purchasers under the provisions of the Maharashtra Apartment Ownership Act, 1970. The Petitioners had carved out certain area for their use as restricted areas and amenities under the Agreement executed to sell the apartments.

4. Eventually, Respondent No.3 Society was registered. Respondent No.3 filed an application under Section 11 of the Act, 1963, for grant of unilateral deemed conveyance.

5. Having heard Mr. Cama, learned Counsel for the Petitioners, Mr. Anil Anturkar, the learned Senior Advocate for Respondent No.3 Society and Mr. Rajiv Singh, learned Counsel for Respondent Nos.4 and 5, this Court is of the view that the following questions warrant consideration :

(i) Whether the impugned order of deemed conveyance is in conformity with the Agreements executed by the Petitioners in favour of the apartment purchasers ?

(ii) Whether the judgment and decree passed by the City Civil Court in S.C. Suit No.2617 of 2010 bears upon the rights of the Respondent No.3 Society to have conveyance of the property to the extent granted by the Competent Authority, without any limitations and restrictions ?

(iii) Can the Municipal Corporation – Respondent No.6 be deemed to

be a promoter within the meaning of Section 2(c) of the Act, 1963 ?

(iv) Whether the provisions of Act, 1963 would govern the case of present nature where initial agreements were under the Maharashtra Apartment Ownership Act, 1970 and the declarations were made thereunder ?

6. Issue notice to the Respondents, returnable on 29 September 2025.

7. Learned AGP waives service for Respondent Nos.1 and 2. Mr. Anturkar, learned Senior Advocate waives service for Respondent No.3 Society and Mr. Rajiv Singh, learned Counsel, waives service for Respondent Nos.4 and 5.

8. The Petitioners are at liberty to serve Respondent No.6 by private service and file an affidavit of service.

9. The Respondents are at liberty to file affidavit/s in reply within a period of four weeks and serve copies on the Petitioners.

10. Rejoinder, if any, be filed within two weeks thereafter.

11. The parties are put to notice that, subject to time constraints and convenience, an endeavour would be made to hear and decide the Petition finally at the stage of admission.

12. In the meanwhile, there shall be an ad-interim relief in terms of prayer clauses (b) and (c) of the Petition.

(N.J.JAMADAR, J.)