IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3389 OF 2026

Narendra Dwarkanath Samel & Ors. ....Petitioners
V/S
State of Maharashtra & Ors. ....Respondents

Mr. Hrishikesh P. Giri (through video conferencing) *for the Petitioners.*

Ms. Dhruti Kapadia, AGP *for Respondent Nos.1 and 3/State.*

CORAM : SANDEEP V. MARNE, J.
DATE : 12 OCTOBER 2026.

P.C.:

1. The Petitioners have filed the present Petition challenging order dated 31 December 2025 passed by District Deputy Registrar, Co-operative Societies and Competent Authority granting certificate of unilateral deemed conveyance in respect of the land and building in favour of Respondent No.2-Society.

2. I have heard Mr. Giri, the learned counsel appearing for the Petitioners and have considered the submissions canvassed by him.

3. Petitioners claim to be the original land owners as well as Promoters in respect of the concerned plot of land. The land was subjected to housing scheme and commencement certificate was obtained from the Municipal Corporation on 30 August 1960. After

completion of construction of the building, final occupancy certificate is obtained on 24 August 1966. It appears that construction of the building in accordance with sanctioned plans dated 30 August 1960 is complete. Petitioners claim right to carry out additional construction in the plot. However, it is well settled position that once agreements under Section 4 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (**MOFA**) are executed and all flats in the building are sold, Promoter has an obligation to convey his right, title and interest in the land and the building in favour of organization of plot purchasers under Section 11 of the MOFA. Possibility of carrying out additional construction by use of TDR/incentive FSI is impermissible and on that count Promoter cannot delay conveyance of land and building in favour of the organization of flat purchasers. What Petitioners now seek to claim are in fact rights and entitlement of Respondent No.2-Society. If the building is to be redeveloped, Respondent No.2-Society is entitled to redevelop the same and Petitioners have no right in the redevelopment process. In my view therefore, the Competent Authority has rightly exercised jurisdiction under Section 11 of the MOFA and the alleged rights of Petitioners cannot come in the way of Society claiming deemed conveyance of land and building under Section 11(3) of the MOFA. There is no warrant for interference in the impugned order. Writ Petition is accordingly **rejected.**

(SANDEEP V. MARNE, J.)

Signed by: Sudarshan R. Kakkam
Designation: PS To Honourable Judge
Date: 13/10/2026 15:49:39