IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13511 OF 2026

Vindhyanchal Cooperative Housing Society
Ltd. and Another ...Petitioners

Vs.

State of Maharashtra through its Secretary
Urban Development Department and Others ...Respondents

Mr. Avinash Fatangare a/w. Ms. Archana Shelar, Ms. Srushti Dube i/b. Fatangare and Associates, for the Petitioners.

Mr. P. P. Kakade, Addl.G.P. a/w. Mr. Sachin H. Kankal, AGP, for the Respondent / State.

Mr. A. S. Rao, for Respondent No.2.

MAMTA AMAR KALE Digitally signed by MAMTA AMAR KALE Date: 2026.10.14 15:21:03 +0530

CORAM : R. I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

DATED : 13th OCTOBER, 2026

P.C.:-

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this Petition, the Petitioners are seeking a direction to Respondent No.3 to grant Commencement Certificate to the building constructed by Petitioner No.2 on plot admeasuring 1552 Sq. Meters

situated at City Survey No.9278, Village Morivali, Ambernath. Further direction is sought to Respondent No.2 to grant NOC to redevelop the building of Respondent No.1 situated on the said plot.

3. The Petitioners state that the scheme prepared by the original owner, Mr. Raghunath Laxman Navare, who had been granted development rights in respect of the subject land, and for which exemption was sought under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976, ("ULC Act") was approved by Respondent No.1 vide Order dated 1st July 1989. By a further Order dated 16th January 1990, Respondent No.2 Collector, Thane, under Section 44 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as 'the MLRC'), converted the subject land into non agricultural land. The said owner, Mr. Raghunath Laxman Navare, was continued in 7/12 extract as an owner of the said land. Thereafter, the Kalyan Municipal Corporation, by an Order dated 1st April 1992, issued a Commencement Certificate for construction of a building on the said larger plot. Ambernath Municipal Council has issued Occupation Certificate from time to time.

4. Mr. Raghunath Laxman Navare has accordingly constructed the building and handed over 33 flats to Respondent No.1 and disposed of the balance flats to various purchasers in accordance with the provisions of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 ("MOFA Act").

The Society came to be formed by the occupants of building Nos.3 and 4 on the subject land, which Society is named as Vindhyanchal Cooperative Housing Society Ltd.(Petitioner No.1). Thereafter, a Conveyance Deed was executed by Mr. Raghunath Navare as owner and Petitioner No.1 as purchaser, on 23rd November 2020, wherein Raghunath and Associates, viz., the Developer, was the confirming party.

5. In view of the fact that the said building on the subject land was old and was in a dilapidated condition, Ambernath Municipal Corporation has issued a Notice dated 8th June 2022, under Section 195 of the Maharashtra Nagar Parishad, Nagar Panchayat and Industrial Township Act, 1965, to demolish the said building. A Development Agreement dated 28th June 2022 was entered into between Petitioner Nos.1 and 2. The members of Petitioner No.1 vacated their respective flats and thereafter Petitioner No.2 demolished the said building in December 2025 for the purpose of new construction.

6. Petitioner No.2 prepared a plan / layout and sought permission for redevelopment of the said plot on 19th January 2026. Respondent No.3 refused to issue the Commencement Certificate vide decision taken on 27th January 2026 on the ground of communication dated 4th November 2024 issued by Respondent No.2 to one Garden View Apartment.

7. The Petitioners have addressed a letter dated 27th August 2026 to Respondent No.2 Collector seeking issuance of NOC and agreed to

deposit 2.5% of the value as per the prevailing annual statement of rates as prescribed under Government Resolution dated 1st August 2019. In view of the said communication not being responded to by Respondent No.2 Collector, the present Petition has been filed.

8. Mr. Kankal, the learned AGP appearing for Respondent Nos.1 and 2, has stated that in view of the communication / Application of the Petitioners dated 27th August 2026 not having been responded to by Respondent No.2 Collector, Respondent No.2 Collector is agreeable to take a decision in respect of the said communication / Application dated 27th August 2026 in a time bound manner. The statement is accepted.

9. In view of the above statement and taking note of the decision of this Court in **Mansarovar Co-Operative Housing Society Ltd. and Another Vs. State of Maharashtra and Others in Writ Petition No.1077 of 2026 in Order dated 27th July 2026,** which was a similar case, wherein the Petitioners were not being granted an Occupation Certificate, though having been granted Commencement Certificate and being ready and willing to deposit the amount at 2.5% of the value as per the prevailing annual statement of rates as prescribed under Government Resolution dated 1st August 2019, this Court had directed the Occupation Certificate to be issued upon the Petitioners depositing the said amount of Rs.9,53,988/- with the Government Treasury. The Revenue Record was directed to be corrected so as to delete the reference to the proceedings under the ULC Act

and the name of the Petitioners was directed to be entered in the Revenue record.

10. Accordingly, we direct Respondent No.2 Collector and Competent authority to take a decision on the communication / Application of the Petitioners dated 27th August 2026 in light of the decision of this Court in **Mansarovar Co-Operative Housing Society Ltd. (Supra)**.

11. The Petitioners shall present themselves before the Respondent No.2 Collector and Competent Authority on 19th October 2026, at 11:00 a.m., when they shall be heard on the said Application.

12. The decision shall be taken by Respondent No.2 Collector and Competent Authority within a period of two weeks from the date of hearing granted to the Petitioners on the said Application of the Petitioners.

13. The decision shall be communicated to the Petitioners within a period of one week after taking such a decision.

14. The Writ Petition is disposed of with no order as to costs.

[FIRDOSH P. POONIWALLA, J.] **[R.I. CHAGLA, J.]**