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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.14980 OF 2025

Smita Shyamsunder Tawde (nee
Suhasini Jagannath Shingre) & Ors. ... Petitioners

V/s.

The District Deputy Registrar, Coop.
Societies, Mumbai City (4) & Anr. ... Respondents

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Mr. Shrey Fattarpakar with Ms. Miloni Sanghvi for the
petitioners.

Mrs. M.S. Srivastava, AGP for respondent No.1-State.

Mr. Karl Tamboly with Reehan Ajmerwalla i/by Priya
Chaturvedi for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 11, 2026

P.C.:

1. The petitioner, who is the promoter, has challenged the order dated 29 September 2018 passed by the Competent Authority under Section 11 of the Maharashtra Ownership Flats Act, 1963. By that order, unilateral deemed conveyance was granted in favour of respondent No.2 society. The petitioner has also challenged a subsequent corrigendum dated 6 March 2025 issued by respondent No.1, by which certain particulars were clarified in the earlier order.

2. As regards the challenge to the original order dated 29 September 2018, the writ petition has been filed on 30 July 2025. There is a clear gap of almost seven years. The petition does not

disclose any convincing reason for this delay. A party who seeks relief under Article 226 must approach the Court within a reasonable time. When there is inordinate delay, the Court is not bound to examine the merits. The only explanation offered is contained in paragraphs 4(l) to 4(z) of the petition. These averments refer to appointment of a new developer in the year 2022 and attempts made thereafter to settle disputes with the society. These are events that occurred much later. They do not explain why the petitioners remained silent from 2018 to 2022. The cause of action arose on the date of the order. If the petitioners were aggrieved, they ought to have challenged it promptly. In absence of a satisfactory explanation for laches, this Court is not inclined to entertain the challenge to the order dated 29 September 2018.

3. The grievance is then restricted to the corrigendum dated 6 March 2025. It is contended on behalf of the petitioners that the corrigendum goes beyond what is permissible in law. Reliance is placed on the decision of this Court in *Kashish Park Realty Private Limited vs. State of Maharashtra, 2020 SCC OnLine Bom 11644*. It is submitted that the Competent Authority, by issuing the corrigendum, has in effect reviewed its earlier order. According to the petitioners, insertion of specific measurements of undivided area amounts to a substantive modification. Such a review, it is urged, is outside the limited powers of the Authority under Section 11 of MOFA.

4. On the other hand, learned counsel for respondent No.2 society submits that there is no review at all. He points out that in

the original order dated 29 September 2018, the Competent Authority clearly recorded that the society is entitled to land admeasuring 1571.90 sq. metres along with undivided share and rights in the D.P. Road, setback internal road, recreation area and common areas of the layout. According to him, the corrigendum merely quantifies what was already granted. It specifies the exact extent of the undivided portion forming part of those common areas. It does not grant any new right. He therefore submits that the corrigendum only corrects or clarifies clerical particulars and does not involve fresh adjudication.

5. In order to appreciate these rival submissions, it is necessary to examine the operative portion of the order dated 29 September 2018. In paragraph 2 of the conclusion and in paragraph 2 of the order and certificate, the Competent Authority has clearly recorded that the applicant society is entitled to unilateral assignment of lease of land admeasuring 1571.90 sq. metres along with undivided share and rights in the D.P. Road, setback internal road, recreation area and common areas of the layout. The entitlement to undivided share is expressly recognized. The Authority has directed execution and registration of the unilateral assignment on that basis.

6. The corrigendum dated 6 March 2025 specifies that out of the total area of the D.P. Road and internal road, 148.31 sq. metres form part of the society's undivided share, and similarly 304.99 sq. metres out of the recreational garden and common areas are relatable to the society. These figures are nothing but a break up of the undivided share earlier granted in general terms. The basic

entitlement to an undivided share was already adjudicated in 2018. The corrigendum does not enlarge the land area of 1571.90 sq. metres. It only quantifies the undivided component.

7. The decision in *Kashish Park Realty* lays down that the Competent Authority cannot undertake a substantive review or reopen concluded issues under the guise of correction. The power is limited. However, if the original order already determines a right, and the subsequent corrigendum merely clarifies the numerical details flowing from that determination, it cannot be treated as a fresh adjudication. On a conjoint reading of the original order and the corrigendum, it is evident that the Authority has not reconsidered any issue on merits. It has not granted any additional area. It has only specified the extent of undivided share which was implicit in the earlier operative order. Such specification is in the nature of a clerical or arithmetical clarification. It does not amount to review.

8. In these circumstances, no jurisdictional error is made out. The challenge to the original order fails on the ground of delay. The challenge to the corrigendum also fails as it does not travel beyond the scope of the original adjudication.

9. The writ petition is accordingly dismissed. There shall be no order as to costs.

10. It is clarified that proceedings under Section 11 of MOFA are summary in nature. The Competent Authority examines limited aspects for the purpose of facilitating conveyance. The findings recorded therein are not final adjudications of title in the manner

of a civil court. Therefore, if the petitioners are advised to institute a substantive civil suit, their right to do so remains unaffected. Any observations made in the summary proceedings will not operate as res judicata in such a suit.

(AMIT BORKAR, J.)