

AGK

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

**WRIT PETITION NO.7669 OF 2025
WITH
INTERIM APPLICATION NO.490 OF 2026**

Jayantilal Investments ... Petitioner
V/s.
The District Deputy Registrar, Coop.
Societies, Mumbai City (4) & Ors. ... Respondents

Mr. Gauraj Shah with Mr. Sagar Deb and Mr. Anmol
Bartaria for the petitioner.

Mr. P.G. Sawant, AGP for respondent Nos.1 and 2-State.

Mr. Jagdish S. Hegde for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2026

P.C.:

1. The petitioner is the owner and promoter. The petitioner challenges the order passed by the Competent Authority under Section 11(5) of the Maharashtra Ownership Flats Act. The authority approved the draft conveyance submitted by the housing society.

2. The petitioner earlier filed a civil suit. In that suit, the Court observed that the petitioner is entitled to a personal hearing. The petitioner then applied for a personal hearing. Along with that request, the petitioner raised objections. The first objection was that the conveyance submitted by the society did not match the draft conveyance. The second objection was that the stamp duty

paid on the conveyance was insufficient. Despite these objections, the authority approved the conveyance. The present writ petition challenges that approval.

3. It is correct that at the stage of issuing deemed conveyance, the authority must give an opportunity of hearing to the promoter. In this case the petitioner's objections were already on record. The petitioner's objections were specific and based on documents. The first objection related to non-compliance with the agreement and the statutory form under Section 4 of MOFA. The second objection related to insufficient stamp duty.

4. The petitioner has not shown how approval of the conveyance caused legal prejudice to the petitioner. A party must prove concrete prejudice. A technical breach of natural justice is not enough. The jurisdiction under Article 226 is discretionary. The Court exercises this jurisdiction only when rights are adversely affected in a substantial manner.

5. The Supreme Court has dealt with this issue in *State of Uttar Pradesh vs. Sudhir Kumar Singh*, AIR 2019 SC 5215. The Supreme Court clarified that there is a difference between complete absence of hearing and complaint of inadequate hearing. The Supreme Court also held that unless the party shows legal prejudice due to breach of natural justice, the superior Court should not interfere.

6. The issue of deficit stamp duty is between the State and the society. The petitioner has not shown how the stamp duty issue affects the petitioner's legal rights. The petitioner has also not shown how the terms of the conveyance prejudice the petitioner.

Without proof of such prejudice, the petitioner cannot seek to set aside the order under Section 11(5) of MOFA. Therefore, there is no ground to interfere with the impugned order.

7. The writ petition, therefore, stands dismissed. No costs.

8. In view of disposal of the writ petition, nothing survives in the interim application and same stands disposed of accordingly.

(AMIT BORKAR, J.)