

Shabnoor

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

**INTERIM APPLICATION NO.12123 OF 2025
IN
WRIT PETITION NO.14003 OF 2016**

Vazira Koli Samaj Trust ... Applicant

In the matter between

Kulprem Construction Company & Anr. ... Petitioners

V/s.

Kulprem Premises Cooperative Society
Limited & Anr. ... Respondents

Ms. Madhura Gavi i/b Mr. Manish N. Bijutkar, for the
Applicant.

Mr. Pradeep Thorat a/w Bhavesh Joshi, i/b Prasad
Apte, for Respondent No.1.

Ms. Kavita N Solunke, Add. GP with Mr. S. L. Babar,
AGP, for State – Respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 22, 2026

P.C.:

1. The applicant contends he is a co-owner of the property. He also contends that he is in possession of a large portion of that property. The property is involved in the deemed conveyance proceedings. Based on this, the applicant argues that he is a necessary party to those proceedings. The applicant does not place any material to show participation in the development activity. The claim of ownership and possession is disputed by respondent No.1 at this stage. The legal issue is only whether such claim gives a right to participate in a deemed conveyance proceeding.

2. The Act shows a clear scheme. A deemed conveyance proceeding takes place between the promoter and the association of flat purchasers. Section 2(c) of the Maharashtra Ownership Flats Act, 1963 defines a promoter. A promoter is a person who causes construction or constructs a building for sale. Records in this case show that the applicant did not develop the property. He did not cause any construction. He has not sold any flats. The applicant only relies on ownership and possession. Such claims do not make him a promoter. Section 11 gives a remedy against promoters who fail to convey title within time. The purpose is to protect flat purchasers from defaulting promoters. A person who is not a promoter has no role in that process. Possession or ownership alone does not create a right to enter proceedings under Section 11.

3. The applicant contends that the deemed conveyance order will affect his civil rights. If such rights exist in law, the proper course for such a person is to file a civil suit and seek appropriate relief. This is because the deemed conveyance authority cannot decide civil title disputes. It only checks whether the promoter failed in his statutory duty. Allowing persons other than promoters and flat purchasers to intervene will defeat the object of the Act. An interim application filed by a non-promoter has no legal basis in deemed conveyance proceedings. The authority cannot entertain such an application.

4. In view of the above, the interim application is rejected.

(AMIT BORKAR, J.)