

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 869 OF 2026**

M/S. Shree Realtors Through Its
Partner Rasik D. Nisar

...Petitioner

V/s.

State Of Maharashtra Thr. G. P. and
Ors

...Respondents

**WITH
WRIT PETITION NO. 1167 OF 2026**

Sameer Co-operative Housing
Society Through Chairman

...Petitioner

V/s.

State Of Maharashtra and Ors

...Respondents

Mr. Kailas Dewal i/by Yash Dewal with Mr. Ashwin Kulkarni for
Petitioner in WP No. 869/2026

Ms. A.A.Nadkarni, AGP for Respondent/State in WP. 869/2026

Ms. A.A.Purav, AGP for Respondent/State in WP 1167/2026

Mr. Ghanshyam Sakpal for Respondent No. 3

CORAM: SANDEEP V. MARNE, J.

DATED: 16 JUNE 2026.

P.C.:

1) These Petitions are filed challenging the order dated
31 October 2025 passed by District Deputy Registrar, Co-

operative Societies, Thane and Competent Authority (**Competent Authority**) issuing certificate of unilateral deemed conveyance in favour of the Respondent Society (Gautam Tower Co-operative Housing Society Limited). By the impugned order, the Competent Authority has conveyed land admeasuring 3849.51 sq. mtrs., comprising of (i) land admeasuring 2603.69 sq. mtrs., bearing City Survey No. 83, Sheet No. 22, & (ii) land admeasuring 1245.82 sq. mtrs., out of land admeasuring 1673.80 sq. mtrs., bearing City Survey No. 88/A/1, Sheet No. 22, in the Revenue village Thane City – Sheet No.22, Tal. & Dist. Thane.

2) I have heard Mr. Dewal, the learned counsel appearing for the Petitioners in both the Petitions, Ms. Nadkarni and Ms. Purav, the learned AGPs for Respondent-State and Mr. Sakpal, the learned counsel appearing for Respondent No.3.

3) It is the case of the Petitioner in Writ Petition No. 869 of 2026 (Shree Realtors) that, though it was impleaded as Opponent No. 10 in the application preferred by Gautam Tower Society, it never received notice in respect of the application.

4) On the other hand, it is the contention on behalf Gautam Tower Society that Opponent No.10 – M/s. Shree Realtors was served with notice before filing of the application. That it had appeared before Competent Authority and filed a reply opposing the application. However, perusal of the impugned order of Competent Authority would indicate that it has taken into consideration objection letter dated 1 August 2025 addressed on behalf of M/s Shree Realtors creating an

impression as if it has participated in the proceedings before Competent Authority. However, on a deeper scrutiny, it is seen that the application for deemed conveyance was lodged by Gautam Tower Co-operative Society Ltd. on 13 August 2025 and therefore the letter of M/s Shree Realtors dated 1 August 2025 cannot be treated as response to Application under Section 11 of the Maharashtra Ownership Flats (regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (**MOFA**). It appears that Gautam Tower Society had issued advance notice *inter alia* to M/s Shree Realtors in pursuance of which response dated 1 August 2025 was issued by M/s Shree Realtors. In fact, in that response M/s Shree Realtors had specifically prayed as under:

गौतम टॉवर सहकारी गृहनिर्माण संस्थेद्वारे मानीव खरेदीखताकरीता अर्ज दाखल झाल्यास अथवा दाखल केलेला असल्यास संबंधित अर्जाचे चौकशी दरम्यान आवश्यक पक्षकार म्हणून आम्हास आमचे म्हणणे सादर करण्याची संधी देण्यात यावी.

Therefore, response of M/s Shree Realtors dated 1 August 2025 cannot be treated as reply to application filed under Section 11 of MOFA by Gautam Tower Society. Thus, the application for deemed conveyance filed by Gautam Tower Society is decided without grant of opportunity of hearing to M/s Shree Realtors.

5) So far as Writ Petition No. 1167 of 2026 filed by Sameer Co-operative Housing Society Limited (**Sameer** Society) is concerned, it is contended by the said Society that its building stands on part of land bearing City Survey No. 88/A/1, which is conveyed to Gautam Tower Society. Admittedly, Sameer Society was not impleaded to the application for deemed conveyance

filed by Gautam Tower Society. Now that the proceedings are being remanded on account of non-grant of hearing to M/s Shree Realtors, it is appropriate that even Sameer Society is heard by the Competent Authority in the remanded proceedings

6) In view of the above position both the Petitions succeed in part, and I proceed to pass the following order:

- (i) Order dated 31 October 2025 passed by the Competent Authority in Application No. 557 of 2025 is set aside. Consequently the Indenture of Conveyance dated 11 November 2025 is also set aside.
- (ii) Application No. 557 of 2025 is remanded to the Competent Authority for re-adjudication.
- (iii) Competent Authority shall grant opportunity of hearing to all parties including M/s Shree Realtors and Sameer Society which shall be impleaded as Opponent to Application No. 557 of 2025.
- (iv) Gautam Tower Society, M/s Shree Realtors and Sameer Society shall appear before the Competent Authority on 1 July 2026 alongwith copy of this order downloaded from website of this court and seek further direction for fixation of date(s) of hearing.
- (v) The remanded proceeding shall be decided by the Competent Authority uninfluenced by findings recorded in the order dated 31 October 2025 and

on its own merits as expeditiously as possible, preferably within a period of 6 months.

- (vi) All rights and contentions of parties on merits are expressly kept open to the adjudicated before the Competent Authority.

7) With the above directions, the Writ Petitions are **disposed of.**

[SANDEEP V. MARNE, J.]