

District Deputy Registrar, Co-operative Societies, Mumbai City (4)

Competent Authority U/s 5A of the MOFA, 1963

Bhandari Bank Building, 2nd Floor, P.L.Kale Guruji Marg, Dadar (W), Mumbai 400 028

No.DDR-4/Mum./D.C./ Shanti Mahal CHSL / 1699 /2022

Date: - 10 /05 / 2022

Order of Deemed Conveyance and Certificate U/s 11 of the MOFA, 1963

Application No. 47 of 2022 .

Ref.:-

1. Section 3 and 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963.
2. Rule 9, 11, 12 & 13 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Rules 1964.
3. The conferment of the powers under section 5A of the Maharashtra Ownership Flats Act, 1963 issued by Housing Department on 23rd June, 2008 and the same has been further amended on 25th February, 2011 and on 9th January 2013.
4. Application of Shanti Mahal Co-operative Housing Society Ltd., submitted to this office on dt. 10.01.2022.
5. Hearings held from time to time in the said matter.

Shanti Mahal Co-Op. Hsg. Society Ltd.,
CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Near National Park,
Borivali (East), Mumbai-400066

..... Applicant

Versus

1) Shantivan Developers Pvt. Ltd.,
(Formerly Known as M/s. Goyal Builders)
Having addressed at :
1 Bina Shopping Centre,
M. V. Road, Andheri (East), Mumbai-400069.

2) M/s. Laxminarayan Constructions
Last known address
CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Borivali (East), Mumbai-400066

3) Ms. Sushila Pyarelal Sharma
Last known address
CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Borivali (East), Mumbai-400066



4) Mr. Kishore Pyarelal Sharma

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Borivali (East), Mumbai-400066

5) Koyna G Wing Co-Op. Hsg. Society Ltd.,

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Near National Park,
Borivali (East), Mumbai-400066

6) Shantivan Koyna Co-Op. Hsg. Society Ltd.,

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Koyna-B wing, Shantivan, Near S. G. National Park,
Off W. E. Highway, Borivali (East), Mumbai-400066

7) Koyna Co-Op. Hsg. Society Ltd.,

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan Complex, Near National Park,
Off W. E. Highway, Borivali (East),
Mumbai-400066

8) Krishna Co-Op. Hsg. Society Ltd.,

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan Complex, Opp. Sona Cinema,
Borivali (East), Mumbai-400066

9) Bhima Co-Op. Hsg. Society Ltd.,

Last known address

CTS No. 1881/6, Village Dahisar, Taluka-Borivali,
Shantivan, Near National Park,
Borivali (East), Mumbai-400066

...Opponents

JUDGEMENT:

1. The Applicants are the Members of a Co-Operative Housing Society viz. "Shanti Mahal Co-operative Housing Society Ltd" bearing Reg. No. MUM/WR/HSG/TC/13630/2006-2007 Dated 02.11.2006 formed U/s.10 of the MOFA, 1963 and duly registered under the M.C.S. Act, 1960 having its address C.T.S. No.1881/6, Village



Dahisar, Tal- Borivali, Shantivan, Near National Park, Borivali (E), Mumbai-400066 have applied to this office on dt. 10.01.2022 vide its application No. 47 of 2022 in form No. VII as prescribed in the MOF Act.

2. The application is filed under section 11(3) and section 11(4) of the Maharashtra Ownership Flats Act, 1963 (hereinafter referred to as the "said Act") and under Rules 11, 12 and 13 of the Maharashtra Ownership Flats Rules, 1964 (hereinafter referred to as the "said Rules")

3. The application is in prescribed form no. VII alongwith following relevant documents :-

- a) The payment of fees of Rs. 2000/- (~~GRAS /Online/~~ Court fee/ Treasury Challen)
- b) Copy of Resolution passed at Special / Annual General Meeting held on dt. 19.05.2019.
- c) Copy of Society Registration Certificate dated 02.11.2006.
- d) Copy of Agreement for Sale executed between Shantivan Developers Pvt. Ltd. (Formerly known as D. Goyal Builders & Developers Pvt. Ltd.) and one of the Flat/unit purchasers dated 14.04.2001.
- e) Copy of Property Card dated 10.01.2022.
- f) Copy of Commencement Certificate dated 05.06.1987
- g) Copy of completion building plan dated 22.12.1997.
- h) List of present members with their details in prescribed format.
- i) Copy of the Legal Notice dated 07.10.2021 sent to the Opponents by the Applicant.
- j) Copy of the Occupation Certificate dated 22.12.1997.
- k) Affidavit dated 10.01.2022 thereby stating that the documents submitted are true and correct and this Applicant have not approached any Court in the matter of Deemed Conveyance and if the documents are not true and correct then they will be liable for punishment under IPC.

4. On receipt of the above documents, this office issued Notice in Form No. X vide letter no. DDR-4/Mum/deemed conveyance/Notice/295/2022 dated 28.01.2022 and public notice dated 28.01.2022 in order to give sufficient opportunities to all the parties concerned as required under the Act and the principles of natural justice.

5. The hearing was conducted on various dates and after giving proper opportunities to all the parties concerned, the matter was closed for order on 17.03.2022.

- a) On behalf of applicant society Adv. Hitesh Rajpurohit & Adv. Vishal Pathak



- were present.
- b) On behalf of Opponent No.05 to 09 Shri. Subir Malvankar was present and submitted NOC given by opp. No. 05 to 09.
 - c) Other opponents were not present.
6. In the present application the applicant has prayed to get the certificate issued by this Competent Authority that the applicant is entitled to have unilateral deemed conveyance of land admeasuring about 561.60 sq. mtrs., out of total area of 8720.70 sq. meters as specifically set out in the Property Registered Card bearing C.T.S. No. 1881/6 of Village- Dahisar, Tal- Borivali in the Mumbai Suburban District within the Registration District and Sub- District of Mumbai City and Mumbai Suburban.
 7. It is observed that, the building of the applicant society is having one wing as per the list submitted by the applicant, the applicant society is having 7 flats.
 8. It is observed that, as per the latest Property card, submitted by the applicant society the land bearing CTS No. 1881/6 is admeasuring 8720.70 sq. mtrs., the name of M/s D. Goyal Builders and Developers Pvt. Ltd. i.e. Opponent No. 01 appears as landowners.
 9. As per the MOFA agreement submitted by applicant, the land owners as per property card M/s D. Goyal Builders and Developers Pvt. Ltd. (i.e. Opp. No. 01 as per this application) now known as Shantivan Developers Pvt. Ltd is the builder who have the rights, title and interest in the land. There is no any dispute regarding title of the land which is to be transferred in the name of society.
 10. It is observed that, the Opponent No.01 as a developer constructed and completed building after having all the permissions from the concerned authorities. After completion of the building, the builder has sold the flats / units to various purchasers and entered into agreement for sale of flats with the individual purchasers of flat / shops as required by Section 4 of MOFA, 1963.
 11. It is observed that after the formation of society, promoter / landowners have failed to execute the conveyance in favour of the applicant which they are legally entitled to have as provided under the said Acts & Rules made thereunder.
 12. The other societies in the same layout viz. opp. No. 05 to 09 had given their N.O.C. to grant the order and certificate of deemed conveyance in favour of the applicant society.
 13. It is observed that there are six societies situated on the same layout i.e. applicant society and opp. No. 05 to 09. All these societies have filed the application for



unilateral deemed conveyance before this authority alongwith the same architect certificate of Space Form & Associates issued by Ar. Ajit Parulekar in which the area entitlement of each society in the layout is given so the claim of the applicant society as per the architect certificate is accepted.

14. It is observed that as per approved building plan and the architect certificate submitted by applicant, the applicant society is entitled to get the unilateral conveyance of the land admeasuring 561.60 sq. mtrs. (including R.G. area), out of total area of 8720.70 sq. meters as specifically set out in the Property Registered Card bearing C.T.S. No. 1881/6 of Village- Dahisar, Tal- Borivali in the Mumbai Suburban District within the Registration District and Sub- District of Mumbai City and Mumbai Suburban alongwith the building situated thereon.
15. Therefore, with the above observations and after going through all the documents submitted by the concerned parties and after relying on all the documents and submissions made by them, I am of the opinion that the application filed by the “Shanti Mahal Co-operative Housing Society Ltd.,” is fit to allow and grant the Unilateral Deemed Conveyance.

Hence, I pass the following order.

ORDER

In exercise of the powers conferred upon me U/s 5A of the Maharashtra Ownership Flats Act, 1963, I, **Dr. Kishor Mande**, the Competent Authority & District Deputy Registrar, Co-operative Societies, Mumbai City (4), hereby allow the application No. 42 of 2022 and grant the Unilateral Deemed Conveyance in favour of the “Shanti Mahal Co-operative Housing Society Ltd.,” situated at C.T.S. No.1881/6, Village Dahisar, Tal- Borivali, Shantivan, Near National Park, Borivali (E), Mumbai-400066. Accordingly, I am issuing certificate of entitlement of Unilateral Deemed Conveyance.

I also direct the applicant society, to register the Deemed Conveyance Deed as per Registration Act, 1908.

However, this order is issued on the basis of documents and information submitted by the Applicant and in the belief that the information/documents furnished by the Applicant are true and correct. And if the documents submitted by the applicant are not true and correct then the applicant will be responsible for the legal



consequences arising out of it.

This Order is passed under my seal and signature.

Place: Mumbai

Dated: 10/05/2022



(Dr. Kishor Mande)
District Deputy Registrar,
Co-operative Societies, Mumbai City (4)
Competent Authority
U/s 5A of the MOFA, 1963



**Certificate of Deemed Conveyance under sec. 11 of the
Maharashtra Ownership Flats Act. 1963.**

Deemed Conveyance

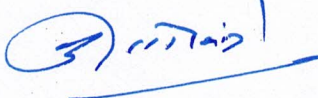
Application No. 42 of 2022.

CERTIFICATE

In exercise of the powers conferred on me U/s 5 (A) of the Maharashtra Ownership Flats Act, 1963, I, **Dr. Kishor Mande**, Competent Authority & District Deputy Registrar, Co-operative Societies, Mumbai City (4), hereby certify that "Shanti Mahal Co-operative Housing Society Ltd.," is entitled to have Unilateral Deemed Conveyance of land admeasuring 561.60 sq. mtrs. (including R.G. area), out of total area of 8720.70 sq. meters as specifically set out in the Property Registered Card bearing C.T.S. No. 1881/6 of Village- Dahisar, Tal- Borivali in the Mumbai Suburban District within the Registration District and Sub- District of Mumbai City and Mumbai Suburban alongwith the building situated thereon.

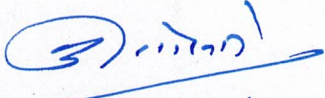
Place : Mumbai

Dated : 16/05/2022


(**Dr. Kishor Mande**)
District Deputy Registrar,
Co-operative Societies, Mumbai City (4)
Competent Authority
U/s 5A of the MOFA, 1963

To,

1. Chairman /Secretary
Shanti Mahal Co-operative Housing Society Ltd.,
C.T.S. No.1881/6, Village Dahisar, Tal- Borivali,
Shantivan, Near National Park,
Borivali (E), Mumbai-400066
2. The Sub Registrar office, Borivali Taluka.
3. Opponent No. 01 to 09.


District Deputy Registrar,
Co-operative Societies, Mumbai City (4)
Competent Authority
U/s 5A of the MOFA, 1963.

