

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./ Shree Suraj Niwas CHSL / 1884 /2022 Date: - 19/05/2022

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

Application No. 14 of 2011

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 Shree Suraj Niwas Co-operative Housing Society Ltd., submitted to the District Deputy Registrar, Co.op. Socs. Mumbai City (3), Competent Authority u/s 5A of the MOFA, 1963 on 9/5/2011.
5. Hearings held from time to time in the said matter.
6. Order No. DDR-3/Mum./deemed conveyance/14 of 2011/1080/12 dated 09/04/2012 issued by District Deputy Registrar, Co.op. Socs. Mumbai City (3), Competent Authority u/s 5A of the MOFA, 1963.
7. Written compliance reply submitted by applicant society on 22.04.2022.

Shree Suraj Niwas CHS Ltd.

20, S.V. Road, Malad West, Mumbai - 400 068.

...Applicant

Versus

- 1) **M/s Sanghvi Construction Company**
395/397, Katha Bazar, Mumbai - 400009.
- 2) **Pratapbhai Sanghvi,**
Partner of M/s Sanghvi Construction Company,
17, Sudarshan Building, 9th Road, L.D. Ruparel marg,
Malbar Hill, Mumbai - 400006.
- 3) **Mr. Nalin R. Parekh,**
Legal heir of Late Shri. Ratilal Motilal Parekh and
Late Smt. Kanchanben R. Parekh
Flat no. B-201 to 203, 2nd floor, Suraj Apartments,
S.V.Road, Opp. N.L. High School,
Malad West, Mumbai - 400064.



- 4) **Smt. Neela Surendra Shah,**
Flat No. 304, 3rd floor, Krishna Kunj,
Krishna Kunj Co-op. Hsg. Soc. Ltd.,
Senapati Bapat Marg, Matunga (W), Mumbai – 400 016.
- 5) **Smt. Indira Nalin Parekh**
Flat No. B-202, Suraj Apartment CHS Ltd.
S.V.Road, Opp. N.L. High School,
Malad West, Mumbai – 400064.

...Opponents

JUDGEMENT:-

1. The application was 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") to grant an order and certificate by the Competent Authority addressed to the Sub Registrar or Appropriate Registration officer for enforcing unilateral execution of conveyance deed in favour of the applicant society.
2. The aforesaid Application No. 14 of 2011 was disposed of by District Deputy Registrar, Co. op. Socs. Mumbai City (3), Competent Authority u/s 5A of the MOFA, 1963 vide Order No. DDR-3/Mum./deemed conveyance/14 of 2011/1080/12 dated 09/04/2012 wherein, the competent authority in point no. 2 of the Order and the Certificate observed that "The applicant is entitled to get the unilateral conveyance deed prepared and executed as deemed conveyance and get it registered as provided under the Act **subject to review and after submitting the documents and compliance all the provisions of law as stated hereunder:-**
 - a. The Applicant shall submit the duly stamped and registered agreement executed on 29.04.1974 entered between Shri. Motilal Parekh and Smt. Kanchanben R. Parekh and M/s Sanghvi Construction Company to transfer the right, title and interest of suit premises.
 - b. There are 44 members in the applicant society. As per section 11(3) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, the applicant shall submit the true copies of the registered agreement for sale executed with the individual member of the society and also chain of transactions in respect of resale flats as provided under section 17 of Indian Registration Act, 1908.



- c. The discrepancies in area to be clarified as the approved plan shows the plot area as 2572.47 sq. mtrs. Property card issued on 09.01.2003 in respect of CTS No. 542 submitted to this office shows an area of 2454.30 sq. mtrs. (As per application). Draft conveyance deed submitted shows the schedule of property as an area of 2378.50 sq. mtrs. bearing CTS No. 542/1 to 5, Malad Village. The latest property cards and CTS map in respect of CTS No. 542/1 to 5 and also CTS No. 542/6 to 22 to support the area claimed by the applicant has to be submitted.
- d. The clarification has to be given about the entry appearing in Search report in respect of the suit premises submitted by the applicant issued by Vishwas I. Daware dated 28.04.2011. As per the search report submitted an undertaking by Rajshi Construction through Shri. Prakash J. Mehta is given to Mumbai Mahanagar Palika regarding the land and construction in respect of CTS No. 542, 542/1 to 22 which was registered on 20.01.1995 and 08.09.1997. The certified copy of the undertaking has to be submitted.

In compliance of the above condition, the applicant society has submitted copy of property card dated 14.04.2022 bearing CTS No. 542 admeasuring 2454.30 sq. mtrs., copy of approved building plan certified by architect and copy of G.R. dated 22.06.2018.

4. The applicant submitted that, after considering all the above 4 conditions as mentioned in the order dated 09.04.2012, as per new provision of government of Maharashtra, dated 22.06.2018 the required documents already submitted alongwith the prescribed form VII in application no. 14 of 2011 and para (a), (b) and (d) of the above conditions are not required to be complied with as per new circular dated 22.06.2018 and for the para (c) applicant requested that for the area clarification property card bearing CTS No. 542 admeasuring 2454.3 sq. mtrs. may be considered otherwise the applicant society would not be able to enjoy and exercise their full fledged rights upon the said suit premises.

OBSERVATIONS:

Considering the application and all the documents submitted by the applicant society, it is observed that :-

1. The Applicant Shree Suraj Niwas Co-op. Housing Society Ltd. is a Housing bearing Registration No. Bom/Hsg 5653 of 1978 Dated. 17/11/1978 having its registered address at 20, S.V. Road, Malad West, Mumbai - 400 064 has applied to this office on 22.04.2022 with the documents as compliance as per order dated 09.04.2012 passed by the predecessor of this authority.
2. The applicant submitted the property card, building plan as compliance in respect of aforesaid application and have clarified the points mentioned in the Order dated 09.04.2012.
3. The applicant claimed the area admeasuring 2454.3 sq. mtrs.as per property card. It is seen that though the road set back area is deducted as per approved building plan however in the property card, the road set back area is not deducted. Hence while making the mutation entry the concerned authority is directed to deduct the area of road set back from the property card if applicable. Therefore as per property card submitted by applicant, the applicant society is entitled for the land admeasuring 2454.3 sq. mtrs. bearing CTS No. 542 and in the revenue village – Malad North, City Survey Office- Malad, Taluka Borivali, in the Mumbai Suburban District within the Registration District and Sub- District of Mumbai City and Mumbai Suburban alongwith the building situated thereon.
4. In view of the above requisite compliances carried out by applicant society as mentioned in Order No. DDR-3/Mum./deemed conveyance/14 of 2011/ 1080/ 12 dated 09/04/2012, I am pleased to 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 grant the compliance application dated 22.04.2022 submitted by Shree Suraj Niwas Co-operative Housing Society Ltd. having its registered address at 20, S.V. Road, Malad West, Mumbai - 400 064 alongwith the requisite documents for Unilateral Deemed Conveyance and accept the same as complied the condition mentioned in the order dated 09.04.2012.

I further order the applicant society to prepare a draft of Deemed Conveyance Deed and submit the same with the authority on the basis of certificate issued of the Unilateral Deemed Conveyance of the property described therein.

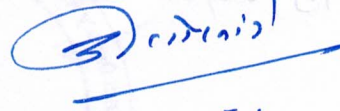
I also direct the Sub-Registrar of Assurance, or appropriate Registering Authority under the Registration Act, 1908, after the adjudication of Unilateral Deemed Conveyance by the Collector of Stamps, to register the same and transfer the right, title and interest of the promoter in the property in favour of the applicant society.

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 correct and genuine. 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: 19/05/2022



(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. 14 of 2011.

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 "Shree Suraj Niwas Co-operative Housing Society Ltd." is entitled to have Unilateral Deemed Conveyance of land admeasuring 2454.3 sq. mtrs. bearing CTS No. 542 and in the revenue village – Malad North, City Survey Office- Malad, Taluka 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 : 19/05/2022



(Signature)

(**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
Shree Suraj Niwas Co-operative Housing Society Ltd.
20, S.V. Road, Malad West, Mumbai - 400 064
2. The Sub- Registrar Office Borivali Taluka.
3. The Opponent Nos. 01 to 05
4. Office Copy

(Signature)

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