

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8307 OF 2026

Neelkanth Woods Villa Owners Co-
op. Hsg. Soc., Through Chief
Promoter Mr. Vrundavan Pandurang
Wani

...Petitioner

: Versus :

State of Maharashtra & Ors.

...Respondents

Mr. Shriram Kulkarni a/w. *Mr. Mangesh J. Nalwade, Ms. Asmita N. Rajbhar, Mr. Yash Naik i/b. Upshot Legal, for the Petitioner.*

Mr. Karl Tamboly with *Aruppeverra i/b. Mr. Jayesh Joshi, for Respondent No.4.*

Ms. S.D. Chipade, AGP for State.

CORAM: SANDEEP V. MARNE, J.

DATED: 24 SEPTEMBER 2026.

P.C.:

1) The Petition challenges order dated 4 June 2026 passed by the District Deputy Registrar, Co-operative Societies, Thane and Competent Authority (**Competent Authority**) rejecting the application submitted by the Petitioner for its registration under Section 10 of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (**MOFA**).

2) I have heard Mr. Kulkarni, the learned counsel appearing for the Petitioner and Mr. Tamboly, the learned counsel appearing for Respondent No.4.

3) At the very outset, Mr. Tamboly submits that Respondent No.4 does not per-se has any objection to registration of the Petitioner-society. He however invites my attention to the Consent Terms filed in Regular Civil Suit No.42/2013. He submits that Respondent No.4 is willing to withdraw opposition to formation of society if the terms and conditions of the Consent Terms are not diluted merely on account for formation and registration of the Petitioner-society.

4) Perusal of the impugned order would indicate that the Competent Authority has erroneously relied on a contractual clause for denial of registration of the society. The Competent Authority has failed to appreciate that provisions of MOFA can be enforced contrary to the contractual agreement between the parties as per Section 16 thereof. Formation of a society has to be in accordance with the provisions of Section 10 of MOFA and mere contractual arrangement between the parties contrary to the statutory claim under Section 16 cannot be a reason of non-registration of a society which otherwise conforms to the requirements under Section 10.

5) In view of the above position and also in view of the fact that Respondent No.4 is no longer opposing registration of the Petitioner-society, the impugned order dated 4 June 2026 is set aside. The concerned Registrar of Co-operative Societies shall forthwith proceed to grant registration to the Petitioner-society as expeditiously as

possible preferably within a period of 8 weeks. The Writ Petition is allowed in the above terms and **disposed of**.

6) It would be open for Respondent No.4 to seek enforcement of the Consent Terms, if and when the occasion arises.

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[SANDEEP V. MARNE , J.]