

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 29871 OF 2024

Dhaval Balwantraai Mehta and Anr .. Petitioners
V/s.

Office of the Deputy Commissioner of .. Respondents
State Tax, Hathkanagale 503 (E-007)
and Ors

Mr. Charles De Souza, a/w Adv. Iyanah Parbhoo, Ms. Pragati Gothi and Mr. Rupak Sawangikar, i/b Meraki Chambers, for the Petitioners.

Ms. Jyoti Chavan, Addl. G. P, a/w Mr. Rakesh Pathak, AGP for Respondent No. 1 – State.

Mr. Shashank Fadia, a/w Ms. Priyanka Fadia, for Respondent No. 3.

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**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 1ST APRIL 2026.

PC:

1. Heard learned counsel for the parties.
2. An additional affidavit has been filed on behalf of the petitioners on the basis of which this writ petition itself can be disposed of.
3. The petitioners had filed the writ petition being aggrieved by a communication dated 21/09/2022 issued by Respondent No. 1 to the Chairman of the Respondent No. 4 Society, whereby it was claimed that since the said respondent had a charge over the subject flats, "no objection" should not be issued by the said respondent Society for transfer of the said

flat. The petitioners are auction purchasers of the said flats in an auction conducted by the Respondent No. 3 (secured creditor) under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioners, inter alia, claimed that the secured interest of the respondent (secured creditor) was registered with the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI) on 26/09/2016.

4. The contentions of rival parties on merits need not be considered in the light of the contents of the additional affidavit filed on behalf of the petitioners. It is specifically stated therein that Respondent No. 1, by a subsequent communication dated 08/10/2024, communicated to the said respondent Society that it was no longer claiming any charge in respect of the said flats. It is further brought to our notice that now the said respondent Society has already issued Share Certificate in favor of the petitioners, thereby indicating that the grievance of the petitioners no longer survives. The relevant portions of the additional affidavit are as follows:

2. On October 8, 2024, Mrs. Sharmila V. Miskin, the Deputy Commissioner of Respondent No. 1, addressed an email to the Petitioners attaching a letter issued by Respondent No. 1 confirming that Respondent No. 1 had no objection to the Society transferring the Flats (as more particularly described in the Writ Petition) in favour of the Petitioners. The letter further

confirmed that there was no encumbrance of Respondent No. 1 on the Flats (as more particularly described in the Writ Petition). The original of the letter dated October 8, 2024 was received by the Petitioner sometime thereafter. Copies of the email dated October 8, 2024 and the letter annexed thereto, and a copy of the original letter dated October 8, 2024 along with the English translation of the letter are annexed herewith as Exhibit A1, Exhibit A2 and Exhibit A3, respectively.

3. We state that, pursuant to the letter dated October 8, 2024 addressed by Respondent No. 1, Respondent No. 4 has transferred the shares pertaining to the said Flats (as more particularly described in the Writ Petition) in favour of the Petitioners. A copy of the Share Certificate reflecting the transfer of shares in favour of the Petitioners is annexed hereto as Exhibit B.

5. In view of the above, we find that since the grievance of the petitioners has been satisfied, the petition itself is rendered infructuous and it is disposed of as such. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)