

(2025) 07 BOM CK 0227

In the Bombay High Court

Case No : Writ Petition No.8411, 8412 Of 2025

Grand Centrum Realty Llp Thr. Its Designated Partner Kishor
P. Patwardhan

APPELLANT

Vs

State Of Maharashtra Thr. The G. P. And Anr

RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Constitution of India, 1950 — Article 226
Maharashtra Stamp Act, 1958 — Section 41
Registration Act, 1908 — Section 23, 23A, 25, 26

Citation : (2025) 07 BOM CK 0227

Hon'ble Judges : Revati Mohite Dere, J;Dr. Neela Gokhale, J

Bench : Division Bench

Advocate : Prerak Sharma, R. S. Pawar, M. S. Bane

Final Decision : Disposed Of

Judgement

Dr. Neela Gokhale, J

1. Rule. Rule made returnable forthwith. With the consent of all the parties, heard finally. Both the Petitions involve the same question of law on identical facts and hence both the Petitions are being disposed by this Judgment and Order.

2. This Writ Petition under Article 226 of the Constitution of India assails orders dated 16th June 2025 passed by the Respondent No.2- Sub-Registrar of Assurances-I, Jat, District -Sangli, bearing Outward No. Document registration/ 162/2025 & 163/2025 and also seeks a direction to the Respondent No.2 to register two Agreements for Sale, both dated 6th March 2018 executed by and between the Petitioner and Vidhyarthi Sahayak Mandal, Sangli, under the provisions of the Registration Act of 1908.

3. The Petitioner's case is that a trust namely Vidhyarthi Sahayak Mandal, Sangli desirous of selling its properties sought permission of the Joint Charity

Commissioner, Kolhapur Region, Kolhapur to transfer its properties to the Petitioner by making an Application No.103/2017, under the provisions of the Maharashtra Public Trusts Act, 1950. The Joint Charity Commissioner by its order dated 31st January 2018 allowed the Application and granted permission to the trust to alienate its properties to the Petitioner herein.

4. Pursuant to the said order, certain legal proceedings ensued, initiated by parties having adverse interest and a series of Writ Petitions were filed and pending before this Court. By order dated 26 th April 2018, this Court in one of the Writ Petitions had directed that till the next date, the trust shall not execute any deed of conveyance in favour of the newly impleaded parties in those Petitions. According to the Petitioner, however, the Agreements for Sale was already executed

by and between the parties on 6th March 2018. Because of the litigation pending before this Court, the said agreements were not lodged for registration with the Respondent No.2. On 8th May 2025, this Court dismissed the Writ Petitions pending before it and the Ad-interim relief as above was vacated. In these circumstances, the Petitioner presented the Agreements for Sale for registration, before the Respondent No.2 on 16th June 2025. In the meantime, on 30th May 2025, the Petitioner deposited the necessary stamp duty with the Collector of Stamps, Sangli pursuant to the order of adjudication dated 22nd February 2019 passed by the Competent Authority. The necessary endorsement under Section 41 of the Maharashtra Stamp Act, 1958 was made by the Collector of Stamps on the said documents.

5. However, the Respondent No.2 refused to register the Agreements for Sale presented to him for registration on the ground that under Section 23 of the Registration Act of 1908, the statutory time for presenting documents for registration is four months from the date of its execution. Since the documents sought to be registered were executed on 6th March 2018 and presented on 16th June 2025, the Registrar had no power to register the said documents beyond the prescribed period as mandated by law. It is this order of 16 th June 2025 which is assailed by the Petitioner in the present Petitions.

6. Mr. Prerak Shah, learned counsel appears for the Petitioner and Ms. M. S. Bane, learned AGP represents the State.

7. Heard both the counsels and perused the records with their assistance.

8. It is not in dispute that the Agreements for Sale were executed on 6th March 2018 and the same were presented on 16th June 2025 i.e. after a period of more than seven years after its execution. It is also undisputed that there were proceedings pending before this Court in respect of the Sale of the trust properties which were the subject matter of the Agreements for Sale. There was also an interim order in one of the proceedings restraining the trust from alienating the subject properties, even though the Agreements for Sale were already executed on the date of the interim order. Nevertheless, by orders of this

Court the said properties were prohibited from being alienated during the pendency of those proceedings.

9. Mr. Sharma, placed reliance on a decision of this Court in the matter of Nestor Builders and Developers Private Limited and Anr. Vs. State of Maharashtra and Ors. 2015 SCC Online Bom. 3480 In paragraph Nos. 8 & 9 of the decision in Nestor Builders (supra), this Court has discussed the provisions of Section 23, 23A, 25 and 26 of the Registration Act, 1908 and has concluded that a cumulative reading of the said provisions clearly demonstrates the intention of the legislature that if a document in a given situation cannot be presented for registration within the period of four months prescribed under Section 23 of the Registration Act, 1908 then it can still be accepted for registration beyond the prescribed period. However, this would necessarily be from the delay on the part of the party presenting the document beyond the prescribed period was bonafide and not intentional and was on account of a genuine cause beyond the control of such a party. This Court also observed that a legal right accrued to a party to get a document registered as per the provisions of the Registration Act cannot stand defeated when reasons exists which are beyond the control of the party presenting the document for registration.

10. In the facts of the present case, admittedly the delay was purely attributable to the continued restraint order passed by a Court of law. The stay was vacated only on 8th May 2025 after which immediately on 16th June 2025, the said documents were presented by the Petitioner before the Respondent No.2 for registration. The period between 26th April 2018 i.e. the date on which the restraint order was passed by this Court in respect of the said properties and 8th May 2025 must be excluded for the purpose of calculation of the period of limitation under the provisions of the Registration Act. Thus, the entire period available for the Petitioner to present the documents for registration, excluding the period of existence of the restraint order, does not exceed a total period of four months. In these circumstances, the bonafide delay beyond the control of the Petitioner clearly not attributable to any intentional or deliberate act or negligence on the part of the Petitioner, would be required to be excluded in permitting the Petitioner to avail registration of the documents in question.

11. Considering the above discussion, we are of the considered view that the time taken during the pendency of the restraint order must be excluded while computing the period of limitation under the Registration Act. Thus, the orders assailed herein are quashed and set aside. The Respondent No.2 is directed to accept the Agreements of Sale, both dated 6th March 2018 for registration under the provisions of Registration Act.

12. Rule is accordingly made absolute. There shall be no order as to costs.

13. All parties to act on an authenticated copy of this order.