

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5038/2014

(M/S GRACE INDUSTRIES LIMITED, NAGPUR **VERSUS** M.S.I.D.C., NAGPUR & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. Anilkumar, counsel for the petitioner.
Shri M.M. Agnihotri, counsel for the R-1.
Shri Vinod Joshi, counsel for the R-2.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : AUGUST 7, 2015.

By this petition, the petitioner seeks a declaration that the action of the respondent no.2 in directing the respondent no.1 to recover expansion charges at the rate of 10% is bad in law and unsustainable. The petitioner also challenges the communications dated 27.11.2010 and 09.10.2013 directing the petitioner to pay the said amount.

Certain plot was allotted to the petitioner and after assessing the books of accounts of the Corporation, the respondent no.2 had expressed that the petitioner would be liable to pay expansion charges at the rate of 10% and the said amount is liable to be recovered from the petitioner by the M.I.D.C. According to the M.I.D.C., the impugned communications are issued by the M.I.D.C. to the petitioner on the basis of the report of the C. & A.G.

The respondent no.2 has filed an affidavit-in-reply and it is stated that the views expressed by the respondent no.2 in an audit are subject to the final examination by the Committee On Public Undertakings (COPU)/Vidhan Bhavan. It is stated in the affidavit that the matter is yet to be examined by the C.O.P.U.

Since the matter is not finalized as yet, there would be no reason for the respondent no.1-Corporation to seek the recovery of the said amount from the petitioner, at this stage. In case, the C.O.P.U. approves the views expressed by the respondent no.2 and takes a decision in the matter, a fresh cause of action to challenge the decision, if any, would arise to the petitioner.

In view of the aforesaid, we dispose of the writ petition with liberty to the petitioner to challenge the demand by the respondent no.1-M.I.D.C. on the instructions of the respondent no.2 if an occasion arises in future.

Order accordingly. No costs.

JUDGE

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