

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.910 OF 2016**

Mr. Viraj Y. Samant
Age 42 years, business,
proprietor of M/s. Trimurti Corporation
R/o. H.No.2/1, Ameshewada,
Cuncollem, Mardol-Goa.
Through his Power of Attorney,
Mr. Vinod Y. Samant
45 years of age,
R/o H.No.2/1, Ameshewada,
Cuncollem, Mardol-Goa.

....Petitioner

V/s

1. Goa Industrial Development Corporation,
Through its Managing Director,
Having office at EDC Complex,
Patto, Panaji-Goa.
2. M/s. Vision Hygiene System Pvt. Ltd.
Through its Director
Vijay Kumar R. Prasad,
Having office at Goregao (E),
Mumbai Maharashtra 400001.
3. M/s. Meraj Sales Corporation,
Through its Proprietor
Abhas Ali Choudhary,
Having office at Plot No.250-C,
Opp. IDC office, Kundaim Industrial Estate,
Kundaim, Ponda Goa 403115.

....Respondents

Shri P.A. Kamat, Advocate for the Petitioner.
Shri H.D. Naik, Advocate for the Respondent No.1.

**Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date:- 27th JUNE, 2017

ORAL JUDGMENT : (Per F.M. REIS, J.)

Heard Shri P.A. Kamat, learned Counsel appearing for the petitioner and Shri H.D. Naik, learned Counsel appearing for the respondent no.1.

2. Rule. Heard forthwith with the consent of the learned Counsel appearing for the respondents. Learned Counsel for the respondent no.1 waives service. None for the respondents no.2 & 3 though served. Considering the view we propose to take, the service on the respondents no.2 & 3 is dispensed with.

3. The grievance of the petitioner is that the respondents while allotting the plots pursuant to the notice dated 24/11/2015 for plots in the Kundaime Industrial Estate have committed a breach of the regulation of the Goa IDC Allotment Regulations, 2014.

4. Shri P.A. Kamat, learned Counsel appearing for the petitioner has brought to our notice clause 5(4) of the Goa IDC Allotment Regulations, 2014 to point out that it clearly provides the manner in which the applications for allotment of plots are to be examined. The learned Counsel further submits that the petitioner being a local resident is

entitled for 30 points whereas the respondents no.2 & 3 who are non-Goans are not entitled for nay points on that count. It is further pointed out that there is an illegal marking in favour of the respondent no.3 contrary to the said regulation which led to the rejection of the application of the petitioner. It is further also submitted that the petitioner is a local resident and, as such, the concerned committee has accepted the viability of the proposed project of the petitioner the action on the part of the respondents is arbitrary which calls for interference of this Court. The learned Counsel has also pointed out that the respondent no.2 also does not fit into the criteria as laid down in clause 5(4) of the said Regulation and as such the allotments in favour of the respondents no.2 & 3 deserve to be quashed and set aside. The learned Counsel has also taken us through the marking of the points issued to the respondent no.3 to point out that the points of the respondent no.3 are not in conformity with the said Regulation.

5. Shri H.D. Naik, learned Counsel for the respondent no.1 points out that the representation of the Committee has not been accepted by the Managing Director and, as such, as far as plot no.20 which was allotted to the respondent no.3, the respondents have decided to reject the application of the respondent no.3. The learned Counsel further submits

that as far as the petitioner is concerned 30 points have been duly given to the petitioner being a local resident and, as such, according to him the grievance of the petitioner no longer survives. The learned Counsel further submits that the petitioners are also entitled to make a representation in terms of clause 11 of the said Regulation to the grievance committee constituted by the Board of Directors wherein all the grievances of the petitioners can be looked into. The learned Counsel, as such, pointed out that the petition be rejected.

6. Shri P.A. Kamat, learned Counsel for the petitioner in reply to the said contention has pointed out that the copy of the minutes supplied to the petitioner under the Right to Information Act did not have any annexure to show the markings allegedly given to the petitioner. The learned Counsel further pointed out that as the application of the respondent no.3 has now been rejected the petitioner is entitled to be allotted the subject plot no.20 as the viability of the project of the petitioner has been accepted.

7. We have considered the submissions of the learned Counsel and we have also gone through the records. As far as the grievance of the petitioner in connection with the allotment of the plot to respondent no.3

is concerned, in view of the averments in the affidavit filed by the respondent no.1 that the allotment in favour of the respondent no.3 has been withdrawn, such grievance would no longer survive.

8. As far as the grievance of the petitioner with regard to the subject plot is concerned, admittedly the petitioner has not applied for the plot allotted to the respondent no.2. Shri Kamat, learned Counsel for the petitioner however points out that the respondent no.2 was not eligible for such plot. But however, we do not have any conclusive material produced on record to examine the contentions of the petitioner with regard to the eligibility of the respondent no.2. It would not be appropriate as such to examine such aspect in the present petition. The contentions of the petitioner with that regard are left open.

9. As far as the subject claim of the petitioner in respect of the plot no.20 is concerned, as the application of the respondent no.3 has been rejected naturally the petitioner who was the second highest in the markings produced by the respondent would have to be examined by the respondents in accordance with law.

10. In such circumstances and for the aforesaid reasons, we dispose

off the petition by directing the respondents to examine the application filed by the petitioner for allotment of the subject plot no.20 in accordance with law within 6 weeks from today. Rule is made absolute in the above terms.

NUTAN D. SARDESSAI, J.
NH/-

F. M. REIS, J.