

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11107 OF 2016
WITH
CIVIL APPLICATION NO. 15695 OF 2016

Minacs Private Limited, Aurangabad,
Through its Authorized Officer .. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. V. D. Hon, Senior Advocate i/b. Mr. Ashwin V.
Hon, Advocate for the Petitioner.

Mr. V. S. Badakh, A.G.P. for Respondent Nos. 1
and 2.

Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 21st November, 2018

PER COURT :

1. Mr. Hon, learned Senior Advocate for the petitioner submits that the petitioner has submitted proposal for extension of Letter of Intent and regularisation for the period between March – 2013 to October – 2016. The same is not decided.

2. According to the learned Senior Advocate, the petitioner is a private limited company. The

petitioner is entitled for the incentives under the I.T. Policy of 2009, more particularly, Clause 5-A (iii). The petitioner is entitled for the benefit of the electricity tariff at the industrial rate for the common facilities in the private I.T. Park. The flying squad visited the premises of the petitioner on 01.02.2016, and suggested to change the tariff from HT-1 to HT-2 with effect from January – 2011. The petitioner is I.T. enabling industry, and as such is entitled to the benefit of I.T. industry and I.T. policy electricity tariff. The tariff ought not to be charged at the commercial rate but the same has to be charged at the industrial rate.

3. The learned Senior Advocate further submits that the application was made to the Director of Industries for extension of Letter of Intent and the same was under process. According to the learned Senior Advocate, the proposal for extension of the Letter of Intent has not been decided by the respondents – Authorities.

4. The learned Assistant Government Pleader submits that the petitioner had not applied within the stipulated period for extension of the Letter of Intent. The Letter of Intent issued to the petitioner was valid up to 11.02.2013. It is necessary for the petitioner to apply for permanent registration before completion of three years. The petitioner for the first time applied on 03.10.2016. Considering the application, the Joint Director of Industries has granted the I.T. registration to the petitioner from 7.10.2016 for the period of three years from the date of application. As the application was not made prior to the completion of three years the fresh registration has been granted from 07.10.2016.

5. It appears that on 22.10.2016, the petitioner has given application seeking extension of the Letter of Intent from the year 2013. It is for the Authority to take decision upon the same on its own merits and pass orders. It cannot keep the application pending.

6. In the light of that, we direct the Joint Director of Industries, Mumbai shall take decision on the application of the petitioner dated 22.10.2016 and / or if the said application is not given to the appropriate Authority, then the Joint Director of Industries, Mumbai shall decide the application dated 11.04.2018 given to it on its own merits, in accordance with law, expeditiously and preferably within a period of three months (3) from today. The petitioner may represent itself before the authority. Depending upon the order passed by the Joint Director of Industries, Mumbai petitioner is at liberty to take appropriate steps before the Maharashtra State Electricity Distribution Company Limited (MSEDCL).

7. The writ petition is disposed of. No costs.

8. In view of disposal of the writ petition, the civil application also stands disposed of.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]
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