

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3801 OF 2018

NEW MALAK COLOURS,
THROUGH ITS PROPRIETOR,
HAKIMUDDIN SAJJAD HUSSAIN MALAK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Surve Hemant
AGP for Respondent No. 1 : Mr. A. R. Kale
Advocate for Respondents No. 2 to 4 :
Mr. S. S. Dande

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 18th MARCH, 2019

PER COURT :

1. Mr. Surve, learned counsel for the petitioner submits that the petitioner was allotted plot D – 49/5 admeasuring 800 Sq. Metrs. for industrial purpose. The petitioner applied for allotment of additional plot D – 54/2 admeasuring 2100 Sq. Metrs. at Avdhan MIDC area Dhule. The said application was not considered by the respondent and the respondent proceeded for e-bid. The

petitioner had only applied for plot no. D-54/2. Clause 3 of the Circular dated 03.06.2014, permits direct allotment of plot for expansion of business. The petitioner sought plot for expansion of business. The respondent could not have gone for e-bid process. The persons who are shown to have participated had never applied.

2. Mr. Dande, learned counsel for the respondents submits that Clause 3(A) of Circular dated 03.06.2014 would apply if the plots are sought for expansion of business, such as, mega projects, business involving foreign investments and regarding distribution of defence material and not for small scale industries. There were other persons also, as such, e-bid was resorted to.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. Clause 3 (A) and (B) of Circular dated 03.06.2014 reads thus -

"३. ज्या औद्योगिक क्षेत्रातील भूखंडाचे वाटप पूर्ण झाले असेल, अशा औद्योगिक क्षेत्रामध्ये उपरोक्त (१) व (२) नुसार महामंडळाच्या ताब्यात आल्यामुळे वाटपास उपलब्ध झालेले भूखंड

अ. उद्योग विस्तार / प्राधान्य सदराखाली भूखंड वाटपासाठी निश्चित केलेल्या धोरणानुसार फक्त उद्योग विस्तार किंवा प्राधान्य या सदराखाली उदा. महाराष्ट्र शासन मान्यता प्राप्त विशाल प्रकल्प, परकीय गुंतवणूक आणणारे उद्योजक, संरक्षण विभागाकरिता यंत्रसामुग्री पुरविणारे उद्योजक फॉर्च्युन ग्लोबल - ५०० / इकॉनॉमिक्स टाइम्स - ५०० कंपनी इत्यादी करिता विना निविदा सरळ पद्धतीने वाटप करण्यात यावे.

ब. उद्योग विस्तार / प्राधान्य सदराखाली भूखंड वाटपकरण्यासाठी मागणी नसल्यास असे भूखंड इतर उद्योजकांना निविदा पद्धतीने वाटप करण्यात यावे."

5. The restrictions are given in Clause 3 (A) as to direct allotment. The petitioner does not fall in illustrations given in Clause 3 (A) of Clause 3 of Circular dated 03.06.2014.

6. The plot which is allotted to the petitioner and the plot which the petitioner seeks allotment are also not adjacent to each other.

7. The other persons who had applied pursuant to

the e-bid also have their industrial plots.

8. The petitioner certainly could not have claimed the allotment of the additional plot as of a right. E-bid process is the step to get the most competitive purchaser of the plot and would also eradicate arbitrariness.

9. Considering the above, we are not inclined to grant relief to the petitioner. The Writ Petition, as such, is disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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