

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 232 OF 2017
IN
WRIT PETITION NO. 5074 OF 2014

Rubicon Formulations Pvt. Ltd.,
Through its Director

.. **Applicant**

Versus

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

Mr. Ajay G. Talhar, Advocate for the Applicant.

Mr. P. S. Patil, Addl. G. P. for Respondent No. 1.

Mr. S. S. Deve, Advocate for Respondents No. 2
to 4.

Mr. S. B. Gastgar, Advocate for Respondent No. 5.

CORAM: S. V. GANGAPURWALA &
P. R. BORA, JJ.

DATE: 01st FEBRUARY, 2019

PER COURT :

1. We have heard the learned counsel for respective parties.

2. The applicant was allotted plot no. L-21 admeasuring 5462 Sq. Mtrs. and the same was given No. L-21/1 and an area of about 500 Sq. Mtrs. was allotted to respondent no. 5. The applicant had challenged the said allotment by filing writ petition no. 5074 of 2014. This Court dismissed

the writ petition, aggrieved thereby the present Review Application.

3. It is the contention of the applicant that the 500 Sq. Mtrs. of plot allotted to respondent no. 5 from the plot of the applicant would be of no use to respondent no. 5; as the said premises is in hazardous zone. Respondent no. 5 will not be in a position to utilise the plot.

4. Mr. Deve, learned counsel for the respondents – Maharashtra Industrial Development Corporation (*hereinafter referred to 'MIDC'*) submits that as per the record produced by the applicant under the Right to Information Act, 2005 the said piece of land is in hazardous zone.

5. In view of the fact that the plot L-21/2 admeasuring 500 Sq. Mtrs. cannot be used by respondent no. 5, Mr. Gastgar, learned counsel for respondent no. 5, on instructions, submits that respondent no. 5 consents for allotting the 500 Sq. Mtrs. of plot no. L-21/2 to the applicant.

6. Mr. Talhar, learned counsel for the applicant submits that the applicant is ready to pay the difference amount.

7. It is submitted by Mr. Deve, the learned counsel that formalities are completed. In the view of above, applicant would now receive that 500 Sq. Mtrs. of the plot.

8. Mr. Deve, learned counsel for the respondents - MIDC, on instructions, submits that at present 500 Sq. Mtrs. of plot at Waluj MIDC is not available to be allotted to respondent no. 5. It would take almost one year to find out and allot plot admeasuring 500 Sq. Mtrs. at Waluj MIDC to respondent no. 5 and respondent no. 5 would be required to wait for one year. The said statement is accepted. Mr. Gastagar on instructions submits that same is acceptable. As and when the plot becomes available the MIDC shall allot plot admeasuring 500 Sq. Mtrs. to respondent no. 5 in the Waluj MIDC area.

9. In view of the observations made supra and the submissions made by the learned counsel, the Review Application stands disposed of.

[P. R. BORA, J.]

[S. V. GANGAPURWALA, J.]

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