

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1909 of 2012**

M/s Maha Laxmi Oil Mills Industrial Area Kunrundi Road At Jagdalpur,
 through Power of Attorney Alok Dey, S/o K.C. Dey, aged about 53
 years R/o C-5 RDA Complex, Taigor Nagar Raipur, Chhattisgarh
--- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Commercial And Industrial
 Deptt, DKS Bhawan, PS Kotwali, Distt Raipur, Chhattisgarh
2. Commissioner Industrial Secretariat, LIC Building Premises, Pendri,
 PS Civil Line, Distt Raipur, Chhattisgarh
3. General Manager, Distt. Commercial and Industrial Centre Jagdalpur,
 PO Jagdalpur PS City Kotwali, Distt Bastar(Jagdalpur), Chhattisgarh
---- Respondents

For the Petitioner	: Mr. Shobhit Koshta, Advocate
For the State	: Mr. Shriya Mishra, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****06.04.2021**

1. Learned counsel for the petitioner submits that the petitioner was granted an industrial lease to set up an Oil Mill in the year 1987. The petitioner carried on business in between the year 2003 and 2008. Subsequently for want of raw material, the industry could not survive and eventually it was closed, as a result of which, respondent no.3 General Manager, District Commercial and Industrial Centre cancelled the lease. Against such cancellation of lease, the appeal was preferred before the Commissioner and the Commissioner rejected the appeal vide Annexure P-7 dated 18.01.2010 and thereafter in second appeal also, the State Government affirmed the rejection order vide Annexure P-10.
2. Learned counsel submits that as a subsequent development, in the year 2019 the petitioner filed an application (Annexure P-11) to the

General Manager for consideration of grant of fresh lease to start a cold storage unit and warehouse for the reason that the land has not been allotted to any third party and it was still lying vacant. Learned counsel submits that now the petitioner is ready to give an undertaking that he would start a new venture within six months and therefore a direction may be issued that the representation dated 02.07.2019 be considered afresh to grant the lease of the same property, for which, the possession was earlier held by the petitioner.

3. Considering the submission made by the petitioner that the property is still lying vacant and it has not been allotted to any third party, an inference can be drawn that it would not be beneficial either to the petitioner or to the Government. Under the circumstances, it is observed that if the petitioner had already made an application for grant of fresh lease by letter dated 02.07.2019 to respondent no.3 then respondent no.3 may consider the same according to the existing policy of the State within an outer limit of six months. It is further made clear that this Court has not made any opinion on the merit as to the right of the petitioner except the observation that his application dated 02.07.2019 (Annexure P-11) would be decided according to the existing rules and policy for grant of lease.
4. With such an observation, this writ petition stands disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**