

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7498 OF 2021

Prafulla Omprakash Anantwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sharad V. Natu, Advocate for the Petitioner.
Shri A. R. Kale, A.G.P. for the Respondent No. 1.
Shri R. K. Ingole, Advocate for Respondent Nos. 2 and 3.
Shri V. D. Sapkal, Senior Advocate i/by Shri D. M. Shinde,
Advocate for the Respondent No. 4.

**AND
WRIT PETITION NO. 7516 OF 2021**

Naresh Madanlal Gupta .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sharad V. Natu, Advocate for the Petitioner.
Shri A. R. Kale, A.G.P. for the Respondent No. 1.
Shri R. K. Ingole, Advocate for Respondent Nos. 2 and 3.
Shri V. D. Sapkal, Senior Advocate i/by Shri D. M. Shinde,
Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.
DATE : 27TH AUGUST, 2021.**

FINAL ORDER :

. Mr. Natu, the learned counsel for petitioners contends that, as per the tender document, the rehabilitation component is

provided. The petitioners are required to be rehabilitated by providing shops on the ground floor with total build-up area of 577 sq. m. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops. The agreement entered into provides the same. Now the corporation and the builder hand in gloves with each other are depriving the petitioners of their shops agreed by the corporation to be provided to them.

2. Mr. Ingole, the learned advocate for respondent Nos. 2 and 3 submits that, the respondent corporation is nowhere deviating from its promise to provide shops with build-up area of 577.00 sq. mt. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops. The same is also provided in the sanctioned plan. According to the learned counsel, the petitioners cannot insist that particular shop only should be allotted to them.

3. The petitioners it appears were running their business on lease basis at Shri Venkatrao Tarodekar Market at Vazirabad Chowk, Nanded. Shops were allotted to the petitioners and/or their predecessors. The respondent No. 2 resolved to redevelop the premises of Shri Venkatrao Tarodekar Market on the basis of public private partnership. The petitioners, it appear were assured of rehabilitation and providing the shops in the same premises which is to be constructed. The tender document provide for following clause.

3.9.2 Bidder shall be allowed to develop the FBT projects as

per their design (Alternative Design) subject to the Development Control Regulations of NWCMS and the approval of Commissioner. However, the bidder shall have to provide rehabilitation component with following minimum requirements/facilities. This requirement is indicative & subject to the approval of NWCMC.

A. The requirements of the Rehabilitation Component.

1. Basement Parking space of 520.00 Sqmt.
 2. Shops on Ground Floor with total build-up area of 577.00 Sq. mt. (Retail shopping blocks with 15 shops, Vegetable market blocks with 42 shops)
 3. Separate entry and exists are to be provided for the vegetable market and the retail shopping area.
4. Perusal of the same, it is manifest that, the corporation has agreed to hand over shops on ground floor with total build-up area of 577 sq. m. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops.
5. Certainly, the petitioners would be entitled to the shops as per the assurance given by the corporation and appearing in the tender document.
6. The learned counsel for the respondent/corporation on instructions has submitted that the shops with total build-up area of 577 sq. m. retail shopping blocks with 15 shops, vegetable market blocks with 42 shops on ground floor shall be given to all deserving

persons.

7. In the light of the said statement made, the grievance of the petitioners may not subsist. The writ petitions accordingly are disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 21