

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

220 WRIT PETITION NO. 5922 OF 2008

Vasudeo Jagannath Agrawal,
Age; 71 Years, Occu- Business,
R/o-8 Ganesh Building, 122, Navi Peth,
Jalgaon, Dist. Jalgaon.

... PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Industries Department,
Mantralaya, Mumbai -400 032
2. The Chief Executive Officer,
Maharashtra Industrial
Development Corporation,
Mumbai.
3. The Executive Engineer,
Maharashtra Industrial
Development Corporation,
Dhule.
4. The Deputy Executive Engineer,
Maharashtra Industrial
Development Corporation,
Jalgaon.

... RESPONDENTS

...
Advocate for Petitioner : Mr. A G Talhar
Addl. GP for Respondent No. 1 : Mr. P.S. Patil
Advocate for Respondent Nos. 3 and 4 : Mr. S.S. Dande

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 3rd JANUARY, 2022

ORAL JUDGMENT :

1. The learned counsel for the petitioner submits that another writ petition bearing No. 5964 of 2008 involving similar issue has disposed of by the Division Bench of this Court under Judgment and order dated 06-10-2017. In the said judgment, this Court held that though consent to pay service charges at enhanced rate of Rs. 4.50 per square meter per annum from May, 2008 onwards, M.I.D.C. has no legal right to claim service charges at such enhanced rate. Paragraph No. 35 of the said judgment reads thus:

“35. Though some of the Associates of Industries had given alleged consent to pay service charges at enhanced rate of Rs.4.50 per square metre per annum from May 2008 onwards, M.I.D.C. has no legal right to claim service charges at such enhanced rate for the period prior to 19-01-2016 i.e. the date of notification, amending Rule 19 of M.I.D. Rules. Parties would be governed by the notification dated 18-01-2001 till the Rule 29 of M.I.D. Rules was amended by notification dated 19-01-2016 prescribing the service charges @ Rs.4.50 per square meter. In the circumstances, the demand of M.I.D.C. from industries Associations and open plot holders in M.I.D.C. area, Jalgaon of the service charges @ Rs. 10/- or @ Rs.4.50 per square meter per annum. w.e.f. 01-05-2008 under letter dated 10-06-2008 is absolutely illegal.”

2. It is not disputed by the learned Advocates for the parties that the petitioner is similarly situated and claimed similar relief.

3. In view of that, for the reasons recorded in the Judgment and order dated 06-10-2017 in writ petition No. 5964 of 2008, the present petition is also allowed on the same terms.
4. Rule is made absolute in aforesaid terms.
5. Writ petition is accordingly disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

mtk