

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

**REVIEW APPLICATION (CIVIL) NO.108 OF 2022
IN WP/4801/2012
WITH
CIVIL APPLICATION NO.6163 OF 2022
IN RA/108/2022**

**ANIL SHRIKISHAN AGRAWAL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Advocate for the Applicant : Shri Patil N.P. Jamalpurkar
AGP for Respondent 1 : Shri P.S. Patil
Advocate for Respondent 2 : Shri S.S. Dande

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 22nd April, 2022

Per Court :-

1. We have considered the strenuous submissions of the learned advocate for the review petitioner. We have perused the grounds formulated in the memo of the review application (I to VI), which are reproduced verbatim hereunder :-

“I. The judgment and order dated 24.09.2021 passed by this Hon’ble High Court in Writ Petition No.4801/2012 is required to be reviewed/ recalled, as this Hon’ble High Court has not taken into consideration that, due to lack of amenities & facilities, the applicant could not develop the plot in question and

setup an industrial unit thereon within stipulated period. Therefore, the applicant made applications to the respondent no.2 for extension of time for setting up the industrial unit, however, they were rejected by the respondent no.2 without there being any sound reason. Even recently, after passing the judgment and order by this Hon'ble High Court, the applicant again requested the respondent no.2 to grant him extension of two years for developing & setting up the industrial unit on the plot in question, but the same is also rejected.

- II. It ought to have been seen that not only the applicant, but other plot holders in the very same MIDC could not develop their respective plots and set up their industrial units. However, no any action whatsoever has been taken by the respondent no.2 against other plot holders. However, the applicant is singled out and action for cancellation of allotment is taken against him. This important aspect of discrimination and arbitrary exercise of powers has not been taken into consideration in its proper perspective by this Hon'ble High Court.*
- III. It ought to have been seen that the judgments and case laws cited for and on behalf of the respondent no.2 during course of hearing are not applicable considering the peculiar facts and circumstances involved in Writ Petition No.4801/2012.*
- IV. It ought to have been seen that even the plot, which was allotted to the applicant, would ultimately allot the same to another person and that person would take at least 7 years for setting up his industrial unit. But, now the applicant is seeking only 2-3 years time by way of extension for setting up his industrial unit. Therefore, this request of the applicant ought to have been considered by the respondent no.2 even in their own interest.*

- V. *After the judgment and order passed by this Hon'ble Court, the applicant made an application seeking extension of time for setting up the industrial unit and the documents viz. Application made by the applicant for extension of time and order passed thereon, is fresh cause for consideration in the present Review Application.*
- VI. *In view of the circumstances stated herein above, the Review Application deserves to be allowed, judgment and order dated 24.09.2021 passed by this Hon'ble Court in Writ Petition No.4801/2012 deserves to be reviewed/ recalled deserves to be reviewed."*

2. The learned advocate for the review petitioner submits that the petitioner bears a burning desire to develop the plot, which was earlier allotted to him by the MIDC. Even today, he has confidence that the plot can be developed and an industrial establishment can be raised within two years. The petitioner, therefore, prays that this Court may sympathetically consider the said desire of the petitioner and grant the petitioner an opportunity to develop that plot by reviewing the judgment dated 24.09.2021.

3. The Honourable Supreme Court, in ***Lily Thomas vs. Union of India, AIR 2000 SC 1650***, has held that the review petition can be entertained if an apparent error on the face of the record/ order is pointed out. In this backdrop, considering the

request on sympathetic grounds for the reasons set out by the petitioner, would not be the basis or a ground on which the review petition can be entertained.

4. In view of the above, we do not find that the review petition deserves to be considered and the same is, therefore, rejected.

5. Since the review petition, as per the office remark, has been filed within limitation, the Civil Application seeking condonation of delay stands disposed off.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)