

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

WRIT PETITION NO.8010 OF 2023

**BANK OF MAHARASHTRA AHMEDNAGAR ZONE THROUGH ITS
DEPUTY ZONAL MANAGER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Mr. S. V. Natu, Advocate for Petitioner
Mr. V. M. Kagne, AGP for Respondent – State
Mr. S. S. Dande, Advocate for Respondent Nos. 3 and 4

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 14.07.2023

PER COURT :-

1. We have considered the submissions of the learned Advocates for the Petitioner and the Respondents, in brief. We have perused the judgment delivered by this Court dated 14.06.2016 in Public Interest Litigation No.68/2023 and the order dated 20.09.2016 passed by the Court in Review Application No. 171/2016.

2. The learned Advocate for the Petitioner Bank submits that the bank does not desire to put the plot, allotted to it way back in 2009, for any industrial use or for setting up of an industry or a manufacturing unit. It desires to operate its financial business activity which could be termed as a commercial activity. The plot is carved out from an earlier reservation meant for amenities. According to the M.I.D.C., such plot can be put to use for a commercial activity.

3. The learned Advocate representing the M.I.D.C., submits that the judgments delivered by this Court in the Public Interest Litigation and the Review Application mandate the M.I.D.C. to resort to an auction method and whatever is the amount deposited by the Petitioner, would be deducted from the highest bid. If the Petitioner is the highest bidder, the amount over and above that is deposited, will have to be paid. The learned Advocate for the Bank submits that when its detailed representation dated 17.02.2021 addressed to the Regional Manager, M.I.D.C., Nashik is pending, it would be appropriate for the M.I.D.C. to pass an order on the same and convey its decision to the Petitioner. He further submits that the amount that he has deposited in 2009, must carry an admissible interest as well as

the expenditure incurred for erecting construction upto the plinth level, must be considered.

4. In view of the above, we deem it appropriate to leave all these aspects to the M.I.D.C. to be considered while deciding the pending representation dated 17.02.2021 of the bank. The Petitioner would be at liberty to submit an additional representation, within fifteen (15) days for raising the above grounds. Thereafter, the M.I.D.C. would consider the entire record before it and take a decision within forty-five (45) days and convey the same to the Petitioner on its e-mail address mentioned on the first page of its representation dated 17.02.2021, forthwith.

5. Needless to state, if the grievance of the Petitioner is not redressed, it would be at liberty to avail of a remedy as would be permissible in law.

6. **This petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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