



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2882 OF 2024

Dharmapal s/o Natthuji Meshram, Wathoda Road, New Bagadganj, Nagpur

-vs-

Maharashtra Industrial Development Corporation, Civil Lines, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri R. K. Maheshwari, Advocate for petitioner.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : April 30, 2024

P. C.

1. Heard.

2. The petitioner who had an intention to start rice-mill approached the respondent-Maharashtra Industrial Development Corporation with a prayer for allotment of plot of land.

3. In Deori industrial area plot No.C-6/3 admeasuring 8440 sq. mts came to be allotted in favour of the petitioner for a premium of Rs.3,54,500/-.

4. The petitioner took possession of the said plot on 21/05/2014 and entered into Agreement (Lease-Deed) with respondent-Authority on 18/07/2017. Amongst other conditions incorporated in the agreement was that the petitioner shall complete 20% of the construction activity within a period of five years of taking possession and remaining 100% construction shall be completed within a period of ten years. Since the petitioner failed to obtain sanction for carrying

construction and failed to carry construction as stipulated, he was served with the order of cancellation of allotment of plot on 21/10/2022.

5. In this backdrop the petitioner has approached this Court seeking quashing of the notice dated 27/03/2024 issued by the respondent-MIDC informing the petitioner that his prayer for grant of extension has been rejected as allotment was already cancelled. The petitioner was directed to attend the office of respondent-MIDC so as to adjust the premium amount and settle the account.

6. The contentions of the learned counsel for the petitioner are the petitioner had every intention to carry the construction and start the Unit and as such he has carried out development activity of which respondent failed to take note of. According to him Spot Panchanama depicts that the petitioner has carried out construction and as such it cannot said that the petitioner has violated the terms of the agreement and allotment order. Drawing support from the Circulars dated 03/11/2017, 23/01/2023 and 24/11/2023, the learned counsel submitted that even if the petitioner has not obtained sanction from the respondent-Corporation, the petitioner is entitled for carrying out development of structure which he infact did and as such the impugned order is not sustainable.

7. We have appreciated the aforesaid submissions in the light of the terms of the allotment order and the Lease Agreement.

8. Clause 4(c) of the allotment order contemplates that the petitioner must get the plan and specification of the proposed factory building duly approved from the Executive Engineer of the industrial area and complete the said construction as per the plan and obtain Building Completion Certificate from the said Authority within the prescribed period.

9. The petitioner in the present case has taken possession of the allotted plot of land on 21/05/2014 which fact is not in dispute. As such it was expected of the petitioner to complete at least 20% construction within a period of five years that is upto 2019.

10. The petitioner has neither produced on record any sanction or order of approval granted by the respondent Authority for construction as the fact remains that the petitioner has not sought such sanction/permission for construction of a structure on the allotted plot in question.

11. Apart from above, the fact remains that the inspection report justifies the fact about there being absence of any construction as has been noticed from Inspection Panchanama dated 17/01/2023.

12. The petitioner in the case in hand has been served repeated notices and his failure for last ten years to carry out construction has rightly prompted the respondent Authority to pass the impugned order refusing extension of time.

13. The petitioner prior to rejection of prayer for extension was issued first show cause notice on 03/09/2020 and second notice on

14/12/2020 which was followed by order of cancellation dated 21/10/2022 which is not questioned in the present petition.

14. For the aforesaid reasons we hardly see any justifiable ground or reason to show indulgence in the impugned order whereby the petitioner's request for grant of extension is rejected. In our opinion the petition is devoid of merits. Same stands dismissed. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)