



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

WRIT PETITION NO.3732 OF 2024

Trinity Infra, through its Partner Mr. Amit s/o Devidas Kadwe **V/s**
Chief Executive Officer, Maharashtra Industrial Development
Corporation, Mumbai and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. H.R.Gadhia, Advocate for petitioner.
Mr. Ashish Chaware, Advocate for respondents.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : JUNE 28, 2024.

Heard.

2. A support is drawn from the observations in paragraph 30 of the judgment at Bombay High Court in the matter of Real Team Systems Pvt. Ltd. Vs. State of Maharashtra and others reported in 2014 (5) Mh.L.J.917, which reads thus:

"30.We are really concerned with the manner of individual allotment and in favour of respondent No.5. In both affidavits of the MIDC it has not been stated that the application of the respondent No.5 was placed before the land committee. The affidavit also does not indicate that the Chief Executive Officer made any recommendation in terms of the regulation No.10. Therefore, the land committee was not the committee which decided the course of allotment nor did it decide to allot the land to respondent No.5. It is the

board of directors which took this decision and that is what is being justified before us. True it is that there is a board contemplated and it may be meeting regularly. However, what one finds in this case is that the respondent No.5 has made an application straightway to the Minister of Industries and what is further clear is that there is a circular dated 10th December, 2009. That states that all such applications, as are received individually for allotment of MIDC plots, should be made on line. What this circular, issued by the Corporation itself and copy of which is to be found at page 304 of the paper book, states is that all Regional offices should receive such applications on line. It should maintain a list of such applications and assigne them serial numbers. The applications shall be taken serial numberwise or senioritywise, meaning thereby the oldest pending application will be taken up first and thereafter the fresh applications. It is this circular which refers to the powers and authority of the land committee and states in clearest terms that wherever in any industrial areas plots are to be allotted on individual application basis, then, the same should be considered in the above manner viz. senioritywise and allotment should be made after approval of the land committee. Similarly, there is a procedure laid down for making allotment by public auction. Therefore, it is futile to urge that the Corporation is not bound by the mandate to

act fairly, reasonably, rationally and in a transparent manner when it makes individual allotments. Even this process ought to be just and open”.

3. It is the contention of the counsel for the petitioner that he has submitted an application for allotment of the plot for industrial use in MIDC, Amravati on 30.11.2023.

4. According to him, the application was processed by the respondents, however, the applications which were submitted subsequent to the application of the petitioner were cleared by the Plot Distribution Committee. So as to substantiate the said contention, he has invited our attention to minutes of the meeting dated 1st March, 2024 of the Plot Allotment Committee. The applications in relation to Amravati area were decided in the said meeting which were preferred on 17th February, 2024 wherein the petitioner has sought allotment.

5. He would invite our attention to the recommendation in favour of the petitioner for the purpose of allotting the said plot which was also placed before the Plot Allotment Committee on the said date.

6. In that view of the matter, we direct the Chief Executive Officer viz., In-charge of Allotment Committee (IV) to file an

affidavit disclosing the reasons for not considering allotment in favour of the petitioner.

7. We direct the issuance of notice to the respondents.

8. Mr. Ashish Chaware, learned counsel waives notice for the respondents.

9. List the petition on 10th July, 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)