



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

**M.C.A. NO.909 OF 2024
IN
WRIT PETITION NO. 1494 OF 2022
M/s. Jalaraj Pharma
-Vs.-
Patel and Company and others**

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

Mr.M.G.Bhangde, Sr.Adv. a/b Mr.R.M.Bhangde, Adv.for the
petitioner.
Mr.F.T.Mirza, Sr.Adv.a/b Mr.S.O.Ahmed, Adv.for respondent Nos.1 &
3.
Mr.I.J.Damle, AGP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
ANIL L.PANSARE, JJ.**

DATE : 29TH NOVEMBER, 2024

CIVIL APPLN. (O) NO.1484 OF 2024

The present application seeks recall of the order dated 04/10/2024 on the ground that filing of Writ Petition No.6575 of 2023 by the applicant, challenging the decision taken by the MIDC in pursuance to the judgment dated 25/01/2023 in Writ Petition No.1494 of 2022 was not disclosed and second, that it was also not disclosed that the applicant had given an undertaking to the MIDC, that he would be bound by the outcome of the decision in Writ Petition No.1494 of 2022.

2. Insofar as the first contention is concerned, we are not inclined to accept the reason, as the decision of the MIDC in pursuance to the judgment dated 25/01/2023 gives an independent cause of action to the applicant to question the same, and the present review does not turn around it.

3. Insofar as the second ground is concerned, the order dated 04/10/2024 in para-3 records the statement of Mr.Bhangde, learned Sr. Counsel for the applicant, that the allotment was so done subject to outcome of the petition, which in fact is the sum and substance of the undertaking as is indicated by Mr.Mirza, learned Sr. Counsel for the non-applicant No.1.

4. In view of the above, we do not see any reason to recall the order dated 04/10/2024. Civil application No.1484 of 2024 is therefore rejected.

CIVIL APPLN. (O) NO. 1291 OF 2024

5. The present application seeks amendment of the memo of review.

6. Mr. Mirza, learned Sr. Counsel for the non-applicant No.1 has no objection. Learned AGP for respondent Nos.2 and 4 also has no objection. Considering that the application has been filed at the initial stage, we grant the same.

7. The amendment be carried out by 02/12/2024. Amended copy of the application be served upon the non-

applicants by 12/12/2024. The application stands allowed accordingly.

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8. Mr.Kasat, learned counsel for the MIDC, who has to actually address the Court on the understanding of the MIDC regarding the judgment dated 25/01/2023 is absent. The counsel for the parties are hereby requested to intimate him regarding the requirement of his presence on the next date.

9. List the matter on 13/12/2024.

(ANIL L.PANSARE, J) (AVINASH G. GHAROTE, J)