



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

**WRIT PETITION NO. 9493 OF 2025
WITH
CIVIL APPLICATION NO. 8029 OF 2025
IN
WRIT PETITION NO. 9493 OF 2025**

Harmony Landspace LLP, Through Its
Director Shri S. R. Atakare
VERSUS
The State Of Maharashtra And Others

...

**AND
WRIT PETITION NO. 9507 OF 2025**

Palmstone Hospitality LLP Through Its Partner
Keshar Vashist Andhale And Others
VERSUS
The State Of Maharashtra And Another

...

**AND
WRIT PETITION NO. 9630 OF 2025
WITH
CIVIL APPLICATION NO. 8215 OF 2025**

Sumerurise Ventures Pvt. Ltd., Through Its
Director, Pavan Ganesh Tammewar
VERSUS
The State Of Maharashtra And Others

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- Mr. Atul M. Karad, Advocate for the Petitioner in WP No. 9493 of 2025
- Mr. S. S. Thombre, Advocate for the Petitioner in WP No. 9507 of 2025
- Mr. D. P. Palodkar, Advocate h/f. Mr. Shantanu Ray, Advocate for the Petitioner in WP No. 9630 of 2025
- Mr. S. S. Dande, Advocate for Respondent Nos. 4 and 5 in WP No. 9493 of 2025, Respondent No. 2 in WP No. 9507 of 2025 and Respondent No. 2 and 3 in WP No. 9630 of 2025
- Ms. S. S. Joshi and Ms. N. B. Kamble, AGPs for Respondents/State in all petitions.

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : 04 AUGUST 2025

ORDER (PER – MANISH PITALE, J.) :

Since common issues are raised in these three petitions, Writ Petition No. 9630 of 2025 was taken on board along with the other two writ petitions listed for consideration today.

2. The petitioners in these petitions are aggrieved by a common E-mail / communication dated 116th May^{8th} July 2025, issued by respondent No.2 – Maharashtra Industrial Township Limited (MITL). By this communication addressed by respondent no. 2 to 12 entities, including the petitioners herein, who had applied for allotment of commercial plots in pursuance of advertisement 09th April 2025, issued by respondent No.2, it was communicated that the land allotment committee (LAC) as per the provisions of the Land Disposal Policy had decided to reject all the applications, including those of the petitioners for allotment of commercial plots in pursuance of the said advertisement.

3. Since the petitioners are aggrieved by the contents of the said email, which are impugned in these petitions, it will be appropriate that the contents thereof are reproduced. The contents are as follows :

"Dear Sir / Madam,

The Maharashtra Industrial Township Limited (MITL) had invited online applications for 14 (Fourteen) Commercial plots at Bidkin and 6 (Six) Commercial plots at Shendra Industrial Area through online submission vide advertisement published in Lokmat, Lokmat Times newspapers all editions in Maharashtra and Times of India on 9th April, 2025.

As per provisions of the Land Disposal Policy, there is a Land Allotment Committee (LAC) consisting of Committee Members - Managing Director ... Chairman, Jt. Managing Director Member, City Planner Member, Chief Financial Officer ... Member and one of the directors of NICDC (i.e. CEO, NICDC, VP, NICDC and CFO, NICDC). The Committee will be entrusted with the responsibility of screening all applications and allotting plots for various uses.

Hence, all applications were placed before the Land Allotment Committee meeting held on 03.06.2025 at 11 a.m. for taking decision on allotment of Commercial plots.

During discussion about the project and Detailed Project Reports (DPRs), the Committee observed that all project reports were prepared were more or less of same type i.e. Commercial Complex, Shops, Hotel, Hospital etc.

Therefore, the Committee informed the applicants during meeting that their DPRs were not project specific and seems to be of mixed use like Commercial, Industrial as well as Public Semi Public use etc. However, the MITL has opened plots through advertisement for allotment of Commercial Plots. Hence, the DPRs were supposed to be prepared and submitted to the MITL for Commercial use only instead of mixed use.

The Committee further informed all applicants that since their DPRs were not upto the mark and not only for Commercial activity for which plots opened, the Committee is rejecting all 12 (Twelve) applications. The Committee also informed all applicants that the MITL will again open commercial plots through advertisement shortly. Applicants can apply for plots with proper DPR which should be project specific and for Commercial use only.

Considering receipt of applications with DPR for multiple users, the Committee was of the view to reject all applications received for allotment of commercial plots.

In view of the decision taken by the Committee, your application for allotment of Commercial plot is hereby rejected.

As per provisions of the land disposal policy, 5% token amount paid alongwith the application will be refunded to you excluding processing fees and applicable taxes thereon.

MITL will again open commercial plots through advertisement shortly. The Applicant can apply for plot with proper DPR which should be project specific and for Commercial use only.

Regards,

Maharashtra Industrial Township Limited.”

4. The learned counsel for the petitioners as well as the learned counsel appearing for respondent Nos.2 and 3 where *ad-idem* that the allotment of commercial plots in pursuance of the said advertisement is in terms of the Land Disposal Policy at Exhibit “E” in Writ Petition No. 9630 to 2025. It is also an admitted position that after the impugned E-mail dated 18th July 2025 was issued, on 26th July 2025, the respondent No.2 issued a fresh advertisement inviting applications for 8 commercial plots, with the last date for submission of applications being tomorrow, i.e. 05th August 2025 till 05:00 p.m. In this context, extreme urgency was projected on behalf of the petitioners and submissions were made to the effect that the impugned E-mail dated 18th July 2025, rejecting all the applications for allotment of the commercial plots, discloses complete non-application of mind and arbitrariness on the part of the respondent Nos.2 and 3 while taking such a decision.

5. The learned counsel for the petitioners referred to the various clauses of the said Land Disposal Policy governing the present

case and submitted that the ground regarding mixed use stated in the impugned E-mail is contrary to the policy itself and hence, the impugned communication deserves to be set aside and the applications of the petitioners ought to be considered in pursuance of the aforementioned earlier advertisement dated 09th April 2025.

6. Detailed submissions were made by Mr. Karad, learned counsel for the petitioner in Writ Petition No. 9493 of 2025, Mr. Thombre, learned counsel for the petitioners in Writ Petition No. 9507 of 2025, Mr. Palodkar, learned counsel for the petitioner in Writ Petition No. 9630 of 2025.

7. On the other hand, Mr. Shirang Dande, learned counsel appearing for contesting respondent Nos.2 and 3 made his submissions on the said Land Disposal Policy and he stated that the impugned communication dated 08th July 2025, was based on a considered view taken by the LAC in the light of the fact that most of the applicants submitted Detail Project Report (DPR) on the mistaken belief that mixed land use could be permitted on the commercial plots. In that light, after interaction with the applicants, the LAC thought it fit to reject all the applications and to issue fresh advertisement. It was submitted that none of the applicants, including the petitioners herein, had acquired any vested right in the process and since the decision was taken for all the applicants across the board, based on a proper

interpretation of the Land Disposal Policy, the allegation of arbitrariness or non-application of mind, is without any substance.

8. It was submitted that the writ petitions deserve to be dismissed and that the petitioners are at Liberty to apply for allotment for commercial plots in pursuance of the subsequent advertisement dated 26th July 2025, issued by respondent No.2, the last date for submitting the applications being 05th August 2025.

9. Learned AGP appeared on behalf of the respondent No.1.

10. This Court has perused all the relevant clauses of Land Disposal Policy at Exhibit "E" in Writ Petition No.9630 of 2025, which admittedly governs allotment of plots and commercial plots as advertised by respondent No.2. The basic ground on which respondent No.2, by the impugned communication rejected all the 12 applications submitted in pursuance of the earlier advertisement dated 09th April 2025, is that the applicants in their DPRs had proceeded on the basis that the subject plots were meant for mixed land use. This, according to the respondents, was a misunderstanding of the manner in which the commercial plots are allotted under the Land Disposal Policy and hence, it was found that the applications of all the applicants deserve to be rejected and that a fresh advertisement was required to be issued.

11. In support of the said contention raised on behalf of respondent No.2, learned counsel appearing for the said respondent, referred to a chart concerning all the 12 applications, including the petitioners on the basis of their respective DPRs. It was highlighted that almost all the applications referred to proposed use for, *inter alia*, warehouses, factory sheds, hospitals and garages along with utilization for commercial purposes. It was submitted that all such DPRs were for mixed land use and during the meeting of the LAC with the applicants, the said aspect was highlighted.

12. A perusal of the Land Disposal Policy shows that Chapter - IV pertains to Land Allotment Policy and under clause 4.1 pertaining to categories of land use, distinct categories, such as industrial, residential, commercial, retail, hospitality, healthcare facility, warehouses and storage etc. have been identified. Clause 4.2.2 provides for allotment by on-application process. Chapter – VI of the Land Disposal Policy pertains to allotment policy for different categories. In this chapter, plots are identified as per land use. Clause 6.1 pertains to industrial plots, clause 6.3 pertains to Commercial, retail and hospitality plots, clause 6.4 pertains to social amenities (education and healthcare facilities). Clause 6.10.5 pertain to plots or warehousing and storage places. Apart from this, various clauses pertain to other such users for plots. It is relevant to note that such

classification is clearly identified in chapter – VI of the Land Disposal Policy pertaining to allotment for different categories of plots.

13. In this context when the contents of the advertisement dated 09th June 2025, are perused, it is found that the respondent No.2 invited applications for 14 “commercial plots” at Bidkin and 6 “commercial plots” at Shendra through online process. We find substance in the contention raised on behalf of respondent Nos.2 and 3 that as per the said advertisement, applications through online process were invited for commercial plots relatable to clause 6.3 of chapter – VI of the Land Disposal Policy pertaining to commercial, retail and hospitality plots. Accordingly, the applicants were expected to submit their applications and their DPRs limited to use of the plots only for commercial, retail or hospitality purposes.

14. But a perusal of the documents on record shows that out of the 12 applications, almost all the applications had submitted DPRs showing proposed mixed land use. The applicants proposed mixed land use such as use for hotel with warehouse, commercial spaces for retail shops for office spaces and hospitality with hotel warehouses logistics with commercial complex, thereby indicating that none of the applicants and their DPRs were based on specific commercial land use only of the plots. The details placed on record on the basis of documents relied upon by of respondent Nos. 2 and 3 indeed show

that the applicant had misunderstood the limited purpose for which the commercial plots could be used as per the said Land Disposal Policy.

15. It is in this backdrop, that the contents of the above quoted email dated 18th July, 2025 need to be appreciated. The contents thereof refer to the fact that the LAC informed the applicant that the DPRs indicated mixed land use, thereby mixing up land use for commercial with industrial as well as social amenities like healthcare facilities, instead of submitting DPRs for commercial use only.

16. It is in this background that the LAC of respondent No. 2 took a decision to reject all the 12 applications and to issue a fresh advertisement for allotment of commercial plots, so that proper applications could be made with detailed DPRs for only commercial use of the plots.

17. We find that since the said test was applied across the board to all the 12 applicants in pursuance of the advertisement dated 9th April 2025, it cannot be said that any particular applicant was either singled out for discriminatory treatment or that any of the applicants was favoured in any manner. We also find lack of substance in the contention specifically raised on behalf of the petitioners in writ petition No. 9493 of 2025 that such a decision was taken to favor some party that had not even applied for the said commercial plots.

18. We find that even if the petitioners in writ petition No. 9493 of 2025 could claim that at least its application fell within clause 6.3.1 of the land disposal policy, pertaining to Commercial, retail and Hospitality plots, respondent Nos. 2 and 3 were well within their rights to reject all the applications as the other 11 applicants had all mistakenly applied as if the plots could be utilized for mixed land use. It cannot be claimed that the impugned communication dated 18th July, 2025 was either arbitrary or based on total non application of mind towards Land Disposal Policy.

19. In any case, as noted herein-above, none of the 12 applicants had any vested right because the applications stood rejected even before the bids were opened. We are in agreement with the contention raised on behalf of respondent Nos. 2 and 3 that the decision to reject all the 12 applications was in the light of the nature of the DPRs submitted showing mixed land use, despite the fact that the advertisement was purely for commercial plots.

20. In any case, fresh advertisement issued immediately on 26th July, 2025, invited applications for allotment of commercial plots, with the last date being 05th August, 2025. The petitioners herein and others interested in allotment of such commercial plots can very well apply pursuant to the said advertisement dated 26th July, 2025.

Respondent Nos. 2 and 3 have made it clear before this Court that the allotment of commercial plots in pursuance of the said advertisement dated 26th July, 2025, is purely for plots covered under clause 6.3 of chapter VI of the Land Disposal Policy pertaining to commercial, retail and Hospitality plots. All the applicants and if the petitioners proposed to apply, even the petitioners, can submit their applications and their DPRs keeping this in mind that the plots are not for mixed land use but only for land use as per Clause 6.3 of chapter VI of the Land Disposal Policy.

21. Since the petitioners have not suffered any prejudice as applications of all the 12 applicants pursuant to the advertisement dated 09th April, 2025, were rejected, we find that the petitioners have failed to make out a case for interference in the instant writ petitions.

22. It is settled law that in tender and commercial matters, the writ Court while exercising power of judicial review, does not sit in appeal on merits over the decision of the respondents, but the process for arriving at the decision is tested to ensure that there is no arbitrariness.

23. As noted herein above, we do not find any arbitrariness on the part of respondent Nos. 2 and 3 in the present writ petitions and

hence the writ petitions deserve to be dismissed. Accordingly, the writ petitions are dismissed.

24. Needless to say, that the petitioners are at liberty to apply for commercial plots in pursuance of the advertisement dated 26th July, 2025 issued by respondent No. 2.

25. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

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