

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1097 OF 2024

Pandit Nana Londhe and others

Petitioners

Versus

The Regional Officer, Maharashtra
Industrial Development Corporation,
Regional Office, Pune and others

Respondents

Mr. Akshay Rokade for Petitioner.

Ms. M.S. Bane, AGP for State,

Mr. Prashant Chavan a/w Ms. Kinjal Jain for Respondent

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 1st October 2025

P.C.

1. This petition under Article 226 of the constitution of India is filed
praying for the following substantive reliefs :-

“(a) Rule be issued,

b) This Hon’ble Court maybe pleased issued a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions and proceeding in order dated 6/09/2023 by the Regional Officer-01 Maharashtra Industrial Development Corporation Regional Office, Pune. May be set aside and quashed,

(c) Stay may be granted on the Exhibit – “B” colly order and to do further allotment land proceeding.”

2. By way of the present petition, the Petitioners seek to challenge the order dated 6th September 2023 passed by Respondent no.1 i.e the Regional Officer -01, Maharashtra Industrial Development Corporation, Regional Office, Pune whereby Respondent no.1 has refused the allotment of land which was offered to the

Petitioners on the terms and conditions mentioned in the Rehabilitation and Resettlement policy dated 30th June 1994 (hereinafter referred to as 'policy') issued by the Corporation and the State of Maharashtra for Project Affected Persons (PAP) scheme POLT, Talegaon Industrial Area.

3. The facts relevant to be noted are as follows :-

4. The Petitioners are farmers and are brothers, residing at post Nanovali, Taluka Maval, District Pune. The Petitioners were allotted plot/land at concessional rate as PAP in terms of the aforesaid policy and the said plot was not transferable for a minimum period of 2 years from the date of possession/agreement to lease whichever is earlier. The said allotment was given subject to the undertaking prescribed in Annexure-II and Annexure-IV of the application dated 6th January 2016 given by the Petitioners. Since the land/ plot was offered to the petitioner as PAP for a project of Maharashtra Industrial Development Corporation (MIDC), the aforesaid undertakings were made part of the agreement entered with the MIDC.

5. The Petitioners were given the offer as PAP for the plot/land on 17th May 2018, after prima facie scrutiny of their PAP eligibility. The land acquired of the Petitioners was land bearing Gut no.29/2, 28/1, 29/8, 29/13 and 21/5 situated at Akurdi village. The allotment letter of the petitioners is dated 15th September 2018.

6. The Petitioners submit that subject to the aforesaid allotment, the petitioners were also directed to submit a 'Blue Application' duly completed with a Demand Draft (DD) of Rs.8125/-. The rate of premium for land applicable was

Rs.325/- per square meter. The petitioners duly complied with the same and issued the DD in favour of the Deputy Chief Accounts Officer, MIDC.

7. The Petitioners submit that much correspondence was entered from time to time between the Petitioners and Respondent no.1. Respondent no. 1 on 31st August 2018 intimated to the Petitioners to remain present at his office on the said date along with all documents in respect of the allotment of the plot / land of 100 sq. mtrs. Thereafter the Petitioners were made to deposit an amount of ₹88,075/- within a period of 30 days from 14th September 2019 and if the Petitioners failed to comply with the same, further period of 150 days was given to the Petitioners to comply with the same along with a fine. The Petitioners complied with the condition on 12th November 2021.

8. Respondent no.1 however by Order /Letter dated 6th September 2023, which is under challenge in the present petition rejected the allotment to the petitioners of the plot / land on the ground that the Petitioners had made the payment belatedly and hence the allotment has lapsed/rejected. The DD of Rs.88,075- was also returned to the Petitioners.

9. It is on such backdrop we proceed to decide the present proceedings. Mr. Akshay Rokade, learned counsel for the petitioners has submitted that the petitioners had complied with all conditions, though belatedly. He submitted that a lenient view should have been taken by Respondent no.1 considering that they are farmers and also that the belated payment was made on account of covid in the year 2020 to 2022. He submitted that the petitioners had written letters to Respondent no. 1 explaining their situation and the financial difficulties that had

befallen upon them during the difficult covid period. He therefore submitted that a compassionate view needs to be taken in the aforesaid matter and the petitioners application be reconsidered.

10. Mr. Prashant Chavan, learned Senior Counsel along with Ms. Kinjal Jain appearing on behalf of Respondent no.1 MIDC, although submitted that since the payment made by the Petitioners was belated payment and hence the allotment had lapsed/rejected, yet it is fairly stated that looking at the fact that the petitioners were farmers and had genuine financial difficulties during the intervening covid times, Respondent no.1 MIDC would sympathetically reconsider the Petitioners' applications dated 2nd June 2021 (Exh. 'H' colly to the petition).

11. In fact during the covid period a very liberal and lenient view has even been taken by the Apex Court in respect of late payments of fees, filing appeals, etc. considering the enormous difficulties faced by the common citizens during that time. The Supreme Court in the case of **M/s. Ganga Foundation Pvt. Ltd. Versus The State Bank of India & Anr.**¹ arising out of judgment passed by the Madras High Court, held that during Covid time, when the petitioner had defaulted in repayment of loan and a One-Time Settlement scheme (OTS) was open to the petitioner, and when the petitioner was unable to comply with the OTS, the Petitioner was granted a relief in terms of the following observations :-

“The petitioner had availed loan from the State Bank of India. Since, there was default in repayment of the loan, the petitioner entered into a One Time Settlement under the OTS Scheme with the bank in November, 2020. The petitioner, out of the installments due to be paid under the OTS Scheme, paid approximately 25% of the amount but, thereafter defaulted in payment of the said amount. SLP (C) Nos.

¹SLP No.14979-14980 of 2021

14979-14980/2021 Learned counsel for the petitioner states that the default was on account of Covid pandemic as the business was not doing very well. The Writ Petition filed by the petitioner was dismissed and hence these special leave petitions. On instructions, learned counsel for the petitioner has made a statement that the entire amount due, as per the OTS Scheme, would be deposited by the petitioner with the Bank by the 14th of this month. The petitioner further undertakes to pay 12% interest on the defaulted OTS amount from the respective due dates, within five days thereafter. The respondent-bank shall furnish the amount of interest due to be paid by the petitioner at the rate of 12% per cent from the date the amount became due till 14th March, 2022, within three days from today. The proof of payment of the said amounts shall be filed by the petitioner by the next date of hearing. It is understood that in case there is default in payment of either of the two amounts, as indicated above, these petitions shall be dismissed.”

12. It would only be therefore appropriate for us to take a holistic and benevolent approach in where citizens especially farmers as in the present petition who faced genuine hardship during such times to make payment during covid time. In our view therefore considering the facts and circumstances of the case and the submissions made on behalf of the parties, we proceed to pass the following order which in our opinion would meet the ends of justice.

ORDER

(i) Order/Letter dated 6th September 2023 passed by Respondent no.1 i.e Maharashtra Industrial Development Corporation, Regional Office, Pune is hereby quashed and set aside.

(ii) Respondent no.1 i.e Regional Officer -01, Maharashtra Industrial Development Corporation, Regional Office, Pune is hereby directed to reconsider/decide applications dated 2nd June 2021 filed by the Petitioners, in accordance with law as expeditiously as possible, preferably within a period of 6

weeks from the date this order is made available to Respondent no.1 by the petitioners. Respondent no.1 to give a fresh hearing in respect of the aforesaid applications.

(iii) Petitioners are at liberty to submit all required documents and pay the requisite fees etc. in respect of the aforesaid applications. Let all parties be heard.

(iv) All rights and contentions of the parties are expressly kept open.

(v) The Writ Petition stands disposed of in the aforesaid terms. No order as to costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)