



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

WRIT PETITION NO.5106 OF 2024

M/s. Anant Enterprises Through Its Partner
Shri Vivek Gopalrao Joshi ... Petitioner
Versus
The State of Maharashtra and Ors. Respondents

Adv. Nitin Gaware Patil a/w Adv. Divyesh K. Jain, for the Petitioner.
Smt. S. D. Vyas, Addl.G.P. a/w Smt. R. A. Salunkhe, AGP, for the
Respondent-State.
Adv. Kunal Damle a/w Adv. Shraddha Dubepatil, Adv. Meenakshi
Mane i/b. Jay & Co., for Respondent Nos.2, 3 and 4.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 16th FEBRUARY, 2026

P.C. :

1. Heard learned counsel for the parties.
2. The challenge in this Petition is to the order dated 2nd February 2024 passed by the Maharashtra Industrial Development Corporation ('MIDC', for short) cancelling the allotment made in favour of the Petitioner in respect of the subject plot of land on 20th February 2015. Briefly stated, the facts are that

in the year 2014 the Petitioner was allotted an additional plot (subject plot) for expansion of the business. The Petitioner requested for extension for procuring the Building Completion Certificate (BCC) as the necessary infrastructure was not available. An extension was granted by the MIDC on 5th January 2022, but the said extension was to operate retrospectively from 21st January 2017 to 20th January 2021. The same was on payment of further extension charges for the period from 29th January 2021 to 20th January 2022 to the tune of Rs.4,11,41,300/-. Learned counsel submitted that it was unreasonable of the MIDC to expect the Petitioner to comply with the requirement in such a limited time span.

3. The MIDC threatened to cancel the allotment. The Petitioner therefore approached the Grievance Redressal Cell (MAITRI) under the provisions of the Maharashtra Industry, Trade and Investment Facilitation Act, 2023 ('said Act', for short). The said Act defines the "Empowered Committee" under Section 2(b). The Empowered Committee is constituted under Section 6. Section 6 provides for the constitution of Empowered Committee which reads thus :-

“6. Constitution of Empowered Committee.— (1) There shall be Empowered Committee consisting of Development Commissioner (Industries), Government of Maharashtra, as a Chairman and such other members, as may be prescribed.

(2) The Empowered Committee shall meet at such times and at such places and shall adopt such procedure to transact its business, as may be prescribed.”

4. The powers of the Empowered Committee are specified in Section 7 which reads thus :-

“7. Powers of Empowered Committee.— The Empowered Committee shall have the following powers, namely :—

(a) to consider and dispose off applications for permission under any relevant law in cases where the Competent Authority has failed to process and dispose off such applications, within the specified time limit;

(b) to invite any officer or expert as it deems necessary, to participate in the meetings of the Empowered Committee;

(c) to ask for reason for delay in disposal of application or rejection of application and to call for necessary information and to require personal appearance of concerned Competent Authority;

(d) to appoint any officer to inquire into the reason for delay in disposal of applications by the Competent Authority or the grievances raised by the applicant;

(e) such other powers as may be prescribed.”

5. The functions of the Empowered Committee are prescribed under Section 8. The relevant provision so far as the present matter is concerned, according to learned counsel for the Petitioner, is Section 8(1)(g), which provides that the Empowered Committee shall perform the following functions, namely to entertain all grievances raised by the applicants and if found

necessary, call for a report from the concerned Competent Authority. Section 9 provides that notwithstanding anything contained in any relevant law, decisions of the Empowered Committee shall be binding on applicants, authorities and all other concerned persons.

6. Learned counsel submitted that the Empowered Committee by the decision taken in MAITRI Investor meeting dated 21st June 2023, vide order dated 14th July 2023 held thus :-

“The MIDC team informed that the investor is intentionally delaying the possession of land. As per the directive of Hon’ble Development Commissioner, the MIDC team to re-verify the extension period according to the by laws and waive off the necessary extension charges and give possession of land to the investor.”

7. It is the grievance of learned counsel for the Petitioner that despite specific directions for waiver of the necessary extension charges and handing over the possession of the land to the investor-Petitioner, the MIDC passed the order dated 2nd February 2024, cancelling the allotment on the ground that the Petitioner is not interested in developing the said plot of land. It is submitted that the impugned order was passed without hearing the Petitioner.

8. Learned counsel for the Respondent-MIDC supported the

impugned order. It is submitted that the Petitioner was just not interested in developing the land and was delaying the development on one pretext or another. It is submitted that despite granting an extension, the activities were not commenced within the stipulated time and therefore the MIDC was left with no other option but to cancel the allotment. Learned counsel submitted that the MIDC has passed the impugned order after taking into consideration the decision of the Grievance Redressal Cell (MAITRI). It is further submitted that such decision is not binding on the MIDC.

9. Heard. We find that the allotment order was made in favour of the Petitioner as far back as in the year 2014 and even the premium then demanded was paid. The Petitioner could not develop the land within the time stipulated for the reasons set out in the Petition. The Petitioner had approached the Grievance Redressal Cell (MAITRI) and a decision was taken directing the MIDC to re-verify the extension period according to the bylaws and for waiver of the necessary extension charges by handing over the possession of land to the investor. We find that the impugned order is passed without hearing the Petitioner and also there is no

reference to the directions/decision dated 14th July 2023 of the Grievance Redressal Cell (MAITRI). In our opinion considering all these facts and circumstances and as the allotment order was already made, before cancelling the allotment, the MIDC should have accorded a reasonable opportunity of hearing to the Petitioner, more so, in the light of the decision of the Grievance Redressal Cell (MAITRI) and having regard to the provisions of the said Act.

10. We therefore quash and set aside the impugned order dated 2nd February 2024, which is at page 161 of the paper-book. The Petitioner is permitted to make a comprehensive representation to the Competent Authority i.e. Regional Manager MIDC, Pune-3 within a period of two weeks from today. After hearing the Petitioner, the Regional Manager MIDC to pass a fresh order on its own merits and in accordance with law within a period of six weeks from the date of communication of this order. The competent Officer not to be influenced by any observations made in this order.

11. Learned counsel for the Petitioner submits that the possession has neither been handed over to anyone so far, nor has

the same been allotted to any individual/investor. For a period of ten weeks from today, the Respondent-MIDC not to allot the plot or handover the possession of the plot to any individual/investor/firm.

12. All contentions are kept open.

13. The Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)