

(2019) 08 RAJ CK 0160
In the Rajasthan High Court
Case No : Civil Writ Petition No. 17034 Of 2018

Bhanwar Lal

APPELLANT

Vs

Rajasthan State Industrial Development And Investment
Corporation Limited And Ors

RESPONDENT

Date of Decision : 28-08-2019

Acts Referred:

Citation : (2019) 08 RAJ CK 0160

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Baljinder Singh Sandhu, Sanjeet Purohit

Final Decision : Disposed Off

Judgement

The present writ petition is directed against the decision of the allotment committee of the respondent - Rajasthan State Industrial Development & Investment Corporation Limited (hereinafter referred as "RIICO") vide which the petitioner's application for allotment of industrial plot has been rejected.

Assailing the decision of the allotment committee, Mr. Sandhu, learned counsel for the petitioner argued that the respondents have rejected petitioner's application while observing that a plot has already been allotted to M/s. Jyoti Process - proprietor Mr. Bhanwar Lal Choudhary, in first list of lottery and as such the petitioner is not entitled and that the petitioner's application had been filed belatedly.

Assailing the finding recorded by the allotment committee, Mr. Sandhu asserted that the petitioner has no connection with M/s Jyoti Process, whose proprietor is admittedly Bhanwar Lal Choudhary S/o Shri Ghisulal Choudhary; whereas the petitioner is Bhanwar Lal Choudhary S/o Bhura Ram Choudhary. Learned counsel argued that impugned decision suffers from apparent error and non-application of mind; the respondents have not considered the petitioner's representation and the material available on record in its entirety and have non-suited the petitioner,

absolutely on unsustainable reason.

Upon query raised by this Court, Mr. Sanjeet Purohit, learned counsel for the respondents was not in a position to satisfy, much less establish that the petitioner is the same person, who has been allotted industrial Plot No.F-252 in Industrial Area, Punayata, Pali, being proprietor of firm M/s. Jyoti Process.

Heard.

Indisputably, the petitioner had his industrial unit in RIICO Industrial Area and thus he is entitled for allotment of a plot in new industrial area at Punayata, Pali. The respondents have failed to establish that Bhanwar Lal Choudhary - proprietor of M/s Jyoti Process is none else than the petitioner. Hence, the impugned decision of the allotment committed dated 09.09.2016 suffers from manifest and apparent error of facts. The reason given in the decision is absolutely flimsy and unsustainable, hence liable to be quashed and set aside.

Another reason given for rejection of petitioner's claim is that he has not submitted his application within time.

In this regard, Mr. Sandhu, learned counsel for the petitioner submitted that this Court in case of Akshay Finishing Vs. RIICO Ltd. & Anr. (SB Civil Writ Petition No.9865/2011), decided on 25.03.2019 has held that since the RIICO is already having vacant plots, an applicant should not be non-suited on the ground of delay.

Following the view taken by this Court in case of Akshay Finishing (supra), the aforesaid ground of rejection also turns out to be unsustainable.

For the discussions aforesaid, the writ petition is allowed; the impugned decision dated 09.09.2016 and consequential communication dated 14.09.2016 rejecting the petitioner's application for allotment is hereby quashed and set aside. The allotment committee is directed to re-consider the application of the petitioner afresh in an objective manner with following directions :-

1. As petitioner's application fee has been returned, petitioner shall deposit requisite application fee on or before 30.09.2019.
2. In case, the petitioner's original application is not readily available with the respondent RIICO, the petitioner will be intimated in this regard and will be granted time to submit copy/another application with necessary documents, in support of his claim. Needful be done on or before 30.09.2019.
3. The allotment committee is directed to consider the application of the petitioner for allotment of existing plots in industrial area, Punayata, Pali objectively while taking into consideration the documentary proof submitted by the petitioner and pass reasoned order in this regard. The said exercise for allotment of industrial plot be positively completed by the allotment committee on or before 30.12.2019.

4. The allotment committee is expected to undertake and complete the entire process for scrutiny of claim of the petitioner for the purpose of shifting of industries strictly in accordance with law and while avoiding unnecessary technicalities. The allotment committee shall make positive efforts to ensure proper and complete compliance of the directions given by the Hon'ble Division Bench in its judgment dated 09.03.2004 passed in D.B. Civil Writ Petition No.759/2002 : Mahaveer Nagar Vikas Samiti Vs. State of Rajasthan in its true letter and spirit.

The Stay Application No.16941/2018 also stands disposed of.