

(2019) 08 RAJ CK 0159

In the Rajasthan High Court

Case No : Civil Writ Petition No. 16960 Of 2018

Bhanwar Lal

APPELLANT

Vs

Rajasthan State Industrial Development And Investment
Corporation Limited (RIICO) And Ors

RESPONDENT

Date of Decision : 28-08-2019

Acts Referred:

Citation : (2019) 08 RAJ CK 0159

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") whereby petitioner's application for allotment of industrial plot has been rejected.

Challenging the decision of the allotment committee, Mr. Sandhu, learned counsel for the petitioner argued that the allotment committee has not properly considered the facts obtaining in the case and petitioner's representation in this regard and has cursorily negated petitioner's entitlement inter alia observing that since petitioner's tenant M/s Shri Rajaram Prints Private Limited, has been allotted industrial plot, the petitioner cannot be allotted the plot.

Mr. Sandhu, learned counsel for the petitioner contended that it is true that M/s Shri Rajaram Prints Private Limited was petitioner's tenant, but the petitioner himself was in need of and thus applied for allotment of the industrial plot. Learned counsel contended that the petitioner had never given any 'No Objection' to M/s Shri Rajaram Prints Private Limited, which was a prerequisite for allotment of plot to a tenant, as per the terms and conditions provided in the advertisement.

Mr. Sanjeet Purohit, learned counsel for the respondents was not in a position to dispute this factual position and upon Court's direction has placed on record, a photo-copy of the affidavit furnished by the petitioner - Bhanwar Lal Choudhary.

A perusal whereof reveals that the petitioner has simply stated that M/s Shri Rajaram Prints Private Limited is a tenant in his factory. The affidavit does not contain relinquishment of his own right or any 'No Objection Certificate' to the effect that he waived his right to seek allotment in favour of M/s Shri Rajaram Prints Private Limited.

It is, thus, apparent that the decision impugned taken by the allotment committee in its meeting held on 09.09.2016, is clearly contrary to the facts obtaining in the present case and the same suffers from non-application of mind.

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.