IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11115 OF 2025
WITH
INTERIM APPLICATION NO.11463 OF 2025

Ambar Auto Engineers Pvt. Ltd.
Through its Director-
Shri Rajaram Budhaji Pansare,
Aged 46 Years, Occ. Business,
Having office at Plot No.D1/15,
M.I.DC. Area, Ambad,
Dist. Nashik-422 010 … Petitioner.

Versus

1. The State of Maharashtra
Through the Ministry of Industries,
Government of Maharashtra,
Mantralaya, Mumbai-400 032.

2. Maharashtra Industrial Development
Corporation, Through its Regional Office
at Udyog Bhavan, Second Floor,
Satpur, Dist. Nashik

3. The Joint Chief Executive Officer,
Maharashtra Industrial Development
Corporation, Having Head Office at Marol
Industrial Area, Mahakali Caves Marg,
Udyog Sarathi, Andheri (East)
Mumbai-400 093.

4. M/s N.T. Engineers,
Through Shri Nikhil Rakesh Talwar,
Having Office at Gat Nos.435/436,
Behind V.T.C. Mouje Gonde,
Tal. Igatpuri, Dist. Nashik-422 403. … Respondents

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Mr. Atul Damle, Senior Advocate a/w Mr. Sachin Gite for the Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w Mr. S.P. Kamble, A.G.P. for Respondent No.1-State.

Dr. Milind Sathe, Senior Counsel a/w Mr. Vivek Yadav, Ms. Shraddha Dube-Patil and Adv. Maasar Qureshi i/b Jay & Co. for Respondent Nos.2 and 3-MIDC.

Mr. Veer Kankariya (through V.C.) a/w Mr. Jainam Jain for Respondent No.4.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

RESERVED ON : 25th NOVEMBER 2025

PRONOUNCED ON: 23rd DECEMBER 2025

Judgment (Per Sandesh D. Patil, J.)

1) Heard learned Counsel for the parties.

2) **Rule**. Rule is made returnable forthwith and by consent of the parties, taken up for final disposal. Mr. A.I. Patel, learned Addl. G.P, waives notice on behalf of the Respondent No.1-State. Dr. Milind Sathe, Senior Counsel, waives notice on behalf of the Respondent Nos.2 and 3-MIDC. Mr. Veer Kankariya, learned Counsel waives notice on behalf of

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the Respondent No.4.

3) The Petitioner has approached this Court *inter alia* seeking quashing and setting aside of the allotment Order dated 8th October 2024, made in favour of the Respondent No.4 in respect of Plot No.H-145/2, admeasuring 1500 sq.mtrs., situated in MIDC Area, Ambad, Nashik (hereinafter referred to as '**the said plot**'). The prayer is also made to direct the Respondent Nos. 2 and 3 to allot the said plot in favour of the Petitioner.

4) It is the contention of the Petitioner that he was allotted the Plot No.H-146/2, admeasuring about 3775 sq.mtrs. in MIDC area, Ambad, Nashik, and accordingly agreement to lease was registered in his favour. Since the said plot was not sufficient for expansion of his business, the Petitioner made an application to the Respondent Nos.1 and 2 for allotment of additional plots, bearing Plot No.OS-73, admeasuring about 3289 sq.mtrs., Plot No.OS-74 admeasuring 1964 sq.mtrs. and Plot No.H-145/2, admeasuring about 1500 sq.mtrs., totally admeasuring about 6753 sq.mtrs. The said application is at Exhibit 'A' to the Petition. Thereafter, the Petitioner found that Plot No.H-145/2, was allotted to

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Shri Chintamani Edutech through Mr. Manoj Pingale. Mr. Manoj Pingale had some dispute with the MIDC, and therefore, the later filed a Petition, bearing Writ Petition No.7915 of 2022 in this Court. It is the Petitioner's contention that the Respondent No.2 informed the Petitioner, that the allotment of Plot No.H-145/2 (the said plot), cannot be made in favour of the Petitioner, till the writ petition filed was decided and therefore, the Petitioner modified his request and dropped Plot No.H-145/2 and made a demand for allotment of Plot Nos. OS-73 and OS-74 only, vide letter dated 8th March 2022. That letter is at Exhibit 'B' to the Petition. The Respondent No.2, thus upon application of the Petitioner dated 8th March 2022, allotted Plot Nos.OS-73 and OS-74 to the Petitioner and created separate Plot, total admeasuring about 4000 sq.mtrs. and renamed it as the Plot No.H-146/2A on 1st July 2022.

5) Mr. Damle, learned Senior Counsel appearing for the Petitioner contends that in February, 2025, when the Petitioner came to know that the Respondent No.2 had illegally allotted the said Plot No.145/2, in favour of the Respondent No.4, filed an Application under the RTI. It is further argued by Mr. Damle that the allotment of the said plot in favour of the Respondent No.4, is illegal and void, as the same is made

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without giving intimation to the Petitioner, who had a right of pre-emption over the said plot. Mr. Damle, argued that an undertaking was taken from the Respondent No.4 that he will manufacture only electric vehicle parts and that the same would also be sold only to the electric vehicles manufacturers. He contended that the Petitioner later learnt that on 26th February 2025, this Court had dismissed Writ Petition No.7915 of 2022, filed by Mr. Manoj Pingle, the Petitioner therein. A copy of the Order dated 26th February 2025, passed by this Court is annexed by the Petitioner at Exhibit 'F' to this Petition. The Petitioner found that *vide* allotment Order dated 8th October 2024, the said Plot was allotted in favour of the Respondent No.4. The Petitioner, therefore, sent a legal notice on 7th March 2025 to the Respondent No.2, through his lawyer and sought allotment of the said Plot in favour of the Petitioner. Mr. Damle, learned Senior Counsel appearing for the Petitioner states that the allotment of the said plot in favour of the Respondent No.4 is illegal and that the Petitioner has pre-emptory right in allotment of the plot, as his plot is adjacent to the plot in question. He further states that the Petitioner also sought cancellation of the allotment inasmuch as the allotment was made during the pendency of the writ petition filed by Mr. Manoj Pingle. He states that

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the Petitioner's application seeking for allotment of the said Plot No.H-145/2, was made in November 2021, which is much prior in point of time, then that of the Respondent No.4.

6) Dr. Milind Sathe, learned Counsel appearing for the Respondent Nos.2 and 3-MIDC, contested the aforesaid Petition. He submits that the Petitioner was allotted Plot No.H-146/2, admeasuring 3775 sq.mtrs., for running an industry of manufacturing forging components. He states that the Petitioner, for the expansion of the business, made applications dated 23rd November 2021 and 21st January 2022, for allotment of additional Plots being Plot Nos.(i) OS-73, (ii) OS-74 and (iii) H-145-2 (the said plot). He further states that on 8th March 2022, the Petitioner submitted the modified application, requesting for allotment of only, Plot Nos. OS-73 and OS-74. The said application according to the learned Senior Counsel appearing for the Respondent Nos.2 and 3-MIDC, specifically omits the plot in question, i.e. H-145-2. Acting upon the Application of the Petitioner dated 8th March 2022, the Respondent No.2 allotted to the Petitioner, Plot Nos.H-146/2A admeasuring 4000 sq.mtrs., which was formed by amalgamation of Plot Nos. OS-73 and OS-74. Thereafter on 1st July, 2022, a lease deed was executed in favour

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of the Petitioner. He states that the Petitioner had accepted the allotment without raising any grievance regarding non-allotment of the Plot No.H-145/2. He further states that one Mr. Manoj Pingle, was allotted the said plot, however, he did not pay the premium amount and therefore, the allotment was canceled, that Mr. Manoj Pingle, filed a Writ Petition No.7915 of 2022, challenging the cancellation of the allotment; and that the said Petition was ultimately dismissed by an Order 26th February, 20Prabhu Govind Patil & Ors.25, passed by this Court. He states that thereafter, the said plot was allotted in favour of the Respondent No.4, pursuant to the application made by the Respondent No.4. Dr. Sathe, learned Senior Counsel states that the Petitioner does not have any right to the allotment *qua* the said plot, and as such, prayed for dismissal of the Petition.

7) Heard learned Senior Counsel appearing for the respective parties. We find that the Petitioner originally made applications dated 23rd November 2021 and 21st January 2022 for allotment of three plots, viz. (i) OS-73, (ii) OS-74 and (iii) H-145/2, (the said plot.) Later on, the Petitioner submitted another application on 8th March 2022, requesting for allotment of only two plots, viz. (i) OS-73 and (ii) OS-74. It may be

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noted, that the said application, specifically omits mention of the Plot No.H-145/2, i.e. the said plot. As a matter of fact, the Respondent No.2-MIDC acted upon the application of the Petitioner dated 8th March 2022, and allotted the Petitioner, Plot Nos. OS-73 and OS-74; which two plots were amalgamated and renumbered as H-146/2A. Infact, going further, the Respondent No.2 executed a lease deed dated 1st July 2022, in favour of the Petitioner.

8) Thus, there was no application whatsoever, at the behest of the Petitioner, seeking allotment of the plot in question i.e. H-145/2. The Petitioner, as a matter of fact, was contended with the allotment of Plot No.H-146/2A (consisting of Plot Nos. OS-73 and OS-74) and got a lease deed dated 1st July 2022, executed in his favour, without any demurer. In the interregnum, the Respondent No.4 made an online application no.968259 dated 28th February 2024, for allotment of the said plot (Plot No.H-145/2. Due process was followed and the said plot was allotted to the Respondent No.4.

9) The Respondent No.4-MIDC defended the Petition of Mr. Manoj Pingle, bearing Writ Petition No.7915 of 2022, which was dismissed on

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26th February 2025. The Petitioner never bothered to intervene in that Petition nor bothered to lay his claim over the said plot. As discussed above, the Petitioner for the first time woke up from slumber and sent a legal notice dated 7th March 2025, to the Respondent No.2, demanding the cancellation of the allotment in respect of the said plot. Taking into consideration the conduct of the Petitioner, as well as long unexplained delay, the Petition deserves to be dismissed on this ground alone. Even otherwise, there is no pre-emptory right vested in any person to get a particular plot. The plots in question were vested in the MIDC. The MIDC wrangled Mr. Manoj Pingle in this Court for the said plot and got the said plot. The MIDC thereafter, after following due process, took a decision to allot the plot in favour of the Respondent No.4, specifically in the light of the Application dated 25th February 2024. There is no quarrel over a decision making process by the MIDC to allot the plot in favour of the Respondent No.4. The decision taken by the Respondent No.2, cannot be said to be an arbitrary, *mala fide* or unreasonable.

10) We are conscious that the scope of the judicial review is limited in such matters of allotments. We do not find that the Respondent No.2-MIDC has committed any breach of public trust doctrine while allotting

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the said plot. The contention of the Petitioner that he has got a pre-emptory right over the said plot, is totally erroneous.

11) The Apex Court in the judgment of ***Bishan Singh v. Khazan Singh AIR 1958 SC 838***, has held in para 12 as under:-

> *"12. .....(1) The right of pre-emption is not a right to the thing sold but a right to the offer of a thing about to be sold. This right is called the primary or inherent right. (2) The pre-emptor has a secondary right or a remedial right to follow the thing sold. (3) It is a right of substitution but not of re-purchase i.e., the pre-emptor tPrabhu Govind Patil & Ors.akes the entire bargain and steps into the shoes of the original vendee. (4) It is a right to acquire the whole of the property sold and not a share of the property sold. (5) Preference being the essence of the right, the Plaintiff must have a superior right to that of the vendee or the person substituted in his place. (6) The right being a very weak right, it can be defeated by all legitimate methods, such as the vendee allowing the claimant of a superior or equal right being substituted in his place."*

12) The entire basis of the Petition to seek a pre-emptory right is, therefore, fallacious and the Petition must, therefore, fail. The Petition is accordingly dismissed. **Rule** is discharged.

13) In view of disposal of the Petition, nothing survives for consideration in the Interim Application No.11463 of 2025, and the same is also disposed of.

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14) All parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.) **(REVATI MOHITE DERE, J.)**

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