

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 66 of 2017**

*(Arising out of order dated 04.05.2016 passed by the Division Bench in
WPC No. 1171 of 2016)*

- M/s Sanskar Enterprises House/ Shop No.12, Sector-11, Zone-I I, Old Khursipar, Bhilai, District Durg, Chhattisgarh, Pin 490011, Through Its Proprietor Smt. Pinky Agrawal, Aged About 41 Years, W/o Ajay Kumar Agrawal, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Commerce And Industries, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate Of Industries, Udhayag Bhawan, Ring Road No.1, Telibandha, Raipur, District Raipur, Chhattisgarh
3. The Chief General Manager, District Trade And Industries Centre, Durg, District Durg, Chhattisgarh

---- **Respondents**

REVP No. 67 of 2017

*(Arising out of order dated 04.05.2016 passed by the Division Bench in
WPC No. 1175 of 2016)*

- M/s Shiva Udhayog House/ Shop No.12, Sector-11, Zone-II, Old Khursipar, Bhilai, District Durg, Chhattisgarh, Pin 490011, Through Its Proprietor Smt. Chanda Agrawal, Aged About 38 Years, W/o Vinay Agrawal, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Secretary, Department Of Commerce And Industries, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate Of Industries, Udhayag Bhawan, Ring Road No.1, Telibandha, Raipur, District Raipur, Chhattisgarh
3. The Chief General Manager, District Trade And Industries Centre, Durg, District Durg, Chhattisgarh

---- **Respondents**

For Petitioners	:	Ms. Sharmila Singhai, Advocate
For Respondents/State	:	Shri Sudeep Agrawal, Deputy Advocate General

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Order on Board

Per, P. Sam Koshy, J.

29/11/2019

1. The present review petitions have been preferred by the Petitioners seeking review of the order passed by this Court on 04.05.2016 in WPC Nos. 1171/2016 and 1175/2016, pursuant to the order passed by the Hon'ble Supreme Court dated 10.04.2017 in Special Leave to Appeal (C) Nos. 19938/2016 and 21546/2016. The Hon'ble Supreme Court while disposing of the aforementioned SLPs made the following observations :

“Delay condoned.

It is submitted by Ms. June Chaudhari, learned senior counsel appearing for the petitioners, that a point was raised before the High Court with regard to the fact that the similarly situated persons, which number exceeds 40, have been granted the allotment after the cut off date but the petitioners have been discriminated.

On perusal of the order passed by the High Court, we find that there has been no deliberation on the said score. Regard being had to the submission advanced at the Bar, we grant liberty to the petitioners to file applications for review only on this ground within four weeks hence and request the High Court to dispose of the review on merits without throwing it at the threshold on the ground of limitation.

In case the petitioners do not succeed in review, liberty is granted to challenge the main order as well as the order passed in the review.

With the aforesaid observations, the special leave petitions stand disposed of.”

2. The Petitioners, thereafter preferring aforementioned review petitions, submit that the Petitioners were placed in the waiting list for allotment of lands in the Industrial Area at Bhilai. The specific contention that the Petitioners have raised is that there are other applicants also who had applied for grant of similar lands in the Industrial Area at Bhilai and who had submitted their applications much

after the present Petitioners have done and in many of the cases though applications have been allowed ignoring the claim of the Petitioners.

3. During the course of hearing, this Court put a specific query to the learned counsel for the Respondents in the presence of the Officer-in-charge of the case as to whether there has been ever an offer made to the Petitioners in respect of any land being allotted or any documents where the Respondents had shown willingness to offer the land to the Petitioners and there being any refusal by the Petitioners. Learned counsel for the Respondents on instruction submits that in the record no such materials are available, which is sufficient to draw an inference that the Petitioners were never offered any land by the Respondents inspite of being placed at Sl.No.1 in the wait list.
4. Given the aforesaid facts and circumstance of the case and also taking into consideration the observations made by the Hon'ble Supreme Court while disposing of the aforementioned SLPs preferred by the Petitioners, we are of the opinion that a strong case for allowing the review petitions has been made out by the Petitioners. Accordingly, the order dated 04.05.2016 passed in WPC Nos. 1171/2016 and 1175/2016 hereby stands recalled. It is ordered that WPC Nos. 1171/2016 and 1175/2016 be listed for hearing on merit afresh.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge