

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9212 of 2011

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Sarvashree Pundra Herbs, Maranga Growth Centre, Purnea Through its Proprietor
Seema Kumari W/O Sri Mahendra Prasad R/O Sharda Nagar, Purnea-K.Hat, Distt.-
Purnea

.... Petitioner/s

Versus

1. The Principal Secretary Cum Chairman, Bihar Industrial Area Development Authority, Govt. Of Bihar, New Secretariat Building, Bailey Road, Patna
2. The Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna-800004, Through Its Managing Director
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan East Gandhi Maidan, Patna-800004
4. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan East Gandhi Maidan, Patna-800004
5. The Executive Director, Bihar Industrial Area Development Authority, Regional Office Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi
Mr. RANJAN KUMAR SINGH
For the BIADA Mr. Piush Lall

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 11-12-2015

Heard Mr. Siya Ram Sahi for the petitioner and Mr. Piyush Lall for the respondent-Bihar Industrial Development Authority (for short 'the BIADA').

The petitioner was allotted on the recommendation by the competent Committee of the respondent-BIADA 50 decimals of land on 26.06.2004 for setting up an industrial unit/industry. The possession of the land was filed on 17.09.2006. Since the petitioner did not set up/establish the industry, the respondent-BIADA issued notice (Annexure-7) to show cause as to why the allotment of the land in question be not cancelled. A reply thereto was given on 09.08.2008 by the petitioner-industrial unit. Respondent-BIADA after sometime again issued a notice on 03.09.2009 (Annexure-9) calling upon the petitioner to



submit a show cause against the proposed cancellation of the allotment of the plot/land in question. A reply thereto was filed. The respondent-BIADA by order dated 17.12.2009 (Annexure-1/1) under the orders of the Managing Director, cancelled the allotment of the plot/land of the petitioner. Aggrieved thereby, an appeal was filed by the petitioner which was also considered and rejected by order dated 15.03.2000 (Annexure-1). These two orders have been impugned in this writ application.

Mr. Sahi with reference to the averments made in the writ petition has explained the circumstances under which the petitioner could not set up/establish the industry and make it functional for which sincere efforts were made. It is stated that the licence to run the industrial unit/industry was given on 25.04.2011. After valiant efforts, the electric connection was given to the industry/industrial unit in the year 2015. In the light of the order passed by a division bench of this Court in LPA No. 353 of 2008 such industrial unit is required to be given six months time to revive the industrial unit and start production.

This Court called upon the BIADA to make local inspection of the unit claimed to have been set up by the petitioner on the plot/land of the BIADA and file an affidavit. In the light of the said order a supplementary counter affidavit has been filed annexing therewith two reports (Annexure-C and D). On perusal thereof, it appears that the unit was not totally abandoned. The entrepreneur(s) was found making effort to revive the unit and some industrial activities were going on the plot/land.

A supplementary affidavit has been filed on behalf of the petitioner. In paragraph 5 thereof the following has been stated:-

“5. That, the petitioner undertakes before this Court that after quashing the impugned orders, within six months

unit will be in full commercial production of manufacturing Ayurvedic Medicine.”

Considering the submissions of the parties and the order which this Court passed on somewhat identical fact situation in LPA No. 353 of 2008 and its analogous LPAA as also the undertaking of the petitioner, this Court disposes of this writ application by directing the respondent BIADA to allow six months time to the petitioner to revive the industry and make the same operational/functional failing which the respondent BIADA shall be entitled to cancel the allotment after giving notice and settle the same with the desirous applicant(s)/entrepreneur(s) in accordance with law. The impugned orders (Annexure-1 and 1/1) are quashed and set aside.

(Kishore Kumar Mandal, J)

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