

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12167 of 2009

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M/S Sushila Chemicals Pvt.Ltd. a company incorporated under the Indian companies Act, 1956, having its factory at Industrial Area, Hajipur, through one of it's director Sri Rabindra Singh, son of Late D.P. Singh, resident fo JF-15, Arya Kumar Road, Rajendra Nagar, Patna-16.

.... Petitioner/s

Versus

- 1.The Bihar Industrial Area Development Authority, 6-7th Floor, Indira Bhawan, Ram Charitra Singh Path, Patna through its Managing Director.
- 2.The Managing Director, Bihar Industrial Area Development Authority, 6-7th Floor, Indira Bhawan, Ram Charitra Singh Path, Patna.
- 3.The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Muzaffarpur.
- 4.The Regional Incharge, Bihar Industrial Area Development Authority, Regional office, Muzaffarpur.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 30-01-2015 No one appears for the petitioner.

The prayer of the petitioner in this writ application
reads as follows:-

“To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondents to accept the balance dues under OTS Scheme-2007 issued by the respondent Bihar Industrial Area Development Authority (hereinafter referred to as the ‘BIADA’).

To issue an appropriate writ/order/direction in the nature of Mandamus directing the respondents not to disturb the business of the petitioner as the petitioner has invested a huge amount in the establishment of its business and further to direct the respondents not to take any coercive steps against the petitioner for non payment of the OTS amount as the petitioner is ready to pay the balance OTS amount alongwith interest for delayed payment.”

This Court on perusal of the writ application would
find that the petitioner was allotted certain plot for



undertaking industrial activities by Bihar Industrial Area Development Authority (BIADA). The petitioner was also intimated by the authorities of BIADA from time to time that neither it had undertaken the industrial activity nor it had sought to make payment of its rent quantified at Rs. 22,58,501/- as in the month of March 2007. As a matter of fact, even when certain representations were filed on behalf of the petitioner undertaking to clear its aforesaid monetary liability, the petitioner had neither made such payment nor had started industrial activity.

Subsequently, the BIADA by its order dated 19.11.2007, had cancelled the allotment of the plot given to the petitioner had taken its possession back and had also sought to initiate recovery proceeding by way of institution of certificate case. It also appears that the petitioner thereafter had moved this Court in C.W.J.C No. 1779 of 2008 and the same was disposed of by an order dated 19.03.2008, to consider the case of the petitioner in the light of the judgment of this Court dated



17.03.2008 passed in C.W.J.C No. 7352 of 2007, and its analogous cases. Thereafter the petitioner was again communicated by the authorities of BIADA to deposit the balance outstanding to be paid by the petitioner to the tune of Rs. 60,2561/- after deducting the payment of Rs. 20 lacs made by it during the pendency of this writ application.

Mr. Piush Lall, learned counsel appearing for BIADA has only come to explain that though the plot of the petitioner has been restored but then it has been found that the petitioner was not entitled for any OTS because of the duration of such OTS had already expired on 31.07.2007, and the petitioner had made no effort to avail such OTS within the prescribed period.

In the considered opinion of this Court, any OTS of any organization is not an ever lasting scheme. Such scheme of BIADA also was only circumscribed by the terms and conditions one of which was not only payment of application money but also within the

scheduled period of time. The petitioner himself has not brought on record such OTS and therefore, this Court will have no difficulty in accepting the submission of Mr. Piush Lall that the petitioner would not be entitled for availing the OTS scheme after its period has expired.

That being so, this application must be held to be wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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