

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16138 of 2011

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1. M/S Bharat Bakelite Industry through its Proprietor Sri Mihir Kumar Singh S/O Late Mahendra Prasad Singh R/O Village- Anandpur, P.O.- Suhidranagar, P.S.- Begusarai, District- Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department Of Industry, Govt. Of Bihar, Patna
2. The Industrial Development Commissioner, Govt. Of Bihar, Patna
3. The Managing Director, Bihar Industrial Area Development Authority, East Gandhi Maidan, Patna
4. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga
5. The Regional In-Charge, Bihar Industrial Area Development Authority, Branch Office – Barauni.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar

For the Respondent/s : Mr. Piyush Lall

Mr. Krishna Kumar, A.C. to G.P.-26

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 17-09-2015

Heard Mr. Vikas Kumar for the petitioner and Mr. Piyush Lall for the Bihar Industrial Area Development Authority (for short ‘the BIADA’).

A plot of land was leased out to the petitioner for setting up of an industry to produce electrical appliances in the year 1979. The writ application asserts that production was made in the unit of the petitioner for nearly a decade whereafter it became sick. Having found the industry not operational, the respondent BIADA by an order passed in the year 2007 cancelled the lease of the land/plot made in



favour of the petitioner. An appeal thereagainst was filed which also stood rejected in the year 2007. It does not appear from the writ petition as to what step was taken immediately thereafter. The present writ petition was filed in the year 2011 for quashing of the order dated 8.8.2007 as also the order dated 27.11.2007 passed by the Secretary, Industry Department in Appeal Case No. 154 of 2007 on the appeal of the petitioner.

While the matter remained pending, a Division Bench of this Court in L.P.A. No. 353 of 2008 arising out of C.W.J.C. No. 7352 of 2007 in comparable fact/situation by order dated 18.3.2015 set aside the order cancelling the lease or allotment of the land and directed the BIADA to grant six months time to the Unit to revive failing which it will be open to the authorities to resume the land for further allotment by inviting application.

Counsel for the petitioner, relying on the said order passed by the Division Bench of this Court, submits that the petitioner now want a diversification. Instead of manufacturing electrical appliances, the Unit now proposes to produce vermin compost. A request in this regard has already been made to the respondent BIADA. In para B of the operative part of the order passed in L.P.A. no. 353 of 2008, this Court had granted such liberty to the unit to seek such diversification/change in project.

Mr. Lall, having appreciated the stand taken by the petitioner and the order passed by a Division Bench of this Court in L.P.A. No. 353 of 2008, submits that if an application is filed by the petitioner seeking diversification in the unit and/or change in the project, the same shall be considered and requisite order shall be passed.

In L.P.A. No. 353 of 2008, this Court had categorically observed that a time frame be set for the unit/lease holder/allottee to revive the industry failing which the BIADA was permitted to take steps for resumption of the land/plot for allotment to eligible applicants.

Having regard to the aforesaid, this Court while setting aside the order of cancellation of the lease dated 8.8.2007 (Annexure-1) and the appellate order dated 27.11.2007(Annexure-2), disposes of the writ application by directing the respondent BIADA to grant six months time to the petitioner after considering and allowing the request of the petitioner for diversification and/or change in the project on a fresh application filed by the petitioner together with a copy of the present order within three weeks.

(Kishore Kumar Mandal, J)

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