

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14927 of 2012

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M/S Swaad Pharmaceuticals Pvt. Ltd. 'Prasad Bhawan', Khabra Road, Muzaffarpur through its Managing Director, Dr. Dinesh Kumar Mani, son of late Sant Prasad, resident of Mohalla-Khabra Road, P.S. Kaji Mohammadpur, District Muzaffarpur, Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Industries Department, Govt. of Bihar, Patna
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, Patna
4. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Respondent/s : Mr. Devendra Kr Sinha AAG-2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-12-2015 Heard Mr. Prashant Sinha for the petitioner and Mr. Piyush Lall for the respondent-Bihar Industrial Area Development Authority (BIADA).

The petitioner is aggrieved by the order dated 16th May, 2012, passed by the Executive Director, BIADA, Regional Officer, Muzaffarpur reviving the order of cancellation of lease as also the order of cancellation of lease.

There is agreement at Bar that the case of the petitioner be disposed of in the light of the order dated 29.09.2015 passed in CWJC No. 18077 of 2011 (Prinston Pharmaceutical vs. State of Bihar Ors.) a copy whereof has been handed in by the counsel for

the petitioner which is taken on record and marked 'X' for identification.

Mr. Lall has not objected to disposal of the present writ application in terms in which CWJC No. 18077 of 2011 was disposed of. To facilitate the party, this Court would extract hereinbefore the relevant part of the order dated 29.09.2015:-

“On a consideration of submissions made at Bar, in my view, the present writ petition deserves to be disposed of in terms in which LPA No. 353 of 2008 was disposed of the operative part/portion whereof are extracted herienbelow:-

“Under these circumstances, we dispose of the appeals by modifying the order passed by the learned single Judge to the following effect: (A) The orders of cancellation of leases or allotment of the land to the respondents herein shall stand set aside, but they are given six months time from today either to establish the industries, wherever they are not established, or to revive the industries, if they were already established, but have become sick.

(B) If any of the respondents, i.e. the writ petitioners, intend to go for diversification, any application in that behalf shall be made within two months from today. The concerned authority shall take decision in one month thereafter. If permission for diversification is granted, reasonable time shall be granted by the concerned

authority, for establishment or modification. (C) In default, i.e. if industry is not established or the closed one is not revived within the stipulated time, it shall be open to the authorities to resume the land for further allotment by inviting applications from the intending entrepreneurs, but not through individual allotments. Such of the respondents who have either established the industries or have restarted the closed ones during the

pendency of these appeals need not take any steps. If any factors intervene for delayed commencement of production, it shall be open for the entrepreneurs to seek extension of time from the concerned authority.”

I order accordingly.”

The present writ application is disposed of in the same terms as above.

(Kishore Kumar Mandal, J)

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