

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.568 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 7294 of 2010

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1. The Bihar Industrial Area Development Authority- through its Managing Director, Udyog Bhawan, East to Gandhi Maidan, P.S. Gandhi Maidan, District and Town Patna
 2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East to Gandhi Maidan, P.S. Gandhi Maidan, District and Town Patna
 3. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga

.... Appellant/s

Versus

1. The State of Bihar-through the Industrial Development Commissioner, Government of Bihar, Patna
2. The Industrial Development Commissioner, Government of Bihar, Patna
3. M/S R.C. Gupta & Co., Industrial Area, Pandaul, P.S. Pandaul, District Madhubani-through its Proprietor Kailash Sah, Son Of Late Hajari Sah, Resident Of Pandaul Bazar, P.S. Pandaul, District Madhubani

.... Respondent/s

with

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Letters Patent Appeal No. 588 of 2014

Along with

Interlocutory Application No. 2933 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 7554 of 2010

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1. The Bihar Industrial Area Development Authority-through its Managing Director, Udyog Bhawan, East to Gandhi Maidan, P.S. Gandhi Maidan, District and Town Patna
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East to Gandhi Maidan, P.S. Gandhi Maidan, District and Town Patna
3. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga

.... Appellant/s

Versus

1. The State of Bihar-through the Industrial Development Commissioner, Government Of Bihar, Patna
2. The Industrial Development Commissioner, Government of Bihar, Patna
3. M/S Ahmad Industries, Industrial Area, Pandaul, P.S. Pandaul, District Madhubani-through its Partner Gani Ahmad, Son Of Md. Ushman Resident Of Village Bhawanipur, P.S. Pandaul, District Madhubani

.... Respondent/s

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Appearance :

(In LPA No.568 of 2014)

For the Appellant/s : Mr. Rajeev Ranjan Prasad, Advocate.

For the Respondent/s : Mr. V. R. P. Singh, Advocate.

(In LPA No.588 of 2014)

For the Appellant/s : Mr. Rajeev Ranjan Prasad, Advocate.

For the Respondent/s : Mr. Md. Irshad, AC to SC-1.

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CORAM:

HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-08-2016

Re.: Interlocutory Application No. 2933 of 2014 in
Letters Patent Appeal No. 588 of 2014.

The application is for condonation of delay of 124 days
in filing of the appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, the delay of 124 days in filing of the appeal is
condoned.

Interlocutory Application stands disposed off.

Re.: Letters Patent Appeal No. 568 of 2014
and
Letters Patent Appeal No. 588 of 2014

The challenge in both the Letters Patent Appeal is to an
order passed by the learned Single Bench of this Court on 27.08.2013
allowing the writ applications filed by the respondents on the basis of

Single Bench judgment of this Court in the case of Deepak Paints & Ors. V. The State of Bihar & Ors. reported as 2008(2) PLJR 293.

Learned counsel for the appellants points out that the judgment of the learned Single Bench has been modified in L.P.A. No. 353 of 2008 (Bihar Industrial Area Development Authority & Ors. Vs. Deepak Paints Pvt. Ltd. & Ors.) and other analogous cases on 18.03.2015. The order of cancellation of lease was set aside but time was granted to establish the industry etc.

Learned counsel for the parties agree that the issues raised in the present Letters Patent Appeal are covered by the judgment of this Court in Bihar Industrial Area Development Authority's case (Supra).

In view thereof, both the Letters Patent Appeals are disposed off in the same term as Bihar Industrial Area Development Authority's case.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/ Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A