

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15625 of 2007

M/S Dayal Products Pvt.Ltd, a Companya registered under the provisions of Indian Companies Act, 1956 having its office at House of Santlal Singh, Sahdullahpur, P.S. Ganga Bridge, Hajipur, Vaishali Bihar through its Director, Rita Anand wife of Anand Kumar resident of Pannapur Dharmpur, P.S. Bidupur District, Vaishili

.... Petitioner/s

Versus

1. The State of Bihar through the Industrial Development Commissioner, New Secretariat, Govt. of Bihar, Patna
2. The Bihar Industrial Area Development Authority through its Managing Director, 6-7th Floor, Indira Bhawan, Ram Charitar Singh Path, Bailey Road, Patna
3. The Managing Director Bihar Industrial Area Development Authority 6-7th Floor, Indira Bhawan, Ram Charitar Singh Path, Bailey Road, Patna
4. The Executive Director, Regional Office, Muzaffarpur, Bihar Industrial Area Development Authority, at Bela Muzaffarpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SURAJ SAMDARSHI

For the Respondent/s : Mr. Madan Mohan
Mr. Naresh Dikshit
Mr. Lalit Kishore

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 09-05-2016

Heard the counsel for the petitioner and the respondent-Bihar Industrial Area Development Authority (for short 'the BIADA').

The writ application questions the legality of the communication dated 22.11.2007 issued by respondent no.4 raising a demand of Rs. 5,47,509/-, being 15% of the value of the land, against the petitioner as transfer fee of land situated at Hajipur Industrial Area.

It has been submitted by the petitioner that similar issue was raised in CWJC No. 9696 of 2005 and its other analogous cases in which this Court decided against such demand of transfer fee @ 15% of the value of the land. He submits that aggrieved by the aforesaid order, the respondent-BIADA filed a

letters patent appeal being LPA No. 68 of 2008 along with its other analogous LPAs which has/have also been decided in favour of the allottee(s), like the petitioner.

Mr. Piyush Lall, the counsel for the BIADA has not disputed the contention of the petitioner that the issue(s) raised herein were raised in the writ application which ultimately became the subject matter of the LPA No. 68 of 2008 and its another analogous cases which have been put at rest. A web copy of the order dated 11.05.2015 passed in LPA No. 68 of 2008 and its analogous cases is handed in by Mr. Piyush Lall which is taken on record and marked 'X' for reference/identification. This Court would extract herein the relevant portion/part of the said order which reads thus:-

“We, therefore, partly allow L.P.A. No.68 of 2008 and modify the order directing that the appellant shall be entitled to levy 15% on the BIADA rate as existing on the date of according permission for transfer as a condition precedent. L.P.A. No.125 of 2011 is dismissed, and the writ petitions that have been clubbed with the appeals are allowed directing that the appellant shall be entitled to levy 15% the BIADA rate and not circle rate, for according permission for transfer of leasehold rights.”

Considering the above and also the agreement at Bar, the writ application stands disposed of in the terms in which LPA No. 68 of 2008 and its analogous matters were decided by this Court.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--