

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19433 of 2012

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1. M/S Sharma Lime Industries Situated At Industrial Area Jehanabad
Through Its Proprietor Birendra Sharma Son Of Late Kamta Singh Resident
Of Village - Rasulpur, P.O. - Karona, District - Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, Industries
Department, Government Of Bihar, Patna
2. The Managing Director, BIADA (Bihar Industrial Area Development
Authority), Udyog Bhawan, East Gandhi Maidan, Patna
3. The Executive Director, BIADA (Bihar Industrial Area Development
Authority, Udyog Bhawan, East Gandhi Maidan, Patna
4. The Development Officer, Bihar Industrial Area Development Authority,
Udyog Bhawan, East Gandhi Maidan, Patna
5. The Assistant Development Officer, Bihar Industrial Area Development
Authority, Udyog Bhawan, East Gandhi Maidan, Patna
6. The Area Incharge Jahanabad Industrial Estate, Biada, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Prakash
For the Respondent/s : Mr. Tej Bahadur Singh Aag7

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 19-01-2016 Heard the counsel for the petitioner and Mr. Piyush
Lal for the respondent –BIADA.

Industrial plot allotted to the petitioner within the
industrial area was cancelled by the respondent- BIADA. That
gave an occasion to the petitioner to file the writ petition wherein
the interim order was passed on 15.10.2012. Indisputably, the
petitioner, in the light of the said order, continues to possess the
land allotted by the respondent- BIADA. Relying on an order
passed by the Division Bench of this Court in LPA No. 353 of

2008, it has been submitted that the entrepreneur or the unit is entitled to at least six months time to make the unit operational/functional and submit proof thereof to the respondent BIADA. If in case the unit fails to do so the respondent- BIADA shall have liberty to resume the plot/land after cancelling the lease. The petitioner was called upon to file an affidavit in this regard.

A supplementary affidavit has been filed. In para-7 thereof the following has been stated:-

“7. That the petitioner hereby undertake before this Honble court that the petitioner is ready to pay the dues of BIADA by settling the account with BIADA with respect to the land in question within four months and also will start process to run the operation of the industry upon the industrial plot no. L-2, situated at Industrial Area, Jehanabad, and the petitioner also undertake to take such initiative by four months from disposal of this writ petition or as time prescribed by this Honble Court.”

The counsel for the petitioner, on instruction, states that within five months the petitioner's unit shall be made operational and proof thereof shall be furnished. In the meantime, the legal dues of the respondent -BIADA shall also be cleared, if the statement of account is furnished.

Mr. Lal, on the other hand, submits that there is nothing on record to show that the lease was executed in favour of

the industrial unit.

Be that as it may, considering the stand taken by the petitioner, as also the purpose for which the respondent- BIADA has been created as also the view which this Court has taken in similar/identical cases, the writ application is allowed. The respondent BIADA shall permit maximum of six months time to the petitioner to pay off all the dues of the respondent- BIADA and to make the petitioner's unit operational. In case the petitioner fails to do so, the respondent BIADA shall be at liberty to proceed against the petitioner and resume the plot/land in accordance with law.

(Kishore Kumar Mandal, J)

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