

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 902 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 7568 of 2010

Along with

Interlocutory Application No. 4732 of 2014

In

Letters Patent Appeal No. 902 of 2014

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

.... Respondent Nos. 3, 4 & 5 - Appellant Nos. 1, 2 & 3

Versus

1. The State of Bihar- through the Industrial Development Commissioner, Government of Bihar, Patna.
2. The Industrial Development Commissioner, Government of Bihar, Patna.

.....Respondent Nos. 1 & 2- Respondent Nos. 1 & 2

3. M/s Variety Readymade Garments, Industrial Area, Pandaul, P.S.- Pandaul, District Madhubani- through its Proprietor Deo Narayan Mahto, Son of Akloo Mahto, resident of Village & P.S. Pandaul, District Madhubani.

.... Petitioner Respondent No. 3

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Appearance :

For the Appellant/s (BIADA) : Mr. Rajeev Ranjan Prasad,
Mr. Nilanjan Chatterjee &
Mr. Sudhanshu Trivedi, Advocates

For the Respondent/s : Mr. V. R. P. Singh, Advocate
For the State : Mr. Subhash Prasad Singh, Advocate
Mr. Shiv Kumar, A.C. to G.A. 3

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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: 05-10-2016

Re.: Interlocutory Application No. 4732 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. 902 of 2014

The challenge in the present 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, the present Letters Patent Appeal is disposed off in the same term as Bihar Industrial Area Development Authority's case.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	