

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12416 of 2009

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Nageshwar Prasad Singh, Son of Late Sheo Nandan Singh, resident of Mohalla- Jai
Prakash Nagar, P.O. & P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The Industrial Development Bank of India, through its Chairman and Managing
Director, I.D.B.I., Tower, Cuffe Parade, W.T.C. Complex, Mumbai-400005.
2. The Regional Provident Fund Commissioner, Regional Office, Bhavishyanidhi
Bhawan, R- Block, Road No. 6, Patna, Bihar-800001.
3. The Assistant Provident Fund Commissioner (Accounts), Regional Office,
Bhavishyanidhi Bhawan, R- Block, Road No. 6, Patna, Bihar 800001.
4. Bihar Industrial and Technical Consultancy Organisation Ltd. (B.I.T.C.O.)
through its Managing Director, 6th Floor, Indra Bhawan R. C. Singh, Path, Patna.
5. The State of Bihar through Principal Secretary Department of Industries
Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent IDBI : Mr. Shivendra Kumar Roy with
Mr. Jitendra Kumar Roy and
Ms. Sheela Sharma, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-08-2018

Heard learned counsel for the petitioner; State; I.D.B.I.
Bank and E.P.F.O.



2. By previous orders, the Court had made an attempt to locate the Bihar Industrial and Technical Consultancy Organization Limited (hereinafter referred to as the 'BITCO') but the exercise turned out to be futile as the organization seems to be only on paper without either having any office or any office bearer. However, in a fact finding exercise, it has been found that the premises from where it was operating, though now having been handed over to the Bihar State Industrial Development Corporation Limited (hereinafter referred to as the 'Corporation'), which is a Government of Bihar undertaking, the records which were left behind were lying and accordingly the Court had directed the Principal Secretary, Department of Industries, Government of Bihar to convey to the Corporation to make arrangement for ensuring that whatever records may be left behind by the BITCO at the site they were occupying, are kept in a safe place and not destroyed.

3. Pursuant to the same, today learned counsel for the State has produced communication from the Corporation informing that five locked almirahs are lying in safe custody and besides that, no other records of BITCO are available.

4. Having regard to the aforesaid, the Court finds that in the present proceeding, nothing more can be done as neither the party against whom any direction can be issued is being located nor any



records have been found and more importantly, if at all some payment has to be made, the authority which would be required to pay is the BITCO. Thus, the petitioner is required to approach the appropriate forum for such purpose. Moreover, whatever records were available with the E.P.F.O., based on the same, the admitted dues have been paid to the petitioner.

5. In the aforesaid background, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, with regard to his grievances.

(Ahsanuddin Amanullah, J)

Anjani/-

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