

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2673 of 2019

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M/s. Raj Agro Industries Through Its Proprietor Bandana(F) aged about 42 years, wife of Manoj Kumar, Resident of Vill. and P.O.-Saidpur, P.s.-Gopalpur, Distt.-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Industry Department, Govt. of Bihar, Patna
3. The Managing Director, Bihar Industrial Area Development Authority, Patna
4. The Executive Director, Regional Office, Bhagalpur, BIADA
5. The Development Officer, Regional Office Bhagalpur, BIADA

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Siya Ram Sahi, Adv.
For the State	:	Mr. Ravish Chandra, Adv.
For the BIADA	:	Mr.Kumar Abhimanyu Pratap, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-06-2019 Heard learned counsel for the petitioner and learned counsel representing the Bihar Industrial Area Development Authority (in short 'BIADA').

The petitioner, in the present case, is aggrieved by the order dated 15.11.2018 passed in Appeal Case No.9 of 2015 by the Principal Secretary, Department of Industry, Government of Bihar, by which while interfering with the order of cancellation of allotment of the plot in question by the Managing Director of the BIADA, the Principal Secretary has imposed certain conditions for purpose of allotment of plot in favour of the appellant-petitioner.



In course of argument, Mr. Sahi, learned counsel representing the petitioner has made solitary complaint with respect to the condition no.(ii) wherein the appellate authority has directed the appellant to submit a bank guarantee of Rs.6 lacs for a period of two years along with an affidavit to BIADA that the appellant will start the business within four months from the date of the order and shall remain in continuous operations and in case of violation of other condition of the allotment letter the bank guarantee shall be encashed by the BIADA. Learned counsel submitted that the direction to submit the bank guarantee is without jurisdiction.

Contesting the submissions of Mr. Sahi, learned counsel Mr. Kumar Abhimanyu Pratap representing the BIADA has drawn the attention of this Court towards the facts recorded in the impugned appellate order from which it appears that in course of argument before the appellate authority the learned counsel for the appellant had shown his willingness on behalf of the appellant to deposit the transfer fee and also the bank guarantee of Rs.6 lacs.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that in fact by the appellate order one opportunity has been granted to the



petitioner to utilize the industrial plot for commencement of his business. The order of cancellation of allotment has been set aside by accepting the offer made on behalf of the appellant wherein he offered to pay the transfer fee and to deposit the bank guarantee of Rs.6 lacs. In the writ application, there is no pleading that the submission of the petitioner's advocate recorded in the impugned appellate order is not based on the instruction of the petitioner or that it is an error of record. Mr. Sahi having realized this position has in course of submission submitted that in such circumstance the petitioner may be granted some time to comply with the conditions. He has also prayed that a direction be issued to the BIADA to execute the lease deed and register the same as according to him the lease deed is pending for registration since 15.01.2014.

Mr. Kumar Abhimanyu Pratap, learned counsel for the BIADA submits that the BIADA will take steps for execution and registration of the lease deed immediately after the petitioner complies with the direction issued in the appellate order.

In this view of the matter, this writ application is being disposed off giving liberty to the petitioner to comply with the directions contained in the appellate order within a



period of six weeks from today. If the dues of the BIADA is cleared and the bank guarantee of Rs.6 lacs is submitted within a period of six weeks from today, the BIADA will take immediate steps to execute and register the lease deed in favour of the petitioner subject to such terms and conditions as are prescribed and are applicable in terms of the allotment. The execution and registration of the lease deed shall be completed within next four weeks and thereafter the petitioner will be granted four months time to start the business. The other conditions stated in the appellate order shall remain intact.

Let the counter affidavit filed on behalf of the BIADA be taken on the record.

(Rajeev Ranjan Prasad, J)

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