

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1154 of 2019

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M/s. Vaishno Tiles Industry Pvt. Ltd. Late Manish Kumar, through its Proprietor Radha Devi, Resident of Mohalla-Pragati Nagar Colony, Ward No. 30. South of D.M. Residence, Police Station-Madhubani Town in the District of Madhubani.

... .. Petitioner

Versus

1. The State of Bihar and Ors The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Darbhanga, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, Advocate
For the BIADA	:	Mr. Kumar Priya Ranjan, Advocate
For the Respondent/s	:	Mr. Shiv Kumar, A.C. to G. A.-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2019 This writ application is in the series of those matters which have come up before this court earlier for consideration in similar circumstance.

Impugned is the order dated 30.11.2018 passed by the Chairman, Bihar Industrial Area Development authority (hereinafter referred to as the “BIADA”) in terms of BIADA Regulation 2007. By the impugned order, while restoring the allotment of the petitioner by interfering with the order of the Managing Director, BIADA, the appellate authority has



imposed certain terms and conditions.

Yesterday only in CWJC No. 1029/2019 after hearing learned counsel for the 'BIADA' it was thought just and proper that the Bank guarantee amount required to be furnished by the petitioner may be reasonably kept at Rs. 1 lakh.

Thus, this application is also disposed of by modifying the order of the appellate authority to the extent that in case the petitioner clear the pending dues, if any, of 'BIADA' with interest, submit an irrevocable Bank guarantee of Rs. 1 lakh valid for a period of two years along with an affidavit that the petitioner shall start commercial production from the unit in question within three months from the date of issuance of the order restoring the allotment of plot to the petitioner by the Managing Director, BIADA, he will be wholly within his right to continue with the allotment of the plot in question.

If the aforesaid compliance are made within a period of three weeks from today, 'BIADA' shall restore the allotment within one week thereafter and the petitioner will be allowed to come in commercial production within next three months. Failure of the petitioner to abide by any of the conditions aforesaid within the prescribed period and non-compliance with the undertaking given in the affidavit would entitle 'BIADA' to re-



possess the land in question and take other appropriate measures
for recovery of the outstanding dues and other costs.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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