

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1255 of 2019

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M/s Saraswati Food Products Giddha, Bhojpur through its Proprietor Uday Singh, aged about 46, Gender-Male, S/o Sri Mahesh Narayan Singh, Resident of Village and P.O. Giddha, P.S. Koielwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Industries, Bihar.
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Ojha, Adv.
For the Respondent/s	:	Mr.Ravish Chandra, AC to SC 6.
For the BIADA	:	Mr. Kumar Priya Ranjan, Adv.
		Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned counsel representing the Bihar Industrial Area Development Authority (hereinafter referred to as the BIADA) as also the State.

A limited prayer has been made in the writ application. It is submitted that even though the appellate authority has restored allotment of plot in favour of the appellant-petitioner, he has put a number of conditions for the same. Learned counsel for the petitioner submits that the condition to deposit a penalty of Rs.25,000/- and then a direction to submit a Bank Guarantee of Rupees Four Lacs for a



period of two years are onerous conditions in the facts and circumstance of this case. It is further submitted that in several cases this Court has interfered with the condition to deposit penalty and to submit a Bank Guarantee and this Court has taken a view that the petitioner in those cases may be allowed to submit a Bank Guarantee of Rupees One Lacs with an affidavit that the petitioner will start the commercial production within a period of three months from the date of the order issued by the BIADA restoring allotment of plot in favour of the petitioner.

Mr. Kumar Priya Ranjan, learned counsel for the BIADA submits that in the facts and circumstances of the case the same view which has been taken by the Court may be taken in the present case also as the BIADA would be only interested in for restoration of the industries and continuance thereof.

In the given facts and circumstance, the order dated 30.11.2018 passed by the Chairman of BIADA (Annexure '1') is modified, now the petitioner is directed to deposit the pending dues of BIADA with interest, together with an irrevocable Bank Guarantee of Rupees One Lacs for a period of two years and an affidavit stating therein that the petitioner shall start and remain in continuous operation/commercial production. The petitioner will comply with this condition within a period of three weeks



from today. On compliance, BIADA will issue an order restoring allotments within one week.

Non-compliance with any one of the directions mentioned hereinabove and further discontinuance of the petitioner's unit from commercial production would give an opportunity to the authorities of the BIADA to proceed further in accordance with the terms and conditions of the allotment towards repossession of the property and to take such other steps which may be permissible in the agreement and law.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

R.R.Ojha./-

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