

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12059 of 2017

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M/s. Sona Gold Agrochem Pvt. Ltd. a Private Limited Company incorporated under the provisions of Companies Act, 1956, having its registered office at Mohali Road, Karmalichak, Patna City, District Patna-80009 through its Managing Director Amar Kasera, Son of Late Shree Gopal Kasera, Resident of 2-A, Narayan Nilamay, Road No.6, Rajendra Nagar, P.S. Kadamkuan, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Industry, Vikas Bhawan, Bailey Road, Patna.
2. The Director of Industries, Government of Bihar, Vikas Bhavan, Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Alok Kumar Agrawal Mr. Mohit Agrawal, Advocates
For the Respondents	:	Mr. Y.P.Sinha , AAG 7 Mr. Shankar Kumar, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-03-2021 Heard Mr. S.D. Sanjay, learned senior counsel appearing on behalf of the petitioner and Mr. Shankar Kumar, learned counsel appearing on behalf of the State.

Mr. S.D. Sanjay, learned senior counsel appearing on behalf of the petitioner, submits that the case of the petitioner is squarely covered by the judgment of the Division Bench of this Court dated 29.07.2019 passed in CWJC No.12104 of 2018 (*M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & others*) and *analogous* cases and the SLP (Civil) No. 43744 of 2019 preferred against the decision of the Division Bench has



been dismissed and even Review Petition (C) No.12504 of 2020 was also dismissed vide order dated 14th of July, 2020 by the Supreme Court.

In view of the above, learned senior counsel for the petitioner submits that the decision of the Division Bench of this Court has attained finality and as such the case of the petitioner which is squarely covered by the decision of the Division Bench is required to be allowed in similar terms as passed in CWJC No.12104 of 2018 (*M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & others*) and *analogous* cases vide judgment of the Division Bench dated 29.07.2019.

In order to maintain consistency, the Court is left with no option but to allow this writ application in terms of the judgment dated 29.07.2019 passed in CWJC No.12104 of 2018 (*M/s Sunny Stars Hotels Private Limited Vs. The State of Bihar & others*) and *analogous* cases. Respondents are directed to accord the benefits of incentive to the petitioner in order to avoid multiplicity of litigation in terms of Litigation Policy, 2011. Respondents are expected to give effect to the decision of the Division Bench which has attained finality in relation to identically circumstanced persons within a maximum period of three months from the date of receipt/production of a copy of



this order.

The writ application is allowed to the extent as indicated above.

(Anil Kumar Upadhyay, J)

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