

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10564 of 2020

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M/s S.K.S. Country Complex Pvt. Ltd. through its Director, Shri Surender Kumar Singh, RZ-1/57, Street-1, Tughlkabad Extn., Kalkaji, South Delhi-110019

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna, through its Managing Director
2. The Secretary, Dept. of Industries cum Chairman, Bihar Industrial Area Development Authority (BIADA), Udyog Vibhag, Patna
3. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Vibhag, Gandhi Maidan, Patna
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Regional Office, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudrauk Shivam Singh, Advocate

Mr. Sanjeev Kumar Singh, Advocate

Mr. Sanjay Singh, Advocate

For the Respondent/s : Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Petitioner has prayed for the following reliefs: -

- “(A) For issuance of writ of Certiorari, quashing the Appellate Order dated 01.07.2020 passed in Appeal Case No. 2 of 2020 by the Respondent Secretary, Department of Industries, Whereby order of cancellation of Industrial Plot dated 07.01.2020 as contained in Memo no 64/D passed by respondent Executive Director on the direction of the Managing Director, BIADA has been upheld on the premise that the product being manufactured at the plot i.e. Fly Ash Brick is being done illegally and therefore the Order dated



07.01.2020 does not require any interference/modification and as such the Order shall be implemented in letter and spirit.

- (B) The petitioner further prays for the issuance of a writ of Mandamus, seeking a direction to the respondents to act forthwith on the application of the petitioner seeking addition of product i.e. Fly Ashy Bricks to its industrial activity, in light of the Amendment to the Bihar Industrial Investment Promotion Policy, 2016 carried out vide Memo no 883 dated 29.06.2020 and letter no 2197 dated 22.12.2015 for which the petitioner has submitted the relevant documents with the Respondent BIADA and is willing to submit further documents if needed by the Respondents for any such consideration.
- (C) The Hon'ble Court may further be pleased to stay the implementation of the impugned orders as contained in Annexure 1 here to, and restrain the respondent BIADA from taking possession of the Plot in question and to interfere in any manner with the industrial activity of the petitioner.
- (D) For any other Order/ Orders/ Direction/ Directions which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

Learned counsel for the petitioner states that the petitioner is ready and willing to abide by all the terms and conditions of allotment and start commercial production in terms thereof within a period of four months from today.

Statement accepted and taken on record.

Counter affidavit stands filed.

Under these circumstances, as mutually agreed, we



stay the operation of the order of cancellation dated 26th of December, 2019 (Annexure-P/15), clarifying that if the petitioner were to commence production of the activity stipulated in terms of the agreement, the said order would be deemed to have been cancelled, failing which automatically restored, with no right to assail the same.

With the aforesaid observations, petition is disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

