

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16950 of 2021

Nilima Hospitality @ Hospitality and Caterers Private Limited, a company registered under Indian Companies Act 1956 having registered office at Tarkeshwar Nagar Colony, Near Aara Garden Road, Jagdeo Path, Patna, through its Managing Director Amrendar Kumar age about 42 years, gender-Male, son of Bharat Choudhary, Resident of Village-Kusaundhi, Post Office-Kusaundhi, Police Station-Mirganj, District-Gopal Ganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Tourism and Development, Bihar, Patna.
2. Bihar State Tourism Development Limited, a undertaking own and control by state of Bihar through its Managing Director, Veerchand Patel Path, Patna.
3. The Managing Director, Bihar State Tourism Development Corporation, Patna, Bihar.
4. The General Manager, Bihar State Tourism and Development Corporation, Patna, Bihar.
5. The Additional Managing Director, Bihar State Tourism and Development Corporation, Patna, Bihar.
6. The Manager Hoteland Lease, Bihar State Tourism Development Corporation, Patna, Bihar.
7. Incharge Rope Way, Rajgir, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Krishna Mohan Mishra
For the Respondent/s : Ms. Anukriti Jaipuriyar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-10-2021 The present writ petition has been filed seeking the following reliefs:-

“i. To quash and set aside the notice issued by the respondent dated 31.12.2020 whereby and where under the petitioner has been directed to deposit the amount of lease premium for third and last year without considering the fact that the fast food hotel



was closed due to corona virus since March 2020.

ii. To issue appropriate writ directing the respondent to waive the lease premium of third and last years of Rs. 2,65,000/- plus 10 percent i.e. Rs. 26,500 total Rs. 2,96,500 as well as GST and/or extend the period of lease for further period on same term and condition as the petitioner was not able to run the hotel at the allotted plot of land from march 2020 due to spread of corona virus and subsequent lock down imposed by central and State government.

iii. To direct the respondent to not to cancel/ terminate the lease agreement after expiry of period of lease in the month of November because the petitioner has made substantial investment of Rs. 16,00,000/- in construction of hotel, as such, termination of lease would caused heavy loss to the petitioner.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the respondent No. 3 i.e. the Managing Director, Bihar State Tourism Development Corporation, Patna, Bihar for redressal of his aforesaid grievances.

The learned counsel for the Respondents Ms. Anukriti Jaipuriyar submits that in case the petitioner approaches the respondent Corporation, the respondent Corporation would definitely consider the representation and pass appropriate



orders, in accordance with law, however, she submits that lease period of the petitioner's restaurant has already expired on ^{11th} October, 2021, hence, the petitioner has got no right to stay in the restaurant in question and is required to vacate the same.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioner to approach the respondent no.3 for redressal of its aforesaid grievances.

(Mohit Kumar Shah, J)

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