

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5451 of 2021

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M/s Sarvshri Maa Mahthin Industrial Area 1/A through its proprietor
Bindeshwari Sah, aged about 63 years, G-Male, Son of Late Heeralal sah,
Resident of station Road Bihiya, Funagi, P.s.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal secretary, Department of Industries,
Government of Bihar, New secretariat, Patna
2. Principal Secretary, Department of Industries, Government of Bihar, New
secretariat, Patna
3. The Bihar Industrial Area Development Authority, 1st Floor, Udyog
Bhawan, East Gandhi Maidan Patna through its Managing Director, Patna
4. The Executive Director, BIADA, 1st Floor, Udyog Bhawan, East Gandhi
Maidan, Patna
5. The Area In-Charge, Industrial Area, Bihiya, Dist- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Ms. Mira Kumari, Advocate
For the State	:	Mr. Sayed Hussain Majeed, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 18-01-2022

Petitioner has prayed for the following relief(s):-

“A. For quashing the order dated 01/07/2020 passed by the Respondent Secretary, Department of Industries Bihar in Appeal Case No. 18/2019 (Annexure-5).

B. For quashing the order dated 13/03/2019 passed by MD. BIADA Patna vide memo no. 2075/D whereby and



whereunder Id. MD BIADA has cancelled the allotment of Plot measuring 10,000 Sq. Ft. unit D-5 and D-6 located in the Industrial Area Bihiya and his deposit was forfeited (Annexure-4).

C. The Respondent be directed to accept the rest amount with interest Rs. 1,49,636.00 and allow possession over the land allotted to the petitioner on 24/07/2013 for establishment industries of Wire Nail, Nut Bolt, Angle on the lease of 90 years.

D. For any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

On 21.12.2021, we had passed the following order:-

“Petitioner is ready and willing to establish and make fully functional the industrial unit in the premises allotted by the respondent BIADA.

Let the petitioner file an undertaking indicating the industrial activity which the petitioner proposes to undertake; his financial capacity and competence; technical expertise to do so. Also, the petitioner shall furnish an undertaking that in the event of the Unit not being made fully functional, he shall hand over the vacant and peaceful possession of the premises to BIADA. Further, petitioner shall give an undertaking to the aforesaid effect, and in the event of default, he shall be liable for being prosecuted for having committed contempt.

Let affidavit be filed within a period of two weeks.

List this case on 11th of January, 2022.”

Pursuant thereto, petitioner has filed a supplementary affidavit furnishing undertaking in the aforesaid



terms, which is reproduced, as under, in toto:-

2. That in pursuance of order dated 21.12.2021 passed by this Hon'ble High Court in C.W.J.C no. 5451 of 2021, I am filing this undertaking as follows:-

- (i) That, I hereby give the undertaking that I will make my unit fully functional within 3(three) months and start production of bolt also.
- (ii) That also undertakes that on receipt of dues amount payable by me to the BIADA I will immediately pay the same to the BIADA.
- (iii) That for financial assistance I have talked to financial institution for financial assistance of Rs. 2500000 (Twenty Five Lakhs).
- (iv) That I further undertakes that in the event of my said unit not being made fully functional by me within three months, I will hand over the vacant and peaceful possession of the premises to BIADA.
- (v) That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed ^mcontempt of this Hon'ble Court.

BIADA has no objection to the acceptance of the undertaking and the petition is disposed of in terms thereof.

Accordingly, the undertaking, reproduced supra, is accepted and taken on record. The petitioner through the learned counsel made aware of the consequences of breach thereof, including initiation of proceedings for contempt.

We direct that the undertaking shall form part of our order and duly enforceable in accordance with law.

Should the petitioner fail to revive the Unit within next three months, it shall be open for BIADA to take



over the physical possession of the plot, subject matter of the present *lis*.

Petitioner also undertakes to pay the dues payable to BIADA . For the purpose of calculation, the petitioner undertakes to appear in the office of the Respondent No. 4, namely, The Executive Director BIADA, 1st Floor, Udyog Bhawan, East Ganchi Maidan, Patna, who, after calculating the exact amount due and payable, shall inform the petitioner by written order.

Petitioner undertakes to deposit the said amount forthwith.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

