

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2896 of 2022

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M/s. Narayan Silicon Steel Pvt. Ltd. Through its Director Shri Rameshwar Prasad Singh, male, aged about 48 years, S/o Shri Lakshman Prasad Singh, R/o Kalyanpur Haruna, P.O. and P.S. Motipur, District- Muzaffarpur, Pin – 843111. Petitioner/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), Through the Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate, Muzaffarpur.
6. The Executive Director, (BIADA), Regional Office, Muzaffarpur.
7. The Area Incharge, Industrial Area, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh (GA3)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i. For setting aside the order contained in Memo No. 736 dated 14.08.2020 passed by Respondent No. 4 (The Managing Director, BIADA) wherein the land measuring an area of 0.25 Acres (10,890 Sq. Ft.) has been cancelled and for setting aside the order dated 24.12.2021 (communicated vide Memo No. 72 dated 07.01.2022) passed by respondent no. 2

(Additional Chief Secretary, Department of Industries-cum-Chairman, BIADA-cum- Managing Director, BIADA) in Appeal Case No. 04 of 2021 affirming the aforesaid order, since both the impugned orders are in complete violation of mandate of law as well as in teeth of the order passed by this Hon'ble Court vide order dated 04.03.2020 passed in LPA No.257/2019 (Anand Engineering Vs. the State of Bihar & Ors.), order dated 18.03.2015 passed in LPA No. 353/2008 (BIADA Vs Deepak Paints and analogous cases), Order dated 13.04.2018 passed in C.W.J.C. No. 7803/2014 (Kanti Kumar vs. The State of Bihar and Ors.), order dated 25.02.2019 passed in C.W.J.C No. 19363/2018 (Ram Prakash Shyam Kumar vs The State of Bihar and Others), Order dated 24.06.2019 passed in C.W.J.C. No. 9047/2017 (Radhe Forging vs. The State of Bihar and Ors.) and Order dated 20.02.2020 passed in C.W.J.C. No. 2839/2019 (Civ Mill Industries vs. The State of Bihar and Ors), whereby other similarly situated petitioners/allottees have been given opportunity for diversification of their product and further time frame of six months so as petitioner's case in this regard be also allowed.

- ii. For declaration and to hold that the aforesaid impugned order dated 24.12.2021 (communicated

vide Memo No.72 dated 07.01.2022) passed in Appeal Case No. 4/2021 is illegal and in contravention to the settled principles of law i.e. *Nemo Judex in Causa Sua* (No one should be made a judge on his own cause) as the impugned order vide Memo No. 736 dated 14.08.2020 has been passed by respondent no. 4 Managing Director and the order dated 24.12.2021 passed in Appeal Case No. 4/2021 has been passed by respondent no. 2 Additional Chief Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

- iii For directing the respondent forthwith to allow the change of product in terms of the prevailing Bihar Industrial Investment Promotion Policy, 2016.
- iv. For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.
- v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.

Pursuant to our previous order, petitioner has given an undertaking by way of filing a supplementary affidavit. Relevant paragraphs whereof are reproduced as under:-

I Shri Rameshwar Prasad Singh, male, aged about 48 years, S/o. Shri Lakshman Prasad Singh, R/o. Kalyanpur Haruna, P.O. + P.S. Motipur, District- Muzaffarpur, Pin – 843111, do hereby solemnly affirms and state as follows:-

1. That I am authorized director of M/s. Narayan Silicon Steel Pvt. Ltd. and as such I am well acquainted to the facts and circumstances of the case.
2. That in pursuance of the order dated 30.03.2022 passed by this Hon'ble High Court in C.W.J.C. No. 2896 of 2022, I am filing this undertaking as follows: -
 - i. That, I hereby give the undertaking that I will make my unit operational and functional within 6 (six) months and start manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016.
 - ii. That I also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.
 - iii. That I further undertake that in the event of my said unit not being made operational and functional by me within 6 (six) months, I will hand over and the vacant and peaceful possession to BIADA.
- iv. That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court.

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

The undertaking is accepted and taken on record.

Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking

furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

(a) Undertaking of the petitioner dated 06.04.2022 (reproduced supra) is accepted and taken on record;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

(c) In the event of default of the undertaking, petitioners shall hand over vacant and peaceful possession of the allotted property to BIADA;

(d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court;

(e) Order dated 24.12.2021 passed by respondent no.2, namely, The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No.04 of 2021 (Annexure 8 series) and the order dated 14.08.2020 passed by respondent no.4, namely, The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna Patna are

quashed and set aside;

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA