

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4884 of 2020

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M/s Northern India Biogenetics Industrial Area, Barauni, through its Proprietor-Sunil Kumar Singh, male, aged about 50 years, S/o Late Ramchandra Singh, resident of Village-Khamhar, P.S.-Khamahar, District-Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Industry, Govt. of Bihar, Patna.
2. The Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna through the Executive Director.
3. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna BIADA, Patna.
5. The Development Officer, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. Area-In-Charge, Bihar Industrial Area Development Authority, Branch Office, Barauni.
7. Shailendra Kumar Gupta, Son of Late Sheo Prasad Gupta, resident of NH 31, in front of PWD Office, P.S. and District-Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Namrata Mishra, Advocate Mr. Chote Lal Mishra, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar (SC 9) Ms. Deepika Sharma, AC to SC 9
For BIADA		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 : 18-08-2022



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

- (I) For quashing of the order dated 19.12.2019 passed by the Secretary, Department of Industries, Govt. of Bihar, Patna in Appeal Case No. 17/2019 communicated by the Deputy Secretary, Industries Department, Bihar, Patna vide letter no.5475 dated 23.12.2019 whereby and whereunder the appeal filed by the petitioner against the order dated 01.03.2019 issued by the Managing Director, BIADA, Patna cancelling the allotment of Plot No. 105 (p), area 8712 sq. ft. at Barauni Industrial Area allotted in the name of the petitioner, has been dismissed.
- (II) For also quashing of the order passed by the Managing Director, Bihar Industrial Area Development Authority (BIADA) contained in Memo No. 1541, dt. 01.03.2019 communicated to the petitioner by the Area In-charge, Barauni vide Letter No. 69/19, dt. 08.03.2019 whereby and whereunder the allotment of Plot No. 105 (p), area 8712 sq. ft. at Barauni Industrial Area, for Agro Based Pesticide industry has been cancelled.



- (III) For also direction to the Respondent no.3 to exercise the power vested to him under section 14 of the BIADA Act, 1974 and BIADA (Amendment Act) 2017, and the BIADA Rules 1981 and take appropriate action and restore the possession of the petitioner from the illegal possession of Respondent no.7.
- (IV). For any other appropriate relief/reliefs to which the petitioners are found entitled in the facts and circumstances of this case.

Pursuant to our previous order, petitioner has now filed an affidavit furnishing his undertaking which is extracted hereunder:

“i. That, I, hereby undertake to do trial run of the said unit within three months from today, ensure commercial production upto 50% within six months thereafter and ensure commercial production minimum upto 75% within one year.

ii. That 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 to be compliant with the labour law.

iv. That I further undertake that in the event of my said unit not being made operational and functional by me within one year, I will hand over and the vacant and peaceful possession to BIADA.

v. 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 17.08.2022 (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, petitioner 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 19.12.2019 passed by Secretary,



Department of Industries, Government of Bihar, Patna in Appeal Case No.17/2019 and communicated by the Deputy Secretary, Department of Industries, Government of Bihar and the order dated 01.03.2019, passed by Managing Director, BIADA, communicated vide letter dated 08.03.2019 by Area In-charge, Barauni 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)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2022
Transmission Date	

