

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6883 of 2020

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Umesh Servicing Station through its Proprietor, Umesh Prasad Singh, aged about 62 years (Male,), Son of late Upendra Narain Singh, Resident of Plot No. 33, barauni Industrial Area, Tilrath, P.s.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna
2. The Industrial Development Commissioner, Government of Bihar, Patna
3. The Bihar Industrial Area Development Authority, Patna, through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004
4. The Executive Director, Bihar Industrial Area Development Authority, Patna, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikas Kumar, Advocate Mr. Dhananjay Kumar, Advocate Mr. Ojaswee Kumar, Advocate
For the Respondent/s	:	Mr.Abbas Haider, SC 6
For the BIADA	:	Mr. Prashant Pratap, Advocate Mr. Lala S.N.Rai, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-09-2022

Heard learned counsel for the parties.

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

“i. For quashing of Office Order contained in Memo No. 6729/D dated 20.11.2019 issued by Executive Director, Bihar Industrial Area Development Authority, Patna (here-in-after to be referred as BIADA) whereby and whereunder



earlier cancellation order as contained in Memo No. 1787 dated 08.08.2007 issued by Executive Director, BIADA, Regional Office, Darbhanga by which allotment of petitioner's plot being Plot No. 33, measuring 0.25 acre of land situated at Barauni Industrial Area, Tilrath, Begusarai, has been restored.

ii. For any other relief/reliefs for which the petitioner is found entitled to.”

On 22.08.2022, we had passed the following order:-

“Learned counsel for BIADA states that as on date no 3rd party right stands created.

Statement accepted and taken on record.

As agreed, petitioner will file an undertaking to this Court to the effect that (a) within 60 days, petitioner will start commercial production in the Unit, should the respondents hand over possession of the premises to the petitioner/recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA; (b) within six months, petitioner shall make the Unit fully operational and functional in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment; (c) petitioner shall clear all the dues payable to BIADA as on date; (d) petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees; (e) in the event of failure on the part of the petitioner to comply with the undertaking, petitioner shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when petitioner shall lose all rights therein and (f) petitioner shall be liable for initiation of



proceedings for contempt for having violated the undertaking furnished to the Court.

Petitioner is ready and willing to furnish such an undertaking within next seven working days, failing which the petition shall stand dismissed for default.

Copy of the undertaking be supplied to learned counsel for the respondents.

However, BIADA has to recall the orders passed cancelling the allotment of the premises.

Let BIADA take a call on the offer made by the petitioner.

We are sure that the respondent BIADA would take a decision in the affirmative, which, in our considered view, would be in public interest as also in the interest of the State to generate economic growth as also provide employment to the people.

List on 31.08.2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect.”

Pursuant to our order dated 22.08.2022, petitioner has filed an undertaking on affidavit in the following terms:

“3.That this affidavit is being filed in light of order dated 24.08.2022 passed by this Hon’ble Court in present writ application, which are as follows:-

- a. That within 60 days, petitioner will start commercial production in the Unit, should the respondents hand over possession of the premises to the petitioner/recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA;
- b. That within six months, petitioner shall make the Unit fully operational and functional in terms of the



product sanctioned and allowed to be manufactured as per the original terms of allotment;

c. That petitioner shall clear all the dues payable to BIADA as on date;

d. That petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees;

e. That in the event of failure on the part of the petitioner to comply with the undertaking, petitioner shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when petitioner shall lose all rights therein and

f. That petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.”

Learned counsel for the 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 12.09.2022 (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 within a period of two weeks;

(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 20.11.2019 passed by respondent no. 4, namely the Executive Director, BIADA, Patna is quashed and set aside.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2022
Transmission Date	

