

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5175 of 2022

Chanda Jha W/o Uday Mohan Jha, Resident of E/43/2 Near to Sai Mandir,
Hari Nagar, Part- 2, P.S.- Hari Nagar, South, Delhi- 110044.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries,
Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority,
Udyuyog Bhawan, Patna.
4. The Executive Director, Regional Office, BIADA, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar, Advocate
For the Respondent/s : Mr.Subash Prasad Singh (GA3)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 13-05-2022 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“To issue an appropriate writ(s),
order(s) or direction(s) particularly in nature of
certiorari to quash the order dated 11.06.2020
contained in memo no. 400 passed by the
Managing Director, BIADA, Patna, whereby
and under, the learned Authority pleased to



cancel the allotment of land of M/s Green Thermo Power Pvt. Ltd. though in arbitrary manner and violating the principle of natural justice.

The petitioner further prays to quash the order dated 29.10.2021 passed in Appeal No. 62/2020 by the Additional Chief Secretary, Department of Industries, Bihar, Patna since by the order aforesaid, the learned appellate authority pleased to affirm the order of cancellation of the allotment in quite perverse and arbitrary manner. And/or pass any such other order/orders as your lordships may deem fit and proper in the facts and circumstances of this case.”

Learned counsel for the petitioner states that petitioner is ready and willing to- (a) 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; (b) clear all the dues payable to BIADA as on date; (c) make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

Statement accepted and taken on record as an undertaking.

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

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). Statement made by the petitioner is accepted and taken on record as an undertaking;

(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 29.10.2021 passed by respondent no.2, namely The Additional Chief Secretary, Department of Industries, Bihar, Patna in Appeal No. 62 of 2020 (Annexure-5) and the order dated 11.06.2020, passed by respondent No.3, namely The Managing Director, BIADA, Patna (Annexure-4) 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

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