

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8730 of 2022

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M/s Pre-stress Concrete Poles through its representative Kanta Devi Saraf, female, aged about 70 years, W/o Narayan Prasad Saraf, R/o 121, Aragada Chauk, Naya Tola, Katihar, P.O.- Katihar, PS- Katihar Sada, District- Katihar, Bihar- 854105.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal 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. The District Magistrate, Purnea.
6. The Executive Director, (BIADA), Patna, 1st Floor, Udyog Bhawan, Gandhi Maidan.
7. The Area Incharge, Industrial Area, Purnea City.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Respondent/s : Mr.Subhash Pd. Singh (GA 3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-10-2022

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

“i) For directing the respondents to provide the benefit of Amnesty Policy of the Year 2022 to the petitioner and provide similar



opportunity as has been provided inter alia by this Hon'ble Court in C.W.J.C. No. 8184 of 2021, C.W.J.C. No.5451 of 2021, C.W.J.C. No.15649 of 2021, C.W.J.C. No.10564 of 2020 and other similarly situated cases where upon submission upon undertaking given by alike petitioner an opportunity of 6 months has been granted for starting the commercial production.

ii) To hold and declare that the petitioner is entitled to avail the benefits of extension of time as Amnesty as envisaged under the BIADA Amnesty Policy as numerous other allottees have been given the benefits of the Amnesty and the application dated 31.03.2022 of the petitioner has arbitrarily been withheld by the respondents and no consideration of the same has been done.

iii) To direct the respondents to provide an opportunity for change of product and extension of time for starting the commercial production by taking an undertaking which has been done in other cases by the Respondent BIADA.

iv) For directing the respondents not to take any coercive steps against the allotment of petitioner till disposal of this Writ Application.

v) For any other reliefs for which the petitioner be found entitled in the eye of law.”

Pursuant to our previous order dated 3rd of August, 2022, petitioner has now filed a supplementary affidavit furnishing undertaking in the following terms:

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 that I shall comply the provisions of labour law and other statutory compliances.

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 undertake that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court."

Pursuant to our previous order dated 13th of January, 2022, petitioner has also filed 2nd supplementary affidavit furnishing undertaking in the following terms:

I. That, I hereby undertake that within 60 days, I will start commercial production in the Unit, should the respondents hand over possession of the premises to the petitioner, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA.

ii. That also undertakes that within six months, I will make the Unit fully operational and functional in terms of product sanctioned and allowed to be manufactured as per the prevailing Bihar Industrial Investment Promotion Policy, 2016 as per the extant and prevailing policies of BIADA.

iii. That the petitioner also undertakes that I shall clear all the dues payable to BIADA as on date and shall make itself compliant with all the statutory



requirements, including the ones protecting interest of the employees.

iv. That I further undertake that I shall comply the provisions of labour law and other statutory compliances.

v. That I further undertake that in the event of failure on the part of the petitioner, I shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party.

vi. That I further undertake 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.

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.



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/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

