

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8765 of 2022

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M/S RMR CHEMICALS INDUSTRIES B-1 South Side Phase -2 Industrial Area, Hajipur (Vaishali) through its proprietor Sri Ranjan Kumar, aged about 50 yrs, Male, son of Mahendara Prasad, resident of the house of Sanjay Kumar, House no. 104 Road no. - 21 Sri Krishana Nagar, P.S. - Budha Colony Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Principal Secretary Department of Industry, Government of Patna.
3. Bihar Industrial Development Authority (BIADA), First Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004 through its Managing Director.
4. The Managing Director, Bihar Industrial Development Authority (BIADA), First Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
5. The Executive Director, Bihar Industrial Development Authority (BIADA), First Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
6. The Executive Director (Incharge), Bihar Industrial Development Authority (BIADA), Regional Office, Muzaffarpur.
7. The Secretary, Bihar Industrial Development Officer, Bihar Industrial Development Authority (BIADA) First Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
8. The Development Officer, Bihar Industrial Development Authority (BIADA), Regional Office, Muzaffarpur.
9. The Area Officer, Hajipur Industrial Area, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan, Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Abbas Haider, S.C.6
For the BIADA	:	Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

Heard learned counsel for the parties.



The petitioner has prayed for the following relief(s):

“(I) For directing and commanding the respondents to quash the order dated 06.05.2022 (Ann-5) passed by respondent no.2, Principal Secretary by which he has dismissed the appeal bearing no.44/2020 “R.M.R. CHEMICAL INDUSTRIES and others versus BIADA” in non-appearance of the petitioner.

(II) Also for directing and commanding the respondents to quash the order dated 19.05.2020 (Ann-4) whereby and whereunder by the order of respondent no.4, The Managing Director, Bihar Industrial Development Authority (BIADA), respondent no.6, Executive Director (Incharge) cancelled the lease of the land of the petitioner, forfeited his deposited amount and further order to surrender the possession to the authorities.

(III) And also for directing and commanding the respondent to restore the appeal case no.44/2020.

(IV) And also for any other relief/reliefs for which the petitioner is found to be legally entitled under the facts and circumstances of the case.”

On 21.07.2022, we had passed the following order:-

“Learned counsel for the petitioner states that petitioner has already furnished an undertaking. However, the same is not on record.

Petitioner is ready and willing to furnish a fresh undertaking, as is so furnished by similarly situated petitioners in matters pertaining to BIADA.

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, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA; (b) petitioner shall clear all the dues payable to BIADA as on date; (c) petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees; (d) 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 (e) petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.

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

List this case on 28th of July, 2022.”

Pursuant to our order dated 21.07.2022, petitioner has filed an undertaking on affidavit in the following terms:

“5. That the petitioner hereby undertakes that the petitioner shall continue to run the manufacturing unit to the best of its capacity and ensure commercial production upto 50% of capacity within six months and also ensure commercial capacity of minimum upto 75% within one year from the date of passing of order dated 21.07.2022.

6. That the petitioner also undertakes that he shall comply with all the labour laws.

7. That petitioner further submits that he understands



that if the petitioner fails to abide by the aforementioned conditions it shall amount to Contempt of Court and BIADA would be entitled to take over possession of the land.

8. That I have gone through the contents of this affidavit and have fully understood the same.”

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 25.07.2022 (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 06.05.2022 (Annexure-5) passed by respondent no.2, Principal Secretary and Order dated 19.05.2020 (Annexure-4) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Saurabh/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

