

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1628 of 2018

M/s Patliputra Papers Pvt. Ltd. Having its registered office at Plot No. D-16 and D-17, Industrial Area Hajipur, through its Director, Sajjan Jain, Son of Late Jodh Raj Jain, resident of Mohalla- Marwari Colony, New Bahadur Pur Police Station- Bahadur Pur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
5. The Ara Manager, Industrial Area, Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sriram Krishna, Advocate
For the Respondent/s	:	Mr. Abbas Haider-SC-6
		Mrs. Binita Singh, Advocate
		Mr. Devesh Shankaran, Advocate
		Mr. Pankaj Kumar Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

Heard learned counsel for the parties.

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

- i) To issue a writ in the nature of Certiorari for quashing the office order as contained in letter no. 287/D dated 18.01.2014 by which the respondents BIADA has directed



the petitioner company to hand over the land to Area In Charge, Hajipur on the basis of the order passed in the Appeal case bearing no. 17/2017.

- ii) To issue a writ in the nature of Certiorari for quashing the order dated 21.01.2013 passed in appeal case bearing Appeal No.17 of 12011 on the ground that the said appeal was disposed of without considering the case of the petitioner company in objective manner and without appreciating the fact that the petitioner company has all the necessary infrastructure / facilities to restart its manufacturing activities meaning thereby that the petitioner already established unit;
- iii) To Issue a writ in the nature of Certiorari for quashing the order as contained in memo no. 37041/D dated 08.07.2011 whereby the allotment of land in favour of the petitioner unit has been cancelled on nonnest grounds and the order being wholly without jurisdiction;
- iv) To issue a writ in the name of Mandamus commanding the respondents to consider the case of the petitioner afresh and not to disturb the petitioner's possession of the land and further directing the respondents not to give effect to the office order as contained in letter no. 287/D dated 18.01.2014.



- v) To issue a writ in the nature of mandamus directing the respondents to carry out an on site inspection to decipher whether the petitioner is an already established unit or not;
- vi) To any other relief or reliefs for which the petitioners may be found to be entitled in the facts and circumstances of the case.

On 18.08.2022, 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.

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) 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 two 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 24th of August, 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 18.08.2022, petitioner has filed an undertaking on affidavit in the following terms:



I, Rajat Jain, aged about 50 years, son of late Shri Late Raj Jain at present, Resident at Mohalla- Matwali Gahni, Near Bahadurganj, P.O. Bahadurganj, District- Patna, do hereby solemnly affirm and state as follows:

1. That I am the petitioner and Director of M/s. Pallipala Papers Pvt. Ltd. and am well acquainted with the facts and circumstances of the present case and am duly authorized to give the following facts undertaking in fulfil of the orders dated 10.03.2022, 15.05.2022 and 19.08.2022.

That the trial run of the unit situated at P-15/17, Hajipur Indus Trial Area, Hajipur shall commence within a period of 3 months from the date the petitioner is allowed to run the unit.

(ii) That commercial production up to 50% shall be achieved within 6 months thereafter.

(iii) That the unit shall be in commercial production within up to 75 % within 1 year from the date the unit is allowed to run.

(iv) That the petitioner undertakes that he shall duly clear all the dues of taxes.



(vi) That the petitioner undertakes to comply with all the labour laws.

(vii) That the petitioner undertakes that upon default, the petitioner shall be liable for contempt of orders passed by this Hon'ble Court.

(viii) That the petitioner undertakes that upon default, the petitioner shall hand over the physical possession of the 100% unit.

(ix) That the Unit is still in possession of the petitioner. That the petitioner shall maintain accurate muster papers and shed cards at the unit.

Further it is most humbly prayed that the aforementioned subject may be disposed by this Hon'ble Court on behalf of the petitioner for which the petitioner shall remain obliged.

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 22.08.2022 (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 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 08.07.2011 passed by the Managing Director, Bihar Industrial Area Development Authority, Patna, as contained in Memo No. 37041/D (Annexure-3 series), order dated 21.01.2013 passed in Appeal Case No. 17 of 2011 (Annexure-3 series) and the office order as contained in Letter No. 287/D dated 18.01.2014 (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)

(Satyavrat Verma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

