

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9669 of 2022

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M/s Rajesh Industries A proprietorship firm through its sole proprietor, Mr. Rajesh Kumar Dokania, aged about 52 years (male), Son of Surendra Kumar Dokania, Resident of Marwari Tola Lane, Radha Market Sujaganj, Jagdishpur, P.S. Kotwali, District Bhagalpur, 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, 2nd Floor, Vikas Bhawan, Bailey Road, Patna - 800015.
3. Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004, Bihar.
4. The Managing Director Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004, Bihar.
5. The Development Officer Bihar Industrial Area Development Authority, Regional Office, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Akhileshwar Singh, Advocate
		Mr. Indeshwari Pd. Mandal, AC to GA-3, Advocate
For the BIADA	:	Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

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

“ i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing letter no. 354 dated 20.05.2022 (Annexure 11) issued by the Respondent Development Officer, Bihar Industrial Area Development Authority, whereby the petitioner has been directed to commence production on the allotted land bearing no. A-2 Shed in Barari Bhagalpur Industrial Estate, within 30 days failing which the security deposit shall be forfeited and the allotment of land shall be cancelled.

ii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents not to take any coercive steps against the petitioner till CWJC No. 2330/2019 pending before this Hon’ble Court is decided and the billing dispute between the petitioner and South Bihar Power Distribution Company Limited is resolved and electricity supply is restored at the unit of the petitioner.

iii) This Hon’ble Court may adjudicate and hold that Respondent Bihar Industrial Area Development Authority cannot compel an allottee to resume production in light of the fact that the electricity connection has been illegally disconnected by the power distribution company.

iv) This Hon’ble Court may adjudicate and hold that Petitioner’s failure to sustain industrial activity at the land/shed allotted by Respondent Bihar Industrial Area Development Authority is solely attributable to the illegal disconnection of electricity supply by South Bihar Power Distributions Company Limited despite the interim

order dated 25.04.2019 passed by this Hon'ble Court in CWJC No. 2330/2019 directing that the electricity supply shall not be disconnected.
v) To grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to file a fresh petition, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	