

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1216 of 2021

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Sarvashree Industrial Briquetting Company, Industrial Area, Donar, Darbhanga through its Proprietor, Narendra Kumar Karn, aged about 66 years, Gender- Male, Son of Late Keshav Lal Das, Resident of Village- Ghoghiya, Police Station- Laxmanpur, District - Darbhanga.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority through its Managing Director, Udhog Bhawan, East Gandhi Maidan, Patna - 4.
2. The Managing Director, Bihar Industrial Area Development Authorityng Director, Udhog Bhawan, East Gandhi Maidan, Patna - 4.
3. The Secretary, Bihar Industrial Area Development Authority, Udhog Bhawan, East Gandhi Maidan, Patna - 4.
4. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Industrial Area Donar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate Mr.Ranjan Kumar Singh, Advocate
For the Respondent/s	:	Mrs.Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-09-2022

Petitioner has prayed for the following relief(s):

“For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 01.07.2020 passed in Appeal Case No. 34 of 2019 by which appeal has been dismissed by the Secretary, Department of Industry, Govt. of Bihar, which was communicated to the petitioner by the Section Officer, Department of Industry, Govt. of Bihar, Patna to the petitioner vide letter No. 2098, dated 13.07.2020 and also for quashing the original cancellation order



dated 11.05.2019 under Memo No. 517 issued under the signature of Executive Director, Bihar Industrial Area Development Authority (hereinafter referred to as 'BIADA'), by the order of Managing Director it has been communicated that allotted land has been cancelled, deposited amount has been forfeited and further for a direction in the nature of mandamus commanding the respondents to restore the status of the unit with all consequential benefits in terms thereof for which petitioner is entitled for."

Pursuant to our previous order dated 24th August, 2022, petitioner has now filed an affidavit furnishing his undertaking in the following terms:

"(i) The petitioner shall start trial production within 3 months 50% of the commercial production within 6 months and 75% of commercial production within 12 months.

(ii) The petitioner shall clear the dues of BIADA.

(iii) The petitioner shall comply with the labour laws.

(iv) That on default petitioner shall be liable for contempt.

(v) That on default petitioner shall hand over the physical possession of the land."

Learned counsel for 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 26.08.2022 (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) Upon fulfilment of the undertaking, the respondent shall register the lease-deed in petitioner's favour within a period of four weeks.

(d) In the event of default of the undertaking, petitioner shall hand over vacant and peaceful possession of the allotted property to BIADA;

(e) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(f) Order dated 01.07.2020, passed by respondent no.3, namely the Secretary, Department of Industry, Govt. of



Bihar, in Appeal Case No.34 of 2019, communicated by the Section Officer, Department of Industry, Govt. of Bihar, Patna vide letter No. 2098, dated 13.07.2020 and the original cancellation order dated 11.05.2019 under Memo No. 517 issued under the signature of Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga by the order of Managing Director (Annexure-P/1 series) 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

AFR/NAFR	
CAV DATE	
Uploading Date	05.09.2022
Transmission Date	

