

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12237 of 2019

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M/s Yasraj Cycle Rickshaw Udyog, Industrial Area, Donar Darbhanga through its Proprietor Smt. Neetu Gupta, Wife of Subhash Gupta, Resident of Mohalla- Alallpatti, P.S. Bela, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Industries Department, Patna.
2. Principal Secretary, Department of Industries, Bihar, Patna.
3. The Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
5. The Executive Director, Bihar Industrial Development Authority, Udyog Bhawan, Patna.
6. The Assistant Development Officer, Bihar Industrial Development Authority Regional Office, Darbhanga.
7. The Regional Incharge, BIDA, Regional Office, Dinar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the State	:	Mr. Abbas Haider, S.C.6
For the BIADA	:	Mr. Girijish Kumar, 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.

Petitioner has prayed for the following relief(s):

“That, this is an application for issuance of a writ in the nature of certiorari to quash the order of the respondent No.4 issued under the signature of



respondent No.5 as contained in memo No.144 dt. 11.02.2019 and the consequential letter as contained in Memo No.370 dated 04.04.19 and the letter No.390 dt.11.04.2019 both issued by the respondent No.6 and letter No.214 dated 16.04.2019 issued by the respondent No.7 and further for issuance for a writ in the nature of mandamus and/or any other appropriate writ order or direction commanding upon the respondents to accept the bank guaranty of Rs.1,00,000/- (one lakh) and the arrear of Rs.24,112/- submitted by the petitioner in compliance of the order dated 13.12.2018 passed in Appeal Case No.18/2018 of the respondent No.2 and to restore the allotment of the land bearing Block A-26(P) area 3000 sq ft allotted to the petitioner by letter No.1438 dated 13.08.2011 for establishment of Fabrication and Assembling of Cycle Rickshaw Industries situated in Industrial Area, Donar, Darbhanga.”

On 12.08.2022, we had passed the following order:-

“Learned counsel for BIADA states that as on date no 3rd party right stands created.

Petitioner is ready and willing to furnish 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 handover 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.

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.

List on 25th of August, 2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect.

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.”

Pursuant to our order dated 12.08.2022, petitioner has filed an undertaking on affidavit in the following terms:

“(a) The petitioner shall start commercial production in the unit within 60 days since when the respondent shall hand over the possession of the premises to the petitioner after removing the seal, failing which the petitioner shall give vacant and peaceful possession of the premises to BIADA.

(b) The petitioner shall make the unit fully operational and functional within 6 months in terms of the product sanctioned and allowed to be manufactured as per original terms of allotment.

(c) The petitioner shall clear all the dues payable to BIADA as on date.

(d) The petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

(e) The petitioner shall hand over the vacant and peaceful possession of the premises to BIADA in the event of failure on his part to comply with the undertaking with liberty for further allotment to 3rd party when petitioner shall lose all rights therein.

(f) The petitioner shall be liable for initiation of proceedings for contempt violated the undertaking furnished to the Court.”



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) Orders contained in Memo No. 144 dated 11.02.2019 (Annexure-6); Memo No. 370 dated 04.04.2019(Annexure-8); Letter No. 390 dated 11.04.2019(Annexure-9) and Letter No.



214 dated 16.04.2019 (Annexure-10) 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	

