

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10360 of 2022

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M/s Yatri Vihar Hospitality Pvt. Ltd. a private limited company incorporated under the provisions of the Companies Act, 1956, having its registered office at 61, Road No. 8B, Rajendra Nagar, Patna, (Bihar) - 800016, through its Director, Sri Amit Roy, S/o Late Dr. B.N. Roy, resident of M- 34 (old), P.O. - Adityapur, District - Saraikela Kharsawan, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Commercial Taxes, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Development Commissioner-cum-Chairman, State Investment Promotion Board, Bihar, Patna.
4. The Director of Industries, Department of Industries, Government of Bihar, Patna.
5. The Director, Technical Development, Department of Industries, Government of Bihar, Patna.
6. General Manager, District Industries Centre, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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

Date : 10-08-2022

Heard learned counsel for the parties.

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

“A. Quashing / setting aside the decisions taken and views expressed in minutes of meeting dated 24.07.2017 (Annexure-P9 & P9/1);

B. Holding and declaring that the petitioner is



entitled to the grant of incentives as mentioned in petitioner's letters dated 21.11.2019 (Annexure-P12), 19.12.2019 (Annexure-P12/1) and letter dated 24.03.2022 (Annexure-P14), and for continued grant of the same till the date of entitlement under the Bihar Industrial Incentive Policy, 2011 (Annexure-P2) and Bihar Industrial Incentive (Amendment) Policy, 2014 (Annexure-P2/1);

C. Granting to the petitioner the incentives as mentioned in petitioner's letters dated 21.11.2019 (Annexure-P12), 19.12.2019 (Annexure-P12/1) and letter dated 24.03.2022 (Annexure-P14), and for continued grant of the same till the date of entitlement under the Bihar Industrial Incentive Policy, 2011 (Annexure-P2) and Bihar Industrial Incentive (Amendment) Policy, 2014 (Annexure – P2/1).”

It is brought to our notice that the decision rendered by a coordinate Bench of this Court in CWJC No. 12104 of 2018, titled M/s Sunny Stars Hotels Private Limited has attained finality, inasmuch as, the Special Leave Petition preferred by the State stands dismissed by Hon'ble the Apex Court vide order dated 17.01.2020 passed in SLP (Civil) No. 43744 of 2021.

Parties agree that the petition can be disposed of.

Learned counsel for the petitioner, states that certain amount already stands paid to the petitioner. As such, petitioner shall be content if the petition is disposed of with



liberty to the petitioner to approach the authority concerned by filing a representation within a period of four weeks, with a direction to the authority concerned to consider and decide the same within a period of four weeks from the date of its presentation.

Prayer allowed.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty/direction aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.



The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	11.08.2022
Transmission Date	

