

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10482 of 2022

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M/s. Shirdi Foods Pvt. Ltd. represented through its Director Shri Shivnath Chaudhary, gender Male, aged about 52 years, S/o Ramdeo Chaudhary, R/o Balughat, Muzaffarpur, Bihar- 842001.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), through the Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate, Muzaffarpur.
6. The Executive Director, Regional Office, Muzaffarpur, BIADA.
7. The Development Officer, BIADA, Muzaffarpur
8. The Area Incharge, Industrial Area, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, advocate
For the Respondent/s : Mr.Kinkar Kumar (SC 9)
For the Respondent BIADA: Mr. Girijish Kumar, Advocate

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

Date : 17-10-2022

Petitioner has prayed for following relief(s) : -

“i. For quashing and modifying the part of the order dated 25.02.2022 passed in Appeal Case No. 56/2020 by the Respondent No. 2 whereby and where under while allowing the appeal filed by the Petitioner, he has has arbitrarily imposed such conditions which are without the sanction of law and against the provisions of BIADA Amnesty Policy, 2021 and in teeth of various orders of this Hon'ble Court whereby upon submission of



undertaking an extension of time is being granted for initiating the commercial production on the unit of the petitioner.

ii. For setting aside the order bearing Memo No. 560 dated 20.06.2020 passed by the Respondent No. 4, Managing Director, BIADA whereby and where under the land measuring an area of 12,000 Sq. Ft. which was allotted to the petitioner has been cancelled.

iii. For declaration and to hold that the aforesaid impugned order dated 25.02.2022 passed in Appeal Case No.56/2020 passed in Appeal Case No. 56/2020 is illegal and in contravention to the settled principles of law i.e. *Nemo Judex in Causa Sua* (No one should be made a judge on his own cause) as the impugned order vide Memo No. 557 dated 20.06.2020 has been passed by respondent no. 4 Managing Director and the order dated 25.02.2022 passed in Appeal Case No. 56/2020 has been passed by Respondent No. 2, Principal Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

iv. For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

In pursuance of order dated 11.08.2022, passed by this Court, petitioner has filed undertaking in the following terms:

“i. That, I hereby undertake that within 60 days, I will start 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.

ii. That also undertakes that within six



months, I will make the Unit fully operational and functional in terms of the order of Hon'ble Court.

iii. That also undertakes that I shall clear all the dues payable to BIADA as on date and shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

iv. That I further undertake that I shall comply the provisions of labour law and other statutory compliances.

v. That I further undertake that in the event of failure on the part of the petitioner, I shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party.

vi. That I further undertake that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court.”

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

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). Statement made by the petitioner is accepted and taken on record as an undertaking;

(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;

(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 25.02.2022 passed by respondent no.2, namely The Principal Secretary, Department of Industries, Government of Bihar, Patna in Appeal No. 56 of 2020 and the order dated 20.06.2020, passed by respondent No.4, namely The Managing Director, BIADA, Patna 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/chn

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

