

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2547 of 2019

In
Civil Writ Jurisdiction Case No.2673 of 2019

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M/s. Raj Agro Industries through its Proprietor - Bandana (F), aged about 42 years, Wife of Manoj Kumar, Resident of Village and P.O. - Saidpur, Police Station- Gopalpur, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Industry Department, Govt. of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Patna.
4. Mr. Bimal Kumar, Son of not known, at present posted as Executive Director, Regional Office Bhagalpur, BIADA.
5. Mr. Rajeev Ranjan, Son of not known, at present posted as Development Officer, Regional Office Bhagalpur, BIADA.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Indeshwari Prasad Mandal, A.C. to G.A.-3
For the BIADA	:	Mr. Pankaj Kumar Sinha, Advocater.
		Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2022 This application has been filed seeking initiation of a proceeding for contempt against the opposite parties. It is alleged that the opposite parties have willfully and deliberately violated the order dated 17.06.2019 passed in C.W.J.C. No. 2673 of 2019.

A reading of the order dated 17.06.2019 would show that in course of argument, learned counsel for the petitioner had raised a solitary complaint with regard to condition no. 2 of the



order passed by the appellate authority. By imposing such condition the appellate authority had directed the writ petitioner to submit a bank guarantee of Rs. 6,00,000/- for a period of two years along with an affidavit to Bihar Industrial Area Development Authority (in short 'BIADA') that the appellant will start his business within four months from the date of order and shall remain in continuous operation and in case of the violation of other condition of the allotment letter the bank guarantee shall be encashed by BIADA.

After hearing learned counsel for the petitioner and the learned counsel representing BIADA, this Court disposed of the writ application with the following observations and directions:

“In this view of the matter, this writ application is being disposed off giving liberty to the petitioner to comply with the directions contained in the appellate order within a period of six weeks from today. If the dues of the BIADA is cleared and the bank guarantee of Rs.6 lacs is submitted within a period of six weeks from today, the BIADA will take immediate steps to execute and register the lease deed in favour of the petitioner subject to such terms and conditions as are prescribed and are applicable in terms of the allotment. The



execution and registration of the lease deed shall be completed within next four weeks and thereafter the petitioner will be granted four months time to start the business. The other conditions stated in the appellate order shall remain intact.

Let the counter affidavit filed on behalf of the BIADA be taken on the record.”

A perusal of the present contempt application would show that the petitioner has nowhere claimed that in terms of the order of this Court, he went with the dues of the BIADA and the bank guarantee of Rs. 6,00,000/- within a period of six months.

Learned counsel for the petitioner admits at the Bar that the petitioner did not go to BIADA to clear the dues and further no bank guarantee was produced.

Mr. Pankaj Kumar Sinha, learned counsel for the BIADA has drawn the attention of this Court towards the show cause filed on behalf of the BIADA and brought to the notice of this Court the contention of the opposite parties.

In the given circumstance, where the petitioner has failed to abide by the directions of this Court which was a condition precedent for BIADA to act upon, this Court finds no



reason to proceed with the contempt application.

It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

