

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12698 of 2022

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M/s. Jai Bhawani Enterprises through its Partner Pradeep Kumar Gupta, Male, Aged about 60 years, S/o Late Baijnath Prasad Gupta, Resident of Muhalla- Station Road, Dehri-on-Sone, P.S.- Dalmianagar, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The Managing Director Bihar Industrial Area Development Authority, Udyog Bhawan East Gandhi Maidan, Patna.
2. The Deputy Managing Director, Gaya Cluster, First Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Area Incharge, Industrial Area, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Respondent/s : Mr. Yashraj Bardhan, Advocate

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

Date : 14-09-2022

Heard learned counsel for the parties.

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

“I. For quashing the letter dated 28.07.2022 issued by the Deputy Managing Director, Gaya cluster (Resp-2) to the Sub-divisional officer, Aurangabad for vacating the industrial plot, situated at Barun, Aurangabad, the plot allotted to the petitioner after paying the entire consideration amount in the year 1988.

II. For commanding the respondent to restrain from acting upon the Order dated 28.07.25022 which has been issued to take possession of the petitioner's industrial plot without giving any notice to the petitioner



III. For a direction to the respondent to produce the cancellation letter of the lease agreement of the petitioner since at no point of time the petitioner has received any notice with regard to cancellation of his lease or any cancellation letter.

IV. For any other relief/reliefs for which the petitioner is entitled too.”

On 02.09.2022, we had passed the following order:-

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

Statement accepted and taken on record.

As agreed, petitioner will file 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/recall the order of cancellation, 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 hand over 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.

Petitioner is ready and willing to furnish such an undertaking within next seven working days, failing which the petition shall stand dismissed for default.

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.

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.

List on 14.09.2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect.”

Pursuant to our order dated 02.09.2022, petitioner has filed an undertaking on affidavit in the following terms:

“2. That it is stated that the petitioner, in the light of the order dt. 02.09.2022 by this Hon’ble Court, undertakes to abide by the order and further undertakes as follows:-

(a) That the petitioner undertakes to start the Commercial Production in the Unit within Six months since the petitioner’s unit relates to DAL MILL and the season of the same starts from march itself.

(b) That the petitioner undertakes to make the unit fully operation within six months and allowed to be manufactured as per the original terms of allotment.

(c) That there is no dues payable to the BIADA as on date.



(d) That petitioner shall follow all statutory requirements.

(e) That the petitioner further undertakes that in the event of failure on the part of the petitioner to comply with the undertaking, the petitioner shall hand over the vacant and peaceful possession of the premises to BIADA.”

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 13.09.2022 (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) Order dated 28.07.2022 passed by respondent no.2, namely the Deputy Managing Director, Gaya Cluster is quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2022
Transmission Date	

