

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12638 of 2022

1. National Textile Corporation Ltd. (a Govt. of India Undertaking), having its registered Head Office at Core IV, Scope Complex, 7 Lodhi Road, New Delhi 110003 through its Managing Director having its Retail Marketing Division Office at S.P. Verma Road, Patna.
2. The Deputy General Manager, Retail Marketing, In- Charge Retail Marketing Division, National Textile Corporation, S.P. Verma Road, P.S. Kotwali Town and District- Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Government of Bihar, Patna.
2. The Principal Secretary, Industries Department, Govt. of Bihar, Patna.
3. The Bihar Industrial Area Development Authority having its office in Udyog Bhawan Patna through its Managing Director.
4. The Chairman cum Managing Director Bihar State Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Executive Director, (Operation) BIADA, Udyog Bhawan, East of Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Giridhar Gopal Tiwary, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha (AAG7)
For the BIADA		Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



Date : 02-09-2022

Petitioners have prayed for the following relief(s):

“For issuance of an appropriate writ/order for setting aside the order contained in Memo No. 3096dt. 16.7.2022 issued by the Executive Director (Operation) under the orders of the Joint Managing Director Bihar Industrial Area Development Authority whereby the allotment of space in Udyog Bhawan, Patna in favour of the petitioner National Textile Corporation (a Govt. of India undertaking) has been cancelled and amounts paid for allotment and deposits have been forfeited and direction has been issued for repossession of the cancelled property and to initiate process for recovery of outstanding dues and further to direct the Respondents to settle the dispute regarding the actual area in possession of the petitioners and rent fixation and stay the eviction of the petitioners from the aforesaid property during the pendency of the present writ petition.”

The issue can be best resolved with the intervention of the original lessor, namely Government of Bihar, of the lease granted in favour of the present petitioner, namely National



Textile Corporation Ltd. (a Govt. of India Undertaking).

It is only during the pendency of the lease that the property stood transferred by the Government of Bihar in favour of Bihar Industrial Area Development Authority (hereinafter referred to as BIADA).

There is a dispute with regard to the area under occupation of the petitioner. According to the petitioner, the entire amount towards the licence fee/ lease payment/charges stands paid to BIADA, whereas, according to the BIADA, the amount payable is in excess for the area in possession of the petitioner is more than what is so claimed. It is seen that BIADA has passed an order directing cancellation of the lease as also desiring cancellation of the lease. It is also seen that the petitioner has preferred an appeal which is yet pending consideration and the same has not yet been decided. Petitioner has also paid dues right upto July, 2022. Noticeably, during the pendency of the appeal, the BIADA has sealed the petitioner's premises.

Under these circumstances, we are constrained to pass the following order:

- (a) The premises shall be immediately de-sealed and possession handed over to the



petitioner, which is a public sector undertaking;

(b) Respondent No.2, namely The Principal Secretary, Industries Department, Govt. of Bihar, Patna shall immediately convene a meeting of a responsible officer of the petitioner and the BIADA for ascertaining the exact area which is under the occupation of the petitioner. If the area is what is so claimed by the BIADA, obviously, the petitioner would have to pay the amount towards the licence fee/ lease payment/charges for the area which is found in excess of what has been so claimed with them. If, however, the area is what is so claimed by the petitioner, then, obviously, the order of cancellation would be recalled.

We direct both the petitioner and BIADA to make themselves available in the office of respondent No. 2, namely The Principal Secretary, Industries Department, Govt. of Bihar, Patna on 15th September, 2022.

Hopefully, the issue inter se two public sector undertakings would be resolved without any further litigation at the earliest and not later than two months from the date that the



parties appear before respondent No. 2.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2022
Transmission Date	

