

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18318 of 2021**

M/s. Simran Metals Ltd. a company incorporated under the provisions of the Companies Act, 1956 having its Registered Office at House no. 244, Road No. 9, Rajendra Nagar, Patna- 800016, and its unit at Industrial Area, Phase-II, Fathua, District Patna, through its Director, Simran Agrawal, aged about 33 Years, Male, Son of Late Pradeep Agarwal, Resident of N- 801, Udaygiri Apartment, Budh Marg, Opposite Museum, Budha Colony, P.S. Kotwali District Patna.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhavan, East Gandhi Maidan, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhavan, East Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhavan, East Gandhi Maidan, Patna.
4. The Development Officer, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhavan, East Gandhi Maidan, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Mohit Agarwal, Advocate  
For the Respondent/s : Mr. Lalit Kishore- A.G.

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 19-05-2022**

Petitioner has prayed for the following reliefs:-

- i] For Quashing of the impugned order dated 10.09.2021 passed in Appeal No. 20 of 2016 (restored) by the Additional Chief Secretary, Department of Industries, Bihar-cum- Appellate Authority, Bihar Industrial Area Development Authority, Patna, communicated vide letter No. 3343 dated 15.09.2021, whereby the learned Appellate Authority was pleased to reject the prayer for quashing the impugned order dated 08.05.2019



communicated through letter No. 3213/D issued under the signature of Respondent No. 3, Executive Director, BIADA and also the impugned Memo No. 171 dated 15.03.2019 issued under the signature of Respondent No. 4, Sub-Divisional Officer, Patna City;

- ii] For quashing the impugned order dated 08.05.2019 communicated through letter No. 3213/D issued under the signature of Respondent No. 3, Executive Director, BIADA whereby the Bank Guarantee of an amount of Rs.10,00,000/- and the penalty amount of an amount of Rs.50,000/- presented by the Petitioner in terms of the order dated 14.12.2018 passed in Appeal No. 20 of 2016 by the Appellate Authority, BIADA, Patna was refused to be accepted for being presented beyond time;
- iii] For direction upon the Respondents to accept the Bank Guarantee of an amount of Rs.10,00,000/- and the penalty amount of an amount of Rs.50,000/- in terms of the order dated 14.12.2018 passed in Appeal No. 20 of 2016 by the Appellate Authority, BIADA, which have been arbitrarily returned for not being filed within time, without appreciating the fact that the Bank Guarantee was though prepared within the stipulated time but was submitted belatedly due to medical hardship faced by the then Managing Director of the Petitioner Company who is now deceased;



- iv] For restraining the Respondent No. 4, Sub-Divisional officer, Patna City to give effect to its impugned letter bearing Memo No. 171 dated 15.03.2019 whereby the magistrates were appointed to take over the possession of the land in question from the Petitioner and hand over the same to the Respondents, during the pendency of the present writ;
- v] For direction upon the Respondents to allow the Petitioner an appropriate & sufficient time to establish a new unit by changing its product line as the Petitioner is a Sick unit, in terms of the order dated 18.03.2015 passed in L.P.A. No. 353 of 2008 wherein the Hon'ble Division Bench of this Hon'ble Court was pleased to direct the Respondents to grant appropriate time to such unit which has been classified as Sick industries in the event they propose establish new unit on the lands allotted to them;
- vi] For any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances in this case.

We dispose of the present writ petition on the following mutually agreeable terms between the parties:-

- (a) petitioner undertakes to handover the vacant and peaceful possession of the land/ unit to BIADA within one month from today.

Undertaking accepted and taken on record.



Petitioner through the learned counsel is made aware of the consequences of breach thereof, including initiation of proceeding for contempt should the petitioner fail to honour the undertaking.

b) petitioner is permitted to remove all movables and machineries from the industrial unit.

c) BIADA shall not insist on the payment of outstanding dues, if any undisputed, which, Shri S. D. Sanjay, learned senior counsel, states is less than Rs. 05 lacs. However, outstanding dues, if any, of other departments shall be cleared by the petitioner within a period of four weeks from today,.

d) Also, petitioner shall comply with all the labour laws, found to be deficient, if any.

Instant petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( Satyavrat Verma, J)**

Vikash/Sujit

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