

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14119 of 2022

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M/s Bihar Fuel Industries having its Head Office at Barun Industrial Area At and P.O. Barun District- Aurangabad, Bihar through its Partner Sri Krishna Sharma aged about 59 years, Son of Late Ram Ratan Sharma resident of Pani Tanki, Dehri-On-Sone, P.S. Dehri, District- Rohtas, Sasaram, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Industrial Area Development Authority through Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
2. The Dy. General Manager, Gaya Cluster, Bihar Industries Area Development Authority, Barun, District- Aurangabad.
3. Development Officer, BIADA, Udyog Bhawan, Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Jha, Advocate
For the Respondent/s : Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2022

Petitioner has prayed for the following relief(s):

“That the present writ petition is being filed for quashing the letter dt. 23.07.2022 issued by the Deputy General Manager, Gaya Cluster by which order was passed under section 6(2)(a) of Bihar Industrial Area Development Authority Act, 1974 r/w Bihar Industrial Area Development Authority (Amendment) Act, 2017 cancelling the allotment of the land and forfeited the amount deposited



by the petitioner on the ground that order is without jurisdiction and contrary to statutory provisions of section 6(2)(a) of the Bihar Industrial Area Development Authority Act, 1974 as amended upto date.

That the petitioner further seeks declaration that right to land is by virtue of registered lease deed executed between the parties dt. 1.2.2000 and that being constitution right under Art. 300-A of the Constitution of India, petitioner can not be deprived of property save by authority of law.

That the petitioner further seeks declaration that petitioner can not be dispossessed unless lease is determined in accordance with law.

That the petitioner further prays for issuance of any other writ/writs order/orders and direction/directions for which petitioner may be found entitled.”

Pursuant to our previous order dated 30.09.2022, petitioner has now filed a supplementary affidavit furnishing the undertaking in the following terms:

“(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.”

Learned counsel for 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 02.11.2022 (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;

(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 23.07.2022 passed by respondent no2, namely The Deputy General Manager, Gaya Cluster, BIADA is quashed and set aside.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	

