

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14224 of 2022

1. M/s Puja Printech Pvt. Ltd. through its Director namely Lok Prakash Singh, aged about 64 years, (Male), son of Late Atma Nand Singh, Resident of Flat No. 301, Atma Smriti Apartment, Budha Colony, P.S.-Budha Colony, District-Patna.
2. M/s Work Brigade Venture LLP through its Partner namely Piyush Nandan, aged about 38 years (Male), son of Late Krishna Nandan Varshney, Resident of 88 Nandan, Kavi Raman Path, Boring Road, Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
4. The Joint Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
5. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
6. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority, Industrial Area, Patliputra, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
7. The Development Officer, Bihar Industrial Area Development Authority, Industrial Area, Patliputra, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC 6
For BIADA		Mr. Kumar Priya Ranjan, Advocate

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

Date : 18-10-2022



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

“a. For quashing of order contained in Memo No. 175/P dated 24.08.2022 issued by Deputy General Manager, Patna Cluster under orders of Joint Managing Director whereby and where under transfer application of Petitioner No. 1 for transfer of Plot No. C-11, Area 7200 Sq. Ft. situated in the Patliputra Industrial Area in favour of Work Bridge Venture LLP (Petitioner No. 2) have been turned down and also while exercising power under the BIADA Act, 1974, section 6(2)(a)(b) of the BIADA (Amendment) Act, 1991, BIADA Act, 2017 and other relevant rules/provisions allotment of plot of Petitioner No. 1 situated in Patliputra Industrial Area being Plot No. C-11, Area 7200 Sq. Ft. has been cancelled and security money has been forfeited.

b. For any other relief/reliefs to which the petitioner may be found entitled to.”

Petitioner has furnished his undertaking in para-21 of the petition in the following terms:

a. That within 60 days, Petitioner No.1 will start commercial production in the Unit, should the respondents hand over possession of the premises to the Petitioner No.1/recall the order of cancellation, failing which Petitioner No. 1 shall give vacant and peaceful possession of the premises to BIADA;

b. Within six months, Petitioner No. 1 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 No. 1 shall clear all the dues payable to BIADA as on date;

d. Petitioner No. 1 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 No.1 to comply with the undertaking, Petitioner No.1 shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when Petitioner No. 1 shall lose all rights therein and

f. Petitioner No. 1 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.

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) Statement made by the petitioner is accepted and taken on record as an undertaking;

(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 24.08.2022 under Memo. No.175/P passed by respondent no.6, namely The Deputy General Manager, Patna 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)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

