

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15022 of 2022

=====

M/s Diamond Textiles through its Proprietor Jawahar Prasad aged about 72 years (Male), S/o Late Nand Kishor Prasad, resident of Mohalla-Ramchandrapur, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Industrial Development Commissioner, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial (Area) Development Authority, Patna, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
4. The Executive Director, Bihar Industrial Area Development Authority, Patna, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
5. The Development Officer, Bihar Industrial Area Development Authority, Patna, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Prasad Singh, GA 3
		Mrs. Binita Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2022

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

“(i) For quashing the notice dated 18-04-2022 issued by the Development Officer, Bihar Industrial Area Development Authority (hereinafter referred as BIADA) Patna by which the petitioner has been directed to start commercial production of the Industrial units i.e. M/S diamond Textiles under Amnesty Policy failing which allotment of land situated at Industrial Area, Biharsharif, Nalanda will be cancelled.

(ii) For a direction upon the concerned respondents to



grant registration of another project i.e. Ms Diamond Paper Works for which complete, Project report along with registration fee & other required documents have already been submitted in the year 2014 itself and the petitioner doing business of paper works after investing ge amount after taking loan for Machines & other materials.

(iii) For grant of any other relief/ reliefs of which the petitioner be found entitled under the facts and circumstances of the case and in the interest of justice.”

Pursuant to our previous order dated 11.11.2022, 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 complaint with 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 3 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 18.11.2022 (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 fails to abide by the undertaking furnished before this Court.

(e) Order dated 18.04.2022 passed by respondent no.5, namely Development Officer, Bihar Industrial Area Development Authority, Patna (Annexure-5) 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)

Saurabh/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	

