

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15292 of 2022

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M/S S.G. Udyog Centre, a proprietorship having its Office at B-18, Industrial Estate, Bettiah through its proprietor Rajesh Kumar Gupta, Male, Aged about 57 years, Son of Late Baidh Nath Prasad, Resident of Illam Ram Chowk, Ward No.18, in front of Kanhaiya Lal Dharmshala, P.S. Bettah City, District- West Champaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna.
2. The Principal Secretary, Department of Industries, Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Head Office- Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority (BAIDA), Head Office- Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Development Officer, BAIDA Regional Office, Muzaffarpur, Bihar.
6. The Deputy General Manager, Muzaffarpur, Cluster, Bihar Industrial Area Development Authority (BAIDA)
7. The Assistant Area Manager, Industrial Area, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate Mr. Vikas Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Mr. Piyush Lall, Advocate Mr. Kumar Priya Ranjan, Advocate Mr. Ankur Apurv Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2022

Heard learned counsel for the parties.

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



- a) For issuance of writ in the nature of Certiorari quashing the Office Order contained in Memo No.1217 dated 10.08.2022 issued under the signature of the Deputy General Manager, Muzaffarpur, Cluster, **(Annexure P/9)** (hereinafter referred as "Impugned Order"); whereby and whereunder it has been communicated to the petitioner that vide Order dated 02.08.2022, Joint Managing Director, Bihar Industrial Area Development Authority(hereinafter referred as 'BIADA') has been pleased to cancel the allotment of Plot No. - B-18 (part), Rakba – 0.25 acres and further passed order for confiscation of amount deposited against the allotted land by the Petitioner.
- b) For issuance of writ in nature of mandamus, directing and commanding upon the respondent authorities to allow the petitioner to continue with the operation of unit on the land allotted to it and continue production of turmeric, satttu, besan etc.
- c) For any other relief/ reliefs which this Hon'ble Court deems fit.

On 11.11.2022, we had passed the following order:-

“Learned counsel for BIADA states that as on date no 3rd party right stands created.

Statement accepted and taken on record.

As agreed, petitioner will file an undertaking to this Court to the effect that (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.

Petitioner is ready and willing to furnish such an undertaking within next seven working days, failing which the petition shall stand dismissed for default.

Copy of the undertaking be supplied to learned counsel for the respondents.

However, BIADA has to recall the orders passed cancelling the allotment of the premises.

Let BIADA take a call on the offer made by the petitioner.

We are sure that the respondent BIADA would take a decision in the affirmative, which, in our considered view, would be in public interest as also in the interest of the State to generate economic growth



as also provide employment to the people.

List on 23.11.2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect, and till then no coercive steps be taken against the petitioner.”

Pursuant to our order dated 11.11.2022, petitioner has filed an undertaking on affidavit in the following terms:

“I. That Petitioner hereby undertakes that within 60 days, it will start commercial production in the unit, should the respondents hand over possession of the premises to the petitioner, failing which petitioner shall give vacant and peaceful possession of the premise to BIADA.

II. That petitioner also undertakes that within six month, it will make the unit fully operational and functional in terms of the order of Hon'ble Court.

III. That petitioner undertakes that it shall clear all the dues payable to BIADA as on date & make itself compliant with all the statutory requirement, including the ones protecting interest of the employees;

IV. That petitioner further undertakes that it shall comply with the provisions of the labour law and other statutory compliances;

V. That petitioner also undertakes that in the event of failure on its part, it shall hand over the vacant and peaceful possession of the premises to BIADA with



liberty for further allotment to third- party.

VI. That petitioner further undertakes that in the event of default, it shall be liable for being prosecuted for having committed contempt of this Hon'ble Court.”

Learned counsel for the 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 17.11.2022 (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 within a period of two weeks;

(d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking



furnished before this Court.

(e) Order contained in Memo No. 1217 dated 10.08.2022, issued under the signature of the Deputy General Manager, Muzaffarpur, Cluster (Annexure P/9) is quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2022
Transmission Date	

