

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15904 of 2022

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M/s Prince Industries through its proprietor Sri Manikant Yadav S/o Late Jagdish Yadav at Ujjaina, P.O. Bhachhi, Shiv Mandir, Bhachhi Asli, P.S. Baheri, District- Darbhanga - 847101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar.
2. The Principal Secretary, Department of Industries, Govt. of Bihar.
3. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.
6. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA).
7. The Deputy General Manager, Darbhanga Cluster Cluster, Bihar Industrial Area Development Authority (BIADA), Darbhanga.
8. The Area Incharge, Industrial Area-Donar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Sachin Kumar, Advocate Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
For the BIADA	:	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 : 05-12-2022

The petitioner has prayed for the following relief(s):-



“i. For setting aside the order bearing Memo No. 622 Dated 28.07.22 passed by the Respondent No. 5. Joint Managing Director, BIADA whereby and where under an area of 10890 Sq. Ft. bearing Plot No 29 P, within the Industrial Area, Donar has been cancelled on non- est and with-standing the basic tenants of Natural Justice

ii. For modification of the order dated 23.09.22 passed in Appeal Case No. 155/2022 by the Respondent No. 2 whereby and where under while allowing the appeal filed by the petitioner has imposed the conditions of Bank guarantee of Rupees 5 Lakhs which is in teeth of the which are without the sanction of law and against the provisions of BIADA Amnesty Policy, 2021 and in teeth of various orders of this Hon'ble Court whereby upon submission of undertaking an extension of time is being granted for initiating the commercial production on the unit of the petitioner.

iii. For declaration and to hold that the aforesaid impugned order dated 23.09.22 passed in Appeal Case No. 155/2022 is illegal and in contravention to the settled principles of law i.e. *Nemo Judex in Causa Sua* (No one should be made a judge on his own cause) as the impugned order vide Memo No. 622 dated 28.07.22 has been



passed by Respondent No. 5 Managing Director and the order dated 23.09.22 in Appeal Case No. 155/2022 has been passed by respondent no. 2 Principal Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

iv. For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

v. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

Pursuant to our previous order dated 24.11.2022, petitioner has now filed yet another affidavit furnishing his undertaking in the following terms:

“i. That, I, hereby undertake that within 60 days, I will start 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 premises to BIADA.

ii. That I also undertakes that within six months, I will make the Unit fully operational and



functional in terms of the order of Hon'ble Court.

iii. That also undertakes that I shall clear all the dues payable to BIADA as on date and shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

iv. That I further undertake that I shall comply the provisions of labour law and other statutory compliances.

v. That I further undertake that in the event of failure on my part, I shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party.

vi. That I further undertake that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble 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 30.11.2022 (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 23.9.2022 passed by respondent no. 2, namely the Principal Secretary, Department of Industries, Govt. of Bihar in Appeal Case No. 155/2022 (Annexure-3) and the order dated 28.7.2022 passed by respondent no. 5, namely the Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna (Annexure-



2) are 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)

Spd/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

