

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15974 of 2022

=====

M/s Mono Distributors through its proprietor- Shashi Kumar, Male, aged about 34 years, S/o- Sri Hardeo Bhagat, resident of Village- Sabara, P.S.- Barauni Oil Refinery, District- Begusarai.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar Industrial Area Development Authority, First Floor, East Gandhi Maidan, Patna 800004.
2. The Executive Director, Bihar Industrial Area Development Authority, First Floor, East Gandhi Maidan, Patna 800004.
3. The Senior Accounts Officer, Bihar Industrial Area Development Authority, First Floor, East Gandhi Maidan, Patna 800004.
4. The Development Officer, Bihar Industrial Area Development Authority, First Floor, East Gandhi Maidan, Patna 800004.
5. The Deputy General Manager, Bihar Industrial Area Development Authority, Begusarai Cluster, District- Begusarai.
6. The Area Incharge, Industrial Area, Barauni, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate
For the Respondent/s : Ms. Binita Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-12-2022

Heard learned counsel for the parties.

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

“That this writ petition is being filed before this Hon'ble court in the nature of certiorari for quashing the office order passed by Deputy General Manager, Begusarai Cluster, Bihar Industrial Area Development Authority



(BIADA), Begusarai Cluster vide memo No. 105 dt. 12.09.2022 by which the allotment made to M/S Mono Distributers, Industrial Area Barauni in area of 2500 sq. ft. at Plot no. -105 part has been cancelled by applying section 6(2) (2) of BIADA Amendment Act, 1991 and BIADA Act, 1974 and BIADA Amendment, Act 2017.

A Photo / typed copy of office Order passed by Deputy General Manager, BIADA, Begusarai Cluster wide memo no. 105 dt. 12. 09. 20222 is annexed herewith and marked Annexure -1.

This writ application is also being filed for holding that the impugned order dt. 12.09.2022 as contained in Annexure- 1 under the Industrial Promotion Policy, 2016 is illegal, arbitrary and without any lawful justification.”

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

“(a) Within 60 days, he shall 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 He shall give vacant and peaceful possession of the premises to BIADA.

(b) Within six months, he 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) He shall clear all the dues payable to BIADA as on date.

(d) He shall make itself complaint 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, he shall hand the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when he shall lose all rights therein.

(f) He 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 2.12.2022 (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 12.9.2022 passed by respondent no. 5, namely The Deputy General Manager, Bihar Industrial Area Development Authority, Begusarai Cluster, District- Begusarai (Annexure-1) 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)

Spd/-Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	06.12.2022
Transmission Date	

