

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7409 of 2017

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Uday Shankar Singh son of Late Nand Bihari Singh Resident of Mahatma Gandhi Nagar Kankarbagh, P.S. Agamkuan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Industries, Government of Bihar, Patna
2. The Managing Director, Bihar Industrial Area Development Authority, 6th , 7th Floor, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna
3. The Executive Director, Bihar Industrial Development Area Authority, 6th, 7th Floor, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna
4. The In-charge, Fatuha Industrial Area Development Authority.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate Mr. Abhishek Singh, Advocate
For the Respondent/s	:	Mr. Subhash Prasad Singh, GA-3 Mr. Ghanshyam Sharma, A.C. to G.A. 3 Mr. Indeshwari Prasad, A.C. to G.A. 3 Mr. Piyush Lall, Advocate Mr. Kumar Ravish, Advocate Miss. Siddhi Aashana, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

Heard learned counsel for the parties.

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

1. That this humble application for issuance of writ in the nature of mandamus directing the respondent Bihar Industrial Area Authority to transfer the lease in the name of the petitioner for the shed type A and No. 3 & 4. Situated in the Fatuha Industrial Area.



On 18.08.2022, 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.

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, 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 two 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 24th of August, 2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect.”

Pursuant to our order dated 18.08.2022, petitioner has filed an undertaking on affidavit in the following terms:

UNDERTAKING BY PETITIONER

I, Uday Shankar Singh, male, aged about 65 years, Son of Late Nand Bhari Singh, R/o- Mahatma Gandhi Nagar, Kankarbagh, P.S.- Agamkuan, do hereby solemnly affirm and undertakes as follows:-

1. That I am partner of AB Plywood Industries situated at Fatuha Industrial Area, Fatuha, Patna.
2. That the petitioner undertakes that within six months, the petitioner shall make the Unit fully operational and functional, for the category for which the land stood allotted and also comply with all statutory provisions, including labour laws.
3. That the petitioner undertakes that he shall clear all the dues payable to BIADA as on date.



4. That the petitioner undertakes that the petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.
5. That the petitioner undertakes that 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 loose all rights therein.
6. That the petitioner undertakes that petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the 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 20.08.2022 (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.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

