

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16208 of 2022

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Kavish Infrastructure Pvt. Ltd. a company registered under the Companies Act, 1956, having its registered office at 7, Lyons Range, 1st Floor, Suite No. 17B, Kolkata- 700001, West Bengal, India, through its Director, Sri Rohit Kayan, aged about 46 years, S/o Sri Deen Dayal Kayan, resident of 106E, Block F, New Alipore, New Alipore P.S., Kolkata- 700053.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority through its Managing Director
2. The Principal Secretary-cum- Managing Director-cum- Appellate Authority, Bihar Industrial Area Development Authority, Department of Industries, Industry Bhavan, East Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority, Industry Bhavan, East Gandhi Maidan, Patna.
4. The Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur cluster

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Advocate
For the Respondent/s : Mr.Lalit Kishore, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2022

Petitioner has prayed for following relief(s) : -

“A. For issuance of a writ in the nature of a writ of a certiorari or any other appropriate writ/order/direction for quashing or setting aside the impugned order of cancellation contained in memo no. 940, dated 16.06.2022, issued by the Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur cluster, the allotment of industrial land made in favour of the petitioner, bearing plot no. 51P & 52P in the Barauni



industrial area, has been cancelled in an arbitrary manner by the respondent no. 3.

B. For issuance of in the nature of a writ of a certiorari or any other appropriate writ/order/direction for quashing or setting aside the second impugned order dated 15.10.2022 whereby the learned appellate authority (respondent no. 2) has dismissed the statutory Appeal No. 60 of 2022 in a mechanical manner and without considering the ground realities which unequivocally suggest that the petitioner company is not at fault.

C. For issuance of an interim order directing the respondent authorities not to take any coercive steps against the petitioner company, including, but not limited to, resorting to eviction proceedings, during the pendency of this matter.”

Pursuant to our previous order dated 25.11.2022, petitioner has now filed a supplementary affidavit furnishing the undertaking inter alia in the following terms:

“A The petitioner undertakes that it would start commercial production on the subject industrial plots, bearing plot no. 51P & 52P in the Barauni industrial area, within a period of 60 days

B. The petitioner undertakes that it would make the unit fully operational within a period of 6 months

C. The petitioner undertakes that it shall clear all dues payable to BIADA as on date

D. The petitioner undertakes that it shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees

E. The petitioner undertakes that in the event of failure on the part of the petitioner to comply with the undertaking, the 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. The petitioner undertakes that it 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 05.12.2022 (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 15.10.2022 passed by respondent no.2, namely The Principal Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No. 60 of 2022 and the order dated 16.06.2022 under Memo No.940 passed by respondent no.4 namely The Deputy General Manager, BIADA, Muzaffarpur Cluster, 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)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

