

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16114 of 2022

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M/s Ananta Fabricators and Engineering Pvt. Ltd. through its Managing Director Bhaskar Kumar, Male, Aged About 41 years, S/o Late Birendra Sharma, R/o 148, Nanakpura Market, Nanakpura, South Moti Bagh, South West Delhi, Delhi -110021.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Industry, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
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 (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. The Executive Director, South Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan Patna.
7. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA) Patna.
8. The Area Incharge, Bihar Industrial Area Development Authority (BIADA), Industrial Area- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha (AAG 7)
		Mr. Kumar Priya Ranjan, 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) : -

“(i) For quashing the order dated 09.11.2022 passed in Appeal Case No. 128/2022 by the Respondent No. 2 whereby and where under the appeal filed by the petitioner has been dismissed in a mechanical, arbitrary, whimsical, pick and choose manner without any application of mind and in teeth of various orders of this Hon'ble Court whereby upon submission of undertaking and extension of time is being granted for initiating the commercial production on the unit of petitioner.

ii) For setting aside order bearing Memo No. 2519/DXIX/DEV/DOC/P-105/11/90(C.N.-67690) dated 17.06.2022 passed by the Respondent no.7 Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA) Patna whereby and whereunder the allotment of land measuring an area of 10,000/- sq. ft. bearing Plot No.E-4 & 5 for the establishment of axle hub, coneston cycle & rickshaw, BB cup and its lock ring within the Industrial Area Jehanabad has arbitrarily been cancelled, since the reason recorded therein is non-east, not sustainable that too being perverse and in complete violation of the principles of natural justice and against all canons of justice.

(iii) For a direction upon the Respondents to give the benefits as are being given to the similarly situated allottees in C.W.J.C. No. 13558/2022, C.W.J.C. No. 12560/2022, C.W.J.C. No. 6883/2020, C.W.J.C. No. 13037/2022 and other analogous cases.

(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 25.11.2022,



petitioner has now filed a supplementary affidavit furnishing the undertaking inter alia 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 undertake 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 the part of 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 25.11.2022 (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 09.11.2022 passed by respondent no.2, namely The Principal Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No. 128 of 2022 and the order dated 17.06.2022 passed by respondent No. 7, namely The Deputy General Manager, Patna Cluster, BIADA 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	19.12.2022
Transmission Date	

