

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25808 of 2019

1. M/s Sain Glass and Plastic Pvt. Limited, Industrial Area, Dona, Darbhanga through its Director, Tapeswar Roy, aged about 69 years- Male, Son of Late Suraj Roy, Gram Behat, P.O. Kabir Chak, P.S. Behat Sadar, Darbhanga.
2. Tapeswar Roy, Son of Late Suraj Roy, Director of M/s Sain Glass and Plastic (Pvt.) Limited, Gram Behat, P.O. Kabir Chak, P.S. Behat Sadar, Darbhanga.

... .. Petitioner/s

Versus

1. Bihar State Credit and Investment Corporation Limited (Government of Bihar Undertaking), Indira Bhawan (4th Floor), Ram Charitra Singh Path, Patna through its Managing Director.
2. Managing Director, Bihar State Credit and Investment Corporation Limited (Government of Bihar Undertaking), Indira Bhawan (4th Floor), Ram Charitra Singh Path, Patna.
3. Manager, Bihar State Credit and Investment Corporation Limited (Government of Bihar Undertaking), Indira Bhawan (4th Floor), Ram Charitra Singh Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Subhash Chandra Bose, Adv
For the Respondent/s : Mr.Nirmal Kumar, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

1. That this an application for issuance of writ in the nature of writ of certiorari or any other writ or writs, direction/directions, order/orders to quash the letter dated 29.08.2019 issued by Respondent No.3, communicating rejection of petitioner's request for further extension of time for payment of balance One Time Settlement Amount and for issuance of direction to extend time for payment of balance of the One Time Settlement amount together with the applicable and prescribed rate of interest for the period of delay in making payment of balance One Time Settlement amount as arrived at as per the One Time Settlement Scheme.

Pursuant to our previous order, petitioners have given an undertaking by way of filing a supplementary affidavit. Relevant paragraphs whereof are reproduced as under:-

“Supplementary Affidavit on behalf of the petitioner

I Shri Tapeswar Roy, malde aged about 73 years, s/o Late Surat Roy, R/o Gram Behat, P.O. Kabir Chak, P.S. Behat Sadar Darbhanga Bihar 846004, do hereby solemnly affirms and state as follows:-

1. That I am authorized proprietor of M/s Sain Glass & Plastic and as such I am well acquainted to the facts and circumstances of the case.

2. That in pursuance of the order dated 19.05.2022 passed by this Hon'ble High Court in CWJC No. 25808 of 2019, I am filing this undertaking as follows:-

i. That, I, hereby undertake to do trial run of the said unit within three months from today, ensure commercial production upto 50 per cent within six months thereafter and ensure commercial production minimum upto 75 per cent within one year.

ii. That also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.

iii. That I further undertake that in the event of my said unit not being made operational and functional by me within one year, I will hand over and the vacant and peaceful possession to BIADA.

iv. That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court.

3. That the contents of the this supplementary affidavit have been read and explained over to me in Hindi which I have fully understood the same.”

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 24.06.2022 (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, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) Order dated 29.08.2019 passed by respondent no. 3 namely Manager, Bihar State Credit & Investment Corporation Limited (Government of Bihar undertaking), Indira Bhawan , Patna, is hereby quashed and set aside.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application (s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA