

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4341 of 2020

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Sharvshri Prakash Plastic Industry through its Proprietor Raju Kumar Gupta Male, aged about 61 years, and Uday Kumar Gupta @ Uday Gupta, aged about 58 years, both sons of Late Bhagya Narayan Gupta, both are partners, resident of Mohalla J P Chouk, Lakashmi Sagar Dharampur Road, P.S. L.N. Mithila University, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, cum Chairman Bihar Industrial Area Development Authority Department of Industries, Government of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Executive Director, Department of Industry, Regional Office, Bihar Industrial Area Development, Bela, Darbhanga.
4. The Area Incharge (Previous and at present) Regional Office, Donar Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Bali Jha, Advocate
For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-08-2022

Petitioner has prayed for the following relief(s):

“(A) A writ of certiorari against the act date by the respondents 1 to 4 in Darbhanga District in the office of Incharge Director Bihar Industrial Area Development Authority Regional Office Dharampur Darbhanga, District



Darbhangha by which act the respondent no. 1 to 4 has cancelled the allotment of the petitioner vide his Letter No. 378 dated 05.04.2019 in lieu of changing the project name of Industry as Prakash Metal in place of Prakash Plastic. The authority is deliberately evading and delaying in changing the name of project of the Industries. The petitioner has already applied for the same much earlier, the petitioners are not in a position to continue to product plastic industry for certain reasons, they wanted to change the project name of the industry as Prakash Metal in place of Prakash Plastic Industry. Thus the act of the respondents is illegal arbitrary unconstitutional unwarranted, hence the order of the respondent aforesaid and the act of the respondent may be quashed out right.

(B) A writ of Mandamus directing the respondent to get change the project name of the Industry as Prakash Metal in place of Prakash Plastic as the petitioner is not in a position to continue the Prakash Plastic on certain reasons.

(C) A writ of Mandamus directing the respondents to do not harass the petitioner in any way and as also give him facility to continue the Industry.

(D) A writ of Mandamus directing the respondents to do not restrain the petitioner in production of Almunium Products till the pendency of this writ application.

(E) Any other relief/reliefs for which the petitioner is entitled for.”



Pursuant to order dated 18.08.2022, petitioner has filed the following undertaking:

“(i) That the petitioner hereby undertake to do trial start of the said unit within three months from today, ensure commercial production upto 50% within six months thereafter and ensure commercial production minimum upto 75% within one year.

(ii) That also undertakes that on receipt of dues amount payable by me to the BIADA, that the petitioner will pay the same to the BIADA as on date or the petitioner shall clear the dues of BIADA.

(iii) That the petitioner shall comply with the labour law.

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

(V) That the petitioner further undertakes that in the event of default that the petitioner shall be liable for being prosecuted for having committed contempt of this Hon’ble Court.”

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.

Learned counsel for the BIADA states that the undertaking is in order.

Statement accepted and taken on record.

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

As such, petition is disposed of in the following terms:-

(a) Undertaking of the petitioner dated 23.08.2022 (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;

(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 05.04.2019 passed by respondent no.3 namely the Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga is



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)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2022
Transmission Date	

