

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1874 of 2023

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M/s Aman Industries Through its Proprietor Amna Khatoon, Gender-Female
aged about 42 Years, W/o Isalam Baitha, R/o Ward No1, Vill.-Jalasi,
Harnahia, District-Sitamarhi, Bihar-843302.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Industry,
Govt. of Bihar.
2. The Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), Udyog
Bhawan, Gandhi Maidan , Patna through its Managing Director.
4. The Managing Director, (BIADA), Udyog Bhawan, Gandhi Maidan , Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority,
Udyog Bhawan, Gandhi Maidan , Patna (BIADA).
6. The Executive Director, North, Bihar Industrial Area Development
Authority (BIADA), 1st Floor Udyog Bhawan, Gandhi Maidan , Patna
7. The Deputy General Manager, Muzaffarpur Cluster, Bihar Industrial Area
Development Authority (BIADA), Cluster office Muzaffarpur.
8. The Area Incharge, Bihar Industrial Area Development Authority (BIADA)
Industrial Area -Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Advocate
For the State	:	Mr. Subhash Pd. Singh (GA3)
		Mr. Shiv Kumar, AC to GA-3
For the BIADA	:	Mr. Pankaj Kumar Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 28-03-2023

It is noticed that the cancellation order has been
passed on 01.08.2022, by respondent No.7. Against the said
order, the petitioner preferred an appeal which had also been
dismissed vide order dated 10th of January, 2023 solely on the
ground that the petitioner has not started the production while



construction has already been completed by him.

Learned counsel for the petitioner has placed reliance on an order passed by a Division Bench of this Court in CWJC No. 15567 of 2022 whereby this Court upon an undertaking having been filed by the petitioner therein directed the BIADA to recall the order of cancellation subject to the petitioner therein giving an undertaking to start the production within a period of six months therefrom.

In the opinion of this Court, any entrepreneur should be given an opportunity for setting up of an industry and starting production. There may be several reasons where a company or an industrial unit may stop production. However, the essential feature for allotment is that the industry should start production initially keeping in view the basic purpose of of allotment of an industrial land.

This Court follows the order passed by the Division Bench and also notices the undertaking given by the petitioner annexed with the said writ petition whereby the lady undertakes to start commercial production within 60/90 days from the date of handing over the possession of the premises to her/ recalling of the order of cancellation. She also undertakes to make the unit fully operational and functional to the capacity of at least



80 % product sanctioned and also attempt to clear all the statutory dues. It is also stated that in the event of failure to comply with the undertaking, the BIADA may take over the vacant and peaceful possession of the premises.

Learned counsel appearing for the BIADA states that the petitioner must abide by the undertaking.

Having noticed above, this writ petition is allowed to the aforesaid extent and in terms of the undertaking given by the petitioner.

In the event of the petitioner being handed over the property in question, the petitioner shall take all steps and comply with the undertaking, failing which the petitioner would be liable not only to vacate the premises but also to contempt proceeding before this Court.

Writ petition is allowed accordingly.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.20

AFR/NAFR	
CAV DATE	
Uploading Date	29.03.2023
Transmission Date	

