

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2984 of 2023

M/s. Kala Coke and Chemicals Private Limited Industrial Growth Centre-Gidha through its authorized Director, Uday Shankar Singh, Male, S/o. Late Lakshman Singh, Aged about 59 years, R/o. Midil School, Kaura, Nawada, Bhojpur, Bihar- 802162.

... .. Petitioner

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, Bihar Industrial Area Development Authority (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), Regional Office, Patna.
7. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Cluster Office, Patna.
8. The Area Incharge, Bihar Industrial Area Development Authority (BIADA), Industrial Area- Giddha, Bhojpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Sanjay Singh, Sr. Advocate Mr.Rajesh Ranjan, Advocate
For the State	:	Mr.Akash Chaturvedi, AC to SC-11
For BIADA	:	Mr.Avinash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-05-2023 Heard Mr. Sanjay Singh, learned senior counsel assisted by Mr. Rajesh Ranjan, learned counsel for the petitioner and Mr. Avinash Kumar, learned counsel for the Bihar Industrial Area Development Authority (hereinafter referred to as the “BIADA”) and Mr. Akash Chaturvedi, learned AC to SC-11 for the State.

Petitioner in the present case is seeking the following reliefs:-



“(i) For quashing the order dated 28.01.2023 passed in Appeal Case No. 339/2022 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, whereas the similarly situated allottees have been given the benefits as are being given by the Hon'ble Court in C.W.J.C. No. 6883/2020, M/s. Umesh Service Station vs. The State of Bihar and Ors. and in terms of Appeal No. 76/2022.

(ii) For setting aside order bearing Memo No. 607 dated 26.11.2022 passed by the Respondent No. 7, The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Patna (hereinafter referred to as 'BIADA') whereby and where under the allotment of land measuring an area of 1.08,900 Sq. Ft. bearing Plot No. NS-2 for the establishment of Hard Coke Plant within the Industrial Area- Giddha has arbitrarily been cancelled, since the reason recorded therein is non-est, not sustainable that too being perverse and in complete violation of the principles of natural justice and against all canons of justice.

(iii) For declaration and to hold that the aforesaid impugned order dated 28.01.2023 passed in Appeal Case No. 339/2022 is illegal and in contravention to the settled principles of law i.e: **Nemo Judex in Causa Sua** (No one should be made a judge on his own cause) as the impugned order vide Memo No. 607 dated 26.11.2022 has been passed by Respondent No. 7 The Deputy General Manager, Patna Cluster,



Bihar Industrial Area Development Authority (BIADA), and the order dated 28.01.2023 passed in Appeal Case No. 339/2022 passed by respondent no. 2 Principal Secretary, Department of Industries who is colorably holding the same post at same time and as such liable to be quashed on this ground itself.

(iv) 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.

(v) For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

(vi) For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

At the outset, Mr. Sanjay Singh, learned senior counsel has placed before this Court a copy of the order dated 01.05.2023 passed in CWJC No. 6231 of 2023 and prays for a disposal of this writ application in similar terms.

Learned senior counsel submits that he is not challenging the impugned orders on merit but is seeking an indulgence from BIADA to allow the petitioner firm to establish and run the industry within a time frame. Learned counsel has relied upon the Hon'ble Division Bench order passed in the case of M/s Mono Distributers versus The Managing Director, Bihar Industrial Area Development



Authority and Others (CWJC No. 15974 of 2022) disposed of on 24.11.2022.

Mr. Avinash Kumar, learned counsel for the BIADA submits that he would have no objection if a similar order as has been passed by this Court in CWJC No. 6231 of 2023 is passed in the present case.

Having regard to the kind of submissions made before this Court, this Court is disposing of this writ application directing the Managing Director of BIADA to consider the case of the petitioner keeping in view the Hon'ble Division Bench order of this Court passed in CWJC No. 15974 of 2022 as also in CWJC No. 18255 of 2022.

Let such decision be taken within a period of three months from the date of receipt/ production of a copy of this order.

This writ application is disposed of in terms of the order dated 01.05.2023 passed in CWJC No. 6231 of 2023 and the order dated 01.05.2023 passed in CWJC No. 6165 of 2023.

I.A. No. 01 of 2023 stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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