

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25720 of 2013

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Kumar Tech Bio Products Pvt. Ltd., Kumar Bhawan, Buddha Murti Road,
New Area, Kadam Kuan, Patna, through its Chairman Krishan Kumar Singh,
Kumar Bhawan, Buddha Murti Road, New Area, Kadam Kuan, Patna
... Petitioner

Versus

1. The State Of Bihar
2. The State Of Bihar, Through The Secretary-Cum-Commissioner,
Department Of Industries, Government Of
3. Managing Director, Bihar Industrial Area Development Authority, Ist Floor,
Udyog Bhawan, East Gandh
4. Executive Director, Biada, Patna.
5. Working Director, Bihar Industrial Area Development Authority, Branch
Office, Aurangabad. ... Respondents

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Appearance :

For the Petitioner	:	Mr.Dr. Ratan Kumar, Adv.
For the State	:	Mr.Ajay Kumar, AC to GP IV
For the BIADA	:	Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 08-08-2023 Heard the parties.

2. The present writ petition has been filed challenging
the order, dated 16.05.2011 (Annexure 1).

3. It is a case of the petitioner that the petitioner has
applied for allotment of land to the respondents-authority for
setting-up a rice husk based power generation project and duly
taking into consideration the proposal put up by the petitioner an
area of 871200 Sq. ft of land bearing plot no. NS-16, K-10, K-
11, K-12, K-13 & part of road was allotted in the Industrial
Growth Center, Aurangabad, on a lease of 90 years.

4. Counsel for the petitioner has stated that the



petitioner has made several representations to the authority concerned for reducing the maintenance and other charges, but, without considering the said representations the impugned order was passed and the initial amount of Rs.80,000/-, paid by the petitioner, was forfeited by the authorities besides cancelling the allotment.

5. Learned counsel has stated that the cancellation of the allotment as well as the forfeiture of the amount of Rs.80,000/-, paid by the petitioner at the time of making the application, is without jurisdiction and contrary to the principles of natural justice and equity as no prior notice was given to the petitioner before passing the impugned order.

6. Per contra, the learned counsel appearing on behalf of the respondent-BIADA has vehemently opposed the very maintainability of the writ petition and stated that the petitioner has failed to adhere to the conditions stipulated in the allotment letter and has not paid any amount as demanded in the allotment letter. Learned counsel has stated that as the petitioner had not paid any amount as stipulated in the allotment letter the authority was constrained to pass the impugned order. Learned counsel prayed this Hon'ble Court to dismiss the present writ petition.



7. Admittedly, in the present case the petitioner has applied for allotment of land for setting-up rice husk based power generation project and the petitioner was allotted land.

8. A perusal of the allotment letter, dated 08.12.2010, shows that one of the conditions was that the petitioner has to pay a sum of Rs.36,26,660/- within fifteen days from the date of issue of the said letter.

9. When the Court raised a query to the petitioner as to whether any amount has been paid pursuant to the above allotment letter the counsel for the petitioner has fairly stated that the petitioner has not paid any amount and further stated that the petitioner was no more interested in the said land as the said land is not one contiguous piece and that a road is passing through the said plot dividing it into two parts and, therefore, no useful purpose will be achieved even if the petitioner take the same on lease.

10. Having regard to the above made submissions and also the fact that the petitioner has not adhered to any of the conditions stipulated in the allotment letter, dated 08.12.2010, nor paid any installment as contemplated in Clause 1 of the said allotment letter, this Court does not find any infirmity with the order passed by the authority concerned cancelling the allotment



of the land and also forfeiting the amount of Rs.80,000/-, paid by the petitioner.

11. The writ petition is accordingly **dismissed**.

12. However, the counsel for the petitioner has stated that the petitioner may be permitted to apply afresh for allotment of any land, if any.

13. Having regard to the same, if any, application is made by the petitioner for allotment of land, the same shall be dealt on its own merits without reference to the impugned order strictly in accordance with the law and as per the prevalent policy.

(A. Abhishek Reddy , J)

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