

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8097 of 2023

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M/s Janta Chemical A. 10, Industrial Estate, Bela, Muzaffarpur through its Proprietor Vaidyanath Prasad Shahi, aged about 73 years, male, Son of Ramdeo Prasad Shahi, resident of Mohalla- Gannipur, Opposite S.K.J. Law College, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, Patna.
4. The Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur Cluster, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha
For the State/s	:	Mr.Vivek Prasad (Gp 7)
	:	Ms. Manisha Singh, AC to GP-7
	:	Ms. Supragya, AC to GP-7
	:	Mr. Sanjay Kumar, AC to GP-7

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

11 19-10-2023 Even though both the learned counsels have argued at length on the merits of the case and on other aspects of this case, this court is not inclined to go into the same. The matter is disposed off confining to the question as to whether the petitioner has been put on prior notice before the orders of cancellation have being passed.

2. The learned counsel appearing on behalf of Respondent-BIADA has vehemently argued that notices have been served on the petitioner prior to the order of cancellation



(Annexure- Re and Rf). However, it is to be noted that there is no endorsement of the petitioner or his representative on the notices issued.

3. Admittedly in the present case, the notices have been purportedly sent through a messenger and not by Registered post acknowledgment due. Having regard to the above, this Court is of the opinion that the ends of the justice would be served if the impugned orders are set aside i.e., the order of the Appellate Authority, dated-02.05.2023 and the order of the cancellation is at dated- 22.06.2022 are set aside and the matter is remitted back to the BIADA Authorities for passing orders afresh.

4. As the show cause notices are already on record, the petitioner is directed to file his explanation within a period of three weeks from today. That on receipt of the explanation from the petitioner, the authority concerned shall pass a reasoned order strictly on merits duly taking into consideration, the explanation filed by the petitioner.

5. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of the copy of this order.

6. It is needless to mention that before passing any



order, the petitioner shall be given an opportunity of hearing.
Any order passed, shall be communicated to the parties.

7. With the above direction, the writ petition stands disposed off.

(A. Abhishek Reddy , J)

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