

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8780 of 2023

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M/s Vikramshila Transformers Large Industrial Estate, represented through its
Director Smt. Rashmi, aged about 50 yrs (female), D/o Bageshwar Kuwar,
R/o House No. 47, Inderpuri, P.O.-Shastri Nagar, P.S.-Patliputra, Distt.-Patna.
... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry,
Government of Bihar, Patna.
2. The Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi
Maidan, Patna through its Managing Director
3. The Managing Director, Bihar Industrial Area Development Authority,
Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority,
Regional Office, Bhagalpur.
5. The Development Officer, Bihar Industrial Area Development Authority,
Bhagalpur.
6. The Area Incharge, Industrial Estate, Barari, Bihar Industrial Area
Development Authority, Regional Officer, Bhagalpur.
7. The DGM, Industrial Area, Barari, Bihar Industrial Area Development
Authority, Industrial Estate, Barari. ... Respondents

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Appearance :

For the Petitioner	:	Mr.Akash Raj, Adv.
For the State	:	Mr.Arvind Ujjwal, SC IV
For the BIADA	:	Mr. Yashraj Bardhan, Adv.

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

2 17-08-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s) :

(i) Remove the seal put upon the main gate of the industrial premises by the area incharge, Barari Industrial Aread, BIADA, as the industry has been illegally sealed on 29.09.2020, i.e., during the COVID 19 pandemic.

(ii) Directing the Respondent Authorities to not disturb the peaceful industrial work of the petitioner as they have been doing since allotment of the land.



(iii) For the grant of compensation to the petitioner to the tune of Rs. 1 Crore for the loss suffered by her due to the illegal act of sealing the industry.

(iv) For any other relief/reliefs which the petitioner may be entitled to.

3. The learned counsel for the petitioner has stated that the unit of the petitioner was sealed on 29.09.2020 based on the order of cancellation, dated 31.01.2020.

4. Learned counsel has stated that the authorities concerned have issued show cause notice to the petitioner on 05.01.2016 and another show cause notice, dated 09.03.2016, was issued alleging that the petitioner was due some amounts to BIADA. The petitioner made hectic efforts to get the same clarified from the authorities yet no such clarification was given and the order of cancellation of the allotment was passed. Thereafter the petitioner has filed an appeal before the appellate authority, who vide order, dated 28.01.2022, has allowed the appeal and directed the authorities to recalculate the amounts payable by the petitioner and giving him an opportunity of paying the recalculated amount. After the appeal filed by the petitioner was allowed, the authorities have recalculated the amount and the petitioner has deposited the amount. That in spite of the appeal being allowed and the due amounts deposited



by the petitioner, the authorities are not removing the seal on the premises. Though the petitioner has given several representations, but, till date the authorities have not acted on the same and, therefore, prayed this Hon'ble Court to allow the present writ petition and direct the authorities to remove the seal on the subject premises so as to enable the petitioner to start his production.

5. In the counter affidavit filed by the respondents while admitting the averments made in the writ petition, the authorities have taken stand that after the appeal filed by the petitioner was allowed, the authorities have recalculated the amount due from the petitioner and put the petitioner on notice directing him to pay the recalculated dues. Though the petitioner has paid the due amount there was a delay in making the said payment. It is further stated in the counter affidavit that as there was delay in making the payment by the petitioner, the authorities concerned have not removed the seal as there is no order of the appellate authority to unseal the premises if the amounts are paid with some delay. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly, in the present case the authorities have



passed the order of cancellation on 31.01.2020 and, thereafter, the petitioner has filed an appeal. The said appeal was allowed on 28.01.2022 wherein the appellate authority has directed the BIADA authorities to recalculate the actual amount payable by the petitioner and gave an opportunity to the petitioner to pay the said amount. The fact that the authorities have recalculated the said amount and that the petitioner has paid the said amount has not been denied by the authorities, the only reason stated in the counter affidavit is that the petitioner has made the payments with some delay. Once the authorities have recalculated the amount and the petitioner has paid the said amount albit with some delay the authorities cannot simply sit over the issue for months together more so when the petitioner has already succeeded in the appeal filed by him. The authorities were duty bound to implement the orders of the appellate authority having received the due amounts from the petitioner.

7. The reason for not unsealing the premises in question is legally untenable and, therefore, this Court is constrained to allow the present writ petition with a direction to the authorities to unseal the premises as expeditiously as possible preferably within a period of one week from the date of receipt of a copy of this order. In so far as third prayer sought



for by the petitioner with regard to compensation is concerned, this Court is not inclined go grant the same as there is no iota of evidence to substantiate the claim made by the petitioner and the same is rejected.

8. With the above directions, the present writ petition stands allowed to the extent indicated above.

(A. Abhishek Reddy , J)

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