

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11911 of 2022

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M/S Kaveri Liquors (P) Ltd. a company incorporated under the Companies Act, 1956, having its registered office at 1st Floor, Maha Laxmi Complex, Rajendra Path, Patna through its Director, Rahul Shankar, Male, aged 52 years, son of Late Dayashankar, Resident of Mohalla, Kazipur Nayatola, P.S. Kadamkuan District- Patna- 800004

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Government of Bihar, Patna.
2. The Bihar Industrial Area Development Authority, having its office at Udyog Bhawan, Patna through its Managing Director.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
5. The General Manager, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
6. The Deputy General Manager, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyavir Bharti, Advocate Ms. Kanupriya, Advocate Mr. Abhishek Anand, Advocate
For the BIADA	:	Mr. Lalit Kishore, Sr. Advocate Ms. Binita Singh, Advocate
For the State	:	Mr. Ravish Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-01-2023

Heard learned counsels for the parties.

2. In the instant petition petitioner has prayed for
following reliefs:-



(i) Issuance of a writ of certiorari, quashing the order dated 23.07.22 as contained in Memo no. 11 (Annexure – 13 page 88) passed by the respondent no. 4, namely the Joint Managing Director, Bihar Industrial Area Development Authority, Patna, by which in purported exercise of powers conferred under Section 6(2)(a) of the Bihar Industrial Area Development Authority, 1974, the allotment of Plot No. 32/33 having an area of 43570 sq ft. at Industrial Area, Patliputra has been cancelled and the deposited amount has been forfeited.

(ii) Restrain the respondents from precipitating any coercive steps against the petitioner during the pendency of the writ petition;

(iii) Pass such other(s) orders as your lordship may deem fit and proper in the facts and circumstances of the present case."

3. Petitioner is an auction purchaser of an industry.

Thereafter, petitioner was allotted plot by the Bihar Industrial Area Development Authority (For short 'BIADA') on 03.12.2014. For the purpose of execution of lease deed in allotment of plot communication itself, BIADA has indicated that petitioner was required to furnish lease deed entered with the M/S Jupitar Electrical Lamps (India) Pvt. Ltd. IDBI Bank is the custodian of records of M/S Jupitar Electrical Lamps including lease hold document entered between M/s Jupitar Electrical Lamps and BIADA and it is lying with the IDBI.



Despite, necessary efforts made by the petitioner with reference to his representation dated 13.12.2014 and thereafter reminder on 21.09.2017, they have not released documents in favour of petitioner M/s Kaveri Liquors (P) Ltd. In this backdrop, BIADA proceeded to cancel the allotment of plot communication dated 03.12.2014 on 23.07.2022. Before cancellation, a formal notice was issued to the petitioner. However, before cancellation of allotted plot, BIADA was required to comply ingredients of Sub-section 2 of Section 6 of the Bihar Industrial Area Development Authority Act, 1974.

4. Reading of cancellation memo bearing No. 11 dated 23.07.2022 passed by the 4th Respondent is not in consonance with Sub-section 2 of Section 6 of the Act, 1974. The same is not disputed by the other side (by BIADA and respondents).

5. In the light of these facts and circumstances memo no. 11 dated 23.07.2022, vide Annexure-13 passed by Respondent No. 4 - Joint Managing Director, BIADA, Patna is hereby set aside in so far as cancellation of allotment of plot no. 32/33 having an area of 43570 sq ft. at industrial area, Patliputra is concerned, reserving liberty to the BIADA to proceed in accordance with law after providing ample opportunity of hearing to the petitioner.



6. Accordingly, C.W.J.C. No. 11911 of 2022 stands
allowed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01.02.2023
Transmission Date	NA

