

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17108 of 2022

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M/s Ramsons Technologies (India) Private Limited through its Director namely Vishwajeet Kumar Singh, aged about 40 years, Son of Shri Hare Ram Singh, Resident of Sarvodaya Nagar, P.O. - Mirzapur, Bandwar, P.S. - Begusarai, District - Begusarai presently Residing at House No. 158, Sector - 09, Pocket -01, Near Shiksha Bharti School, Dwarika, Bagdola, South - West Delhi, Delhi, 110077.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar Patna.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
4. The Joint Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
5. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
6. The Deputy General Manager, Begusarai Cluster, Bihar Industrial Area Development Authority, Industrial Area, Patliputra, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vikas Kumar, Advocate
For the Respondent/s	:	Mr.Abbas Haider, SC 6
For the BIADA	:	Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“a. For quashing of office order contained in
Memo No. 224 dated 17.11.2022 issued by Deputy



General Manager, Begusarai Cluster under order of Joint Manager Director dated 15.11.2022 whereby and whereunder allotment of 1.25 acre land of Plot No. 58P of petitioner has been cancelled and security money has been forfeited while exercising power under the BIADA Act, 1974, BIADA (Amendment) Act, 1991 and Section 6(2)(a) of BIADA Amendment Act, 2017 and other relevant rules/provisions.

b. For any other relief/reliefs for which the petitioner is found entitled to.”

On 16.12.2022, we had passed the following order:-

“ Learned counsel for the petitioner states that as on date possession of the unit/plot has not been taken over, which fact is seriously disputed by the learned counsel for the respondent BIADA. However, it is not in dispute that, as on date, no third party right stands created.

Statement accepted and taken on record.

As agreed, petitioner will file an undertaking before this Court to the effect that (a) within sixty/ninety days, petitioner will start commercial production with BIADA handing over possession of the premises to the petitioner/recall of the order of cancellation. With the petitioner failing to do, BIADA shall take over vacant and peaceful possession of the premises from the petitioner; (b) within six/nine months, petitioner shall make the Unit fully operational and functional at least to the capacity of 80% for the product sanctioned and allowed to be manufactured as per the original terms



of allotment; (c) petitioner shall clear all upto date dues payable to BIADA. This shall be done within four weeks from the date of handing over possession/recall of order of cancellation; (d) petitioner shall make itself compliant with all mandatory statutory requirements, including the ones protecting the interest of the employees; Petitioner shall clear all other statutory dues including G.S.T./electricity charges etc.; (e) in the event of failure on the part of the petitioner to comply with the undertaking, BIADA shall take over vacant and peaceful possession of the premises from the petitioner with liberty for further allotment to 3rd party, with the petitioner losing all rights therein and (f) petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.

Petitioner is ready and willing to furnish such an undertaking within next seven working days, failing which the petition shall be deemed to have been dismissed for default.

Copy of the undertaking be supplied to learned counsel for the respondents.

However, BIADA has to recall the orders passed cancelling the allotment of the premises.

Let BIADA take a call on the offer made by the petitioner.

Learned counsel for the BIADA states that, should the petitioner make an application for change of user, it would be considered in accordance with the industrial policy, provided the petitioner does not take any benefit in terms thereof.



We are sure that the respondent BIADA would take a decision in the affirmative, which, in our considered view, would be in public interest as also in the interest of the State to generate economic growth as also provide employment to the people.

List on 23.01.2023 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect, and till then no coercive steps be taken against the petitioner.”

Pursuant to our order dated 16.12.2022, petitioner has filed an undertaking on affidavit dated 22.12.2022, in the following terms:-

“3. That in the light of the aforesaid order dated 16.12.2022 petitioner furnishes following undertaking.

- a) Within 60/90 days, petitioner will start commercial production with BIADA after recalling of order of cancellation contained in Memo No. 224 dated 17.11.2022. If petitioner failing to do so, BIADA shall take over vacant and peaceful possession of the premises from the petitioner
- b) within Six/Nine Months, petitioner shall make the Unit fully operational and functional at least to the capacity of 80% for the product sanctioned and allowed to be manufactured as per the original terms of allotment.
- c) Petitioner shall clear all upto date dues payable to BIADA. This shall be done within four weeks from recalling of order of cancellation as stated above
- d) petitioner shall make itself compliant with all



mandatory statutory requirements, including the ones protecting the interest of the employees; Petitioner shall clear all other statutory dues.

e) In the event to failure on part of petitioner to comply with the undertaking, BIADA shall takeover vacant and peaceful possession of the premises from the petitioner with liberty for further allotment to third party, with the petitioner losing all rights therein.

f) Petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.”

Learned counsel for the BIADA states that petition can be disposed of in terms of the undertaking so furnished.

The undertaking is accepted and taken on record.

Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

(a). Undertaking of the petitioner dated 22.12.2022 (reproduced supra) is accepted and taken on record;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of



proceedings for contempt;

(c) In the event of failure on the part of the petitioner to comply with the undertaking, BIADA shall take over vacant and peaceful possession of the premises from the petitioner with liberty for further allotment to 3rd party, with the petitioner losing all rights therein and petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.

(d) Also, liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) BIADA shall immediately recall the order and/or hand over possession of the unit to the petitioner, whatever the case may be. Learned counsel for the BIADA states that needful shall be done, positively, within a period of four weeks from today.

(f) The timeline for commencement of the period of undertaking furnished by the petitioner shall be reckoned from such date, i.e. from the date the order is recalled and/or possession of the unit is handed over by the respondent-BIADA to the petitioner, whichever is later and as the case may be.



Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2023
Transmission Date	

