

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18318 of 2022

=====

M/s Kripa Rice Mill Giddha through its Proprietor Manoj Kumar Singh, aged about 45 years (Male), Son of Dina Nath Singh, resident of Village and P.O.- Sakaddi, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum- Chairman Department of Industries, Vikash Bhawan, Bailey Road, Patna.
2. The Managing Director, the Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The DGM, Industrial Area, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
7. The Area In-charge, Industrial Growth Centre, Giddha, Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, A.G. Mr. Subhash Prasad Singh, GA-3 Mr. Piyush Lall, Advocate
For the BIADA	:	Mr. Yashraj Bardhan, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-01-2023

Heard learned counsel for the parties.

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

“i. For issuance of writ in nature of mandamus or any other appropriate writ(s), order(s) or direction(s)



to restrain from interfering and disturbing the business of the petitioner.

ii. For issuance of appropriate writ, order or directions to the respondent after setting aside the order dated 29.11.2022 passed in appeal no. 145/22 and all subsequent orders passed by the Principal Secretary -cum- Chairman Department of Industries, Government of Bihar and others officials of Bihar industrial Area Development Authorities (BIADA), Bihar, Patna.

iii. For issuance of any other appropriate writ, order, direction for which the petitioner entitled to.”

By way of a supplementary affidavit dated 25.01.2023, petitioner has submitted his undertaking, which reads as under:-

“2. That the present supplementary affidavit is being filed for furnishing the undertaking with a view to commence industrial production on the plot concerning the connected writ application.

3. That the petitioner herein undertakes as follows:-

(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 up-to-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.”

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 25.01.2023, (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)

avinash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2023
Transmission Date	

