

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.228 of 2023

In

Civil Writ Jurisdiction Case No.2896 of 2022

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1. The Bihar Industrial Area Development Authority (BIADA), through the Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
 2. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
 3. The Executive Director, (BIADA), Regional Office, Muzaffarpur.
 4. The Area Incharge, Industrial Area, Muzaffarpur.

... .. Petitioners.

Versus

1. M/s Narayan Silicon Steel Pvt. Ltd. through its Director Shri Rameshwar Prasad Singh, Male, aged about 48 Years, S/o Shri Lakshman Prasad Singh, R/o Kalyanpur Haruna, P.O. and P.S. Motipur, District-Muzaffarpur, Pin-843111.
2. The State of Bihar through Additional Chief Secretary, namely Sri Sandeep Paundrik, Department of Industries, Government of Bihar, Patna.
3. The Additional Chief Secretary, namely Sri Sandeep Paundrik, Department of Industries, Government of Bihar, Patna.
4. District Magistrate, namely Sri Pranav Kumar, Muzaffarpur.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Bindhyachal Singh, Senior Advocate. Mr. Abu Nasar, Advocate. Mr. Janmajay Giridhar, Advocate.
For the State	:	Mr. Shiv Kumar, AC to GA- 3.
For the O.P. No.1	:	Mr. Sachin Kumar, Advocate. Mr. Abhishek Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-03-2024

The present M.J.C./Contempt Petition is filed for non-compliance of the orders of this Court dated 21.07.2022 passed in C.W.J.C. No.2896 of 2022 on behalf of the 1st respondent-M/s. Narayan Silicon Steel Pvt. Ltd. through its Director Shri Rameshwar Prasad Singh.

2. 1st respondent was allotted Industrial land by the BIADA and it was not utilized in terms of the allotment letter



and conditions therein, in the result, the petitioners-BIADA proceeded to cancel the allotment of land which was subject matter of litigation in C.W.J.C. No.2896 of 2022, which was disposed on 21.07.2022 on the undertaking given by the 1st respondent. Undertaking extracted in C.W.J.C. No.2896 of 2022 reads as under:

“2. That in pursuance of the order dated 30.03.2022 passed by this Hon’ble High Court in C.W.J.C. No.2896 of 2022, I am filing this undertaking as follows:-

- i. That, I hereby give the undertaking that I will make my unit operational and functional within 6 (six) months and start manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016.
- ii. That I also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.
- iii. That I further undertake that in the event of my said unit not being made operational and functional by me within 6 (six) months, I will hand over and the vacant and peaceful possession to BIADA.
- iv. That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon’ble Court.”



3. For non-compliance of Clause (i), petitioners-BIADA presented this petition to initiate contempt of courts proceedings against the 1st respondent. 1st respondent has filed show cause along with certain documents.

4. Perusal of the documents, it is evident that 1st respondent has not complied his own undertaking. In terms of the order dated 21.07.2022 passed in C.W.J.C. No.2896 of 2022, 1st respondent was supposed to commence the manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016 on or before 20.01.2023 whereas the 1st respondent has not apprised with the proper document to the extent that 1st respondent unit has started manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016 as on 20.01.2023. Perusal of certain document, it is in respect of subsequent to 20th January, 2023. Even Electricity Bill, it is for the period from October, 2023. In other words, there are no sufficient material to show that the 1st respondent has commenced the manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016 read with the undertaking given by the 1st respondent.

5. Be that as it may, as on this day, 1st respondent is



producing certain materials/products as stated in the show cause along with certain photographs. Even from the photographs, one cannot draw inference that what is the date of such photographs. In other words, there should have been digital photographs so as to understand that the 1st respondent has commenced the production within the time limit stipulated in terms of his own undertaking given to this Court.

6. For violation of the orders of this Court dated 21.07.2022 passed in C.W.J.C. No.2896 of 2022, 1st respondent is hereby directed to pay fine of Rs.2,00,000/- to the BIADA within a period of three months from the date of receipt of this order, failing which petitioners- BIADA are permitted to recover the allotted land with the assistance of the jurisdictional police.

7. With the above observations, this M.J.C./Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2024.
Transmission Date	NA

