

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.267 of 2023

In
Civil Writ Jurisdiction Case No.12560 of 2022

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Bihar Industrial Area Development Authority through its Deputy General Manager (Legal), Ritesh Ranjan, Gender- Male, aged about 36 years, having its office at- BIADA 1st Floor, Udyog Bhawan, East Gandhi Maidan, 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. M/s Sain Manufacturing and Trading Pvt. Ltd., a company incorporated under the Companies Act, 1956, having its registered office at Kanhauli, Bawan Bigha, Road No. 4, P.O.- Ramna, P.S.- Mithanpura, Distt.- Muzaffarpur, Bihar- 842002, through its Director, Shri Pushkar, Male, S/O- Shri Ramesh Kumar Sharma, R/O Mohalla- Bawan Bigha, Road No.- 4, P.O.- Ramna, P.S.- Mithanpura, District- Muzaffarpur- 842002.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Parth Gaurav
For the Opposite Party/s	:	Mr.Yogendra Prasad Sinha (AAG 7)
For BIADA	:	Mr.Abu Nasar, Advocate
For Respondent No. 5	:	Mr. Satyabir Bharti, Advocate
		Mr. Abhishek Anand, Advocate
		Ms. Kanupriya, Advocate

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

Date : 04-07-2024



Respondent No. 5 is violating the terms and conditions imposed in the allotment letter dated 06.11.2017 and so also orders of this Court.

2. In Para 3 of order of this Court dated 12.09.2022 passed in C.W.J.C. No. 12560 of 2022, in particularly Para 3. Sub Para (1) of Para 3 reads as under:-

3. That the petitioner gives an undertaking to this Hon'ble Court to the effect that:-

(i) Within 60 days, petitioner will start commercial production in the unit, should the Respondent handover possession of the premises of the petitioner recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA;

3. Neither Respondent No. 5 nor petitioners have sought for modification of this clause to the extent that subject matter of premises was with the Respondent No. 5 and it has not been handed over to the petitioner. Similarly, petitioners have not withdrawn/recalled the order of cancellation. Respondent No. 5 cannot take undue advantage of aforementioned position and go on breaching various clauses. Further, we have noticed that inspection has been conducted by the petitioner after 60 days. Such inspection is behind the back of the Respondent No. 5.



4. Be that as it may, in order to render justice, petitioner is hereby directed to apprise the Respondent No. 5 what are the dues and the same shall be calculated and informed to the Respondent No. 5 within a week from today. On receipt of such intimation by the Respondent No. 5, Respondent No. 5 is hereby directed to remit the calculated amount even if there are any discrepancy, Respondent No. 5 shall deposit the same to the petitioner under protest. Thereafter, if any anomalies in the calculation the same shall be set right among the parties. If Respondent No. 5 has made out a case to the extent that if there are any anomalies, in that event, whatever the difference of amount the same shall be refunded to the Respondent No. 5. The aforementioned determined amount carries interest at the rate of 8 % p.a. and the same shall be calculated and remitted by the Respondent No. 5 to the petitioner/ BIADA.

5. The above exercise shall be completed within a period of two months from the date of receipt of this order.

6. With the above observation, the present petition stands disposed of, reserving liberty to the petitioner to file interlocutory application to revive this Order in the event of non compliance of orders of this Court passed in 12.09.2022 in C.W.J.C. No. 12560 of 2022 read with the present order.



7. Pending I.A.’s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.07.2024.
Transmission Date	N.A.

