

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3682 of 2024

M/S Poorvanchal Urja (P) Limited through its Director namely Surendra Kumar Singh, Gender - Male, aged about 63 years, S/O - Late Raghav Singh, R / O - RZ - 1/57 Street 1, Tughlkabad Extn., Kalkaji, P.S.- Govindpuri, South Delhi-110019.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. The Executive Director (Administration), Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
7. The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), Patna Cluster.
8. Area In-charge, BIADA, Industrial Area, Buxar.
9. The Assistant Area in-charge, Industrial Area, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. with Mr. Lal Babu Singh, Adv. Mr. Shivam, Adv.
For the Respondent/s	:	Mr. Standing Counsel 24.
For the BIADA	:	Mr. Prashant Pratap, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 13-05-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-



“(i) For setting aside the order dated 25.01.2024 contained in Memo No. 783 (Annexure-P/8) passed by the Respondent No. 7 whereby and where under the earlier order of the cancellation of allotment dated 31.08.2022 has been restored and forfeiture of the Bank Guarantee deposited by the petitioner of total value of Rs.10 Lakhs has been approved with respect to Plot No. H-4 to 6 & H-7, C-17(P), C-18 to C-23 admeasuring a total area of 1, 52 & 360 Sq.ft., on non-est, non-sustainable ground in complete violation of principles of natural justice and fair play.

(ii) For a direction to the respondents to restore the allotment of the petitioner of the Plot No. H-4 to 6, H-7, C-17(P), C-18 to C-23 admeasuring a total area of 1, 52, 360 Sq.ft.

(iii) For a further direction to the respondents not to forfeit Bank Guarantee of Rs. 10 Lacs which was given by the petitioner as per direction of the learned Appellate Authority.

(iv) For directing the Respondents forthwith not to take any coercive step against the allotment of the petitioner till the disposal of this writ application and thus to maintain the status quo as of date”.

3. Without going into the merits or demerits of the case, the present writ petition is disposed of on two grounds; 1. that there is no proposal for taking any action in the show cause notice issued to the petitioner and; 2. that the reply given by the



petitioner to the show cause notice has not been adverted to in the order of cancellation. The absence of the proposed action to be taken against the petitioner in the show-cause notice and not adverted to the explanation submitted by the petitioner in the impugned order of cancellation are violative of the principles of natural justice and equity and therefore liable to be set aside.

4. Having regard to the same, the impugned order dated 25.01.2024 in Memo No. 783 passed by the Respondent No. 7 is set aside consequently the bank guarantee furnished by the petitioner stands restored. In case any action is proposed to be taken, the petitioner shall be given a fresh show-cause notice and he shall be given an opportunity of filing his explanation. It is needless to mention that the authority concerned shall pass a reasoned order strictly in accordance with law duly taking into account the explanation submitted by the petitioner. The petitioner shall be given an opportunity of hearing before order are passed. Any order passed shall be communicated to the parties. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of this order. It is made clear that this Court has not gone into the merits of the case and all the issues are left open for the petitioner to agitate before the authority concerned.



5. With the above directions, the present writ petition
stands disposed of.

(A. Abhishek Reddy, J)

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