

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5717 of 2024

M/s Kripa Rice Mill, a proprietorship firm having its office at A N Mall, K N Complex, Saheb Singh Road, Sakaddi, District - Bhojpur through its proprietor Sri Manoj Kumar Singh (male) aged about 47 Years S/o Dina Nath Singh, Resident of Village and P.O. - Sakaddi, P.S. - Koilwar, District- Bhojpur, Bihar PIN 802160.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Chairman cum-Managing Director.
2. The Chairman cum Managing Director, 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, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA) Industrial Growth Center, Gidha, District-Aarah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Adv.
For the Respondent/s : Mr. Lalit Kishore, Adv.
For the BIADA : Ms. Prakirtita Sharma, Adv.

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

5 14-05-2024 Heard learned counsel for the parties.

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

“For issuing a writ in the nature of certiorai or any other appropriate writ quashing the order dated 09.11.2023 (Annexure P/1) passed by the Respondent No. 5 whereby and whreunder the application of the



petitioner for availing the benefit of the Exit Policy, 2023 has been rejected without assigning any reason.

(ii) For issuing a writ of mandamus or any other appropriate writ directing the Respondents to allow the application dated 15.09.2023 for availing the benefit of Exit Policy, 2023.”

3. A perusal of the impugned order dated 09.11.2023 challenged in the present writ petition reveals that absolutely no reasons have been given by the authority concerned while rejecting the application made by the petitioner under the Exit Policy, 2023. The order is bereft of any reasons.

4. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi judicial authority while passing order have to necessarily give reasons in the order passed. Unless reasons are given in the order, neither the party nor the Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said authority either for dismissing or allowing the case. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reasons for allowing or dismissing the



contention/application as the case may be.

5. In Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers, reported in **(2010) 4 SCC, 785**, the Hon'ble Supreme Court has held as under:

“..... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.....

..... A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer Reasons are the soul of orders Non-recording of reasons could lead to dual infirmities; Firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant.”

6. Learned counsel appearing on behalf of the BIADA has fairly stated that the matter may be remanded back to the



authority concerned and the authority may be directed to pass a reasoned order afresh.

7. Having regard to the same, the present writ petition is disposed of setting aside the impugned order dated 09.11.2023 and the matter is remanded back to the authority concerned for passing a reasoned order afresh. It is needless to mention that the authority shall duly take into consideration that the application made by the petitioner was under the Exit Policy, 2023 and any order that is likely to be passed shall be on the basis of the then Exit Policy, 2023 and not under the new Exit Policy. It is further clarified that the petitioner shall be given an opportunity of hearing before any orders are passed. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the party.

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

(A. Abhishek Reddy, J)

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