

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3198 of 2025

=====

Shipra Shikha (Proprietor Riddhi Enterprises) D/o. Shailendra Kumar,
Resident of 95 KF-4 Flat, BH Area, Kadma Near DBMS School, Jamshedpur,
Kadma, East Singhbhum, Kadma, Jharkhand-831005

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. The Executive Director, South, Bihar Industrial Area Development Authority (BIADA), Patna, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Investment Promotion, Bihar Industrial Area Development Authority (BIADA), Patna, Udyog Bhawan, Gandhi Maidan, Patna.
5. The D.G.M., Investment Promotion, Bihar Industrial Area Development Authority (BIADA), Patna, Udyog Bhawan, Gandhi Maidan, Patna.
6. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
7. The Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Adv.
	:	Mr. Harsh Kaushal, Adv.
For BIADA	:	Mr. Prashant Pratap, Adv.
	:	Mr. Shadwal Harsh, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Adv.

=====

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

Date : 09-07-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-

“i) For quashing the part of the minutes of the Project Clearance Committee (Hereinafter referred to as 'P.C.C.') contained in Memo No. 6070 in a PCC dated 24.12.2024 whereby and where under the Proposal/Submission of the request for the allotment of Plot No. NS IP-12 admeasuring an area of 40,809 Sq. Ft., situated at Industrial



Area:- New Bihta in the name and style of M/s. Riddhi Enterprises has arbitrarily, mechanically and whimsical manner directed to illegally been not recommended in complete contravention to the extant and prevailing provisions of BIADA Land Allotment Policy, 2023, BIADA (Financial, Service and Technical), Regulation, 2007 being sans jurisdiction, dehors the provisions of BIADA Act, 1974. As the aforesaid action has been done in pick and choose manner whereas the similarly situated applicants have been given the allotment and the Petitioner has been discriminated on the whim and fancies of the Petitioner.

(ii) For direction upon the Respondent BIADA to keep Plot No. Plot No. NS IP-12, admeasuring an area of 40,809 Sq. Ft., Industrial Area: New Bihta vacant until the disposal of this Writ Application.

(iii) For directing the Respondent Authorities to consider the E-Mail and Letter of the Petitioner. regarding the Objection raised by the Respondent BIADA. wherein and where under, despite of submission of the requisite documents and other requisite fees within the stipulated time frame envisaged and contemplated by the Respondent BIADA, the request of the Petitioner for allotment has not been considered, despite being qualified in all the categories. ”

3. Learned counsel for the petitioner has stated that the petitioner has applied for allotment of land admeasuring 40,809 Sq. Ft. in Industrial Area, New Bihta (Plot No. NS IP-12) however, the said application has been rejected on the following grounds;

“Proposed production is not suitable for applied land.

Hence, Not Recommended”



4. Learned counsel for the petitioner has further stated that the petitioner is in the business of developing software and the allotment of land was sought on the sole ground i.e, for setting up IT Park (Call Center, Software Development Center), IT products, software services. That the authority without granting any opportunity of hearing to the petitioner or seeking any explanation has arbitrarily and in pre-mediated manner rejected the application made by the petitioner. Learned counsel has drawn the attention of the Court to the Bihar Industrial Investment Promotion Policy, 2016 more particularly, Clause 3.4 to buttress his contention that the IT and IT enabled services include the services which were sought to be established by the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to set aside the impugned order and remand the matter back to the authority concerned for passing orders afresh duly taking into consideration the Bihar Industrial Investment Promotion Policy, 2016

5. *Per contra*, the learned counsel appearing on behalf of the respondent-BIADA has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner did not have the requisite qualification, the turn over or the eligibility for getting the allotment in his favour. Learned counsel has stated that the authority duly taking



into consideration all the above factors have rejected the application made by the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. In order to appreciate the point involved in the present writ petition, it is necessary to extract the relevant portion of the Bihar Industrial Investment Promotion Policy, 2016 more specifically Clause 3.4 which reads as under;

“3.4. IT, ITeS, Electrical and Electronic Hardware Manufacturing Sector Globally, the IT & ITeS industry, along with the hardware manufacturing sector, is the largest and fastest growing industry in the world. It is expected to reach around USD 2.4 trillion by 2020. The demand in the Indian market is poised to reach more than USD 400 billion by 2020. The importance of IT/ITeS sector is not that of a standalone sector, rather as an integral part of other industries. It has a significant penetration in to all walks of life. It has been established now that the growth in IT/ITeS sector would spur further growth in the fields of agriculture, education, healthcare, energy, telecommunication, rural development, tourism, textile, etc. The sector is yet to take off and move in the desired direction with a pace that offers potential for many entrepreneurial ventures and start up units. The availability of educated youth and cheap labour in the state pose a clear advantage to the investment in this sector, in the state. The State Government has also notified land for two IT Parks at Bihta(Patna) and Rajgir.”

7. The above policy of the Government makes it abundantly clear that the services which were sought to be established by the petitioner form part and parcel of the Industrial Policy of the State Government, the respondent-BIADA except



stating that “Proposed product is not suitable for applied land. Hence, Not Recommended” has not specified as to how the same are not in consonance with the policy of the Government. Further, it is to be noted that the respondent-BIADA cannot have policy of its own de hors that of the State Government Industrial Policy. Though learned counsel for the respondent-BIADA has argued on other aspects, it is to be noted that the impugned order passed by the respondent-BIADA does not contain the other reasons.

8. The Hon’ble Supreme Court in the case of ***Mohinder Singh Gill and Anr. vs. Chief Election Commissioner, New Delhi and ors.***, reported in ***(1978) 1 SCC 405*** has held as under;

“when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to Court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji; “Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.”



9. Having regard to the above, the impugned order dated 24.12.2024 is set aside. The matter is remanded back to the authority concerned for passing orders afresh duly taking into consideration the provisions of the Bihar Industrial Investment Promotion Policy, 2016

10. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the petitioner.

11. Till such time the orders are passed by the authority, the authorities are directed not to allot the subject property to any other third party.

12. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025.
Transmission Date	NA

