

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1009 of 2025

In
Civil Writ Jurisdiction Case No.1047 of 2023

=====

M/s Purwa Industries a proprietorship firm, having its office at Zara Toli, Anandi, Ormanjhi, District-Ranchi, State-Jharkhand, through its authorized representative Kaushalendra Kumar (Male), aged about 46 years, S/o Narendra Prasad Sharma, R/o west of golki more, Vill-Khemniichak, Sampatchat, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Chairman Smt. Bandana Preyashi.
2. Smt. Bandana Preyashi, The Chairman, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. Sri Kundan Kumar, Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. Sri Nikhil Dhanraj Nippanikar, The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. Sri Chandra Shekhar Singh, The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. Sri Saumya Verma, The DGM, Industrial Area, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Patna.
7. The Bihar State Financial Corporation, Patna through its Managing Director Sri Vinay Kumar.
8. Sri Vinay Kumar, Managing Director, The Bihar State Financial Corporation, Patna.
9. Sri Prashant Bagla partner of M/s Saawra Foods having its office at Gulzarbag Station Rd, Gulzarbagh, Meena Bazar, Sadikpur, Patna, Bihar-800007.

... .. Opposite Party/s

=====

with
CIVIL REVIEW No. 35 of 2025

In
Civil Writ Jurisdiction Case No.1047 of 2023

=====

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, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Patna

... .. Petitioner/s

Versus

1. M/s Purwa Industries A proprietorship Firm, having its office at Zara Toli, Anandi, Ormanjhi, District- Ranchi, State- Jharkhand, through its proprietor Vivek Kumar (Male) aged about 33 years, S/o Anand Kishore Gupta, R/o 2nd Street, Church Road, P.S.-Lower Bazar Thana, District- Ranchi, Jharkhand.
2. M/s Saawra Foods having its office at Gulzarbag Station Rd, Gulzarbagh, Meena Bazar, Sadikpur, Patna, Bihar - 800007.
3. The Bihar State Financial Corporation, Patna, through its Managing Director
4. Managing Director, The Bihar State Financial Corporation, Patna.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 1009 of 2025)

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Adv.
For BIADA	:	Mr. Lalit Kishore, Sr. Adv.
	:	Mr. Kanishka Shankar, Adv.
For BSFC	:	Mr. Kumar Abhimanyu Pratap, Adv.
	:	Ms. Rushali, Adv.
	:	Ms. Sakshi Singh, Adv.

(In CIVIL REVIEW No. 35 of 2025)

For the Petitioner/s	:	Mr. Ajit Kumar, Adv.
For BSFC	:	Mr. Kumar Abhimanyu Pratap, Adv.
	:	Ms. Rushali, Adv.
	:	Ms. Sakshi Singh, Adv.
For BIADA	:	Mr. Lalit Kishore, Sr. Adv.
	:	Mr. Kanishka Shankar, Adv.
For the Opposite Party/s	:	Mr. Brisketu Sharan Pandey, Adv.

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

14 08-12-2025

Miscellaneous Jurisdiction Case No.1009 of 2025

In view of the order passed in C. Rev. No. 35 of 2025 dated 08.12.2025, the MJC is closed. However, it is made clear that the closure of the contempt case is without prejudice to the rights of the petitioner in the main writ petition.



CIVIL REVIEW No. 35 of 2025

For the sake of inconvenience, the parties are referred to as they are arrayed in the writ petition.

2. This Court *vide* judgment/ order dated 07.10.2024 has allowed the CWJC No. 1047 of 2023 filed by the writ petitioner (i.e., the respondent No. 1 in the present C. Rev.). The respondent/ BIADA in the CWJC No. 1047 of 2023 has filed the present C. Rev. seeking review of the judgment dated 07.10.2024 passed in CWJC No. 1047 of 2023.

3. Pursuant to the order passed by this Hon'ble Court, learned Senior Counsel Mr. Lalit Kishore assisted by Mr. Kanishka Shankar, Advocate has produced the entire original record pertaining to the CWJC and has drawn the attention of this Court to the various correspondence between the writ petitioner and the respondent/ BIADA.

4. Learned counsel appearing on behalf of the respondent/ BIADA has stated that the judgment/ order dated 07.10.2024 passed by this Court is passed on erroneous grounds, contrary to the facts of the case and the record. Learned counsel has stated that the judgment dated 07.10.2024 was passed on the premise that the authority had rejected the application of the writ petitioner for transfer of the subject land on 06.09.2022 and



the same was communicated to the petitioner on 29.12.2022 but as a matter of fact, the order only refers to the application dated 06.09.2022 made by the writ petitioner, seeking transfer of the subject property. Learned counsel has stated that there are no lapses on part of the respondent/ BIADA and they have simply communicated the decision taken by the Managing Director, BIADA rejecting the application dated 06.09.2022 made by the writ petitioner seeking transfer of the subject property. The order of rejection was passed on the ground that the said application for transfer was made after lapse of more than seven years and the writ petitioner has not taken any steps whatsoever for establishing the industry even after lapse of more than seven years. Learned counsel has stated that in case the order dated 29.12.2022 is read in a proper manner, it would be manifestly make clear that the order refers to the date of application made by the writ petitioner on 06.09.2022 and does not in any manner reflect that the order of rejection was passed on 06.09.2024 are communicated to the petitioner on 29.12.2022. Learned counsel for the respondent/BiADA submits that once the order of rejection dated 29.12.2022 is read and understood in a proper manner, then the judgment passed in CWJC No. 1047 of 2023 dated 07.10.2024 has to be necessarily set aside. That the



Hon'ble Court has allowed the CWJC filed by the writ petitioner solely on the ground that the order of rejection of the application for transfer was made on 06.09.2022 and communicated belatedly to the petitioner on 29.12.2022. Learned counsel for the respondent/ BIADA has therefore, prayed this Hon'ble Court for allowing the C. Rev. 35 of 2025 and set aside the judgment dated 07.10.2024 passed in CWJC No. 1047 of 2023.

5. *Per contra*, the learned counsel for the writ petitioner has vehemently opposed the very maintainability of the C. Rev. application filed by the respondent/ BIADA. Learned counsel has stated that the authority in order to gloss over their mistakes have fabricated and created the documents alleged to have been served on the writ petitioner dated 29.12.2022. The order dated 07.10.2024 passed by this Court allowing the CWJC No. 1047 of 2023 is well reasoned order which does not require any modification or interference by this Court. Further, learned counsel has stated that the order dated 29.12.2022 and also the minutes alleged to have been prepared in the meeting of the BIADA are all fabricated documents and the same is manifestly clear if the counter-affidavit as well as the supplementary counter-affidavit are read in consonance. The



authority at no point of time in the counter-affidavit have stated that the application made by the petitioner for transfer of the subject property has been rejected *vide* order dated 29.12.2022. Learned counsel has stated that after the disposal of the CWJC, the authority for the first time has come up with this C. Rev. application and stated that the application made by the writ petitioner for transfer of the subject property has been rejected by the Committee *vide* order dated 29.12.2022. Learned counsel has prayed for dismissing the present C. Rev. application.

6. In order to appreciate the issue involved in the present C. Rev., this Court has called for the original record from the BIADA.

7. A perusal of the original record reveals that the writ petitioner has initially made an application seeking transfer of the subject property on 06.09.2022 and thereafter, another application was made. Thereafter, respondent/ BIADA has sought some clarifications from the writ petitioner on 06.09.2022 to which the writ petitioner has submitted his explanation on 17.12.2022. The entire controversy in the present case revolves around the letter of rejection dated 29.12.2022 whereby, the writ petitioner was intimated about the rejection of his application for transfer.



8. In the said letter at Para No. 2, it is stated as under;

“अतः उक्त के आलोक में आपके द्वारा भूखण्ड संख्या C-1 रकवा 15000 वर्गफीट भूमि के हस्तांतरण हेतु आवेदन दिनांक 06.09.2022 को अध्यक्ष सह प्रबंध निदेशक, बियाडा द्वारा सम्यक विचारोपरांत खारिज किया जा चुका है।”

9. A bare perusal of the above para gives an impression that the application of the writ petitioner for seeking transfer of the subject property was rejected on 06.09.2022 but a careful and thorough reading of the said letter will reveal that the letter reflects that the application of the writ petitioner dated 06.09.2022 is rejected, this is abundantly clear after going through the entire original record, this Court has gone through the original record produced by the respondent/ BIADA and does not find any manipulation of the record has been done by the BIADA as alleged. It is also abundantly clear that the writ petitioner has made his application on 06.09.2022 and thereafter, the authority has addressed a letter dated 06.09.2022 seeking some clarifications to which the writ petitioner has replied.

10. A perusal of the minutes of the meeting reveal that the authority duly taking into consideration the application of the writ petitioner dated 06.09.2022, the correspondence



between the writ petitioner and BIADA and after going through the history of the case has taken decision to reject the application. The order dated 29.12.2022 is not properly worded and has created the present confusion as to whether the application made by the writ petitioner was rejected on 06.09.2022 or it simply refers to the date of application made by the writ petitioner. After going through the original record, this Court is of the opinion that the order dated 29.12.2022 only reflects that the application of the writ petitioner dated 06.09.2022 and does not reflect that the application of the writ petitioner was rejected on 29.12.2022. After perusal of the original record, this Court is of the opinion that the judgment dated 07.10.2024 passed in CWJC No. 1047 of 2023 has to be necessarily recalled as the same is passed by mistake and contrary to the record and the same is accordingly, recalled.

11. Registry is directed to restore the CWJC No. 1047 of 2023 on file and place the matter before the appropriate Bench having the roster for hearing the matter.

12. It is made clear that any observations or findings, if any, are made in the present order are only for the purpose of disposing of the C. Rev. application No. 35 of 2025 and should not be taken into consideration while dealing with the main



CWJC. This order is without prejudice to the rights and grounds raised by the writ petitioner in the main CWJC.

(A. Abhishek Reddy, J)

Ayush/-

U			
---	--	--	--

