

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3858 of 2024

=====

M/s Manoj Plastic through its representative Kumar Santosh Gautam, S/o-
Birendra Prasad Singh, aged about 43 years, R/o-Shivratri Sadan Maharaja
Hata Behind Girls High School PS Buxar District Buxar -802101

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its 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, Udyog Bhawan, Gandhi Maidan, Patna (BIADA).
4. The Executive Director, South, Bihar Industrial Area Development Authority(BIADA), Patna.
5. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority, (BIADA).
6. The Area Incharge, Bihar Industrial Area Development Authority, (BIADA) Industrial Area- Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate.
For the Respondent/s : Mr. Prashant Pratap, Advocate.
Mr. Shadwal Harsh, Advocate.

=====

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

19 19-03-2025 Heard learned counsel for the parties.

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

“(i) For quashing the legal, whimsical and arbitrary Letter No. 771 dated 25.01.2024 passed by the Deputy General Manager, Patna Cluster, Bihar Industrial Area Development authority whereby and whereunder sans jurisdiction and de hors the provisions of the BIADA Act, 1974, without the re-institution of the cancellation, without cancelling the unit



and in complete contravention to the basic Principles of Natural Justice i.e. Audi Altrem Partem, the physical possession of the industrial Premises in directed to be resumed without even service of a modicum of show cause notice upon the petitioner.

(ii) For directing the Respondent BIADA to accept the evidences provided by the petitioner and further to inspect the industrial premises at reasonable time, i.e. in the working time and see the functionality of the unit and the compliance of the Hon'ble Court order as contained in CWJC No. 12858 of 2022.

(iii) For directing the Respondents to consider the Application submitted by the petitioner for One Time Opportunity Policy for transfer of the aforesaid unit in favour of which is complete conformity and in harmony with the memo No. 5129/Estt. dated 10.08.2023.

(iv) For directing the Respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of the writ application.”

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order dated 25.01.2024 is passed without verifying the factual possession on ground and in contravention of the provisions of the Act. That the authorities have passed the order impugned in a mechanical manner and rejected the application of the petitioner solely on the ground that the petitioner's Unit is not in production. Learned counsel has stated that the petitioner has applied under



the One Time Opportunity Policy and there is no condition in the said policy that unless and until the unit is in production, the application made by the petitioner under the policy will be considered. Learned counsel has stated that the order suffers from perversity, illegality, arbitrariness and same is liable to be set aside as being contrary to the provisions of their very own policy floated by the authority concerned. Learned counsel has, therefore, prayed this Hon'ble Court to set aside the impugned order dated 25.01.2024 and remand the matter back to the authority concerned for considering the same afresh duly taking into consideration the provision of the One time Opportunity Policy dated 10.08.2023.

4. 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 unit of the petitioner being closed is not eligible for any bereft under the One Time Opportunity Policy. Learned counsel has stated that the order passed by the authorities is a well reasoned order and does not suffer from any illegality or perversity which warrants any interference by this Hon'ble Court. That the petitioner was allotted land for the purpose of establishment of the industry and he has failed to do so. Learned



counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, in the present case the authorities have floated One Time Opportunity Policy for the industrialists who are unable to run the units. The petitioner has availed the same scheme floated by the authorities and they ought to had considered the same in light of the conditions imposed in the said policy only. A reading of the impugned order does not reveal that the authority has considered the case of the petitioner duly taking into consideration the clauses mentioned in the scheme, the authority has simply rejected the application made by the petitioner on the ground that the unit of the petitioner is closed. When the authorities have themselves giving a window of opportunity to the industrialists who are unable to run the units for whatever reasons, the authorities cannot reject the application solely on the ground that the unit is not running or closed. The scheme floated by the authority does not in any manner stipulate that the benefit of the scheme will be given to only these units which are running and not closed.

6. Having regard to the above, this Court is of the opinion that the ends of justice would be met if the impugned order dated 25.01.2024 is set aside and the matter remand back



to the authority concerned for considering the case afresh and passing necessary orders duly taking into consideration the conditions imposed in the One Time Opportunity Policy dated 10.08.2023. It is needless to observe that before passing any orders the petitioner shall be given an opportunity of hearing. The Entire exercise shall be completed as expeditiously as possible preferably within a period of six weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the party.

7. It is also made clear that as the petitioner has handed over the physical possession of the subject property to the BIADA authorities as reflected in order of this Court dated 10.02.2024 in MJC No. 3390 of 2023, the same cannot be a ground for rejecting the application of the petitioner. The authorities shall not create any third party rights till the passing of the final orders.

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

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

