

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11551 of 2015

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1. Ramanuj Prasad Singh, son of Nand Kishore Singh
 2. Nand Kishore Singh son of Late Jai Prakash Singh
Both resident of village Parasiya, P.O. Kara, Anchal Barun, P.S. Jamhaur,
District Aurangabad.

... .. Petitioner/s

Versus

1. State of Bihar
2. The Secretary cum Commissioner, Industries Department Government of Bihar, New Secretariat, Patna.
3. The Additional Secretary, Industries Department, Government of Bihar, New Secretariat Patna.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
5. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s S.N.P.Singh, Sr. Advocate Gaurav Kumar Surendra Prasad Singh Mukund Kumar, Advocates
For the State	:	Mr. Raghwendra Kumar, SC 22
For the BIADA	:	Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 06-05-2025

Re. I.A. No. 1 of 2024

1. During the pendency of the Writ petition I.A. No. 1 of 2024 was filed for the following additional reliefs:

“(i) Order contained in memo no. 1084 dated 05.10.1999 contained in Annexure-4 issued by The Commissioner,



Industries Department and letter contained in memo no. 1170 dated 18.03.2015 contained in Annexure-12 of the writ application issued by the Senior Accounts Officer may be quashed by this Hon'ble Court and this Hon'ble Court may be further pleased to direct the respondents to charge the price of the land in question according to the Industrial terms and conditions.

(ii) Commissioner and Secretary, Industry Department Bihar, Patna may be added as respondent no. 6 to this petition."

2. A counter affidavit to I.A. No. 1 of 2024 has been filed by Respondent Nos. 4 and 5 (BIADA). It is averred therein that, through the present Interlocutory Application, the petitioners seek to challenge the allotment letter dated 05.10.1999, after a lapse of 24 years from the date of allotment. The petitioner had accepted the terms of the allotment and subsequently established and operated a petrol pump on the allotted land for over two decades. The objections now raised by the petitioners, appear to be an



afterthought and are intended to harass the respondent authorities. The allotment was made on commercial terms, by letter dated 05.10.1999, therefore, the Interlocutory application liable to be dismissed.

3. It is further submitted on behalf of the respondent BIADA that the petitioners failed to exercise due diligence and have raised this claim after an inordinate delay. It is a well-established legal principle that the law assists those who are vigilant and not to those who sleep over their rights. Consequently, the petitioner's claim is liable to be rejected. The amendment sought through the present Interlocutory Application suffers from gross delay and laches, and hence, it deserves to be dismissed.

4. It is submitted by the Learned counsel for the respondent BIADA that the conduct of the answering respondents, in passing the impugned order, has been in full consonance with the provisions of the BIADA Act. No provision of the BIADA Act or the allied Rules has been violated by



the respondent authorities while passing the impugned order.

5. The Learned counsel for the respondent BIADA further submitted that the petitioners are attempting to take undue advantage of their own wrongdoing and the petitioners themselves were at fault and have wrongly accused the respondent authorities of misconduct, despite their own failure to act in accordance with the law.

6. Heard the Learned Senior counsel for the petitioners Mr. S.N.P.Singh as well as the Learned counsel for the respondents.

7. From the facts presented, it is crystal clear that the petitioners have sought to challenge the order dated 05.10.1999 contained in Annexure-4 after a lapse of twenty-four years, and the rejection of order dated 18.03.2015 (Annexure-12) after 8 years.

8. In view of the inordinate delay in raising the challenge, this Court is of the considerable view that the petitioners cannot be



permitted to question the validity of the said allotment at a very belated stage.

9. Accordingly, Interlocutory Application No. 1 of 2024 stands dismissed.

Re. CWJC No. 11551 of 2015

10. The Writ petition has been filed to direct the respondents to calculate the price of land given to the petitioners on the basis of norms of price fixed for small scale industries, and, pending final hearing the respondents may be directed not to take any coercive step for payment of any higher amount from the petitioners.

11. The brief facts extracted from the petition are that on 12.03.1999, the petitioners applied for allotment of land, for the purpose of establishing a petrol pump under the category of small scale industry, before the Managing Director, Patna Industrial Area Development Authority, Patna, which is now known as Bihar Industrial Area Development Authority ("BIADA"). When the land was not provided by the respondents, the petitioners again sent reminder



on 15.07.1999 to the respondent BIADA submitting all relevant facts and laws as provided under Sections 2(k), 2(l) and 2(m) of the Factories Act, 1948, contending that the petrol pump of the petitioners is a “factory” as it employs more than 10 workers per day. As per the industrial policy of the State Government the petrol pump of the petitioners qualifies as a small scale Industry since the investment was less than one crore rupees. It is submitted by the petitioner that by letter dated 18.08.1999, the respondent No. 4 sent a recommendation to the respondent No. 2 to allot the land under the category of small scale industry satisfying that pumping of petrol/diesel constitutes a manufacturing process. However, the respondent no. 3 vide letter dated 02.09.1999 conveyed to respondent No. 4 that nothing is manufactured at a petrol pump and accordingly recommended allotment of land to the petitioner No. 1 on commercial basis. Therefore, the respondent No. 2 vide order dated 5.10.1999 (Annexure-4) issued the order for allotment of land



under the commercial category and accordingly commercial price was charged. Respondent No. 4 vide letter No. 1222/D dated 22.10.1999 issued the final allotment order and the petitioner No. 1 on 20.10.1999, deposited a sum of Rs. 8,26,600/- as consideration money and, thereafter, possession of land was handed over on 29.10.1999. It is contended that the petitioners approached the respondents several times to rectify the alleged illegality in categorization of the allotment of land but action was not taken.

12. It is further submitted by the petitioner that vide letter dated 01.02.2012 (Annexure-8), the respondent BIADA raised a demand of Rs. 15,01,445/- calculated on commercial rates. After receiving aforesaid letter (Annexure-8) the petitioner No. 1 submitted a detailed representation vide letter No. 112 dated 19.09.2013 (Annexure-9) before the Commissioner-cum-Secretary, Industries Department explaining how his petrol pump was a small scale industry and illegality in the order passed by respondent



No. 2. Petitioner No. 1 again submitted representations dated 8.11.2013 vide Letter No. 141/P before the respondents. It is further submitted by the petitioner that again a representation was filed on 4th December, 2013 citing all relevant, legal and factual grounds.

13. It is further submitted by the petitioners that all the aforesaid representations were rejected by the respondent authorities, and a final demand of Rs. 15,69,802/- was made vide letter dated 18th of March, 2015 directing payment within a period of 15 days from the date of issuance of letter.

14. The Learned Senior counsel for the petitioner in support of his case, relied upon a judgment of Hon'ble Supreme Court reported in **(2009) 15 SCC 30 (Qazi Noorul, H.H.H. Petrol Pump & another Vs. Deputy Director, Employees' State Insurance Corporation)** wherein their Lordships held that "Section 2(k) sub-clause (ii) of the Factories Act, 1948 stated that pumping oil is a manufacturing process".



15. Heard Learned Senior counsel for the petitioner as well as the respondents and perused the record.

16. It is important to note that the land was allotted to the petitioner on 28.10.1999 (Annexure-5) by the respondent authorities at a commercial rate, which was accepted by the petitioner. In pursuance thereof, the petitioner deposited a sum of Rs. 8,26,600/-. A perusal of the record clearly reveals that the petitioner did not challenge Annexure-5. Subsequently, the petitioner submitted representations dated 19.09.2013 (Annexure-9), 08.11.2013 (Annexure-10), and 04.12.2013 (Annexure-11), all of which were rejected by the respondent authorities by letter dated 18.03.2015 (Annexure-12).

17. Surprisingly, the petitioner has not challenged the order contained in Memo No. 1084 dated 05.10.1999 (Annexure-4), the land allotment letter dated 28.10.1999 (Annexure-5), or the order dated 18.03.2015 (Annexure-12), whereby the representations of the petitioner were rejected and



a final demand of Rs. 15,69,802 was raised.

18. By way of I.A. No. 1 of 2024, filed in the year 2024, the petitioners at a belated stage challenged Annexures-4 and 12.

19. This Court, considering the facts and circumstances of the case, has already dismissed I.A. No. 1 of 2024, observing that the petitioners cannot be permitted to question the validity of the said allotment as well as Annexure-12 dated 18.03.2015 at a delayed stage.

20. Based on the foregoing discussion, this Court is of the considered view, that there is no merit in the case of the petitioners.

21. Accordingly, the Writ petition is dismissed as devoid of merits.

22. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2025
Transmission Date	

