IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6019 of 2024

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M/s Best Furniture Industry having its Registered Office at Industrial Plot No.A-6, A-7, NS-6, Industrial Area Farm, Aurangabad, Bihar through its Proprietor Eqbal Ahmad, aged about 65 years (Male), Son of Haji Mokhtar Ahmad, Resident of Navadih Bigha, Behind Sinha Social Club, P.S. and District-Aurangabad.

... ... 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, Gaya Cluster, Bihar Industrial Area Development Authority (BIADA), Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Adv.
For the BIADA	:	Mr. Bindhyachal Singh, Sr. Adv.
		Mr. Gyan Shankar, Adv.j

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

13 23-04-2025 Pursuant to the directions given by this Court, the respondents- BIADA has paid an amount of Rs. 95,24,248.00/- to the petitioner towards the lands under the Exit Policy, 2023. Learned counsel for the petitioner has stated that the structure which is in existence in the subject property has not been valued and amounts for the structure is yet to be paid.

2. Learned senior counsel Mr. Bindhyachal Singh for the respondents BIADA has stated that unless and until the petitioner hands over the physical possession of the subject

property for allotment, the said site is put in a vacant list of properties available and any industrialist approaches the BIADA for allotment of the same then only the valuation of the structure existing in the subject property can be done. The amount for the structure will be paid to the petitioner after realisation of the same from the new allottee.

3. Learned counsel for the petitioner has stated that in case the physical possession of the property is handed over to the respondents BIADA, it may take months or years for them to evaluate the structures existing on the subject property and the petitioner will be put to a great and irreparable loss and there is every chance that the structures may get damaged if the valuation is not done within time.

4. In order to balance the equities between both the parties, this Court is of the opinion that the following directions can be passed: (i) The petitioner is directed to handover the physical possession of the subject property after taking out any machinery which is there in the subject property within a period of four weeks from today. (ii) On handing over of the physical possession of the property by the Act, the respondent BIADA shall display the property in a vacant list of properties available for allotment. (iii) If any entrepreneur comes forward seeking

allotment of the subject property, the valuation of the structures which are existing in the said property shall be done in the presence of the petitioner duly putting him on notice. (iv) Once the valuation of the structures is completed and allottment is finalised in favour of the third party, the BIADA shall pay the amounts for the structure recovered from the third party to the petitioner. It is hoped that the respondents BIADA shall endevour to complete the process as expeditiously as possible preferably within a period of twelve months from today.

5. With the above directions, the present writ petition stands disposed of. Liberty is granted to the petitioner to approach this Court if his grievance is not redressed.

6. As it is stated by the learned counsel for the petitioner that deductions under section 194 IA of the Income Tax Act have been made by the respondent BIADA, the respondents BIADA shall furnish the details of the same to the petitioner so as to enable him to seek refund of the deducted amount from the IT department.

(A. Abhishek Reddy , J)

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