

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9078 of 2024

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The Institute of Chartered Accountants of India set up by an Act of Parliament having its head office at ICAI Bhawan, Indraprastha Mang, New Delhi-110002 and branch office at ICAI Bhawan, B-3, B-4, Industrial Area, Patliputra District- Patna- 800013 represented through its Chairman, Ms Pallavi Jha, Gender- Female, aged about 33 years, daughter of Sri Amar Kant Jha, resident of 37, Mithila Colony, Patel Nagar, P.S.- Patliputra, District- Patna- 800024.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industry, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industry, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority, through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
4. The Managing Director, Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
5. The Deputy General Manager, Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Adv. Ms. Kanupriya, Adv. Mr. Abhishek Anand, Adv.
For the Respondent/s	:	Mr. Standing Counsel (11)
For the BIADA	:	Mr. Avinash Kumar, Adv. Mr. Kumar Satyam, Adv.
For the State	:	Mr. Vikash Kumar, SC -11 Mr. Piyush Kumar Pandey, Adv.

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

11 17-02-2025 The present writ petition has been filed questioning the order dated 10.02.2024 passed by the respondent BIADA cancelling the allotment of the 9452 sq. ft. out of total area of 17917 sq. ft. allotted to the petitioner herein.



2. Though the petitioner has challenged the order of cancellation dated 10.02.2024 in appeal, the appellate authority has also dismissed the appeal filed by the petitioner vide order dated 29.05.2024. The petitioner has filed the present writ petition challenging both the orders.

3. This Court duly taking into consideration the fact that the petitioner Institute is a statutory body established by an Act of the Parliament and taking into account that in case the petitioner institute is closed, it is the students of Bihar aspiring to become Chartered Accountants who will suffer the most, has directed the petitioner to file an undertaking that they will start and complete the construction within a period of one year from the date of passing of this order. The petitioner shall also furnish a bank guarantee of Rs. 5 lakhs in favour of the respondent-BIADA.

4. The petitioner as directed by this Court on 13.02.2025, has filed his undertaking stating that they will start and complete the construction of G+2 building duly sanctioned by the Patna Municipal Corporation having a plinth area of approximately 906.96 sq. mtrs. together with parking area of 371.88 sq. mtrs.. The petitioner has also agreed to furnish a bank guarantee of Rs. 5 lakhs in favour of the respondent- BIADA.



5. Having regard to the above, the present writ petition is disposed of duly taking into account the undertaking and the bank guarantee of Rs. 5 lakhs furnished by the petitioner herein. The impugned order dated 29.05.2024 and the order dated 10.02.2024 are both set aside. The petitioner is directed to complete his construction within a period of one year from today. In case the petitioner fails to complete the construction of the building as directed by this Court within a period of one year, the respondent- BIADA is at liberty to take physical possession of the subject property together with the building (if any constructed) without approaching this Court. The respondent- BIADA shall before taking physical possession of the subject property put the petitioner on notice. Further, in case the petitioner fails to complete the construction as directed by this Court within the stipulated time, the bank guarantee of Rs. 5 lakhs furnished in favour of the BIADA is liable for forfeiture. The petitioner shall keep the bank guarantee alive for a period of one year from the date of submitting the same to the respondent- BIADA. The petitioner shall submit the bank guarantee within a period of one week from today in favour of the respondent- BIADA.

6. With the above directions, the writ petition stands



allowed.

(A. Abhishek Reddy , J)

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