

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12138 of 2023

M/s Naturals Dairy (P) Ltd., a company registered under the Companies Act, 1956 having its registered office at Plot No- NS-11, Patliputra Industrial Area, 1st plot at BIADA Gate No. 5, Town and District Patna through its authorised representative Sri Hemant Kumar Das son of Late Awadhesh Kumar Das, Resident of 504, White House, Block- A, Budha Marg, P.S. Kotwali, Town and District Patna, Bihar
... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Development Commissioner, Department of Industries, Government of Bihar, Patna.
4. The Bihar Industrial Area Development Authority (BIADA), through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Deputy Managing Director, Bihar Industrial Area Development Authority (BIADA), Motipur Circle, Muzaffarpur.
7. The Assistant Regional Director, Industrial Area, Panapur, Motipur, Muzaffarpur.
... Respondents

Appearance :

For the Petitioner	:	Mr.Nikhil Kumar Agrawal, Adv.
For the State	:	Mr.Vikash Kumar SC XI
For the BIADA	:	Mr. Ravi Kumar, Adv.

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

7 20-02-2025 Heard the learned counsel for the parties.

2. Learned counsel for the petitioner states that the subsequent to the order of cancellation an order was passed by Appellate Authority, the petitioner has paid the second installment on 15.06.2023 and has also paid interest on the delayed payment. Learned counsel has stated that the next due installment is on 15.06.2025 and the petitioner is willing to pay



the same. Further counsel has drawn the attention of the Court to the chart showing the progress of the work being done by the petitioner wherein it is stated that the construction will be constructed by the end of 2025 and the commercial production will start by the end of January, 2026. Learned counsel has stated that by virtue of the subsequent events the earlier order of cancellation and that of the Appellate Authority has to be set aside and the petitioner be permitted to continue with the work. Counsel has also further stated that the petitioner is willing to stick to the time schedule given for paying the installments 4, 5, 6, 7, 8 and 9 within the stipulated time.

3. Having regard to the above the order of cancellation dated 16.08.2023 (Annexure P/16) is set aside. The petitioner is directed to file an undertaking before the Respondent-BIADA duly undertaking to pay the balance installments starting from 15.06.2025 till 15.06.2030 and also give an undertaking that he will complete the construction of the factory/industry by the end of December, 2025. The undertaking should also state that he will start the commercial production by the end of January, 2026, and in case the petitioner defaults in sticking to the above time lines the bank guarantee given by the petitioner is liable for forfeiture by



BIADA. The petitioner shall file undertaking before the Respondent authority within a period of two weeks from the date of receipt of a copy of this order. On such undertaking being given the authority shall process the application of the petitioner for mortgaging the subject property to the Indian Renewable Energy Development Agency (IREDA) within a period of two weeks from the date of receipt of the application by the petitioner.

4. With the above directions, this Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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