
(2024) 01 JH CK 0006

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5520 Of 2008

M/s K.R. Industrial Projects Private Limited

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

Citation : (2024) 01 JH CK 0006

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Nitin Kumar Pasari, N.K. Pandey, C.A. Bardhan

Final Decision : Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. Instant writ petition has been filed for quashing the order dated 25.10.2008 as contained in memo no.2455/ADA issued by respondent no.3 whereby lease of industrial plot allotted in favour of the petitioner, has been cancelled on the ground that the industrial enterprise was not in operation and the part of the industrial plot has been sub-leased by the petitioner.

2. Learned counsel on behalf of petitioner submits that the petitioner's industrial enterprise is in operation, although earlier it had faced lockdown due to Covid 19 pandemic, but since 2019-20, it has resumed production and in support of the contention supplementary affidavit has been filed showing upto date turn-over, taxes paid, electricity consumed.

3. It is also submitted that pursuant to the order of this Court passed on 05.02.2020 an inspection was conducted by the officers of Adityapur Industrial Area Development Authority (AIDA) and they submitted their report wherein it has been admitted that the work has been resumed and the time of inspection, 17 employees were found to be working. Apart from this, 30-40 workers were also involved in the production work. The inspection report supports pleading of

the petitioner that for at least five years, manufacturing has resumed and it is fully functional. The termination of the cancellation of allotment will adversely affect the industrial unit and workman who are dependent on it.

3. Learned counsel on behalf of respondent-AIDA submits that the cancellation was made in 2008 on the existing condition when it was found that part of the industrial plot had been rented out and there was no industrial production at that time.

4. After having considered the rival submissions advanced on behalf of both sides and taking into consideration the inspection report submitted by officers of AIDA, it is evident that the industrial enterprise is fully functional since 2019-20 and workers large in number, are involved in industrial production. It shall be a regressive step to cancel the lease of an industrial unit which has turned the corner and is now operational.

In view of the changed circumstance, this Court is of the view that Regional Director, Jharkhand Industrial Area Development Authority, Adityapur Region need to re-consider the decision to cancel the lease, considering the fact that the industrial production is consistently being made since last some years.

Under the circumstance, the impugned order is set aside. The matter is remitted back to the Regional Director, Jharkhand Industrial Area Development Authority, Adityapur Region to reconsider the matter and take a reasoned decision within eight weeks from the date of receipt/production of copy of this order before the authority.

The writ petition stands disposed of. Interlocutory Application, if any, is also disposed of.