

(2022) 08 PAT CK 0092

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 15299 Of 2021

M/S Maa Bhagwati Industries

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 29-08-2022

Acts Referred:

Bihar Industrial Area Development Authority (Amendment) Act, 2017 — Section 6(2) (a), 6(2)(b)

Citation : (2022) 08 PAT CK 0092

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Udbhav, Shivam, Kinkar Kumar, Deepika Sharma

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

"For issuance of an appropriate writ, order or direction for setting aside the order dated 23.07.2021 passed by Additional Chief Secretary, Department of Industries, Government of Bihar, Patna in Appeal No. 51/2020 (M/s Maa Bhagwati Industries, Samastipur Vrs. BIADA) which was communicated to the petitioner vide letter no. 2581 dated 23.7.2021 issued under the signature of Deputy Secretary, Department of Industries, Government of Bihar as well as the order dated 6.6.2020 passed by the Executive Director, Bihar Industrial Area Development Authority (hereinafter referred to "the Authority"), Range Office Darbhanga as contained in letter no. 380 by which the land allotted to the petitioner for running Maa Bhagwati Industries in the industrial Premises Area Samastipur was cancelled under section 06(2)(a) and 06(2)(b) of the Bihar Industrial Area Development Authority Rules, 1987 read with BIADA amendment Act, 2017."

Pursuant to order dated 18.05.2022, petitioner has filed an undertaking, relevant portion whereof reads as under:

".....That the petitioner herein undertakes to comply with the order dated 18.05.2022 and resume his production as soon as BIADA grants approval to the diversification application furnished by the petitioner and the orders impugned are withdrawn. That, however, it is further submitted that the petitioner is ready and willing to comply with the suggestion as indicated in the order of this Hon'ble court dated 18.05.2022 and further seeks leave of this Hon'ble court to direct the BIADA to not insist on payment of any penalty or interest as the cancellation of the petitioner as been upheld by the Additional Chief Secretary, Department of Industries, Government of Bihar vide order dated 23.07.2021....."

The undertaking is accepted and taken on record. Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

Learned counsel for the BIADA states that the undertaking is in order.

Statement accepted and taken on record.

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

As such, petition is disposed of in the following terms:-

- (a) Undertaking of the petitioner dated 30.05.2022 (reproduced supra) is accepted and taken on record;
- (b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;
- (c) In the event of default of the undertaking, petitioner shall hand over vacant and peaceful possession of the allotted property to BIADA;
- (d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.
- (e) Order dated 23.07.2021 passed by respondent no.3, namely the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No.51 of 2020 (Annexure-1) which was communicated to the petitioner vide Letter No. 2581 dated 23.07.2021, issued by Deputy Secretary, Department of Industries, Government of Bihar, and the order dated 06.06.2020 passed by respondent no.7 namely the Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.