

(2022) 01 PAT CK 0057

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5451 Of 2021

M/S Sarvshri Maa Mahthin Industrial Area

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 18-01-2022

Acts Referred:

Citation : (2022) 01 PAT CK 0057

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

Bench : Division Bench

Advocate : Rajesh Ranjan, Mira Kumari, Sayed Hussain Majeed, Pankaj Kumar Sinha, Devesh Shankaran

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):-

â??A. For quashing the order dated 01/07/2020 passed by the Respondent Secretary, Department of Industries Bihar in Appeal Case No. 18/2019

(Annexure-5).

B. For quashing the order dated 13/03/2019 passed by MD. BIADA Patna vide memo no. 2075/D whereby and whereunder Id. MD BIADA has

cancelled the allotment of Plot measuring 10,000 Sq. Ft. unit D-5 and D-6 located in the Industrial Area Bihiya and his deposit was forfeited

(Annexure-4).

C. The Respondent be directed to accept the rest amount with interest Rs. 1,49,636.00 and allow possession over the land allotted to the petitioner on

24/07/2013 for establishment industries of Wire Nail, Nut Bolt, Angle on the lease of 90 years.

D. For any other relief or reliefs to which the petitioner may be found entitled to

in the facts and circumstances of the case.â??

On 21.12.2021, we had passed the following order:-

â??Petitioner is ready and willing to establish and make fully functional the industrial unit in the premises allotted by the respondent BIADA.

Let the petitioner file an undertaking indicating the industrial activity which the petitioner proposes to undertake; his financial capacity and

competence; technical expertise to do so. Also, the petitioner shall furnish an undertaking that in the event of the Unit not being made fully functional,

he shall hand over the vacant and peaceful possession of the premises to BIADA. Further, petitioner shall give an undertaking to the aforesaid effect,

and in the event of default, he shall be liable for being prosecuted for having committed contempt.

Let affidavit be filed within a period of two weeks.

List this case on 11th of January, 2022.â??

Pursuant thereto, petitioner has filed a supplementary affidavit furnishing undertaking in the aforesaid terms, which is reproduced, as under, in toto:-

BIADA has no objection to the acceptance of the undertaking and the petition is disposed of in terms thereof.

Accordingly, the undertaking, reproduced supra, is accepted and taken on record. The petitioner through the learned counsel made aware of the

consequences of breach thereof, including initiation of proceedings for contempt.

We direct that the undertaking shall form part of our order and duly enforceable in accordance with law.

Should the petitioner fail to revive the Unit within next three months, it shall be open for BIADA to take over the physical possession of the plot,

subject matter of the present lis.

Petitioner also undertakes to pay the dues payable to BIADA . For the purpose of calculation, the petitioner undertakes to appear in the office of the

Respondent No. 4, namely, The Executive Director BIADA, 1st Floor, Udyog Bhawan, East Ganchi Maidan, Patna, who, after calculating the exact

amount due and payable, shall inform the petitioner by written order.

Petitioner undertakes to deposit the said amount forthwith.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.