

**Government of Bihar**  
**Office of the Principal Secretary, Department of Industries**

**Dated 06.11.2018**

**Appeal Case No – 37/2014**  
**District – Bhojpur**

**PRESENT :- K.K. Pathak, I.A.S.,**  
**Principal Secretary**

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**M/s Balaji Rice Mill, Bihiya , Bhojpur - Appellant**  
**Vs.**  
**MD, BIADA - Respondent**

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**Appearance:**

**For the Appellant**  
**For the Respondent**

**: LA Kamal Deo Sharma**  
**: LA Devesh Shankaran**

**06.11.2018**

This is an Appeal filed by the Appellant against the order of the MD dated 03<sup>rd</sup> December 2013 vide which is allotment of plot was cancelled and his money forfeited.

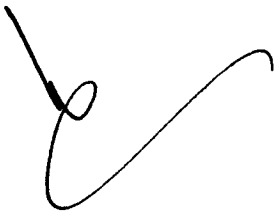
The Appeal was filed in the year 2014. The delay of approximately 10 months have apparently been condoned by the then Appellate Authority and the case was admitted for hearing. However, the matter could not be heard earlier. Finally, the matter was posted for hearing today. Today, the Learned

Advocate of Appellant was heard in great detail. The Learned Advocate of BIADA was also heard.

As per the Learned Advocate for the Appellant he is keen to start the business within 3 months if his plot is restored. He is also willing to submit a bank guarantee of Rs.50,000/-.

The Learned Advocate of the BIADA was also heard. As per the Learned Advocate, there are pending dues of Rs.17,320/-. The Appellant is sitting on an industrial area located on a prime property and even though the plot was allotted to him and the possession delivered in 2010 he did not start any work till 2013. He even did not enrolled for the Exit Policy that was offered to him which shows that he is occupying the land purely for speculative purposes. Therefore, if the plot is to be restored, then a bank guarantee of Rs.6-7 Lakh must be obtained from the Appellant for a period of atleast two years.

Having heard both the parties and having perused the documents available on record, I find that the Appellant is keen to start his venture and hence, another opportunity must be given to him. But this opportunity must be backed up by some financial security on the part of the Appellant so that he lives up to his commitment to start his business and continue the operation.



That be the case, I am inclined to consider his case favourably but at the same time, precaution needs to be taken to ensure that entrepreneurs like the Appellant do not sit on the valuable land resource and do nothing on it. It must be remembered that land is a scarce resource and BIADA have many more prospective entrepreneurs waiting in que for allotment.

Therefore, it is expected of the existing allottees that they should start their business in right earnest and if they are unable to continue the business, they should, in the interest of industrialisation, step aside and make way for new entrepreneurs who would bring with them fresh capital and better technology.

The above therefore, requires that the Appellant must be bound by a financial bond so that he should seriously work to restart his business.

Having said that, I hereby order that the allotment of plot be restored to the Appellant with following conditions:-

- i. Firstly, the Appellant should clear the pending dues of BIADA with interest.
- ii. Thereafter, the Appellant should submit Bank Guarantee of Rs. 3 lakhs for a period of two years along with an Affidavit to BIADA that the Appellant will start the business within 3 months

from the date of this order and shall remain in continuous operations; and should he stop his operations or violate any other condition of the allotment letter/BIADA Act/BIADA Rules, the above Bank Guarantee shall be encashed by BIADA.

iii. Once the above steps are completed and the Appellant submits the Bank Guarantee along with an Affidavit to BIADA, the MD shall restore the allotment to the Appellant.

iv. If the Appellant does not approach BIADA and fulfils condition No. i & ii above within 15 days from the date of this order, BIADA shall be free to take the possession of this land and re-allot it to any other entrepreneur as per its extant policies.

Appeal allowed with conditions.

Dictated & Corrected

(K.K. Pathak)

Principal Secretary,  
Department of Industries,  
Bihar

(K.K. Pathak)

Principal Secretary,  
Department of Industries,  
Bihar