

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

Dated 20.11.2018

Appeal Case No – 06/2017
District – Patna

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

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M/s Natural Dairy Pvt. Ltd., Patna - Appellant
Vs.
MD, BIADA - Respondent

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Appearance:

For the Appellant : Mr. Hemant Kumar Das
For the Respondent : LA Pankaj Kumar Sinha

20.11.2018

This is an Appeal filed by the Appellant against the order of the MD dated 31st March 2016 vide which his allotment of plot was cancelled and his money forfeited.

The Appeal was filed in the year 2017. However, the matter could not be heard earlier. Finally, the matter was posted for hearing 26th November 2018. But on the request of the Appellant the case was posted for hearing today. Today, the Appellant who was himself present was heard in great

Having heard both the parties and having perused the documents available on record, my findings are as under:

- (i) That the Appellant has earlier approached the Hon'ble High Court vide CWJC No.- 3456/2017 wherein the Hon'ble High Court vide order dated 27th March 2017 directed the Appellant to approach this Appellate Authority.
- (ii) That the Hon'ble High Court did not give him the right to continue his business. The Hon'ble High Court only directed the BIADA not to evict the petitioner till the final order is passed by the Appellate Authority.
- (iii) Therefore it is not clear as to under what provisions of law, the Appellant continued his operations even though his plot was cancelled and his appeal was pending with the undersigned.
- (iv) From the perusal of the record it appears that the Appellant is hood winking the authorities. His unit was neither in production then, nor was it in production now.
- (v) It is also clear that the plot which is a huge area of 24000Sq.ft. was allotted to him for the purpose of setting up a dairy. All that was found on the plot at the time

que for allotment, more particularly for Patliputra Industrial Area.

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.

In the instant case the Appellant is not running his unit. Boiling few litres of milk in a utensil cannot be called a dairy activity. He is simply sitting on the land in a prime area of the city purely for speculative purposes.

In that light of the matter, I find no reason to interfere with the order of the MD and the same is reconfirmed. The appeal therefore is dismissed and the MD is directed to take over the possession of the land immediately.

Appeal Dismissed.

Dictated & Corrected

(K.K. Pathak)

Principal Secretary,
Department of Industries,
Bihar

(K.K. Pathak)

Principal Secretary,
Department of Industries,
Bihar