

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

Dated 17.12.2018

Appeal Case No – 12/2018
District – Patna

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

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M/s G.I.K. Pharmaceuticals Pvt. Ltd., Patna - Appellant
vs.
MD, BIADA - Respondent

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Appearance:

For the Appellant
For the Respondent

: Shri Kumar Keshav
: LA Pankaj Kumar Sinha

17.12.2018

This is an Appeal filed by the Appellant against the order of the MD dated 17th September 2007 vide which his allotment of plot was cancelled and his money forfeited.

The Appeal was filed in the year 2018 after a gap of 11 years. It seems that the earlier Appellate Authority had condoned his delay and admitted this case for hearing. However, the matter could not be heard earlier. Finally, the matter was posted for hearing on 17th December 2018. Today, the Appellant

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

As per the Appellant, he is keen to start the business which is of Ayurvedic medicines. He further mentioned that he is willing to deposit a bank guarantee of Rs. 1 Lakh and shall restart the business within 1 week if his plot is restored.

The Learned Advocate of the BIADA was also heard. As per the Learned Advocate, there are pending dues of Rs.7,083/-. The plot was allotted to the Appellant in the year 1989 but it was cancelled in 2007 because of inactivity. The Appellant has taken 11 long years to file this Appeal and hence this Appeal is hopelessly time barred and should be rejected. The Appellant is sitting on a prime industrial area occupying 7500 Sq ft of land. Moreover, the land has been allotted to another allottee namely Maa Sharda Furniture Enterprises. However it has not yet deposited the mandatory 30% land instalment and hence the possession has not been given to him. Therefore, if the plot is to be restored, then a bank guarantee of Rs.5 Lakhs must be obtained from the Appellant for a period of at least 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 and continue 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. I note with concern the utter lack of seriousness on the part of the Appellant who did not even bother to file an Appeal for 11 years. Therefore, I am constrained to levy a penalty of Rs.50000/- (fifty

thousand only) on the Appellant so that he takes up his commitment to restart the business seriously. The Appellant should deposit the penalty immediately in BIADA.

- iii. 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 1 month 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/BIAADA Act/BIAADA Rules, the above Bank Guarantee shall be encashed by BIADA.
- iv. 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.
- v. If the Appellant does not approach BIADA and fulfils condition No. i, ii & iii 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.

vi. Needless to mention, the BIADAs decision to allot the plot to Maa Sharda Enterprises, while this Appeal was pending, cannot be sustained and hence the PCCs decision to allot the land to Maa Sharda Enterprises is set aside.

Appeal allowed with conditions.

Dictated & Corrected

(K.K. Pathak)

Principal Secretary,
Department of Industries,
Bihar

(K.K. Pathak)

Principal Secretary,
Department of Industries,
Bihar