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

Dated 29.11.2018

Appeal Case No – 20/2017
District – Bhagalpur

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

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M/s Anand Enterprises, Bhagalpur - Appellant
Vs.
MD, BIADA - Respondent

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Appearance:

For the Appellant
For the Respondent

: LA Anil Kumar Tiwary
: LA Devesh Shankaran

29.11.2018

This is an Appeal filed by the Appellant against the order of the MD dated 11th March 2014 vide which his allotment of plot was cancelled and his money forfeited.

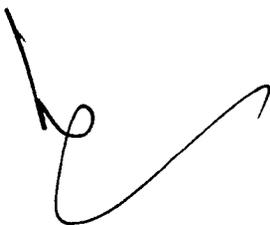
The Appeal was filed in the year 2017. It appears that the then Appellate Authority had condoned the delay in filing the appeal and admitted it for hearing. However, the matter could not be heard earlier. Finally, the matter was posted for hearing today. Today, the Learned Advocate of Appellant was

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

As per the learned Advocate for the Appellant, he was allotted 13533 Sq ft of land and the unit was for setting up plastic fabrication industry. He gave an excuse that he was given a possession of 9650 Sq ft of land hence he could not start the business. The Learned Advocate further mentioned that the land was not transferred in his name and which hampered his starting the business.

The Learned Advocate of the BIADA was also heard. The Learned Advocate denied the averments made by the Learned Advocate of the Appellant. He mentioned that the land was allotted to him in the year 2008. It is true that against the allotment of 13,533 Sq ft, only 9650 Sq ft was given physical possession of. In that light of the matter the BIADA had readjusted the demand letter and asked the Appellant to pay the amount as per 9650 Sq ft. However, the Appellant did not paid the amount moreover during the inspection of the Area Officer it was found that the Appellant was actually running cow shed and doing agriculture activity on the plot. Unless the Appellant clears the dues, lease cannot be signed in his name.

Having heard both the parties and having perused the documents available on record, I find that the Appellant is actually doing agriculture and is rearing cows in an industrial area of Bhagalpur which





taken to agriculture in this huge plot of land measuring 10000 Sq ft (approx.). I do not agree with the averments made by the Learned Advocate of the Appellant that the lease have not been signed with him. Lease would only be signed once the Appellant clears the dues. Since in the instant case he did not make any further payments and did not undertake any industrial activity, it was only natural for the MD to cancel the plot.

I also note with concern that the Appellant was using the land for agriculture purposes and has opened a cow shed in the premises. I am also certain that Appellant has no plans to start the industrial activity and his sitting on the land purely for speculative purposes. In the last 10 years he has not started any industrial activity.

His another argument that he was not given the entire 13533 Sq ft of land and which hampered his business is also not tenable because in the last 10 years, he did not use 1 Sq ft of land (out of the 9650 Sq ft given), there is no chance that he would be starting his venture if the remaining 3600 Sq ft was given to him.

That be the case, I am not inclined to consider his case favourably. 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.

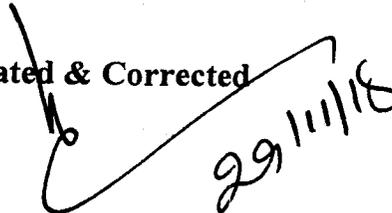
Therefore, it is expected of the existing allottees that they should start their business in right earnest and if they are unable to continue the business, they should, in the interest of industrialisation, step aside and make way for new entrepreneurs who would bring with them fresh capital and better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

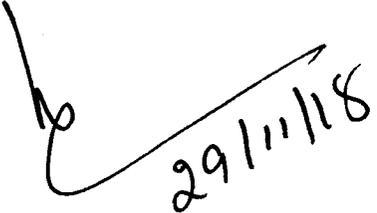
The above therefore, requires no sympathetic consideration as the Appellant has been misusing the plot.

That be the case, I am not inclined to interfere with the order of the MD dated 21st March 2014 and the same is hereby confirmed. The Appeal is dismissed and the MD is directed to take 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