

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

**Dated 18.12.2018**

**Appeal Case No – 22/2015**  
**District – Bhagalpur**

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

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**M/s Suprabhat Industries, Bhagalpur - Appellant**

**Vs.**

**MD, BIADA - Respondent**

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**Appearance:**

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

**: Absent**  
**: LA Devesh Shankaran**

**18.12.2018**

This is an Appeal filed by the Appellant against the order of the MD dated 05th February 2015 vide which his allotment of plot was cancelled and his money forfeited.

The Appeal was filed in the year 2015 itself. It seems that the then Appellate Authority admitted the Appeal and posted the matter for hearing. However, the matter could not be heard earlier. Finally, the matter was posted for hearing on 06th December 2018. However the Appellant did not turn up on that date. Hence another date was given for 14th

December 2018 with the direction to the Appellant that if he does not turn up on the due date, order will be passed Ex-parte. He again absented himself on the due date. The matter was again posted for hearing today i.e. 18th December 2018 but the Appellant was absent today as well.

The Learned Advocate of BIADA is present today. He pressed for the order being passed Ex-parte.

This case has been going on for the last 3 years. Numerous dates were given in the last 3 years.

However the Appellant was absent on most of the occasions. The then Appellate Authority could not hold court or pass an order for some reasons or other and the matter has dragged on for too long.

Therefore, I am constrained to pass an Ex-parte order in light of the facts stated above.

Having heard the Learned Advocate of BIADA and having perused the documents available on record, my own findings are as under:-

- i. The unit was allotted land in the year 2011 for starting a gate/ grill manufacturing unit. The land was measuring 2200 Sq ft but the unit did not start any industrial activity and hence his allotment was cancelled.
- ii. It also appears that the significant amount of dues are pending against the unit.

- iii. In his Appeal application he has mentioned that he gave numerous application for making a product change to BIADA authorities but BIADA did not respond. It seems that he has also not enclosed any evidence to suggest that he has arranged the necessary bank loans etc. or clearances from the statutory bodies. There is no action plan submitted as to how he proposes to start his unit even if his request of product change is admitted.
- iv. I have also seen the photographs and note with concern that the relevant plot is in state of disuse as is evident from the records of Area Incharge Sri Rehan Mehboob dated 24th October 2018. The said premises is lying under lock and key. This cannot be allowed in a important place like Bhagalpur where there are lot of applications pending for allotment of land.

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.

In that light of the matter, I find no reason to interfere with the order of the MD dated 05th February 2015. I hereby confirm the same and dismiss the Appeal. I also direct the MD 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**