

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.636 of 2025
In
Civil Writ Jurisdiction Case No.6019 of 2024

M/s Best Furniture Industry having its registered office at Industrial Plot No. A-6, A-7, NS-6, Industrial Area Farm, Aurangabad, Bihar through its proprietor Eqbal Ahmad, aged about 65 years (M), Son of Haji Mokhtar Ahmad, Resident of Navadih Bigha, Behind Sinha Social Club, P.S. and District - Aurangabad.

... .. Appellant

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Chairman cum Managing Director.
2. The Chairman cum Managing Director, Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna.
5. The DGM, Industrial Area, Gaya Cluster, Bihar Industrial Area Development Authority (BIADA), Gaya.

... .. Respondents

Appearance :

For the Appellant : Mr. Brisketu Sharan Pandey, Advocate
For the BIADA : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Gyan Shankar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 03-11-2025

The present *intra* Court appeal has been filed against the order dated 23.04.2025 passed by the learned Single Judge in C.W.J.C. No. 6019 of 2024, wherein the learned Single Judge had disposed of the writ petition.



2. The brief facts of the case is that the petitioner was allotted by way of transfer *vide* order dated 16.04.2021 (Annexure P/2 to the writ application) Plot No. A-1, A-5, A-6, A-7, NS-6 and Road (P) admeasuring 30513 sq. ft. of land in Aurangabad Industrial Area for carrying out industrial activity relating to manufacturing of all type of Wooden Furniture & Metal Furniture. The said plot of land was transferred in the name of petitioner company upon the joint request made by earlier allottee and the present petitioner to the Respondent-BIADA. BIADA came out with an Exit Policy for closed and non-functional unit as BIADA Exit Policy, 2023 so that closed/non-functional unit could return the industrial land to BIADA and such units shall be paid the cost of land as also the superstructure. Thereafter, the same plot could be allotted afresh to new industrial units for carrying out the industrial activities. Such Exit Policy was published/notified by BIADA *vide* Memo No. 5128/ESTT dated 10.08.2023 (Annexure P/3 to the writ application). The business of the petitioner was non-functional and he thought to shift its unit to a private land and, for the said land, part payment was done for purchasing by the petitioner and for the rest amount, the petitioner was relying on the payment to be received from BIADA by availing the Exit



Policy. Further, the petitioner requested Respondent No. 5 *vide* application dated 20.10.2023 for according the approval of exit/surrender of the unit held by the petitioner under the BIADA Exit Policy, 2023 issued by BIADA wherein *vide* impugned order dated 19.01.2024, his application under Exit Policy was accepted with the conditions that the petitioner will remove his plants and machinery within three months and the unit shall be paid the admissible amount in terms of Exit Policy only when the new allottee deposits all the allotment fees for the plots which are sought to be surrendered by the petitioner.

3. The learned Single Judge after considering the facts and materials on record, observed the following in Paragraph-4 of the impugned order:-

“4. In order to balance the equities between both the parties, this Court is of the opinion that the following directions can be passed: (i) The petitioner is directed to handover the physical possession of the subject property after taking out any machinery which is there in the subject property within a period of four weeks from today. (ii) On handing over of the physical possession of the property by the Act, the respondent BIADA shall display the property in a vacant list of properties available for allotment. (iii) If any entrepreneur comes forward seeking allotment of the subject property, the valuation of the structures which are existing in the said property shall be done in the presence of the petitioner duly putting him on



notice. (iv) Once the valuation of the structures is completed and allotment is finalized in favor of the third party, the BIADA shall pay the amounts for the structure recovered from the third party to the petitioner. It is hoped that the respondents BIADA shall endeavour to complete the process as expeditiously as possible preferably within a period of twelve months from today.”

4. We find no infirmity in the order dated 19.01.2024 passed by the learned Single Judge. The directions issued therein strike a fair balance between the rights of the petitioner and the administrative responsibilities of BIADA under the Exit Policy, 2023. The learned Single Judge rightly directed the petitioner to hand over possession after removing machinery, required BIADA to list the property as vacant, ensure valuation of structures in the petitioner's presence, and release payment upon re-allotment and realization of allotment fees. These directions ensure procedural fairness, transparency, and protection of public revenue while safeguarding the petitioner's entitlement.

5. The timeline fixed for completion of the process within twelve months is reasonable and aims to prevent undue delay. The condition imposed by learned Single judge regarding payment is practical and justified as BIADA cannot be expected to pay before realizing the amount.



6. Accordingly, the order of the learned Single Judge is affirmed being equitable, reasonable and in conformity with the BIADA Exit Policy, 2023. No interference is called for.

7. The appeal stands dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Sachin/-

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