

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4910 of 2022

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M/s Sri Sai Chandra Infrawell Pvt. Ltd through its Managing Director Mr. Sanjay Kumar Singh, aged about 48 Years, Son of Sri Chandradip Singh, Resident of Village- Mahui Saran, P.O.- Bighan, P.S.- Manghi Saran, District- Saran. At Present- Mohalla- West Anandpuri, Boring Canal Road, Sundar Lal Palace, Flat No. 201, P.S.- Sri Krishnapur, Patna- 1.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
2. The Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
3. The Engineer-in- Chief- Additional Commissioner-Cum- Special Secretary, Building Construction Department, Vishweshwariaya Bhawan, Bailey Road, Patna- 15.
4. Bihar State Building Construction Corporation Ltd through its Chief General Manager, Registered Office BSBCCCL, Hospital Road, Shastrinagar, Patna- 800023.
5. The Chief General Manager, Bihar State Building Construction Corporation Ltd. Registered Office BSBCCCL, Hospital Road, Shastrinagar, Patna- 800023.
6. The Dy General Manager, Bihar State Building Construction Corporation Ltd. Registered Office BSBCCCL, Hospital Road, Shastrinagar, Patna- 800023.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain,, Sr. Advocate
		Mr.Manish Sahay, Advocate
For the Respondent/s	:	Mr.Manoj Kumar Ambastha, SC 26

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-05-2022

Petitioner has prayed for the following relief(s):-

“(I) For quashing of reasoned order, issued vide letter
No. 715(Bha) Patna dated 31.01.2022 under signature of



the Secretary, Building Construction Department, Bihar, Patna, as contained in Annexure-P-14, whereby and whereunder the said authority has rejected the appeal dated 05.11.2021 of the petitioner without considering the grounds of memo of appeal as mentioned therein and affirmed the order of suspension dated 25.10.2021, passed by Respondent No. 3 (i.e. Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary).

(II) For further quashing of letter No. 6161(Bha) Patna dated 25.10.2021, passed by the Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Bihar, Patna as contained in Annexure-P-12 whereby and whereunder the said authority, without considering the material facts, has suspended the Registration No. BCD-1/01/(B)/2018 of the petitioner for a period of three years from the date of its issuance (i.e. from 25.10.2021).

(III) For declaring that the actions of the respondents are contrary to settle principle of law in a case of Gorkha Securities Services Vs. Government (NCT of Delhi) & Ors. reported in (2014) 9 SCC 105 as well as decisions passed by the Hon'ble Supreme Court and by this Hon'ble Court.

(IV) For passing such an order or orders under which the petitioner is entitled under the law in the fact and circumstances of this case.”

We notice that the original order passed by the authority dated 22.10.2021 (Annexure-P-12, Page 94) does not assign any reason for debarring/delisting the petitioner for a period of three years. It only conveyed the intent of the authority for doing so. We also notice that even the appellate authority,



while dismissing the appeal, vide impugned order 31.01.2022 (Annexure-P-14, Page 102), has neither referred to nor adverted to anyone of the contentions raised by the petitioner in the appeal. Also, the materials placed on record remain unconsidered.

In CWJC No. 2625 of 2021, titled as **M/s Satyendra Kumar and Co. Const. Pvt. Ltd., Vs. the State of Bihar & Ors.**, we have dealt with the similar issue directing the authorities to not only assign reasons but afford opportunities of hearing enabling the party to respond to the notice. Also, the obligation upon the authority to assign reasons, which, in fact, in the instant case, we find, not to have been done so. We notice that passing of the order entails civil and penal consequences.

As such, on this short ground alone, we quash the order 22.10.2021 (Annexure-P-12, Page 94) and order 31.01.2022 (Annexure-P-14, Page 102), reserving liberty to the respondents to issue a fresh notice, if so required and desired, initiating appropriate proceedings in accordance with law.

The entire exercise be completed within a period of three months from today.

Petitioner undertakes to fully co-operate and not take any unnecessary adjournment.



Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	17.05.2022
Transmission Date	

