

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11208 of 2025

M/s Want Media Solution, having its Registered Office at Village-Yamunapur, P.O.- Alawalpur, P.S.- Gaurichak, District- Patna through its Sole Proprietor Mr. Anant Kumar Singh, aged about- 29 Year, S/o Satyendra Narayan Singh, JR/O Yamunapur, P.O. Alawalpur, P.S.- Gurichak, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, New Secretariat, Patna.
2. Secretary, Building Construction Department, New Secretariat, Patna.
3. Chief Engineer Cum Additional Commissioner Cum Special Secretary, Building Construction Department, New Secretariat, Patna, Bihar.
4. Managing Director, Bihar State Building Construction Corporation Ltd. Having Head Office at - Shastri Nagar, P.S.- Shastri Nagar, District- Patna.
5. Chief General Manager, Bihar State Building Construction Corporation Ltd. Having Head Office at - Shastri Nagar, P.S.- Shastri Nagar, District- Patna.
6. General Manager (South), Bihar State Building Construction Corporation Ltd. Having Head Office at - Shastri Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Adv. Miss. Sharda Raje Singh, Adv. Mr. Ankesh Bibhu, Adv. Mr. Abhishek Kumar, Adv.
For the Respondent/s	:	Mr. Kumar Manish, Standing Counsel (05) Mr. Prashant Kumar, Adv.
For the BSBCCL		Mr. Kumar Abhimanyu Pratap, Adv. Miss. Rushali, Adv. Miss. Sakshi Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 13-01-2026 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

*“(1) For Issuance of Writ in the nature of
Certiorari for Quashing of Order Issued*



Vide Memo bearing Memo No.3770 Dated: 29.04.2025 passed by Respondent No.2 i.e Secretary, Building Construction Department, Government of Bihar, Patna, Whereby and Where under the Appellate Authority dismissed the Appeal filed by the petitioner vide Order dated 29.04.2025 on the ground of delay in filing appeal and upheld the order dated: 02.01.2025, Whereby and where under respondent no.3 had suspended the registration of the petitioner for a period of two years.

(2) For Quashing of the Letter bearing Letter No.77(M) Dated: 02.01.2025 issued by Respondent No.3 i.e. Engineer Chief cum Additional Commissioner cum Special Secretary Building Construction Department, Bihar; Whereby and Where under Respondent No.3 had without considering the reply of show cause notice filed by the petitioner suspended the Registration of petitioner for a period of two years and the abovementioned proceeding has been initiated as empty formality, Whereas the recommendation and Decision for taking action against the petitioner had already been made by Chief General Manager, Building Construction Corporation, Patna vide letter no. 2577 dated 05.07.2024 and aforesaid order has been passed without considering the actual turnover submitted by petitioner with CA certification having UDIN Number.

(3) For issuance of writ in the nature of mandamus directing the respondent authority to reinstate the registration of the petitioner obtained under Bihar



Contractor Registration Rules, 2007.

(4) For granting Stay on the Order dated: 29.04.2025 till the disposal of the Writ application, passed by Respondent No.2, Whereby and Where under Petitioner's Registration was suspended for a period of two years, due to which the petitioner not able to participate in any future Tender.

(5) For issuance of any other relief or reliefs.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner aggrieved by the order dated 02.01.2025 has preferred an appeal before the Respondent No. 2, i.e., the Secretary, Building Construction Department, however, the authority without going into the merits of the case has simply dismissed the case on the ground of laches. Learned counsel submits that the delay in filing the appeal was only 30 days and the Respondent No. 2 ought to have condoned the said delay and passed the orders on merit. Learned counsel has therefore prayed this Hon'ble Court to allow the present writ petition and set aside the impugned order.

4. Per contra, the learned counsel appearing on behalf of the respondents-corporation as well as the respondents-State have vehemently opposed the very maintainability of the present writ petition. Learned counsel submits that the petitioner has not filed any application seeking condonation of the delay and



therefore, the authority in his wisdom has dismissed the appeal filed by the petitioner solely on the ground of delay. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly in the present case, the appellate authority has dismissed the appeal solely on the ground of laches. It is to be noted that there is delay of only 30 days in filing the appeal, the authority ought to have condoned the delay in filing the appeal and passed the orders on merits instead of dismissing the appeal on purely technical grounds. This Court as well as the Hon'ble Supreme Court in a catena of cases has time and again held that the statutory authorities more particularly the appellate authority while passing the orders ought to pass the orders on merit and not dismiss the case merely on the technical grounds.

6. Having regard to the same, the impugned order dated 29.04.2025 passed by the Respondent No. 2 is set aside and the matter remanded back to the authority concerned for passing orders afresh. The petitioner shall file an application seeking condonation of delay of 30 days in filing the appeal and on such application being filed, the authority shall condone the delay and pass necessary orders on merits in the main



appeal. The authority shall endeavor to pass the final orders as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of the copy of this order.

7. It is needless to mention that before passing any orders, the authority shall put the petitioner as well as any other interested parties on notice and grant them an opportunity of hearing. Any order passed shall be communicated to the parties.

8. With the above directions, the present writ petition stands allowed to the extend indicated above.

(A. Abhishek Reddy , J)

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