

(2025) 10 PAT CK 1346

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.16908 Of 2025

Centurion Remedies Pvt. Ltd

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 15-10-2025

Acts Referred:

Citation : (2025) 10 PAT CK 1346

Hon'ble Judges : P. B. Bajanthri, CJ;Alok Kumar Sinha, J

Bench : Division Bench

Advocate : Sanjeev Kumar Mishra, Manini Jaiswal, Manas Rajdeep, Shubham Kr. Upadhyay, Rittik Prakash, Adya Pandey, Lalit Kishore

Final Decision : Disposed Of

Judgement

P. B. Bajanthri, CJ

In the instant writ petition, petitioner has prayed for the following reliefs :

"i. For issuance of an appropriate writ to quash the order dated 26.09.2025 contained in letter no. 7562 issued by the Managing Director, Bihar Medical Services and Infrastructure Corporation Ltd., Sheikhpura Patna (hereinafter referred to as BMSICL) whereby and where under the petitioner company has been blacklisted for a period of three years, for non-supply of important medicines, form the date of issue of the Impugned Order along with which the Security deposit has been forfeited. (Annexure P/12)

ii. During the pendency of the present writ application the letter no. 7562 dated 26.09.2025 may be kept in abeyance.

iii. For any other order(s) as Your Lordship may deem fit and proper in light of the facts and circumstances of the case."

2. Perusal of the records, it is evident that show-cause notices were issued on 09.07.2024 and 23.07.2024 to the petitioners for furnishing his say in respect of proposal to blacklist him for three years. Petitioners had submitted their reply to

the show cause notices on 05.04.2025, thereafter, they were blacklisted for a period of three years on 26.09.2025.

3. Perusal of the blacklisting order, it is crystal clear that there is a total non-application of mind on behalf of the concerned authority insofar as not considering the petitioners' objection/reply to the show-cause notices. The concerned authority is exercising quasi judicial function, therefore, he was bounden duty to consider show-cause notices read with the petitioners' objections and other materials. There is no consideration in respect of the above factual aspects of the matter. On this count, impugned action of the respondents dated 26.09.2025 is liable to be set aside and the matter is required to be remanded. The concerned authorities are hereby requested to peruse *Oryx Fisheries Private Ltd. vs. Union of India & Ors.* reported in (2010) 13 SCC 427, Paragraph-40.

4. The concerned authorities are hereby requested to follow the principles laid down in the aforementioned decision and proceed to pass a fresh order after due opportunity of hearing if any, within a period of three months from the date of receipt of this order.