

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 219 of 2015**

Santosh Sharma son of Dhannu Prasad Sharma, aged about 35 years, resident of Bemetara, District Durg (Now District Bemetara) Chhattisgarh.

---- Appellant

**Versus**

1. Chhattisgarh State Agricultural Marketing Board, Through the Managing Director, Chhattisgarh State Agricultural Marketing Board, Raipur, G.E. Road, Ravigram, Telibandha, Raipur, Chhattisgarh.
2. Krishi Upaj Mandi Samiti, through the Secretary, Krishi Upaj Mandi Samiti, Bemetara, District-Durg (Now District Bemetara), Chhattisgarh.

---- Respondents

---

For Appellant : Ms. Sharmila Singhai, Advocate.  
For Respondents : Shri A.S.Kachhwaha, Advocate.

---

**Hon'ble Shri Navin Sinha, Chief Justice**  
**Hon'ble Shri P. Sam Koshy, J.**

**Judgment On Board****Per Navin Sinha, Chief Justice****21/04/2015**

1. The present appeal arises from order dated 2.2.2015 dismissing Writ Petition (C) No. 6506 of 2011.
2. Learned Counsel for the Appellant submits, that he being the highest bidder for the shop in question above the offset price, the Respondents were obliged to settle the shop with him. The denial is arbitrary and without valid reason. The notice inviting offers did not contain any clause or stipulation that notwithstanding the fact that if a person was the highest bidder above the offset price, settlement could still be denied to him.

3. Learned Counsel for the Respondents submitted that the minimum offset price was Rs. 2,84,833/-. The bid offered by the Appellant was Rs.3,00,000/- only while for contiguous shops, it ranged approximately from Rs. 4.50 lacs to Rs. 6.05 lacs. In the circumstances, the authorities justifiably opined that those shops for which lesser bids had been made could fetch a higher price if fresh bids were invited. There has been no arbitrariness in this decision. There are no allegations of malafides. The Appellant had no vested right to claim settlement merely because he may have been the highest bidder.

4. We have considered the submissions.

5. The Learned Single Judge held that if the authorities, inter-alia, with a view to earn more revenue have decided to invite fresh offers in the expectation of higher bids in light of rates offered for contiguous shops, it cannot be said that the authorities have acted arbitrarily or on basis of irrelevant and extraneous materials.

6. On 1.8.2011, the matter was referred to the Sub-Committee for auction to take a decision whether to invite fresh bids or to settle it at the offered rate by the Appellant. The matter was deliberated on 12.9.2011 by Sub-Committee which resolved to go in for fresh auction. The order dated 3.10.2011 granting sanction for fresh auction was only a ministerial act. In absence of any challenge to the Sub-Committee resolution dated 12.9.2011, we find no reason to interfere with the order of the Learned Single Judge.

7. In (2007) 1 SCC 477 (Rajasthan Housing Board v. G.S. Investments) the State Government did not approve of the bid amount offered. Similar claim was made of being the highest bidder. Considering that the State was the guardian of public revenue and that a bonafide decision for re-tender aimed at eliciting higher bids were commercial matters, it was observed as follows:

"11. ....The Court should always keep the larger public interest in mind in order to decide whether it should interfere with the decision of the authority. In the present case, there was enough material before the State Government to show that in the past plots in the area had fetched a price of Rs. 10,000 per square metre and the highest bid made by the respondent in the present case was nearly half i.e. Rs. 5750 per square metre, which clearly indicated that the auction had not been conducted in a fair manner. If in such a case the State Government took a decision to disapprove the auction held and issued a direction for holding a fresh auction, obviously the said decision was taken in larger public interest. In these circumstances there was absolutely no occasion for the High Court to entertain the writ petition and issue any direction in favour of the contesting respondent. ...."

8. In the facts of the present case, we find it difficult to arrive at any conclusion of malafides or arbitrariness merely because the authorities by a process of a reasoned consideration arrived at a decision that inviting fresh bids may bring more public revenue. The Appellant as the highest bidder had no vested right to claim settlement as it could always be denied notwithstanding the same for valid and justifiable reasons.

9. We find no merit in the appeal. The appeal is dismissed.

Sd/-

(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-

(P.Sam Koshy)  
**JUDGE**