

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-22805-2015

Date of decision:- 28.10.2015

Harwinder Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Saurabh Garg, Advocate,
for the petitioners.

Ms. Meenakshi Goyal, Assistant Advocate General, Punjab.

Mr. Sanjeev Sharma, Senior Advocate,
with Mr. Shekhar Verma, Advocate,
for respondents No. 2 to 5.

* * * *

S.J. VAZIFDAR, A.C.J. (ORAL)

By our order dated 05.10.2015, we disposed of CWP-21256-2015 filed by the petitioners. The order proceeds on the basis that the petitioners' bid had been accepted and that pursuant thereto the petitioners had paid the initial amounts. This itself is disputed by the respondents who contend that the petitioners' bid has not even as on date been accepted. The matter regarding the previous auction was pending before the Principal Secretary. By our order dated 05.10.2015, we had directed the Principal Secretary to decide whether or not to accord his approval to the suggestion in the communication impugned in the writ petition after affording the petitioners an opportunity of making a representation. The petitioners have forwarded their representation. The Principal Secretary has, however, to date not taken a decision.

2. Despite the same, the respondents have now invited fresh bids. If the Principal Secretary decides the matter in the petitioners' favour, the entire situation may change. The last date for submitting bids under the fresh invitation is 30.10.2015. We see no reason to delay the same. This, however,

must be without prejudice to the petitioners' rights and contentions with regard to the matter.

3. The writ petition is, therefore, disposed of by the following order:-

- (i) Respondents No. 2 to 5 are at liberty to collect the bids.
- (ii) The petitioners are at liberty to submit bids entirely without prejudice to their rights and contentions raised in the earlier writ petition as well as in this writ petition and in the matter generally, inter alia, to the effect that they are entitled to have their earlier bid accepted and that the fresh notice inviting tenders is bad in law.
- (iii) Till the decision of the Principal Secretary and in the event of the same being adverse to the petitioners for a period of two weeks after the service of the order upon the petitioners, the bids pursuant to the fresh notice inviting bids shall not be opened and/or confirmed. The Principal Secretary, however, shall decide the matter independently and without being influenced by this order or the procedure set out herein.
- (iv) If the Principal Secretary desires to see the fresh bids, it will be open to respondent No. 1/Secretary, Department of Housing & Urban Development, Punjab to make an application to the Court for the same in this writ petition itself which shall be decided on its own merits.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

28.10.2015

Amodh