

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

CWP No. 23163 of 2015

DATE OF DECISION : 31.10.2015

Surjit Singh

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Ms. Jigyasa Tanwar, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioner, who at one point of time was the highest bidder of the land of respondent No.3 mortgaged with respondent No.2, namely Punjab State Industrial Development Corporation Limited, Chandigarh (hereinafter referred to as 'the respondent Corporation'), has filed this writ petition for setting aside the order dated 22.01.2014 (Annexure P-7) passed by the respondent Corporation, vide which loan case of respondent No.3 has been settled as per OTS policy at a meager amount of ₹ 458.80 lacs to be paid in instalments.

After hearing learned counsel for the petitioner and going through the contents of the petition, we are of the view that the petitioner has no locus standi to challenge the said settlement, which has been arrived

at between the borrower and the respondent Corporation. Undisputedly, the petitioner is a third party and has nothing to do with the loan borrowed by respondent No.3 from the respondent Corporation. At one point of time, when the property of respondent No.3 mortgaged against the said loan was auctioned, the petitioner was the highest bidder, but vide letter/order dated 12.09.2008 (Annexure P-2), the respondent Corporation declined to confirm his bid. The petitioner challenged the said letter/order by filing Civil Writ Petition No. 1715 of 2009 on the ground that without giving any valid reason, his highest bid was not confirmed by the respondent Corporation. Vide order dated 03.02.2009 (Annexure P-3) passed by this Court, the said writ petition was disposed of with a direction to the respondent Corporation to treat the writ petition as a representation on behalf of the petitioner and to consider and dispose of his claim by passing a reasoned order. In pursuance of the aforesaid order, the respondent Corporation decided the said representation against the petitioner vide order dated 08.05.2009 (Annexure P-4), wherein it was observed that the highest bid given by the petitioner was less than the reserve price, therefore, it was not confirmed. The petitioner challenged the said order by filing Civil Writ Petition No. 10538 of 2009, which was dismissed by a Division Bench of this court vide order dated 21.01.2013 (Annexure P-5). The petitioner did not further challenge the said order and the same has attained finality.

Later on, vide order dated 22.01.2014 (Annexure P-7), the

respondent Corporation settled the loan account of respondent No.3 under the OTS policy, which has been challenged by the petitioner by filing the instant petition.

In view of the aforesaid factual position, in our opinion the petitioner has no locus standi to challenge the said order. As far as his claim is concerned, it has already been rejected by the respondent Corporation and confirmed by this court, which has attained finality. Thus, we do not find any merit in the instant petition.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

October 31, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE