

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

**Civil Writ Petition No.2945 of 2015
Date of Decision: February 20, 2015**

Tarsem Chand

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**Present: Mr. Arun Bansal, Advocate
for the petitioner.**

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (ORAL)

The petitioner seeks a refund of the earnest money deposited.

The petitioner had originally challenged the allotment of a shop to a third party in Civil Writ Petition No.26718 of 2013. Vide order dated 10.01.2014, the petitioner's bid was accepted and the respondents were directed to undertake the necessary process for the allotment of the chemist shop.

2. The third party filed a petition for special leave against the above order, which was dismissed on 05.02.2014. The review petition filed by the third party was dismissed on 03.04.2014. The curative writ filed by the third party was dismissed on 22.07.2014.

3. The petitioner was, however, never restrained from taking possession of the chemist shop. *Prima facie*, therefore, the impugned action in cancelling the allotment in his favour and forfeiting the earnest money deposited, cannot be faulted. It is difficult in the writ petition to decide whether the petitioner is entitled to avoid the terms of the tender. The petitioner is at liberty to adopt appropriate proceedings for recovery of the same.

**(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(AUGUSTINE GEORGE MASIH)
JUDGE**