

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6458 of 2015

Date of Decision: 7.4.2015

KVS Realtech Private Limited, Gurgaon

....Petitioner.

Versus

The State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kartik Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner, by way of instant petition filed under Articles 226/227 of the Constitution of India, has prayed for issuance of a writ in the nature of Mandamus directing the respondents to issue the letter of allotment of the commercial complex/shopping mall with multilevel car parking situated near Durga Bhawan Mandir, Rohtak, allotted to it in an open auction held on 31.1.2014 being the highest bidder as it had deposited 10% of the bid amount, i.e. ₹ 3,22,10,000/-.

2. The Haryana Urban Development Authority (HUDA) had advertised auction notice dated 31.1.2014 (Annexure P-1) for holding an open auction of freehold site of commercial complex/shopping mall with multi level parking near Durga Bhawan Mandir, Old Police Station Site, Rohtak at 11.00 AM. The area of the site was 2414.40 square meters and the reserve price was fixed at ₹ 26,04,70,301/-. 10% of the bid amount was to be deposited at the time of auction and thereafter 15% of the bid amount was to be deposited within 30 days from the date of issuance of letter of allotment and the balance 75% amount was payable

either in lump sum without interest within 60 days from the date of issue of allotment letter or in eight half yearly equal installments along with interest @ 12% p.a. The petitioner participated in the auction along with other bidders held on 31.1.2014 in the office of respondent No.3. In the said auction, the petitioner submitted the bid of ₹ 32,21,00,000/- and was declared the highest bidder. Accordingly, the petitioner deposited 10% of the bid amount, i.e. ₹ 3,22,10,000/- on the same day with respondent No.3 vide receipt dated 31.1.2014 (Annexure P-3). However, till date, the allotment letter has not been issued to the petitioner. The petitioner moved a representation dated 19.12.2014 (Annexure P-4) to respondent No.1 for issuance of allotment letter but no response has been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 19.12.2014 (Annexure P-4) to respondent No.1, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.1 to take a decision on the representation dated 19.12.2014 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 7, 2015
gbs

(REKHA MITTAL)
JUDGE