

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

**LPA No.867 of 2015 (O&M)
Decided on : 01.06.2015**

Lalit Joshi

.... Petitioner

Vs.

U.T., Chandigarh & ors.

.... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. K.S.Khehar, Advocate
for the appellant.

MAHESH GROVER, J.(Oral)

 Contentends that the appellant was the second highest bidder having offered bid of Rs.56 lacs as against Rs.63 lacs offered by the highest bidder, who defaulted in making the subsequent payment leading to forfeiture of the payment and cancellation of bid in his default.

 Learned counsel for the appellant would refer to the following condition:

"In case successful bidder fails to deposit an additional amount equivalent to 15% of bid money offered by him at the drop of hammer, the earnest money of the successful bidder shall be forfeited and 2nd highest bidder shall be considered for declaring as successful bidder. In case he/she is interested otherwise the 3rd bidder will be considered accordingly."

 to contend that in the event of such a condition where the successful bidder defaults the bid of second highest bidder would be accepted but in the instant case the respondents have resorted to fresh auction. Learned counsel for the appellant further contends that the appellant is willing to raise his offer to Rs.60 lacs instead of Rs.56 lacs that he had offered.

We have considered this contention raised by the counsel for the appellant before this Court and find it seemingly fair.

The present appeal has been filed by the appellant with a grievance that the auction slated for 02.06.2015 be stayed during the pendency of his petition before the learned Single Judge.

In view of the fact that the appellant is willing to offer more amount in support of his bid as also considering the condition referred to above, we would deem it appropriate to stay the auction slated for 02.06.2015 and dispose of the appeal leaving the appellant to the outcome of the petition and controversy raised therein.

(Mahesh Grover)
Judge

01.06.2015
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(Amit Rawal)
Judge