

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 23895 of 2016

Date of Decision: 21.11.2016

Karan Singh Nain

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Sandeep Sihag, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to confirm his bid being the highest bidder and issue the allotment letters qua SCO Nos. 67 and 68, Sector 12 (Commercial), Faridabad in response to the advertisement, Annexure P-1, and the e-auction conducted on 7.10.2016.

2. Respondent No.2 vide an advertisement (Annexure P-1) advertise the e-auction of commercial sites at Faridabad. In response thereto, the petitioner got himself registered on the portal/website of the respondents vide receipts dated 26.9.2016 (Annexure P-2 Colly) and also obtained all the requisite material to participate in e-auction process for shop-cum-office site Nos. 67 and 68, Sector 12, Faridabad. The petitioner

also deposited the EMD/security amount for the said sites vide receipts

dated 4.10.2016 (Annexure P-3 Colly). The petitioner had also applied for the loan of ₹ 70 lacs from State Bank of Patiala, Sector 11, Faridabad for participating in the e-auction which was duly sanctioned vide letter dated 5.10.2016 and was disbursed on 7.10.2016 as is discernible from the documents (Annexure P-4 Colly). After completing the entire requisite formalities, the petitioner logged into the portal/website for e-auction of the above said sites on 7.10.2016 (Annexure P-5). The petitioner being the highest bidder was declared successful in the online account of the site of HUDA as is clear from the documents (Annexure P-6 Colly). On 10.10.2016, a public notice was published on the site that the required documents would be uploaded on the website and the successful bidder should wait till the approval of the said bid from the competent authority in respect of 10% amount. However, on 19.10.2016, the petitioner received a message from his bank that the earnest money deposited by him with the HUDA had been returned to him from the departments approved service provider, i.e. Nextender India Private Limited which is discernible from the statement (Annexure P-7). Accordingly, the petitioner moved the representations dated 19.10.2016 (Annexure P-8 Colly) to respondent No.3 for allotment of SCO Nos. 67 and 68, Sector 12 (Commercial), Faridabad by way of auction, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 19.10.2016 (Annexure P-8 Colly) to respondent No.3, 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.3 to take a decision on the representations dated 19.10.2016 (Annexure P-8 Colly), 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

November 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No