

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24690 of 2016

Date of Decision: 1.12.2016

Kusum Bansal

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

PRESENT: Mr. Jagbir Malik, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the auction held on 11.11.2016 for Site No. 1193, Sector 18, Panipat, measuring 6 marla. Further, a writ of mandamus has been sought directing the respondents to allot the said site to the petitioner being successful bidder at the closing of e-auction held on 7.11.2016.

2. Put shortly, the facts necessary for adjudication of the instant writ petition as narrated therein may be noticed. Respondents No.2 and 3 vide advertisement (Annexure P-1) invited applications for e-auction for various sites in Sector 18 for left over plots measuring 10 marla, 8 marla, 6 marla and 4 marla, respectively. The e-auction was to be held on 7.11.2016 from 9.00 AM to 5.00 PM. As per Clause 10 of the terms and conditions, in case of receiving any bid 10 minutes prior to 5.00 PM, i.e. the closing time fixed, the auction would be extended automatically by 10 minutes and such

extensions would continue till next 10 minutes of last bid. In response to the

said advertisement, the petitioner applied only for site No. 1193, Sector 18, Panipat vide her application dated 5.11.2016 (Annexure P-2) and also deposited a sum of ₹ 1,000/- and ₹ 44,082/- as security amount vide acknowledgment receipt dated 5.11.2016 (Annexure P-3). The petitioner submitted her bid for an amount of ₹ 27,64,100/- against the reserve price of ₹ 22,04,100/- at 16:58:55. As per the terms and conditions, the auction was to close at 17:00 hours and could be extended only on receipt of any other bid during remaining 1 minute 5 seconds. Since after submission of the bid by the petitioner on 7.11.2016 at 16:58:55 no other bid was received, therefore, the petitioner being the successful bidder was entitled for the allotment of site No. 1193, Sector 18, Panipat measuring 6 marlas which is clear from the bid proceedings (Annexure P-4). The petitioner submitted her requisite documents through e-mail dated 9.11.2016 (Annexure P-5) and also deposited an amount of ₹ 2,32,328/- as earnest money vide challan dated 8.11.2016 (Annexure P-6). When no communication was received by the petitioner, she enquired from respondent No.3 and came to know that the auction which was to be closed on 7.11.2016 at 5:00 PM was continued on 11.11.2016 receiving bids from other applicants and the last bid was received on 11.11.2016 at 17:19:56 as is discernible from the list of bids (Annexure P-7). The petitioner also submitted her documents to respondent No.3 through registered post vide letter dated 12.11.2016 (Annexure P-8). However, no action has been taken thereon. Hence, the present writ petition.

3. After hearing learned counsel for the petitioner, we do not find any merit in the writ petition.

4. Admittedly, respondents No.2 and 3 vide advertisement

(Annexure P-1) invited applications for e-auction for various sites in Sector 18 for left over plots measuring 10 marla, 8 marla, 6 marla and 4 marla, respectively. The e-auction was to be held on 7.11.2016 from 9.00 AM to 5.00 PM. In response thereto, the petitioner applied only for site No. 1193, Sector 18, Panipat vide her application dated 5.11.2016 (Annexure P-2) and also deposited a sum of ₹ 1,000/- and ₹ 44,082/- as security amount vide acknowledgment receipt dated 5.11.2016 (Annexure P-3). The petitioner submitted her bid for an amount of ₹ 27,64,100/- against the reserve price of ₹ 22,04,100/-. Nothing has been shown by the petitioner that the bid furnished by the petitioner was ever accepted by the respondents which would give enforceable right to her.

5. Further, as per condition No.5 of the terms and conditions, the competent authority had a right to accept or reject any bid or withdraw any or all the sites from auction or cancel/postpone the e-auction without assigning any reason thereof. Learned counsel for the petitioner had failed to show that the final bidding had come to an end on 7.11.2016 as alleged, whereas the same was confirmed on 11.11.2016 as per averments in the writ petition. Once no legal enforceable right had accrued in favour of the petitioner, therefore, she could not invoke the writ jurisdiction of this Court

6. Accordingly, finding no merit in the writ petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

December 1, 2016
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes