

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27093 of 2016

Date of Decision: 23.12.2016

Bishnu Kumar

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Jitender Dhanda, 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. 102P and 103, Sector 12 (Commercial), Faridabad in response to the advertisement, Annexure P-1, and the e-auction conducted on 8.10.2016.
2. Respondent No.2 vide an advertisement (Annexure P-1) advertise the e-auction of commercial sites at Faridabad. The Haryana Urban Development Authority (HUDA) extended the date for registration vide corrigendum (Annexure P-2). In response thereto, the petitioner got himself registered on the portal/website of the respondents vide receipts dated 6.10.2016 (Annexure P-3 Colly) and also obtained all the requisite material to participate in e-auction process for shop-cum-office site Nos.

102P and 103, Sector 12, Faridabad. The petitioner also deposited the EMD/security amount for the said sites vide receipts dated 6.10.2016 (Annexure P-4 Colly). As per the documents (Annexure P-5 Colly), the petitioner was logged into the portal/website of the respondents to participate in the e-auction of the sites in question. The petitioner being the highest bidder was declared successful in both the sites in question 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. Accordingly, the petitioner moved the representations dated 19.10.2016 (Annexure P-7 Colly) to respondent No.3 for allotment of SCO Nos. 102P and 103, Sector 12 (Commercial), Faridabad by way of auction, but no response has been received till date. As per the news report (Annexure P-8), a fraud had been committed by the respondents in cancelling the above said auction. 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-7 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-7 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

December 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No