

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

CWP No.4988 of 2015

Date of decision : 25.4.2016

Shree Ganpati Enterprises (Regd.)

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present: Mr. S.K.Bhatti, Advocate for the petitioners.

Mr. Rahul Dev Singh, DAG Haryana.

Mr.Deepak Balyan, Advocate for respondent-HUDA.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL)

The petitioners are aggrieved of the fact that an alternate site had not been allotted to them. Pursuant to a notice inviting tenders issued on 18.12.2012, the petitioners' submitted a bid for a parking site. The petitioners' bid was accepted and an allotment letter dated 29.4.2013 was issued. The petitioners were allotted a parking site for a period of two years from the date of issuance of the allotment letter. However, even before the allotment letter was issued vide order dated 14.3.2013 a civil court granted an injunction restraining the plot from being used as a parking site. The petitioners, therefore, requested the allotment of an alternate parking site. By a communication dated 29.11.2013, the respondents stated that the parking site had been cancelled and that the petitioners had been granted an

opportunity for the allotment of an alternate site. Ultimately, however, an alternate site was not granted to the petitioners. The period of contract having come to an end and in the facts and circumstances of the case, the petitioners' remedy, if any, would be of damages. We, therefore, intend relegating the petitioners to proceedings for damages.

It must, however, be noted that serious allegations of mala-fides and favoritism have been made by the petitioners including in paragraphs 14 and 15 of the petition. The petitioners, have inter alia contended that alternate sites have been given to six other parties despite the fact that they had bid lower amounts. Curiously, till date, no affidavit or reply has been filed. This definitely raises some suspicion regarding the allegations. Although we intend relegating the petitioners to a claim for damages in appropriate proceedings, it is necessary that the allegations are investigated by the respondents. The Additional Chief Secretary, Town and Country Planning is directed to investigate the matter. The petitioners shall be entitled to furnish information to the Additional Chief Secretary who shall give a notice to the petitioners in this regard before passing a final order.

The petition is disposed of accordingly.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.4.2016
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