

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.10760 of 2017.

Date of Decision: May 18, 2017

Dr.S.B.Siwach

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.S.S.Dinarpur and Mr.Subhash Godara, Advocates,
for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is MBBS, MD qualified Doctor having varied experience to his credit. He participated in E-auctioning conducted by HUDA for the sale of two nursing home site Nos.1 & 2 in Sector-43, Gurugram. The petitioner, however, was not successful as for Site No.1, there was one bidder who offered higher bid than him and for Site No.2 also there was one bidder who gave a higher bid than the petitioner. As per the terms and conditions of E-auctioning (clause No.44), nursing home site was to be auctioned “only to the specialists, i.e., postgraduates in the field, i.e., MD/MS/M.D.S. etc.”. The petitioner's son obtained information under Right to Information Act and as per the said information, highest successful bidders for both the sites do not possess the qualification of specialization in MD/MS/M.D.S. etc. On the strength of said information, the petitioner seeks quashing of allotment in favour of successful bidders/ private-respondents alleging that they are ineligible and could not have participated in the E-auctioning. He seeks resultant direction to allot one of the sites to him being the next highest bidder.

The question as to whether the private-respondents were eligible or not is essentially a question of fact. If it is found that the private-respondents did not qualify as per the terms and conditions of the eligibility, the HUDA authorities would be obligated to take remedial action. Since all these issues have been raised by the petitioner in his representation dated 04.05.2017 addressed to the Chief Administrator, HUDA, Panchkula, we dispose of this writ petition at this stage with a direction to the Chief Administrator, HUDA, Panchkula to verify the allegations levelled by the petitioner and take necessary action in accordance with the terms and conditions of allotment/E-auctioning. Let the needful be done within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

May 18, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No