

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.19822 of 2017
Date of decision:01.09.2017

Infinity Mining Company

... Petitioner

Vs.

The State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kartik Gupta, Advocate
for the petitioner.

AJAY KUMAR MITTAL J. (ORAL)

1. The petitioner has approached this Court under Articles 226 and 227 of the Constitution of India seeking following prayer:-

“i) quashing of the entire E-Auction process conducted by respondents on 21.08.2017 and 22.08.2017 in furtherance of the E-Auction/Public Notice dated 24.07.2017 (Annexure P-1) with regard to mining site located at Bakharija (Mahendergarh) and Asawari (Dadri) as the entire e-Auction process has turned out to be mere eye wash as inspite of establishing full fledged and detailed pre requisites and also payment of Earnest Money Deposit (EMD) and other services free, the petitioner has been deprived of his right to bid in an

unfair and arbitrary manner and it has been deprived of participating in the e-auction process solely on the basis of some technical error at the time of validation of the transaction, so that only few selective bidders who were working hand in glove and in collusion with respondent-authorities have been allowed to participate in the E-Auction process resulting in meagre increase of bid amount by only 2% above the reserve price (Rs.47,55,50,000/-) and whereas, the petitioner being a genuine bidder was/is ready and willing to bid by an increase of Rs.5,00,00,000/- above the reserve price more, whereas the increase by the highest bidder is less than even Rs.1,00,00,000/- which fact is also apparent from the rising Trend of other mining sites in the State of Haryana which have always been auctioned at much higher prices than the Reserve Price as per the Data (Annexure P-8) and as such the above malafide intention of respondents has caused grave loss to the State Exchequer by illegally benefitting certain bidders working in connivance with the Government and thus, the auction process is liable to be quashed at the very outset being illegal, ultra-vires, void and without jurisdiction;

ii) Further praying that writ especially in the nature of mandamus be issued directing respondents to re-conduct the e-auction process for the mining site located at Bakharija (Mahendargarh) and Asawari (Dadri) issued in furtherance of

the E-auction notice/public notice dated 24.07.2017 (Annexure P-1) or in the alternative, treat the petitioner as the highest bidder in view of the terms and conditions laid down by respondents;

iii) direct the official respondents to disclose the names of the highest bidder in the e-auction in question to enable the petitioner to implead them as party respondent in the above petition, as the official respondents inspite of repeated representations/RTI applications are not disclosing the names of the highest bidders.

iv) For issuance of any other appropriate writ, order or direction which this Hon'ble Court deems fit in view of the facts and circumstances of the present case.”

2 After arguing for some time, learned Senior counsel for the petitioner submitted that though the representations, Annexure P-11 (colly) had been filed on 21.08.2017 but the same have not been decided by respondent No.2, so far. He further submitted that he may be allowed to file a detailed and comprehensive representation within a period of three days and a time bound direction be issued to the concerned respondent for deciding the same.

3. After hearing learned Senior counsel for the petitioner and perusing the averments made in the petition and without expressing any opinion on the merits of the controversy, we dispose of the writ petition by permitting the petitioner to file a detailed and comprehensive representation

raising all the pleas as sought to be raised in the present writ petition before respondent No.2 within a period of three days from today. In case such a representation is filed, the same shall be decided by respondent No.2 within a period of next one week in accordance with law after affording an opportunity of hearing to the petitioner and by passing a speaking order.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 01, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No