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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-8211-2017 (O&M)
DATE OF DECISION:25.04.2017

PHUL HASSAN **… Petitioner**

Versus

DEPUTY COMMISSIONER, PATIALA AND ANR. ... Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Ms. Sudeepti Sharma, DAG, Punjab.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioner has challenged the respondent's decision to hold a fresh auction. The petitioner's case is that the cycle stand was auctioned on 28.03.2017 and that his bid of ₹ 10.50 lacs per annum was the highest. He deposited the initial amount of ₹ 50,000/-. The balance amount of ₹ 10 lacs was to be deposited on the fall of the hammer. The petitioner admittedly did not deposit the balance amount on being declared the highest bidder. The petitioner's case itself is that he sought to handover ₹ 3.50 lacs in cash on the spot. There is no evidence of the same. We will, however, assume that to be correct. The petitioner thereafter deposited an amount of ₹ 6.85 lacs by RTGS transfer. Even that does not comply with the terms and conditions for the petitioner had to deposit the balance amount of ₹ 10 lacs.

In the circumstances, the respondents cannot be faulted for holding a fresh auction. However, the respondents ought to refund the entire

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amount to the petitioner forthwith. Under the terms and conditions, the respondents would be entitled to retain the earnest money deposit of ₹ 50,000/-. However, not having returned the amount of ₹ 6.85 lacs so far, the ends of justice require that the earnest money deposit of ₹ 50,000/- also ought to be returned.

The petition, however, is dismissed. The respondents shall, however, refund all the amounts paid thus far by the petitioner including earnest money deposit of ₹ 50,000/- latest by 15.05.2017 failing which the official respondents shall be liable to pay interest of 12% per annum. The petitioner shall also be at liberty to bid at the fresh auction.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

25.04.2017
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Whether speaking/reasoned Yes /No
Whether reportable Yes /No

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