

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17896 of 2018.

Date of Decision: August 21, 2018

Smt.Nirmala and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Amit Jaiswal, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners seek quashing of the orders dated 30.09.2016 and 29.01.2018 passed by Chief Administrator, Haryana State Agricultural Marketing Board as well as the State Government in exercise of its revisional jurisdiction, whereby auction of shop sites Nos.22, 31 and 32, respectively, in favour of the petitioners was not confirmed and the earnest money deposited by them has been refunded.

It is not in dispute that the reserve price of a site was Rs.60,32,000/- against which the petitioners gave highest bids of Rs.60,60,000/-; Rs.61,00,000/- and Rs.61,10,000/-, respectively. The Competent Authority, namely, the Chief Administrator of the Board did not find it to be a fair price and declined to confirm the auction. The earnest money was immediately refunded to the petitioners. The petitioners filed revision petition before the State Government under the Haryana Agricultural Produce Marketing Act, 1961, but the same has also been dismissed vide a self-speaking order dated 29.01.2018. The Revisional Authority has cited the judgment of the Hon'ble Supreme Court rendered in

the case of auction of commercial sites by the respondent-Board itself. In the said judgment, the Apex Court held as follows:-

“... At the risk of repetition, we may note that one of the conditions in the Public Notice was that the final authority to approve or disapprove the best offer in the auction was that of the Chief Administrator of the Board. It is true that the Chief Administrator of the Board rejected the offers without assigning any reason but Section 18 of the Act clearly provides that such rejection could be made without assigning any reason.....”

In the instant case, counsel for the petitioners has failed to point-out despite our specific query, as to how many persons participated in the bid. It appears, *prima-facie*, that the petitioners formed a cartel and gave bid one by one for the identified sites with a marginal increase. The highest bids do suggest that there was no true competition. Hence, the authorities are fully justified in not confirming the auction. No legally vested right accrued in favour of the petitioners has been infringed.

Dismissed.

[SURYA KANT]
JUDGE

August 21, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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