

CWP-21507-2017

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

CWP-21507-2017

Date of Decision: July 26, 2018

Vinod Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Pankaj Bali, Advocate for the petitioner.

Mr.Sandeep Vermani, Addl.AG, Punjab.

Mr.K.S.Boparai, Advocate for respondent Nos.2 to 4.

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SURYA KANT, J.(ORAL)

The petitioner participated in the open auction held on 20.06.2017 for allotment of Plot No.48, New Vegetable Market, Sanaur Road, Patiala. It appears that against the reserve price of ₹55.00 lacs, he gave a bid of ₹77.00 lacs. The Competent Authority has not approved the bid for the reasons explained in the written statement, relevant extracts whereof are to the following effect:-

“As per rules, against one application form only one person can offer bid. The petitioner had participated in the bid alongwith other participants. At the time of auction there was a serious dispute between the participants resulting problem of law and order. Against one application, many persons started giving bid which was not permissible. For the same

plot No.48 there were more than one persons claiming highest bidders. The petitioner was claiming himself as the highest bidder. One other person namely Rajit Kapoor claimed that he was the highest bidder for Rs.77,00,000/-. On the same day he moved complaint dated 20.06.2017 to the Estate Officer of Punjab Mandi Board stating that the auction was not fair as there was clash between the bidders due to which law and order problem had arisen and he sought re-auction. Ultimately the police had to interfere and the dispute was averted. The respondents had recorded the video CD covering the whole chaos created at the spot by the participants in the auction. The CD may be produced or displayed as and when ordered by the Honourable Court. Keeping into view the disturbance created at the time of auction, the Board cancelled the auction and returned the demand drafts delivered by the petitioner at the time of auction.”

[2] In the light of the above stated stand, it cannot be said that the auction has been cancelled for arbitrary or insufficient reasons. We are thus not inclined to interfere with the impugned decision except to direct the respondent-Board to evolve a transparent mechanism for the sale of such like public properties with the approval of the State Government, if so required. Thereafter, the left out shop-sites may be put to auction with adequate arrangements to maintain law and order. The proceedings of auction be video recorded. If no-one comes to offer more than ₹77.00 lacs

for the subject site, the Board may reconsider its previous decision to accept the bid of the petitioner for ₹77.00 lacs. It shall be appreciated if an appropriate decision is taken within a period of four months from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

July 26, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |