Gurbax Singh
2018.05.24 16:28

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8629 of 2018 (O&M)
Date of decision: May 08, 2018

Rashi Bhasin aged about 39 years wife of Sh. Vikas Bhasin resident of 810/18L STN 10 Upkar Nagar, Civil Line Ludhiana (PB).

……Petitioner

Vs.

Oriental Bank of Commerce and others

…..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Manjinder Singh Saini, Advocate for the petitioner.
Mr. P.S. Sobti, Advocate for the respondents.

Ajay Kumar Mittal,ACJ.

1. The petitioner through the present petition filed under Articles 226/227 of the Constitution of India prays for quashing the letter dated 27.3.2018, Annexure P.6 issued by respondent No.3 whereby he was ordered to deposit ₹1,03,25,000/- being 25% of the offered highest bid of ₹4,13,00,000/-. Direction has also been sought to respondent Nos. 1 to 4 to ratify the technical error which arose during the course of live auction bidding and to release the auctioned property in the name of the petitioner being successful bidder for actual amount of ₹41,30,000/-. Prayer has also

been made for a direction to respondent Nos. 1 to 3 not to forfeit sum of ₹10,25,000/- initially deposited by the petitioner.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. Respondent Nos. 1 and 3 floated advertisement on 20.2.2018 for e-auction of the property of respondent No.5 which is a 130 square feet located at B-34-361-1-A, Chandan Nagar, Main Road, opposite Inder Vihar Colony, Tehsil and District Ludhiana for the reserve price of ₹41,00,000/-. The petitioner being interested in the property filled the form on 16.3.2018 and got herself registered for bidding in the auction on 24.3.2018. The petitioner deposited the amount of ₹10,25,000/-. Respondent Nos. 1 to 3 got the auction conducted through an agency "Auction Tiger", respondent No.4. The petitioner participated in the auction. When the auction was about to end, inadvertently, the petitioner entered the amount of ₹4,13,00,000/- in place of ₹41,30,000/-. When the petitioner tried to correct it, the server got hanged and there was technical error in the same. The petitioner was declared successful bidder against the wrong amount of ₹4,13,00,000/- due to technical error. This was brought to the notice of the respondents. Consequently, the audition time was extended till 1400 hours. The respondents started the auction afresh and allowed the petitioner to rebid. The petitioner again made a bid of ₹41,30,000/- and being the single bidder, the petitioner was declared successful in the auction. Thereafter, the petitioner was surprised when she received an e-mail on 27.4.2018 from respondent No.4 wherein she was asked to pay a sum of ₹1,03,25,000/- which is 25% of ₹4,13,00,000/-. The petitioner approached the respondents but in vain. Hence the instant writ petition by the petitioner.

3. We have heard learned counsel for the parties.

4. Admittedly, respondent Nos.1 and 3 advertised an e-auction of the property of respondent No.5 i.e. 130 square feet located at Chandan Nagar, Ludhiana on 20.02.2018 for the reserve price of ₹41,00,000/-. The auction was to be held on 24.03.2018. The petitioner filled the requisite form and got herself registered for the bidding in the auction held on 24.03.2018. The petitioner deposited a sum of ₹10,25,000/- as remittance amount. The petitioner participated in the auction. According to the petitioner, when the auction was about to end, inadvertently she entered the amount of ₹4,13,00,000/- in place of ₹41,30,000/-. When the petitioner tried to correct it the server got hanged. On pointing out the error to the respondents, the time of auction was extended. The petitioner was allowed to rebid. The petitioner again made a bid of ₹41,30,000/- being a single bidder. Vide communication dated 27.04.2018, the petitioner was asked to pay a sum of ₹1,03,25,000/- i.e. 25% of bid of ₹4,13,00,000/-. No material has been placed on record to show that the wrong figure was entered by the petitioner inadvertently while bidding. Learned counsel for the petitioner has not been able to produce any record to substantiate the claim made in the Writ Petition. Moreover, it is entirely within the domain of the competent authority to take a decision keeping in view of the overall interest of the public. In the present case, no material particulars have been furnished by the petitioner before this Court that due to snag in the server, the figure was inserted wrongly. Even, Annexure P.3 attached with the writ petition shows that the last bid accepted was of ₹4,13,00,000/-. Thus, the competent authority finding no substance in the plea taken by the petitioner, vide communication dated 27.04.2018 asked her to pay a sum of ₹1,03,25,000/-.

5. In view of the above, we do not find ground to interfere with the impugned order passed by the respondents in exercise of writ jurisdiction

under Articles 226/227 of the Constitution of India. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Acting Chief Justice

May 8, 2018 **(Tejinder Singh Dhindsa)**
'gs' **Judge**

Whether speaking/reasoned **Yes**
Whether reportable **Yes**