

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

Sr. No.119

**CWP-33157-2019
Date of decision : 16.11.2019**

Dr. Suman Mor

..... Petitioner

VERSUS

Union Territory Chandigarh and another

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Amit Kumar, Advocate, for the petitioner.

SUDHIR MITTAL, J.

The petitioner assails undated Corrigendum (Annexure P-3) vide which the last date for E-auction was extended to 10.11.2019. She also prays for appropriate direction to respondents to provide an effective opportunity to apply for E-auction of residential properties.

As per the averments in the petition, the petitioner read a news item on 10.11.2019 indicating that an E-auction of residential/commercial properties in Chandigarh was due to be held on 13th and 14th November, 2019 and the last date for registration for the said E-auction was 10.11.2019 itself. Thereafter, she opened the concerned website for registering herself. She found that the original advertisement (date not forthcoming) was on the website and the same

has been placed on record as Annexure P-2. According to the original advertisement, registration for E-auction was to commence on 5.10.2019 and auction was scheduled for 4th/5th November, 2019. A training-cum-facilitation workshop was also to be held on 16.10.2019 and that the last date for submission of documents/EMD was 31.10.2019. From this advertisement, the petitioner also gained knowledge that digital signature certificate was required and EMD was required to be deposited in the bank account indicated therein. She found an undated Corrigendum, a copy of which is on record as Annexure P-3, according to which the last date for submission of documents was extended to 10.11.2019. It is further averred that the document (Annexure P-3) was created on 8.11.2019 and that this information was gathered from the website itself.

The creation of Corrigendum on 8.11.2019 extending the last date to 10.11.2019 has been assailed on the ground that sufficient time was not provided to the general public to participate in the E-auction. It is stated that 9.11.2019 was a second Saturday and a holiday and 10.11.2019 was a Sunday. Somebody who saw the Corrigendum on 8.11.2019, could not have got a digital signature certificate on holidays nor could the EMD have been deposited on a holiday. Thus, the petitioner and other similarly situated persons have been deprived of their right of participation in the E-auction.

Having heard learned counsel for the petitioner, we do not find any merit in his submissions. Admittedly, the original advertisement had been posted on the relevant website on or before 5.10.2019. The same must have also been published in various newspapers but the

petitioner failed to notice it. She only noticed a news item on 10.11.2019, but it was too late by then. A person who acquires knowledge of an E-auction process only on the last date thereof, cannot complain that his/her rights to participate in the E-auction have been adversely prejudiced. It is not the case of the petitioner that there was no publicity done before the last date fixed for submission of documents. From her averment that the Corrigendum (Annexure P-3) was generated on 8.11.2019, it cannot be concluded that there was no wide publicity of the extended date. The news item (Annexure P-1) relied upon by the petitioner itself contains a statement that the last date for submission of documents was extended as numerous expressions of interests were received from the general public. It is, thus, apparent that the public at large was aware of the E-auction to be held and keeping in view their demand, the last date for submission of documents was extended. It is obvious that the auction process was widely publicized and just because the petitioner did not come to know of it, it cannot be said that the E-auction process was conducted secretly.

Further, 13th and 14th November, 2019 are the dates mentioned in the news item (Annexure P-1) for the E-auction. The writ petition has come up for motion hearing on 16.11.2019. On being asked whether the auction had been conducted already, learned counsel for the petitioner replied in affirmative. Consequently, the petitioner cannot be granted the relief of permission to participate in the auction process. The auction itself has not been challenged in the writ petition.

For the aforementioned reasons, we find no merit in the writ petition and dismiss the same.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

16.11.2019
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No