

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2984-2020

Date of Decision: February 04, 2020

M/s Gaur & Sons

... Petitioner

Versus

Union Territory, Chandigarh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Sunil Kumar Bhardwaj, Advocate,
for the petitioner.**

Ravi Shanker Jha, Chief Justice (Oral)

This petition has been filed by the petitioner praying for issuance of a direction to the respondent-authorities to issue an allotment/confirmation letter in favour of the petitioner for it happened to be the highest bidder in e-auction proceedings undertaken by the respondents. The petitioner has also assailed the action of the respondents in cancellation of the earlier e-auction proceedings and has also prayed for a direction to the respondent-authorities to consider its representation.

The brief facts on the basis of which the petition has been filed by the petitioner, are that the respondent-authorities took up e-auction proceedings for selling of old material lying in Municipal Corporation, Public Health Store, Industrial Area, Phase-I, Chandigarh. It is stated that the petitioner was the highest bidder, but the allotment letter was not issued to the petitioner and therefore, the petitioner had approached this Court by filing a writ petition being CWP-1396-2020. The said writ petition was dismissed as withdrawn on 20.01.2020 with liberty to the petitioner to participate in the fresh auction proceedings that had been undertaken by the respondents. It is stated that the fresh auction proceedings were held by the authorities on 22.01.2020 in which

the petitioner participated and was again the highest bidder, but no allotment letter has been issued to the petitioner till date. On the basis of the aforesaid assertions, the petitioner has filed the present petition.

Having heard learned counsel for the petitioner, it is observed that there is nothing on record to indicate that the authorities are bound to accept the highest bid of the petitioner. In fact, it is settled law that the right to accept or not to accept the highest bid rests with the respondent-authorities.

Quite apart from the above, it is also noted that the previous petition filed by the petitioner had been permitted to be withdrawn after extensive arguments were made by the petitioner and this Court was of the view that in the absence of any privity of contract between the parties, no direction could be issued to the respondent-authorities to accept the highest bid of the petitioner and enter into a contract with the petitioner. The situation in the present case is identical and therefore, we are of the considered opinion that no direction can be issued to the respondent-authorities to mandatorily enter into a contract or agreement with the petitioner at this stage. More so, as the tender proceedings are yet to be finalized and the matter is pending before the authorities, in such circumstances, we feel that the petition is not maintainable as the same is premature and it is accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

February 04, 2020
vkd

(Arun Palli)
Judge

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No