

CWP No.7324 of 2020 (O&M)

Date of decision : 20.05.2020

M/s Gaur Trading Company

..... Petitioner

versus

Union Territory Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

AJAY TEWARI, J. (Oral)

1 By this petition the petitioner has claimed that it had participated in an auction of old and obsolete material lying in the Municipal Corporation issued by the respondents - U.T., Administration and had given highest bid for lot No. 2, 3 and 5 and had deposited earnest money amounting to Rs. 71.00 lakhs odd. However, on 09.01.2020, the respondent authorities have cancelled the auction notice without any specific and cogent reason. He had prayed for refund of the amount which has been deposited by him.

2 Notice of motion.

3 On the asking of the Court Mr. Anil Mehta, Standing Counsel for the Union Territory accepts notice on behalf of the respondents.

4 The petitioner has placed reliance on document Annexure P-2 wherein it has been stipulated that the EMD of the unsuccessful bidders shall be refunded with-out interest within one month of the award.

5 Learned counsel for the respondents states that a decision has been taken to refund the entire amount of the petitioner within two weeks' from 14.05.2020 and the delay occurred only because of present pandemic.

6 Counsel for the petitioner has countered by arguing that even if the delay has occurred due to circumstances beyond the control of the respondents yet the money has went in their account and they have earned interest on it.

7 In this view of the matter we direct the respondents to refund the amount along with interest @ 6% p.a. on or before 28.05.2020 (as decided by them already).

8 The petition stands disposed of in above terms.

9 Since the main case has been decided, the pending C.M. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

20.05.2020

pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No