

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

CWP-13464-2021

Date of Decision: 26.07.2021

**PAWAN KUMAR AND ANR ... PETITIONERS
VS.**

STATE OF HARYANA AND OTHERS .. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Navmohit Singh, Advocate, for the petitioners.

Mr. Sandeep Moudgil, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA , J.(ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

As per pleadings on record, the petitioners had submitted a bid online for plot No. 141-P, admeasuring 14 Marlas, Police Line Area, Hisar in pursuance to an auction process that had been initiated by the Haryana Shehri Vikas Pradhikaran. The bid amount was for Rs. 1,24,86,600/-.

Instant writ petition has been filed raising a prayer that such bid of the plot in question be accepted being the highest bid. Further grievance raised in the petition is that no specific order has been passed informing the petitioners as regards the fate of his bid, the same having been accepted or rejected. An alternate prayer has also been raised in the petition that the registration amount as also Earnest Money Deposit

(EMD) made by the petitioners has been utilized by the respondent-Haryana Shehri Vikas Pradhikaran over a certain period of time and if the bid is not to be accepted, the petitioners ought to be paid interest on such amount.

We have heard counsel at length and have perused the pleadings on record.

Counsel does not dispute that the e-auction process in which the petitioners have participated was governed by a revised e-auction policy dated 16.06.2020 issued by the Pradhikaran. Such revised e-auction policy has been placed on record and appended as Annexure P-1.

Briefly it may be noticed that the scheme of such e-auction policy is that, the base price of a property being put to auction is disclosed and which is equivalent to the current Collector rate of that area. Bids for e-auction are to start from the base price. It is further stipulated that reserve price is to be determined by the Committee constituted for the purpose. Reserve price is to remain confidential and to be used for evaluating the highest bid. It is thereafter that a successful bidder is to be issued a letter of intent. Clause 15 and 16 of the policy would be relevant to the issue at hand and are reproduced hereinbelow:-

“The competent authority of HSVP reserves the right to accept or reject any bid or withdraw any or all the properties from e-auction or cancel/postpone the e-auction, without assigning any reason.

The bidding will start from the Base Price. The reserve price shall remain confidential and shall be

used for evaluating the highest bid by the competent authority.”

It is the petitioners' own case that the base price of the plot for which the bid has been made was Rs.1,24,56,600/-. Petitioners put in a bid which was Rs.30,000/- more than the base price.

Apparently, the bid of the petitioners having been evaluated by the Committee that has been constituted for the purpose has not been accepted keeping in view the reserve price that may have been determined. Resultantly, an amount of Rs.12,48,660/- stood credited back into the saving bank account of the petitioners on 04.12.2020.

Counsel has not been able to point out any provision under the e-auction policy which would obligate the respondent-Pradhikaran to accept the highest bid. There would be no such right vested with the petitioners. To the contrary, the highest bidder only has a right of consideration and for such bid to be evaluated against the reserve price determined by the Committee. In the facts of the case, there is no material for us to conclude that any contract came into force between the petitioners and the respondent-Pradhikaran. Action of the respondent-authorities is in consonance with the terms and conditions of the e-auction policy.

Counsel has brought to our attention Clause 28 of the e-auction policy which mandates that earnest money of the unsuccessful bidder (except H1 of each property) will be refunded by the system automatically on the closing date of the auction. Regarding acceptance and rejection of H1 bid, competent authority shall take the decision

within seven working days after the date of e-auction. On the strength of Clause 28, it is sought to be contended that the e-auction process had concluded for the property in question in the month of October 2020 itself and the respondent-Pradhikaran has sat over the registration amount as also EMD deposit over a period of almost 37 days prior to the same having been credited back into the petitioners' account. Accordingly, by way of last resort, a prayer is raised by the petitioners to award interest for such period.

It was vehemently contended that even legal notice dated 22.02.2021 (Annexure P-6) has been served but no favourable response has been evoked till date.

We find that even in such legal notice dated 20.02.2021 (Annexure P-6), there is no claim for interest.

In view of such admitted position, we are not inclined to examine such claim.

Writ petition is dismissed.

We, however, keep the issue as regards the claim of interest to the petitioners open and the petitioners, if so advised, would be at liberty to raise such claim in accordance with law.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

26.07.2021
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No