

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-2455-2022 (O&M)
Date of decision:21.02.2022

Madhu Bala

... Petitioner

Vs.

State of Haryana & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE LALIT BATRA.**

Present:- Mr. A.K. Jindal, Advocate for the petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana.

Mr. Arvind Seth, Advocate for respondent No.2 & 3/HSVP.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Instant writ petition had come up for preliminary hearing before this Court on 10.02.2022 and the following order was passed:

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

Pleadings on record would indicate that the petitioner had participated in an e-auction process conducted by respondent-HSVP and had submitted a bid for one Kanal plot in Sector 38, Gurugram-II on 25.12.2021. The bid submitted by the petitioner was for Rs. 3,18,43,600/-. Categorical assertion made by the petitioner is that she was the highest bidder. Be that as it may, on 11.01.2022 petitioner was informed that the bid submitted has been found below the reserve price fixed for the property and as such a chance/option was granted to match the bid above the reserve price. Petitioner was further informed that if she is agreeable to give a bid of Rs. 4,22,67,600/- then she is liable to deposit a sum of Rs. 10,42,400/- within a period of 48 hours.

The document appended as Annexure P-7 clearly shows that the petitioner exercised the option and declined the offer having been made to her to up her bid.

The short grievance raised in the petition is that inspite of almost four weeks having elapsed since then, an amount in excess of Rs. 30 lakhs that the petitioner had submitted i.e. towards 10% of the bid amount has not been refunded.

It is inter alia argued that the facts of the case reflect a classic case of undue enrichment at the hands of the State instrumentality.

Notice of motion confined to respondents No. 2 and 3 returnable for 21.02.2022.

Mr. Pravindra Singh Chauhan, Advocate enters appearance and waives service.

A complete copy of the petition already stands furnished.”

Mr. Arvind Seth, Advocate has entered appearance on behalf of respondents No.2 and 3/Haryana Shehari Vikas Pradhikaran and makes a categorical statement that the amount that the petitioner had deposited for participating in the e-auction process i.e. Rs.31,84,360/- - the EMD deposit would be refunded/deposited back in the petitioner's account during the course of the day.

Statement is accepted.

In view of the above, the primary grievance of the petitioner stands redressed.

Petition is disposed of as infructuous.

The claim raised by the petitioner for award of interest for the delayed refund of the amount is kept open.

A claim for interest may be raised by the petitioner by way of filing a representation and in the eventuality of the same being done, the

respondent/Pradhikaran would be obligated to examine the same and to take a decision thereupon expeditiously and to convey the petitioner accordingly.

Suffice it to observe that such liberty being given to the petitioner to raise a claim qua interest may not be construed as an expression of opinion of this Court as regards such claim.

(TEJINDER SINGH DHINDSA)
JUDGE

21.02.2022
harjeet

(LALIT BATRA)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |