

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

CWP-5087-2022 (O&M)
Date of decision:- 19.04.2022

M/s Bhatia Timber Traders

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Sunil Chadha, Senior Advocate,
with Mr. Beant Singh Seemar, Advocate,
and Ms. Devyani Sharma, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

CM-5599-CWP-2022

Leave is granted to place on record the copies of plaint; application filed by defendant No. 1; written statement filed by defendants No. 3 to 5 and interim orders passed in the civil suit as Annexures P-23 to P-26 and the application is allowed.

CWP-5087-2022

The petitioner by way of the present writ petition seeks a writ of certiorari for quashing an order dated 22.12.2021 (Annexure P-22) passed by respondent No. 4, whereby respondent No. 6 has been directed to forfeit 25% of the bid amount i.e. Rs. 1,65,00,000/- deposited by it pursuant to the directions issued by respondent No. 2 vide letter dated 14.12.2021 (Annexure P-21).

The petitioner further seeks a writ of mandamus commanding the respondent-authorities to release the bid amount to it after deducting an appropriate amount qua the wood already cut by it.

Mr. Avinit Avasthi, learned Assistant Advocate General, Punjab, on instructions, submits that the impugned orders dated 14.12.2021 (Annexure P-21) and 22.12.2021 (Annexure P-22) have been passed by the respondent-authorities and the prayer of the petitioner for refund of the bid amount deposited by it has been rejected on account of the auction proceedings being cancelled in the wake of a stay order dated 04.03.2021 (Annexure P-11)

passed by learned Additional Civil Judge (Sr. Division), Sri Anandpur Sahib.

From the facts that have been narrated in the writ petition, it appears that the respondent-authorities, while taking a decision in the matter, have not taken all the facts into consideration and passed the impugned orders.

To this, learned State counsel submits that let the impugned orders dated 14.12.2021 (Annexure P-21) and 22.12.2021 (Annexure P-22) passed by the State be treated as nonest and the respondent-authorities shall re-consider the matter and pass a fresh order within two weeks. He further submits that the petitioner shall also be heard by the respondent-authorities before passing the fresh order.

In view of the aforesaid statement made by learned State counsel and taking the same on record, the writ petition stands disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.04.2022
Amodh

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