

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

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CWP No.26378 of 2022

Date of Decision: 13.12.2022

Sushma Sharma

....Petitioner.

Versus

State of Haryana and another

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Abhishek Vashista, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Deepak Sabherwal, Advocate
for respondent No.2.

HARINDER SINGH SIDHU, J.

The petitioner has filed the instant petition praying for issuance of directions to the respondents to issue a Letter of Intent pertaining to Booth No.182, under Category III, Sector 62, Faridabad, and for quashing the order/email dated 20.08.2022 (Annexure P-7) whereby the petitioner has been intimated by respondent-HSVP that the petitioner had already rejected the counter offer and only an application for refund was maintainable.

The petitioner participated in an e-auction of commercial properties/booth with basement and first floor for storage (2.75 x 8.25) at Sector 62, Faridabad, Group/Category III. The petitioner deposited earnest money of Rs.50,900/- on 20.07.2021. On 23.07.2021, the petitioner participated in the bid for booth No.182, Category III, Sector 62, Faridabad, under auction ID No.1931. She was the highest bidder with a bid price of Rs.33,47,700/-. Being the highest bidder, she deposited 10% of the total bid price i.e. Rs.3,34,700/- within 48 hours.

On 29.07.2021, vide email from mahesh.baku@tender247.com,

the petitioner was given a counter offer of Rs.42,68,200/- and was asked to pay an amount of Rs.9,20,500/- in addition to the bid amount of Rs.33,47,700/-. As per the said email, the link for counter offer was live on the login ID of the petitioner. The last date and time for counter offer was 31.07.2021 16:00 hours.

The case of the petitioner is that she was not certain about the genuineness of the counter offer. The petitioner replied to the said email on 30.07.2021 at 11:30 am stating that she had been trying to login into her portal but was not able to do so because the “login for E-auction portal” was not showing/available at the HSVP site. It is contended that the petitioner never received a counter offer from HSVP and their communication (Annexure P-7) stating that the petitioner had rejected the counter offer is without basis.

Mr. Sabherwal, learned counsel for HSVP, has placed on record a screen-shot of the portal which reflects that the petitioner had logged in on the HSVP portal on 30.07.2021 at 12:36:28 hours and rejected the counter offer. A copy of the said screen-shot is taken on record.

Learned counsel for the petitioner has not been able to dispute the authenticity of the said screen-shot/document.

In view thereof, we do not find any merit in the petition and the same is hereby dismissed.

(HARINDER SINGH SIDHU)
JUDGE

13.12.2022
D.Gulati

(LALIT BATRA)
JUDGE

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