

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

CWP-6888-2023

Date of decision: 07.12.2023

Keshav Goyal

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Kanhiya Soni, Advocate, for
Mr. Shashi Kant Gupta, Advocate,
for the petitioner.

ARUN PALLI, J.(Oral)

The petitioner herein has prayed for the following
substantive relief:-

*“Civil Writ Petition under Articles 226/227 of the
Constitution of India praying for the issuance of an
appropriate writ, order or direction particularly in the nature of
Certiorari for quashing the Impugned order dated 12.08.2022
Annexure P-7, issued by the respondent No.3, vide which
Booking of Plot No.267, IE Kundli, Phase-V, Sector 53,
measuring 459 SQM, stands cancelled illegally and arbitrary as
well as in violation of principle of natural justice;*

AND

*Issue a writ in the nature of Mandamus directing
the respondents to accept the H-1 Bid of the petitioner and
consider him for allotment of plot No.267, IE Kundli, Phase-V,
Sector 53, measuring 450 SQM as he has given the highest
bid.”*

Learned counsel for the petitioner submits that petitioner participated in the e-auction conducted by the respondent-Corporation on June 01, 2022, qua plot No.267, IE Kundli, Phase-V, Sector 53, measuring 450 square meter. For, against the reserve price of

Rs.43,500/- the petitioner submitted a bid for Rs.45,500/-, he was adjudged H1. Accordingly, vide e-mail dated June 02, 2022, he was conveyed that since he had booked a plot in HSIIDC e-auction, IE Kundli-450 square meter and was the highest bidder, the balance payment shall be scheduled shortly after conclusion of the e-auction. It is urged that the petitioner, in sync with the terms of the auction, had deposited Rs.8,16,750/-. Whereafter, he was sanguine that the letter of allotment would follow, for he was always ready to abide by the terms/conditions of the auction. However, vide communication dated August 12, 2022 (P-7), he was informed that since some H1 bids in the category of 450 square meter plots were not accepted by the competent authority, therefore, the payment link provided to the petitioner was de-activated in the e-auction website, and the earnest money deposited by the petitioner shall be refunded. He submits that subsequently, the respondents have credited the amount deposited by the petitioner in his bank account. It is urged that, *ex facie*, the impugned communication/letter/mail, vide which the bid submitted by the petitioner, despite being H1, was rejected, is bereft of any reason, for nothing is assigned, as to what impelled the authorities to cancel the auctioning process.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Kushaldeep Kaur, Advocate, for the respondent-HSIIDC, is present in Court.

Upon being pointedly asked, he fairly concedes that the impugned communication/order dated August 12, 2022 (P-7), is a non-speaking order. Therefore, he submits that it shall be expedient if the petition at hand is disposed of, at this stage, to enable the competent authority to pass a fresh order, in accordance with law, and assigning reasons in support thereof.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the competent authority be directed to do the needful within a specified time.

In response, learned counsel for the respondent-HSIIDC submits that the appropriate orders, in accordance with law, shall be passed within a period of four weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

07.12.2023
Ak Sharma

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