

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

(115)

CWP-15438-2023

Decided on : 21.07.2023

Kiran Pal and another

.....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Prateek Rathee, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226 of the Constitution of India, the petitioners seek directions for quashing of the e-auction proceedings with regard to Plot bearing No.10-P, Sector-5, Karnal which is scheduled to be held on 29.07.2023 (Annexure P-11).

2. Apparently, the petitioners had bidden for the plot in question measuring 1 kanal to the tune of ₹1,75,72,900/- against the reserve price of ₹1,75,42,900/- on 30.06.2022. The grievance as such is that the 10% initial deposit amount of ₹10,17,290/- has been refunded on 03.02.2023 and the plot has been put to re-auction at a reserve price of ₹2,77,46,100/- (Annexure P-11), which is now scheduled for 29.07.2023.

3. Keeping in view the fact that neither any Letter of Intent was issued in favour of the petitioners and neither they deposited the amount over and above the earnest money, there has been no confirmation of the bid by the competent authorities and neither any formal letter of allotment has been issued in favour of the petitioners.

4. In such circumstances, we are of the considered opinion that there is no vested right which has accrued to the petitioners. Apparently the reserve price which was initially fixed is far below to the reserve price which is now fixed and public money would be affected in case the petitioners claim is to be accepted. The respondents have already refunded the amount to the petitioners. The principle of law has been laid down in **Haryana Urban Development Authority and others Vs. Orchid Infrastructure Developers Pvt. Ltd., 2017 AIR SC 882**, which reads as under:-

“14. It is a settled law that the highest bidder has no vested right to have the auction concluded in his favour. The Government or its authority could validly retain power to accept or reject the highest bid in the interest of public revenue. We are of the considered opinion that there was no right acquired and no vested right accrued in favour of the plaintiff merely because his bid amount was highest and had deposited 10% of the bid amount. As per Regulation 6(2) of the Regulations of 1978, allotment letter has to be issued on acceptance of the bid by the Chief Administrator and within 30 days thereof, the successful bidder has to deposit another 15% of the bid amount. In the instant case allotment letter has never been issued to the petitioner as per Regulation 6(2) in view of non-acceptance of the bid. Thus there was no concluded contract.”

5. Resultantly, we do not find any merit in the present case to exercise our extra-ordinary writ jurisdiction. The writ petition stands dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

21.07.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No