

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

(121)

**CWP-15341-2023
Decided on : 25.07.2023**

SITM Ventures

.....Petitioner(s)

Versus

Haryana Shehri Vikas Pradhikaran and another

.....Respondent(s)

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

Present: Mr. Shailendra Jain, Senior Advocate with
Ms. Navneet Kaur, Advocate for the petitioner (s).

Mr. Deepak Sabherwal, Advocate for the respondent-HSVP.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226/227 of the Constitution of India, the petitioner seeks directions restraining the respondents from requiring the petitioner to deposit the remaining 75% payment of the total value of the bid amount.

2. On 20.07.2023 the following order was passed:-

“Inter alia submits that the letter of intent for commercial plot No.C2, Urban Estate, Gurgaon-II on freehold basis for a sum of Rs.46,50,33,500/- was issued in favour of the petitioner. He had deposited Rs.6,97,55,025/- to make good the 25% of the said amount, as per Clauses 1 & 2 of the letter of intent. It is submitted that there is a pumping station in the site in question and repeated requests have been filed (Annexures P-9 to P-11 and P-13) for getting possession.

Faced with this situation, Mr.Sabherwal prays for time to seek instructions.

List on 25.07.2023.”

3. Today, Mr. Sabherwal had candidly admitted that on account of the pumping station in the site in question possession cannot be delivered before a period of 8 months.
4. In such circumstances keeping in view the terms and conditions containing in the brochure for e-auction, we are of the considered opinion that the petitioner has no choice but to ask for the refund as eventually in view of Clause 39 it would be the obligation of the HSVP even to refund the full amount if received.
5. In such circumstances, Mr. Jain on instructions from Mr. Kapil Maggu, Partner of petitioner firm who is present in the Court, submits that the petitioner would prefer the refund, so that in case of non-deposit of 75%, the 25% amount may not be forfeited since the cut-off-date is 26.07.2023.
6. Accordingly, we dispose of the present writ petition with the directions to the respondents that they would refund the amount of 25% already deposited. The needful be done within 10 days from today by way of RTGS transfer. The details of the bank account in which the amount has to be deposited be supplied by the petitioner to the competent authority.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

25.07.2023
Naveen

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