

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

115

2023:PHHC:110554-DB

CWP-16961-2023

Date of Decision: 21.08.2023

Hitesh Kapoor

.....Petitioner(s)

Versus

State of Haryana and another

....Respondent(s)

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

Present: Mr. R.S. Chauhan, Advocate,
for the petitioner.

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

G.S.SANDHAWALIA, J. (Oral)

1. Prayer made in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for issuance of letter of intent to the petitioner being highest successful bidder regarding booth in question located in Sector 57, Gurugram auctioned on 19.01.2023.

2. The case of the petitioner is that the action of the respondents in refunding the amount deposited is without any basis and, therefore, the letter of intent should be issued in his favour. The petitioner had apparently given a bid for Rs.1,27,59,800/- against the reserve price of Rs.97,64,800/- and deposited the requisite 10% amount as earnest money. The sum of Rs.12,75,980/- was refunded back to him on 05.06.2023 (Annexure P-5). In such circumstances, the prayer is made for issuance of a writ in the nature of mandamus as such for issuance of a letter of intent.

3. The issue in question has already been deliberated and decided

by us regarding the auctions conducted on 19.01.2023 in **CWP-13656-2023**,

Mahavir Singh vs. Haryana Shehari Vikas Pradhikaran and others decided on 07.08.2023, wherein 14 cases were disposed of. It was noticed that the issue was of wrong fixation of reserve price and on that account, large number of auctions had been cancelled and the plots had been put to re-auction. Resultantly, we came to the conclusion that in the absence of any letter of intent and the auction not having been accepted, the writ petitions would not be maintainable as no contract as such had been completed.

4. It has now been brought to our notice that the reserve price was corrected to Rs.97,79,000/- for the booth in question and it has now again been put to re-auction for Rs.1,56,89,000/-. Apparently, the State has fetched a sum of Rs.29,29,200/- in excess of what the petitioner has paid. The issue of loss as such of public exchequer money was also considered by us in *Mahavir Singh's case (supra)*.

5. In such circumstances, we do not find any further ground to entertain the writ petition being covered by *Mahavir Singh's case (supra)* and the present writ petition accordingly is dismissed in view of the reasons given in the above-said case.

(G.S. SANDHAWALIA)
JUDGE

21.08.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No