

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

110

2023:PHHC:102969-DB

CM-12676-CWP-2023 in/and

CWP-22225-2022

Date of Decision: 09.08.2023

Delicasy Infratech Pvt. Ltd.

.....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. Amit Jhanji, Sr. Advocate,
with Ms. Nikita Garg, Advocate,
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate,
and Mr. Shivam Garg, Advocate,
for respondent Nos.2 and 3.

G.S.SANDHAWALIA, J. (Oral)

1. CM-12676-CWP-2023 has been filed for staying the operation of the auction of Plot No.105, Phase 5, Sector 56, HSIIDC, Kuldli, District Sonapat, Haryana.

2. Since the pleadings are complete, with consent of the parties, the main case is taken on record and for hearing today itself.

3. Challenge herein is to the action of the respondents dated 25.08.2022 (Annexure P-8) whereby, the bid of the petitioner was rejected. The petitioner seeks a writ in the nature of mandamus for directing the respondent-authorities to decide the representation dated 29.08.2022 (Annexure P-9) wherein, prayer has been made to make good the deficiency

in bid to purchase the plot in question on account of the fact that the amount

bidded was more than the reserve price. Bid was given for Rs.36,500/- per square meter against the reserve price of Rs.36,300/-, which has been sought to be enforced. Apparently, the amount of Rs.72,70,000/- has been refunded against the plot in question.

4. The defence of the respondents in the written statement is that the plot, which was a 4000 sq. mts. plot, was put to auction through the online bidding process. The petitioner applied for two plots in the category of 4000 sq. mts. which had the reserve price of Rs.36,300/- per square meter. Bid for one of the plot had been cancelled and amount was immediately returned on 01.06.2022 and only a single plot was being auctioned. There was only one bid given by the petitioner at Rs.36,500/- per square meter which was marginally above the reserve price of Rs.36,500/- and, therefore, it was not accepted by the respondent-Corporation.

5. Even in the writ petition, the averment is that the petitioner had applied for two plots. Apparently the number of plots was not mentioned in the brochure and since there was only one plot which was to be put for auction, the amount was returned qua one. As per Clause C (9)(h)(i) of the brochure (Annexure P-2), the Corporation reserved the right to accept or reject any bid subject to approval of the competent authority and even the highest bid could be withdrawn without assigning any reason. As per the terms of payment given under Clause E of the Brochure, regular letter of allotment had to be issued and 15% price of the plot had to be deposited within 30 days, which was never as such offered by the petitioner. The successful bidder had to complete 10% of the payment after adjusting the EMD amount deposited at the time of registration at H-1 bid price which was to be done after approval of the competent authority for acceptance of H-1

bids. In the absence of any such approval, the petitioner has no such vested right. Reliance can be placed upon the judgment in ***Haryana Urban Development Authority and others vs. Orchid Infrastructure Developers Pvt. Ltd., AIR 2017 SC 882***, which we have followed while deciding a bunch of petitions, lead case of which is ***CWP No. 13656 of 2023, Mahavir Singh vs. Haryana Shehari Vikas Pradhikaran and others***, decided on 07.08.2023.

6. Accordingly, we do not find any illegality or infirmity in the action of the respondents which would warrant interference and the present writ petition stands dismissed. All pending miscellaneous applications also stand disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

09.08.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No