

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21298-2023

Date of decision: 07.12.2023

Jagdish Prashad

....Petitioner

Versus

Haryana State Industrial and Infrastructure Development Corp. Ltd. and
another

....Respondents

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

Present: Mr. Rohit Mittal, 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 for the issuance of a writ of mandamus
directing the respondent department to provide the possession
of land which has been allotted to the petitioner in the auction
on dated 20.07.2023 as a highest bidder conducted by the
respondent department which has been cancelled without
giving any notice and without following the principle of natural
justice and also without mentioned the reason for the
cancellation of same to the petitioner.*

And

*Further directing the respondent department to
decide the representation dated 29.07.2023 (Annexure P-6)
submitted by the petitioner to the respondent department.”*

Learned counsel for the petitioner submits that petitioner participated in the e-auction conducted by the respondent-Corporation on July 20, 2023, qua a commercial site (CS-59), measuring 40.5 square meter, Narnaul. For, against the reserve price of Rs.58,300/- per square meter, the petitioner submitted a bid for Rs.59,800/- per square meter, he

was adjudged H1. Accordingly, vide e-mail dated July 20, 2023, he was conveyed that since he had booked a plot in HSIIDC e-auction of Convenience shop (single story), measuring 40.5 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.1,18,058/-. 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 July 27, 2023, (P-5), the petitioner was informed that his bid had not been accepted and the earnest money deposited by him shall be refunded shortly. 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. Further, even the representation dated 29.07.2023 (P-6), the respondent authorities were served with, has failed to evoke any response..

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 July 27, 2023 (P-5), 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