

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

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CWP No.24092 of 2022 (O&M)
Date of decision: 21.11.2023

Anil Jain

....Petitioner

V/s

State of Haryana and others

....Respondents

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

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Aditya Jain, Advocate for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana.
Mr. Ankur Mittal, Advocate, for respondent Nos.2 and 3.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive
relief:-

**“A civil writ petition under Articles 226/227 of the
Constitution of India praying for issuance of appropriate writ,
order and/or direction, especially a writ in the nature of
mandamus directing the respondents to handover the plot
allotted in the e-auction.**

And

**For issuance of any other appropriate writ, order or
direction, which this Hon’ble Court may deem just and proper,
keeping in view the peculiar facts and circumstances of the
present case.”**

The petitioner participated in the e-auction conducted by the
respondent-authorities for allotment of industrial site.

Concededly, being the highest bidder, he was adjudged H-1 for

a site bearing Plot No.641, measuring 4050 sq. mtrs. in IMT Sohna. However, post two months of the auction vide communication dated 10.08.2022 (Annexure P-8), he was conveyed that as his bid was not accepted, his earnest money would be refunded shortly.

Upon being pointedly asked, learned counsel for respondents No.2 and 3 submits that even though the authorities had recorded the reasons in the file notings, which impelled them to reject the bid of the petitioner, but he fairly concedes that no such reasons were either communicated to the petitioner or assigned in the impugned order/communication dated 10.08.2022. Although Rs.22,37,625/-, which were deposited by the petitioner as earnest money, have since been refunded. He submits that post rejection of the bid of the petitioner, the plot/site was sought to be re-auctioned on 14.03.2023, but the Division Bench by an interim order dated 13.03.2023 had directed that let the auction process go on, but the auction proceedings shall be subject to the outcome of the writ petition. However, he submits that said site was not re-auctioned. Accordingly, in the given circumstances, he submits that it shall be expedient if the petition is disposed of to enable the respondent-authorities to consider the concerns/grievances of the petitioner. And pass a comprehensive order, after affording an opportunity of hearing to the petitioner, as no reasons were assigned while rejecting the bid of the petitioner, and the impugned order is apparently non-speaking.

Learned Senior Counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondents. He submits that let the petition be disposed of in terms of his statement.

He also submits that petitioner is even willing to improve his earlier offer if the authorities are open to consider his claim in the right earnest.

In response, learned counsel for respondent Nos.2 and 3 submits that the necessary orders, as indicated above, shall be passed within a period of two months from today.

Accordingly, the petition is disposed of in terms of the statement made by learned counsel for respondents No.2 and 3. This Court is sanguine that the competent authority shall look into the grievances/concerns of the petitioner in the right earnest and pass appropriate orders. As undertaken by learned counsel for the respondents, the necessary orders shall be passed within a period of two months from today.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

November 21, 2023
vcgarg/Rajan

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No