

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24968 of 2023

Date of decision: 06.11.2023

Pawan Kumar and another
Vs.

.... Petitioner

State of Haryana and others

.... Respondents

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

Present: Mr. Sahil Gupta, Advocate
for the petitioner.
Mr. Deepak Bhardwaj, Advocate
for respondent No.1.
Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate
for respondents No.2 and 3.

ARUN PALLI, J (Oral)

The petitioners herein have prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India with a prayer for issuance of a Writ, Order or Direction especially a writ in the nature of Mandamus directing the respondents to issue the letter of intent to the petitioners regarding the shop bearing asset no.10 (Unique asset No. 49417) situated in Satnali Mandi, District Mahendergarh as they were the successful/highest bidders in the e-auction conducted on 27.06.2023.

AND

During the pendency of the present writ petition, the respondents may kindly be restrained to re-allot or re-auction the aforementioned shop bearing asset no.10 (unique asset no.49417) to any other third person, other than the petitioners.”

Learned counsel for the petitioners submits that pursuant to the e-auction conducted by the respondent-authorities, the petitioners participated for allotment of shop. He submits that against the reserve price of Rs.85,68,000/-, for

a shop bearing asset No. 10 (unique asset No.49417), situated in Satnali Mandi, District Mehendergarh, they had submitted a bid of Rs.86,28,000/-. He submits that prior to the auction, they had deposited Rs.2,50,000/-, on 26.6.2023, by way of earnest money. For, the auction was concluded in their favour, they had further deposited a sum of Rs.6,12,800/-, on 27.06.2023. Thus, he submits that in total, a sum of Rs.8,62,800/-, which constituted 10% of the sale consideration, has since been deposited. The limited grievance that petitioners have is: vide representation dated 27.09.2023 (P-5), they required the authorities to issue a Letter of Intent in their favour. However, vide communication dated 06.10.2023 (P-6), they were informed that as per the orders received from the Head Quarters, the amount deposited by them was being refunded. He asserts that the communication dated 06.10.2023 (*ibid*), is bereft of any reasons and the authorities have arbitrarily taken the decision to refund the amount deposited by the petitioners, regardless of their rights and interest once they were adjudged as the highest bidder, and also had complied with all the necessary conditions.

Upon being served with an advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court. He, as always, very fairly concedes that as no reasons are assigned by the respondents, to take their decision to scrap the auction process and refund the amount deposited by the petitioners, it shall, therefore, be expedient if an appropriate order, dealing with the concerns/grievances of the petitioners, as raised in the present petition, is passed. Accordingly, he submits that let this petition be disposed of, to enable the respondent authorities to examine the matter in the right earnest and pass necessary orders in accordance with law within two weeks. He further submits that before such orders are passed, the petitioners shall also be afforded an opportunity of hearing.

Learned counsel for petitioners is agreeable to the course suggested by the learned counsel for respondents and submits that let this petition be disposed of in view of the statement made by him.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and 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, this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.11.2023
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No