

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27309-2023

Date of decision: 05.12.2023

M/s Nuvaan Buildtech Pvt. Ltd.

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Amit Jhanji, Senior Advocate, with
Mr. Abhinav Sood, Advocate,
Mr. Shashank Shekhar Sharma, Advocate,
for the petitioner.

ARUN PALLI, J.(Oral)

The petitioner (M/s Nuvaan Buildtech Pvt. Ltd.) herein has
prayed for the following substantive relief:-

***“Civil writ petition under Articles 226 & 227 of
the Constitution of India seeking issuance of a writ, order or
direction, particularly in the nature of certiorari, to quash and
set aside the result of the e-auction proceedings dated
05.10.2023 qua the commercial site 3 bearing auction ID 81440
situated at Sector 26A, Gurugram and any and all subsequent
actions, as the same has been concluded prematurely without
justification and in detriment to the public interest and state
revenue.*”**

And

***Issuance of a writ, order or direction, especially in
the nature of mandamus, directing the respondent authorities
No 1 to 3 to restore and continue the bidding process from the
point where the technical glitch arose and to ensure that the***

maximum price is realized in the interest of state exchequer and public interest.

And

Issuance of a writ, order or direction, especially in the nature of respondent authorities No.1 to 3 directing them to prepare and place on record a status report of the technical and connectivity soundness of the e-auction portal on the date of completion of auction being 05.10.2023.”

Learned Senior counsel for the petitioner submits that petitioner participated in the e-auction proceedings conducted by the respondent authorities from 30.09.2023 (10:00 AM) to 05.10.2023 (4:50 PM), for allotment of commercial sites. The petitioner placed its last bid for Rs.161,44,47,800/ on 5.10.2023, at 4:47 AM, qua commercial site 3, Sector 26/A, Gurugram-II. In essence, the grievance of the petitioner is that post submission of its bid, the petitioner was automatically logged out of the e-auction portal and a message flashed on the computer screen, ***“your connection isn’t private, Attackers might be trying to steal your information from eauction.bidx.in (for example, passwords, messages or credit cards).”*** He further submits that despite numerous attempts, petitioner was unable to log in and whereafter another message appeared on the screen, ***“your session is invalid. Kindly close the browser and login again.”*** He submits that the petitioner, being ready/willing to bid and purchase the site in question, stayed connected with the auctioning process throughout the period of six days. However, post the petitioner was logged out, the site was auctioned in favour of one Gourav Jain (M/s Marvel Limited), who had submitted a bid for Rs.161,45,22,800/-, which was marginally higher (Rs.75,000/-) than the bid submitted by the petitioner. He submits that the petitioner was/is ready to bid up to Rs.175 crores. And, without losing even a moment, it took up the matter with the authorities and expressed its concerns, vide representations dated 05.10.2023 (P-8 and P-9). He submits that, in response, the respondents required the petitioner to provide full screenshot showing the time and date, during which the error had occurred (at page 123 of the paper book). It is submitted that in compliance, the petitioner, on October 05,

2023 itself, submitted the full screen shot, showing time and date, during which the petitioner was logged out.

However, he asserts that since then, the matter has not made any tangible progress. Thus, owing to an apparent inaction and insensitivity of the respondent authorities, interest of the petitioner continues to suffer. He asserts that as the auction proceedings have not yet been finalized, acceptance of bid of Rs.161,45,22,800/-, in the given circumstance, would, for sure, lead to a huge financial loss to the State Exchequer.

Notice of motion.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court, and accepts notice.

However, at the outset, he submits that M/s Marvel Limited, which was adjudged as H1, has already deposited 25% of the auction price (Rs.40,36,30,700/-) on November 25, 2023. Be that as it may, it is urged since the representations submitted by the petitioner are pending consideration before the competent authority, it shall be expedient if the petition at hand is disposed of, at this stage, to enable it to deal with the concerns/grievances of the petitioner and pass appropriate orders, in accordance with law. He further submits that before any such orders are passed, the petitioner, as also the other stakeholders, shall also be afforded a hearing.

Learned Senior counsel for petitioner 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. However, he submits that since the auction process has not yet been finalized, the authorities be restrained from issuing any formal letter of allotment.

In response, learned State counsel submits that the necessary orders, in accordance with law, shall be passed within one week from today, and till such orders are passed, the authorities shall not finalise the allotment process.

In the wake of the position sketched out above, this 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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

05.12.2023
Ak Sharma

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