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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of decision : 06.09.2023**

+ **W.P.(C) 3560/2023 & CM APPL. 13803/2023**

SABITA JAIN

..... Petitioner

Through: Mr. Vardhman Kaushik, Mr. Ajay Kanojiya, Mr. Dhruv Joshi & Mr. Nishant Gautam, Advocates.

versus

DDA AND ANR

..... Respondents

Through: Mr. Sanjay Katyal, SC for DDA with Mr. Nihal Singh, Adv. & Mr. Ashish Dixit, Law Officer.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

[Physical Hearing/Hybrid Hearing (as per request)]

TARA VITASTA GANJU, J (ORAL)

1. The prayers in the present Petition read as follows :

“A. issue a Writ of Mandamus or a Writ of Certiorari in favour of the petitioner and against the respondent/DDA quashing/setting aside both the rejection email dated 19.12.2022 and 23.12.2022 and the rejection letter dated 20.12.2022;

B. Issue a Writ of Mandamus directing the respondent/DDA to issue the petitioner demand-cum-allotment letter in respect of the subject plot A-100, Mangolpuri Industrial Area Phase-1, New Delhi after receipt of payment in accordance with the terms of the Tender Documents;

C. Issue a Writ of Mandamus directing the respondent/DDA to withdraw the subject plot no.A-100, Mangolpuri Industrial Area Phase-1, New Delhi from future e-auctions.”



2. It is the contention of the Petitioner that the Petitioner was the highest bidder for the e-auction of DDA Industrial Plot No.A-100, Mangolpuri Industrial Area, Phase-1, New Delhi-110 083 [hereinafter, referred to as the 'said plot']. The DDA communicated its rejection to the Petitioner on 19.12.2022/20.12.2022 citing the reasons that the bid of the Petitioner being not competitive enough and non reflective of the true market value of the plot.

3. Learned Counsel for the parties submits that the grievances of the Petitioner, as have been articulated in the present Petition, against the Respondent/DDA, have been adjudicated upon recently, in favour of the Respondent/DDA in a matter based on similar facts, by a Division Bench of this Court.

3.1 Reliance is placed on Order dated 04.08.2023, passed by a Division Bench of this Court, in W.P.(C) 10304/2023 [hereinafter referred to as the 'DB order'] has, held that the Respondent/DDA was justified in cancelling an auction, in view of the fact that it had arrived at a conclusion that the bid offered by the Petitioner was not competitive enough, and did not reflect the market price.

3.2 A copy of the DB order has been handed over in Court by the learned Counsel for the Petitioner.

3.3 Let the Registry scan and upload the same so that it remains embedded in the case file.

4. Learned Standing Counsel appearing on behalf of the Respondent/DDA submits that the DB order applies to the Petitioners' case as well since it also concerns a similar bid rejection of an Industrial Plot at



Mangolpuri by the Respondent/DDA.

5. A review of the DB order shows that it squarely applies to the facts of this case. The Petitioner in W.P.(C) 10304/2023 was aggrieved by the rejection of his bid on 19.12.2022/20.12.2022 by Respondent/DDA wherein the rejection was similarly made by the Competent Authority of Respondent/DDA as it arrived at a conclusion that the bid did not reflect the true market value of the plot. The Court after examining the NIT and other Bid documents reached the conclusion that the Respondent/DDA was justified in the cancellation. Paragraph 11 of the DB order reads as below :

“11. In light of the aforesaid, once the DDA has arrived at a conclusion that the bid offered by the Petitioner was not competitive enough and does not reflect the market price, the DDA was justified in cancellation the entire auction.”

6. In view of the foregoing discussion, the present Petition along with all pending applications stand closed.

TARA VITASTA GANJU, J

SEPTEMBER 6, 2023/ ha

Click here to check corrigendum, if any