

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 06.12.2023
Pronounced on: 12.03.2024

1.

CWP-1417-2023

Komal Aggarwal and another

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
2.

CWP-6669-2023

Om Parkash

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
3.

CWP-1897-2023

Virender Kumar Sukhija

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
4.

CWP-1769-2023

Jyoti Arora

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
5.

CWP-2469-2023

Ram Sarup

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
6.

CWP-22063-2020

Shyam Lal

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

7.

CWP-22723-2020

Sudesh Sharma

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
8.

CWP-4436-2023

Priyanka Goyal

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
9.

CWP-2633-2023

Sunil Kumar and another

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
10.

CWP-2423-2023

Shikha Bhardwaj and others

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
11.

CWP-1682-2023

Anita Rani

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
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CWP-3640-2023

Aditya Karnani

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
13.

CWP-3191-2023

Anju Gupta

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents

14.

CWP-10777-2022

Sarika Soni

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
15.

CWP-17923-2020

Geeta Sharma

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
16.

CWP-2797-2023

Muthra Singh and others

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
17.

CWP-10193-2023

Tulika Jain

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Petitioner

.... Respondents
18.

CWP-11367-2023

Vijaya Rohilla

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
19.

CWP-1356-2023

Sanchita

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Petitioner

.... Respondents
20.

CWP-30181-2022

Palak Gupta and another

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Petitioners

.... Respondents

21. CWP-30192-2022

Neelam Bajaj and another

.... Petitioners

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
22. CWP-3171-2023

Deepika Jain

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
23. CWP-4056-2023

Hukam Chand Yadav and another

.... Petitioners

Vs.

State of Haryana and others

.... Respondents
24. CWP-5853-2023

Ankit Yadav and another

.... Petitioners

Vs.

State of Haryana and others

.... Respondents
25. CWP-1876-2023

Jitender Kumar Sharma

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and another

.... Respondents
26. CWP-4594-2023

Ruchika

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
27. CWP-10684-2023

Anju Gupta

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents

28. CWP-2265-2023

Anita

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
29. CWP-2372-2023

Renu Bala

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
30. CWP-23921-2023

Jagpal

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
31. CWP-2528-2023

Ritu Bhutani

Vs.

Haryana Shehri Vikas Pradhikaran and another

.... Petitioner

.... Respondents
32. CWP-2585-2023

Sumeet Singh Kullar

Vs.

Haryana Shehri Vikas Pradhikaran and another

.... Petitioner

.... Respondents
33. CWP-2587-2023

Kiran and others

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
34. CWP-7465-2023

Ankit Yadav and another

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
35. CWP-8227-2023

Asha

Vs.

State of Haryana and others

.... Petitioner

.... Respondents

36. CWP-9399-2023

Simran and another

.... Petitioners

Vs.

Haryana Shehri Vikas Pradhikaran and another

.... Respondents
37. CWP-2544-2023

Monika Chopra

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents
38. CWP-2548-2023

Janki

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
39. CWP-3053-2023

Malti Sharma

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
40. CWP-17830-2022

Harinder Kumar

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
41. CWP-8769-2023

Mukesh Saini

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sukhmandeep Singh, Advocate
 for the petitioners in CWP-1417-2023.

 Mr. Sajjan Singh, Advocate
 for the petitioner in CWP-2423, 2633 and 2372 of 2023.

 Mr. Parshant Sethi, Advocate
 for petitioner in CWP-2469-2023.

Mr. Aryavart, Advocate,
for the petitioner in CWP-1682-2023

Mr. Shubham Saroha, Advocate
for the petitioners in CWP-22063 and 22723-2020.

Mr. Vaneet Soni, Advocate
for the petitioners in CWP-1769, 1897, 1356 and 3171 of 2023.

Mr. Avnish Mittal, Advocate
for the petitioner in CWP-17923-2020.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate for
the petitioner in CWP-4056, 5853 & 7465 of 2023.

Mr. Ankit Chahal, Advocate
for the petitioner in CWP-2265-2023.

Mr. Vikas Rohal, Advocate
for the petitioner in CWP-10193-2023.

Mr. Vivek Aggarwal, Advocate
for the petitioner in CWP-11367-2023.

Mr. Jitender K. Sehrawat, Advocate
for the petitioner in CWP-8227-2023.

Mr. Vivek Sethi, Advocate
for the petitioner in CWP-1876-2023.

Ms. Lalita Kashyap, Advocate and
Mr. Namit Khurana, Advocate
for the petitioner in CWP-4594-2023.

Mr. P.K. Ganga, Advocate
for the petitioner in CWP-2587-2023.

Mr. Sunil Kumar Nehra, Advocate
for the petitioner in CWP-2528, 2585 & 9399-2023

Mr. Sanjay Vij, Advocate and
Mr. Uday Vij, Advocate
for the petitioner in CWP-10777-2022.

Mr. Varun Suman, Advocate for
Mr. Gopal Sharma, Advocate
for the petitioner in CWP-3191 and 10684 of 2023.

Mr. Parveen Kumar Rohilla, Advocate and
Ms. Punam Rohilla, Advocate
for the petitioner in CWP-2797-2023.

Mr. Ashish Gupta, Advocate with
Mr. G.S. Bidhan, Advocate
for the petitioner in CWP-4436-2023.

Mr. Saurabh Goel, Advocate with
Ms. Shivani Sahni, Advocate
for the petitioner in CWP-30192 & 30181 of 2022.

Ms. Sonia Prohat, Advocate for
Mr. Suresh K. Jindal, Advocate
for the petitioner in CWP-3640-2023.

Mr. Shashi Kant Gupta, Advocate
for the petitioner in CWP-6669 and 23921-2023.

Mr. Sushil Jain, Advocate
for the petitioner in CWP-2548-2023.

Mr. Jasbir Mor, Advocate
for the petitioner in CWP-17830-2022.

Mr. Gaurav Bakshi, Advocate
for the petitioner in CWP-8769-2023.

Mr. Sakal Sikri, Advocate
for the petitioner in CWP-2544-2023.

Mr. Amrinder Singh, Advocate
for the petitioner in CWP-3053-2023.

Mr. Deepak Sabherwal, Advocate
for the respondent-HSVP
(CWP No. 10193, 11367, 1356, 30181, 30192, 3171, 4056,
5853, 8769, 10684, 2265, 2372, 23921, 2528, 2585, 2587, 7465,
8227, 9399 of 2023, 17830 of 2022)

Mr. Arvind Seth, Advocate
for the respondent-HSVP
(CWP No. 1417, 1682, 1769, 17923, 22063, 22723, 1897, 10777,
2423, 2469, 2544, 2548, 2633, 2797, 3053, 3191, 3640, 4436, 6669
of 2023)

Mr. P.S. Chauhan, Advocate
for the respondent-HSVP in CWP No. 1876, 4594 of 2023.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J.

For, learned counsel for the parties submit that the matter in
issue in this bunch of 41 petitions is identical, these are being disposed of by

a common order and judgment. However, the facts are being derived from CWP No.1417 of 2023.

The petitioners have prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ, order or direction especially in the nature of Mandamus directing the respondents to issue LOI to the petitioners being successful bidder in accordance with Clause 30 of the e-auction policy dated 20.07.2022 (i.e. Annexure P-1) of HSVP and further, declaring the action of the respondents refunding the amount deposited by the petitioners without any rhyme or reason as illegal and against the policy;

AND/OR

To issue a writ of Prohibition restraining the respondents from auctioning the SCO (S64), Sector 12, Faridabad in the e-auction to be held on 28.01.2023 in furtherance of advertisement dated 12.01.2023.”

Learned counsel for the petitioners submits that pursuant to the advertisement dated 10.12.2022 (P-2), Haryana Shehri Vikas Pradhikaran (HSVP) sought to make allotments of residential, commercial and institutional properties in all developed Urban Estates of Haryana by way of e-auction. In terms of the e-auction Policy dated 20.07.2022 (P-1), the petitioners jointly registered for SCO (S64) in Sector 12, Faridabad, and deposited 5% of the reserve price, i.e. Rs.15,23,600/- (plus registration fee of Rs.1000/-). The auction was held on 14.12.2022. For, against the reserve price of Rs.3,04,71,200/-, the petitioners submitted the highest bid at Rs.3,05,01,200/-, they were adjudged H-1. And a formal communication, vide e-mail dated 14.12.2022, acknowledging the petitioners being the highest bidders, was issued by the respondent authorities. He asserts that in sync with Clause 32 of Policy (*ibid*), the petitioners deposited 10% of the

total bid amount, i.e. Rs.15,26,520/- on 17.12.2022. Thus, the total amount deposited by the petitioners with the authorities was Rs.30,50,120/-. For the petitioners, thus far, had complied with the terms/conditions of the auction and were ready/willing to deposit the balance consideration and perform their part of the contract, they had a legitimate expectation of being formally allotted the said site. However, rather than issuing the allotment letter, the respondent authorities credited the amount deposited by the petitioners in their bank account on 10.01.2023. It is urged that apparently, the action of the respondents was arbitrary and irrational, as neither the petitioners were communicated any reasons for rejection of their bid, nor any formal order was passed by the competent authority. In this regard, he places reliance upon a decision of the Supreme Court in M/s Star Enterprises etc. Vs. City and Industrial Development Corporation of Maharashtra Ltd. and others, 1990 (3) SCC 280, and a decision of this Court in Surja Ram Vs. State of Haryana and another, 1984 AIR (Punjab and Haryana) 282.

Response on behalf of respondents No.1 to 3 was submitted, wherein claim of the petitioners is seriously disputed. In reference to Clause 17 of the Policy (*ibid*), it is averred that the authorities were well within their right to accept or reject any bid or withdraw any or all the properties from e-auction or cancel/postpone the e-auction, without assigning any reasons. Further, a bare analysis of the Policy indicates that a clear distinction is made between the successful and the highest bidder. For, neither any letter of intent nor a regular letter of allotment was issued in favour of the petitioners, thus, no concluded contract was entered into between the parties. Not just that, the bid submitted by the petitioners was below the reserve price, which was fixed at Rs.3,76,17,500/-.

We had heard learned counsel for the parties at length, when during the course of hearing, they have reached a consensus: since concededly, before rejection of the bids submitted by the petitioners, despite being adjudged H-1, the authorities failed to furnish any reason, as to why and on what grounds, they were compelled to scrap the auction process, nor any formal order was passed by the competent authority, in this regard, it shall be expedient, if these petitions are disposed of, to enable the

respondent authorities, without prejudice to the rights/interest of the parties and their respective pleadings before this Court, to examine the concerns/grievances of the petitioners. And pass necessary orders, in accordance with law. It is also agreed that before any such orders are passed, the petitioners, as also the other stakeholders, would be afforded a hearing. And the petitioners shall also be at liberty to place any fresh material/documents, if so advised, to support/substantiate their claim, provided the same are submitted within two weeks from the date of this order. For a timely decision by the competent authority would secure the mutual interest of the parties to the *lis*, the necessary orders, in accordance with law, shall be passed within a period of two months from the date of this order. And in all those cases where the authorities, despite rejection of the bids and cancellation of auction, have not yet refunded the amount deposited by the petitioners, the requisite amount shall be refunded, along with interest @ 5.5%, from the date the petitioners-applicants were communicated rejection of their bids till realization of the amount. However, till the formal orders, as indicated above, are passed, the site(s) in question would not be put to auction, creating any third party rights.

In the wake of the position sketched out above and the consensus that has been arrived at between the learned counsel for the parties, the petitions are disposed of.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.03.2024

deepak/ AK Sharma	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No