

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

111 CWP No.3243 of 2024
Date of decision: 14.02.2024

M/s Nulife Prime Diagnostics LLPPetitioner

V/s

State of Haryana and othersRespondents

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

Present: Mr. Achintaya Soni, Advocate, for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for the respondents-HSVP.

Vikram Aggarwal, J.

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

“Civil writ petition under Article 226 and 227 of the Constitution of India seeking a writ, order or direction, particularly in the nature of certiorari, quashign the impugned cancellation (communicated vide e-mail) dated 06.11.2023 (Annexure P-11), vide which, the respondent authority under the garb of Clause-17 of the Revised E-auction Policy dated 20.07.2022 (Annexure P-3), exercised unfettered powers and cancelled the auction of the plot measuring 2284 sq. mtr. bearing Plot No.GH-2, situated in Sector 42, Gurugram (subject land), in which the petitioner was declared as the highest bidder (H1), without providing any reason or jurisdiction.

AND

Issuance of a writ, order or direction, particularly in the nature of mandamus, directing the respondent authority to issue a letter of intent for allotment of the subject land, as the petitioner was declared the highest bidder (H1) in the auction held for the sale of the subject land.

AND

Issue a writ, order, or direction particularly in the nature of mandamus, directing the respondent authority to address the representation dated 13.11.2023 (Annexure P-12) sent by the petitionr

and pass appropriate order, in accordance with law, assigning reasons and disclosing the basis for cancelling the auction held for sale of the subject land.

AND

Issuance of a writ, order or direction, particularly in the nature of mandamus directing the respondent authority to stay any further action which would have the effect of creating third party rights with respect to the subject land.

AND

Further to grant the petitioner appropriate relief of compensation/damage along with interest on account of loss caused, due to cancelling the auction where the petitioner was declared the highest bidder (H1), without any basis and without assigning any cogent reason for the same.

AND/OR

Issue any other writ, order or direction that this Hon'ble Court deems fit keeping in view the facts and circumstances of the case and in the interest of justice."

Learned counsel for the petitioner submits that petitioner participated in the e-auction conducted by the respondents-HSVP on 31.10.2023 for sale of plot bearing No.GH-2, measuring 2284 sq. mtr., situated in Sector-42, Gurugram. For, as against the reserve price of Rs.39,71,78,000/- (rupees thirty nine crore seventy one lakh and seventy eight thousand only), the petitioner submitted a bid of Rs.49,46,03,000/- (rupees forty nine crore forty six lakh and three thousand only), he was adjudged H1 and in the bid history, the status of the plot booking reflected as "booked". He further submits that prior to participating in the auction, the petitioner, in terms of Clause 2 of the terms and conditions, had deposited earnest money of 5% of the reserve price, amounting to Rs.1,54,48,680/- (rupees one crore fifty four lakh forty eight thousand six hundred and eighty only). He submits that in terms of Clause 2 of the terms and conditions, the

quoted bid amount after adjusting EMD within one to four working days after the close of e-auction. When the petitioner made efforts to deposit 10% amount on the portal of the respondents-HSVP, the same was not accepted, as the link meant for depositing the same amount was not active. Vide e-mail dated 06.11.2023, which was sent in response to a query made by the petitioner, the respondents-HSVP informed that the auction had been cancelled from HUDA end and upon enquiry, he was informed that the auction had been cancelled for administrative reasons (P-11). It is urged that, *ex facie*, the impugned communication/mail, informing the petitioner that the auction had been cancelled for administrative reasons, is bereft of any reason and is accordingly unsustainable.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondents-HSVP, is present in Court.

Upon being pointedly asked, he fairly concedes that the communication/email/impugned order dated 06.11.2023 (P-11), is a non-speaking order. Under the circumstances, he submits that it shall be expedient if the petition at hand is disposed of, at this stage, to enable the competent authority to pass a fresh order, in accordance with law, assigning reasons in support thereof.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the competent authority be directed to do the needful within a specified time.

In response, learned counsel for the respondents-HSVP submits

that the appropriate orders, in accordance with law, shall be passed within a

period of four weeks from today.

The 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 any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law .

(ARUN PALLI)

JUDGE

(VIKRAM AGGARWAL)

JUDGE

February 14, 2024
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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No