

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7931-2023

Reserved on: 06.12.2023

Pronounced on: 12.03.2024

Ranjit Singh

.... Petitioner

Vs

State of Haryana and others

.... Respondents

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

**Present: Mr. Abhinav Aggarwal, Advocate,
for the petitioner.**

**Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate.**

**Mr. P.S. Chauhan, Advocate,
for the respondent-HSAMB**

ARUN PALLI, J.

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 and 227 of the Constitution of India for issuance of writ in the nature of certiorari, thereby quashing the illegal and arbitrary order/letters dated 11.04.2023 posted through official portal (Annexure P-7) showing the status of the bid rejected which was held on 22.02.2023 wherein the property was auctioned in favor of the petitioner since he was the successful bidder/buyer in the E-Auction without any cogent reason and further contrary to the rules and regulations menat for the bidding issued to

the petitioner whereby the liquidated damages have been imposed upon the petitioner and the respondents be directed to make payment of the running bill no.1 to the petitioner.

AND/OR

Issue a writ, in the nature of Mandamus directing the respondents to not to proceed further with the cancellation/rejection of the auction wherein the petitioner has been declared successful bidder and has fulfilled all the terms and conditions mentioned in the advertisement and there is no mentioning of the cancellation/rejection of the E-Auction after it has been decided in the advertisement (P-1).”

Learned counsel for the petitioner submits that pursuant to the advertisement (P-1), the respondent authorities sought to auction shops situated at Market Committee, Nangal Chaudhary, New Grain Market, District Mahandergarh at Narnaul. Per the terms of the auction, petitioner deposited a sum of Rs.2,50,000/- (P-2) as earnest money. Whereafter, he participated in the auction and submitted a bid of Rs.12,25,000/-, for plot/shop No.42. And being the highest bidder, he was adjudged H1. Whereafter, per the terms and conditions of auction, the successful bidder, post issuance of the letter of intent, was required to pay the balance consideration by way of installments. He asserts that the petitioner was/is always ready and willing to perform his part of the contract. However, rather than issuing a Letter of Intent, the authorities have rejected the bid submitted by the petitioner. And accordingly, credited the amount deposited by the petitioner in his bank account. He submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated 11.04.2023 (P-8), but to no avail. Thus, it is urged that the action of the respondent-Board is apparently arbitrary, unfair and unsustainable. For the competent authority neither passed any formal order before rejecting the bid submitted by the petitioner, nor, to date, he has

been communicated the reasons, as to what compelled the authority to cancel the process. 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.

Reply on behalf of respondents No.2 to 4 has been filed. Wherein, claim of the petitioner is seriously disputed. Learned counsel for the respondents submits that highest bid of the petitioner (Rs.12,15,000/-) and the bids of other plots, which were included in the same e-auction, was examined by the Allotment Committee and it was found that all the highest bids of each shops/plots were much lesser than the previous bids, while the shops/plots were of the same size. It is further submitted that due to the huge difference between previous and present bids, the Allotment Committee decided to cancel all the bids, including that of the petitioner. And, there being no concluded contract *inter se* the parties, the relief claimed for in the petition could not be countenanced.

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 bid submitted by the petitioner, despite being adjudged H1, neither any formal order was passed, nor any reasons were assigned to justify the rejection of bid submitted by the petitioner and cancellation of auction, it shall be expedient if this petition is disposed of, at this stage, 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 petitioner. And pass necessary orders, assigning reasons in support thereof. It is also agreed that before any such orders are passed, the petitioner would be afforded an opportunity of hearing, as also the other stake holders. And the petitioner shall also be at liberty to place any fresh material/documents, if so advised, to support/substantiate his 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. However, till the formal orders, as indicated above, are passed, the site 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 learned counsel for the parties, the petition is 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 petitioner, 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