

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8456 of 2024

Date of decision: 18.04.2024

M/s Richa Global Exports Pvt. Ltd.

.... Petitioner

Vs.

State of Haryanan and another

.... Respondents

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

Present: Mr. S.P. Arora, Advocate with
Mr. Himanshu Arora, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (M/s Richa Global Exports Pvt. Ltd.) has prayed
for the following substantive relief:-

*“Civil Writ Petition under Articles 226/227 of the
Constitution of India, 1950, for the issuance of writ in
the nature of mandamus or any other appropriate writ
(s), order (s) or direction (s) directing respondent NO.2
to extend the time by 3 working days, enabling the
petitioner (being highest successful bidder in respect of
the Industrial Plot No.602, Sector 19-A, IMT Sohna,
Gurugram, Haryana having area 11500 sq. mt. At the
bid price of Rs.22,100/- per sq. mt. In the E-auction
concluded on 17.07.2023), for making H-1 Balance
payment of Rs.1,56,97,500/- to complete 10% price of
the said plot and further direct the respondent No.2 to
open the online payment link on E-auction portal
<https://hsiidc.bidx.in> to enable the petitioner to make
the payment and accept said H-1 balance payment*

AND

*Further for issuance of a writ in the nature of
mandamus directing the respondents, not to forfeit
petitioner's earnest money deposit (EMD) of*

Rs.97,17,500/- and process fee of Rs.15,000/- in respect of the mentioned plot;

AND

Further for issuance of directions directing the respondents to complete all formalities including but not limited to accepting the further payment(s) and issuing allotment letter, execution of all title document(s) and deliver physical possession of the said plot to the petitioner.

AND

Further for issuance of appropriate directions that during pendency of the writ petition, the respondents be restrained from forfeiting petitioner's earnest money deposited (EMD) of Rs.97,17,500/- and processing fee of Rs.15,000/- and the respondents be further restrained from withdrawing the acceptance of petitioner's highest bid in respect of the said plot and the said plot be not allotted to anyone else."

Learned counsel for the petitioner, at the outset, submits that prior to the institution of the present petition, the petitioner had even served the respondent authorities with the representations dated 05.04.2024 (P-20), 05.04.2024 (P-21A) and 06.04.2024 (P-21B), qua its concerns and grievances, but to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, is present in Court on behalf of the respondents-HSIIDC. He, on instructions, submits that as the competent authority is already in seisin of the representations that have been submitted by the petitioner, let this petition be disposed of, at this stage, to enable the respondent authorities to consider his claim in the right earnest, and pass necessary orders in accordance with law. He further submits that before any such orders are passed, the petitioner would also be afforded a hearing, for which a formal communication will be issued well in advance.

Learned counsel for the petitioner submits that the petitioner is ready/willing to remit the requisite amount, for which he has brought a

demand draft No.096467 dated 09.04.2024, for Rs.1,56,97,500/- drawn on HDFC Bank Limited, in favour of the respondent authorities, which can be tendered even today. And, a copy thereof is already appended as “Annexure P-22” with the petition.

To this, learned counsel for the respondents submits that the petitioner shall be at liberty to supplement/support its claim by furnishing any further material as also the demand draft (*ibid*) in original to establish its *bonafides*, within three days from today, which shall be taken cognizance of by the competent authority while passing any orders on its representations. And, the necessary orders in this regard shall be passed within two weeks thereafter.

That being so, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned counsel for the respondents.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition is disposed of.

This Court is sanguine that the respondent authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, 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

18.04.2024
deepak

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