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CWP-9374-2023
Reserved on: 06.12.2023
Pronounced on: 12.03.2024

.... **Petitioner**

Vs.

.... Respondents

CWP-10563-2023

.... Petitioner

Vs.

.... Respondents

Present: Mr. L.K. Gollen, Advocate
for the petitioner (in CWP-9374-2023).

Mr. K.H.S. Batth, Advocate,
for the petitioner (in CWP-10563-2023).

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

Mr. Deepak Sabherwal, Advocate and
Mr. Arvind Seth, Advocate
for the respondent-HSVP.

For learned counsel for the parties submit that the matter in issue in both these cases is identical, these are being disposed of by a

common order and judgment. However, the facts are being derived from CWP-9374-2023.

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the communication/order dated 22.01.2023 (Annexure P-5) as the same has been issued due to arbitrary approach of the respondents.

AND

With further prayer that communication/order dated 22.01.2023 (Annexure P-5) may kindly be stayed during the pendency of instant petition, in the interest of justice.

AND

With further prayer for issuance of mandamus to respondents directing them to restore the property in question in the name of petitioner and he may be allowed to make the balance amount i.e. 75% of total bid amount (and also 25% which has been refunded) so that regular allotment letter can be issued in his favour.”

Learned counsel for the petitioner submits that the petitioner participated in the e-auction held on 14.10.2022, by Haryana Shehri Vikas Pradhikara, and was allotted SCO No.78, Sector 5, Urban Estate, Karnal.

For, the petitioner submitted a bid of Rs.1,67,48,200/- against reserve price of Rs.70,13,200/-, he was adjudged H-1. Accordingly, per the terms of the auction, the petitioner deposited 10% of the consideration (Rs.16,74,820/-) and was issued a letter of intent on 06.12.2022. Whereafter, the petitioner deposited further amount, in order to make 25% of the bid amount. However, surprisingly, the petitioner received an e-mail on 22.01.2023 (P-5), whereby his bid was rejected and the amount deposited by him was credited in his bank account. He asserts that prior to the institution of the petition, the petitioner had even submitted a letter/representation dated 16.02.2023 (P-6) to the respondent authority, but to no avail. Thus, it is urged that the action of the respondent-HSVP 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 the respondent-HSVP and has been filed. Wherein, claim of the petitioner is seriously disputed.

Upon being pointedly asked, learned counsel for respondent-HSVP fairly concedes that though the respondent authorities had recorded reasons to cancel the bid of the petitioners, but he concedes that no formal order, containing reasons to cancel the bid, was ever communicated to them. Therefore, he submits that it shall be expedient if the petitions at hand are disposed of, at this stage, to enable the competent authority to examine the concerns/grievances of the petitioners. And pass necessary orders, assigning reasons in support thereof. Further, before any such orders are passed, all the stakeholders, including the petitioners, shall be heard. 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. However, he fairly submits that till

the formal orders, as indicated above, are passed, the site in question would not be put to auction, creating any third party rights.

Learned counsel for the petitioners are agreeable to the course suggested by the learned counsel for the respondent-HSVP, and submit that let these petitions be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondents submits that the appropriate orders, in accordance with law, shall be passed within a period of two months from the date of this order.

In the wake of the above and without prejudice to the rights/interest of the parties and their respective pleadings before this Court, the petitions are 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 within the time indicated by learned counsel for the respondent-HSVP.

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 above, the competent authority shall examine the concerns/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