

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 9693 of 2023 (O&M)

Reserved on: 06.12.2023

Pronounced on 12.03.2024

Ashok Kumar

.... Petitioner

Vs.

Haryana Shehri Vikas Pradhikaran and others

.... Respondents

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

Present: Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondent-HSVP.

ARUN PALLI, J.

The petitioner has prayed for the following substantive relief:

*“Civil Writ Petition under Articles 226/227 of the
Constitution of India for issuance of a writ in the nature of
mandamus directing the respondents to handover possession
of the allotted building NO.42 (DSS) situated in Sector 1,
HSVP, Pataudi.*

AND/OR

*Issuance of writ in the nature of mandamus
directing the respondents to issue fresh letter of intent with
right calculations, so that the petitioner can make payment
accordingly.”*

Learned counsel for the petitioner submits that the petitioner participated in the e-auction held on 20.11.2022, and as per terms of the auction, he deposited 10% of the reserve price (Rs.4,74,230/-) on the same day. He further submits that petitioner received the letter of intent on 04.01.2023 (P-1), and had deposited another 15% (Rs.7,11,345/-) of the reserve price within 30 days of the issuance of letter on intent. However,

surprisingly, the petitioner received a letter dated 20.02.2023 (P-3), whereby he was informed that the letter of intent issued to him is cancelled due to wrong calculations by the system and the amount deposited by him would be refunded. He asserts that thereafter, the petitioner sent an e-mail on 24.03.2023 (P-5) to the respondent authorities to issue a fresh letter of intent with correct calculations, so that he could deposit the amount. He submits that prior to the institution of this petition, petitioner had even served the Chief Administrator, HSVP, Panchkula, with a representation dated 05.04.2023 (P-7), but that too has failed to evoke any response. Thus, it is urged that the action of the respondents 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*.

Response on behalf of the respondents was submitted wherein claim of the petitioner is seriously disputed. In reference to Clause 17 of the policy, it is averred that the authority was well within its 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 reason. Further, the calculations of the property was wrongly calculated by the system, therefore, it was decided to cancel the order of LOI in respect of all DSS which were sold through e-auction dated 21.11.2022.

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 right/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. Further, 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