

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 06.12.2023
Pronounced on: 12.03.2024

1.

CWP-12995-2023

Asian Footwear Private Limited

Vs

State of Haryana and others

.... Petitioner

.... Respondents
2.

CWP-1546-2023

Norton Chemicals & Specialties Pvt. Ltd.

Vs.

State of Haryana and others

.... Petitioner

.... Respondents
3.

CWP-19305 of 2022

Neeraj Gupta and another

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
4.

CWP-19321 of 2022

Prachi Garg and another

Vs.

State of Haryana and others

.... Petitioners

.... Respondents
5.

CWP-19345 of 2022

Ashish Rana and another

Vs.

State of Haryana and others

.... Petitioners

.... Respondents

6.

CWP-20782 of 2022

Gopal Nagdev @ Gopal Krishan Nagdev and Anr.

.... Petitioners

Vs.

State of Haryana and others

.... Respondents
7.

CWP-21653 of 2022

Ritu Gupta

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
8.

CWP-22088 of 2022

Harpreet Singh

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
9.

CWP-30092 of 2022

Sanjay Gupta

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
10.

CWP-4874 of 2023

TRZ Mart Pvt. Ltd.

.... Petitioner

Vs.

State of Haryana and others

.... Respondents
11.

CWP-6101 of 2023

Rishabh Katyal & Others

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

CORAM:

HON’BLE MR. JUSTICE ARUN PALLI

HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate
for the petitioner in CWP-12995-2023 and 4874 of 2023.
Mr. Abhinav Aggarwal, Advocate
for the petitioner in CWP-20782-2022.
Mr. Pankaj Bali, Advocate
for the petitioners in CWP-21653, 19305, 19321
& 22088 of 2022.
Mr. Amit Sharma, Advocate
for the petitioner in CWP_30092 of 2022.
Mr. Rohit Chandel, Advocate and
Mr. Anil Kumar, Advocate
for the petitioner in CWP-19345-2022.
Mr. Pankaj Mahavir Chauhan, Advocate and
Mr. Manoj Chauhan, Advocate
for the petitioner in CWP-6101-2023.
Mr. Gunjan Mehta, Advocate
for the petitioner in CWP-1546-2023.

Mr. Pravindra Singh Chauhan, Advocate with
Ms. Vasudhra Asija, Advocate
for respondents in CWP-1546-2023

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate
for the respondents-HSIIDC.

Mr. Aman Bahri, Advocate
for respondents -HSIIDC in CWP-21653-2022

ARUN PALLI, J.

For, learned counsel for the parties submit that the matter in issue in this bunch of 11 writ petitions is identical, these are being disposed of by a common order and judgment. However, the facts are being derived from CWP No.12995 of 2023.

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Article 226 of the Constitution of India, 1950, seeking a writ in the nature of mandamus, to the extent that respondents be directed, to allot the plot in category size 14507 sq. mtr. as the petitioner had applied for the plot of category size-14507 sq. mtr. in an e-

auction of Industrial plot at Bahadurgarh Sector 4-B which was conducted on 06.10.2022 and despite the petitioner being the highest and successful bidder in the auction process, the respondents in an arbitrary and whimsical manner, without advancing any reason have proceeded to cancel the allotment/booking of the plot.

AND/OR

Further seeking a writ in the nature of certiorari for quashing the impugned communication dated 22.02.2023 (Annexure P-7) received by the petitioner from HSIIDC through e-mail at 4.15 pm, whereby it was communicated that the H-1 bid of the petitioner has not been accepted, the same communication is absolutely without any thyme or reason apart from being whimsical and arbitrary.

AND/OR

Further, seeking a writ in the nature of certiorari, for quashing of the impugned communication dated 22.02.2023 (Annexure P-8), received by the petitioner through from E-mail of HSIIDC, ESTATE.AUCTION@HSIIDC at 4.24 P.M. whereby the respondents in an arbitrary manner have intimated about non acceptance of H-1 bids pertaining to the e-auction conducted by the respondent No.2 corporation.

AND/OR

Further seeking appropriate directions to respondents for keeping the plot 366, Sector 4B, Industrial Estate Bahadurgarh 14507 sqm. out of the auction process s qua the same the H-1 bid of the petitioner was accepted and he was shown to be the successful bidder.”

Learned counsel for the petitioner submits that Haryana State Industrial & Infrastructure Development Corporation Limited (Corporation) issued a brochure (P-2), for allotment of various industrial sites/plots, comprised in different industrial estates, through e-auction. The e-auction was conducted by the Corporation on 24.08.2022. Accordingly, the

petitioner participated in the auction for allotment of a plot, measuring 14507 square meters, situated in Sector 4-B, Bahadurgarh. And, in terms of clause B.1. of the brochure, the petitioner deposited 5% of the reserve price, as earnest money (Rs.1,23,30,950/-), and also Rs.25,000/- as processing fee. For the petitioner submitted the highest bid @ Rs.32,800/- per square meter, it was adjudged H1. A formal communication dated 06.10.2022 (P-6), acknowledging this fact, was issued to the petitioner and it was conveyed that the last date for making H1 payment shall be scheduled shortly, after conclusion of the e-auction. For the petitioner was/is always ready and willing to comply with the terms of the auction and deposit the balance consideration, it had a legitimate expectation that the Corporation would soon issue a formal letter of allotment in its favour. However, he asserts that vide communication dated 22.02.2023 (P-7), the petitioner was informed that the bid submitted by it has since been rejected and the amount deposited as earnest money would be refunded shortly. Thus, it is urged that the action of the Corporation 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, it 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**.

The records show that notice was issued and accepted on behalf of the respondents, as back as on 04.07.2023. However, to date, no response has been submitted on their behalf.

Learned counsel for the respondent-Corporation submits that although the authorities had recorded reasons to reject the bid submitted by the petitioner and cancel the auction, but, he concedes that no formal order in this regard was communicated to the petitioner.

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 bunch of petitions is disposed of, at this stage, to enable the respondent authorities to examine the concerns/grievances of the petitioner. And pass necessary orders, assigning reasons in support thereof. It is agreed that before any such orders are passed, the petitioners 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 its claim, provided the same are submitted within two weeks from the date of this order. And in all those cases where the authorities, despite rejection of the bids and cancellation of auction, have not yet refunded the amount deposited by the petitioner(s), the requisite amount shall be refunded, along with interest @ 5.5.% from the date they were communicated rejection of their bids till realization of the amount. 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(s) 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 the parties, all these petitions are 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.03.2024
deepak/AK Sharma