



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20749 of 2024
Reserved on 28.08.2024
Pronounced on: 09.09.2024

OP Manav Estates Spaces LLP through its Authorized signatory Sh.
Om Parkash Babbar

....Petitioner

Versus

Haryana Shehri Vikas Pradhikaran

....Respondent

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

Present: Mr. Gaurav Bakshi, Advocate
for the petitioner.

Mr. Vinod Soni, Advocate
for the respondent.

VIKRAM AGGARWAL, J.

1. The petitioner seeks the rescheduling of the e-auction held for residential pocket of Sector-48, Gurugram in which the petitioner was an applicant. In essence, the case set out by the petitioner is that on account of a technical glitch, he was not able to make his final bid as a result of which the property in question was sold at an undervalued price of ₹10,93,02,200/-, whereas the last bid of the petitioner was ₹10,92,27,200/- and he is willing to purchase the property in question at a price of ₹13 Crores. He also seeks a direction to respondent to not issue Letter of Intent (LOI) to the successful highest bidder.

2. The facts, as set out in the writ petition, are that vide public notice dated 18.07.2024 (Annexure P-1), e-auction of two residential land



parcels measuring 469.73 sq. mts. and 292.78 sq. mts, was scheduled for 28.07.2024. After deposit of EMD, the petitioner participated in the said auction and his last bid *qua* the first parcel of land was ₹10,92,27,200/- at 2.44 a.m. on 29.07.2024. However, after that, on account of a technical glitch or a network error, the petitioner was unable to place his bid and at 3 a.m., the bidding time got over. The bid was finalized at ₹10,93,02,200/- in favour of some other person.

3. The petitioner intimated the respondent-authority through an e-mail dated 29.07.2024 (Annexure P-4) about the technical glitch or network error and also expressed his willingness to purchase the property on an increased value of ₹13 Crores. A reply dated 29.07.2024 (Annexure P-5) was received rejecting the request of the petitioner. Subsequently, petitioner submitted various requests (Annexures P-6 to P-9) to the same effect, but to no avail.

4. It is the case of the petitioner that with a view to favour the successful bidder, the respondent introduced an error in the domain of the petitioner's frequency, as a result of which the petitioner was unable to give a bid at the increased price.

5. Learned counsel for the parties were heard.

6. Learned counsel for the petitioner submitted that on account of a technical glitch, the petitioner could not give his final bid, as a result of which the plot in question has been sold at an undervalued price. Learned counsel referred to his e-mail (Annexure P-4), the reply given by the respondent (Annexure P-5) and the subsequent e-mails (Annexures P-6 to P-9) and it was contended that the technical glitch had resulted in a financial



loss to the respondent which the respondent did not bother about and casually rejected the request of the petitioner.

7. *Per contra*, Sh.Vineet Soni, learned counsel representing the respondent (HSVP), who appeared on advance copy having been served, submitted that the claim of the petitioner is without any basis because there is no report of any technical glitch and the stand taken by the petitioner is clearly an afterthought. He submitted that the petition is devoid of merit and, therefore, deserves dismissal.

8. We have considered the submissions made by learned counsel for the parties and have perused the paper-book.

9. The e-auction was conducted on 28.07.2024 for two properties vide auction ID No. 10431 *qua* residential plot measuring 469.73 sq.mts situated in Sector 48, Gurugram, the reserve price for which was ₹6,55,77,200/- and auction ID no. 10432 *qua* plot measuring 292.78 sq. mts situated in Sector 48, Gurugram, for which the reserve price was ₹4,08,73,800/-. Admittedly, the petitioner participated in the e-auction, which is clear from the bid history and is even otherwise not disputed. It is the own case of the petitioner that after he had given his bid for ₹10,92,27,200/-, he could not place his next bid on account of a technical glitch or a network error and the plot was eventually sold for ₹10,93,02,200/-. The stand taken by the petitioner clearly seems to be an afterthought because it is the positive stand of the respondents that there was no technical glitch at the time of the auction. The petitioner has in-fact mentioned about a technical glitch or a network error in his petition. Since there was no technical glitch, the possibility of a network error at the end of



the petitioner, cannot be ruled out, for which, the respondent would not be responsible. Since the petitioner had given a bid of ₹10,92,27,200/- and the plot was sold for ₹10,93,02,200/-, it appears that the petitioner subsequently felt that he should not have opted out and, therefore, took up this plea of a technical glitch or a network error. The e-mail of the petitioner (Annexure P-5) mentioning about the technical glitch was duly responded to by the respondent on the same date after some time which is evident from Annexure P-5 itself, wherein the petitioner was informed that his request had been reviewed and he was informed that once an auction had been successfully concluded, there was no option to reschedule it. In-fact the e-mail sent by the petitioner makes an interesting reading;

“Sir/Maam

I have deposited end of auction id: 10431 of E-auction of Residential Pocket-Residential Pocket As is Where is Basis-at-Sector-48, Gurugram, FAR- my last bid was of Rs. 10.92.27,200.00 at 29/07/2024 02:44:37 due to technical glitch or network error or internet connectivity I was unable to placed the bid after and at 29/07/2024 03:00:00 bidding time was over so it was unfa auction as I want to purchase said unit at increased price now the property is sol at undervalue its a humble request to request to reschedule this auction od auction id: 10431 so that get fair chance and i can buy this land property was sold at 10,93,02,200.00 at 29/07/7024 03:00:00 im attaching my last bid details kindly look into this matter on urgent basis.

Regards

Manav Babbar

Partner

OPMANAV ESTATE SPACES LLP”



The e-mail shows that the petitioner took the plea of a technical glitch, network error or internet connectivity. Clearly, the petitioner was trying every possible ways and means to make out a case for himself which was rightly rejected by the respondent. It is therefore evident that the case of the petitioner is devoid of merit.

In view of the aforesaid, we do not find any merit in the instant writ petition and the same is accordingly dismissed.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

Pronounced on: 09.09.2024
Rekha

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