



CWP-24706-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24706-2024Date of decision: 25.09.2024

Virender Singh @ Virender Singh Ahlawat and othersPetitioners

Versus

Haryana Shehri Vikas Pradhikaran and anotherRespondents

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

Present: Mr. R.N. Lohan, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners have 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 respondent No.2 to issue fresh letter of intent (LOI) or allotment prescribing the share of the petitioners as 50% of Virender Singh, 40% of Santosh and 10% Share of Narain Singh instead of letter of intent dated 09.08.2024 (P-3) and restrained the respondent No.2 from recovering the balance 75% of the bid amount till the issuance of the revised letter of intent prescribing the percentage of share of each co-sharer and for issuance of any other appropriate writ, order or direction which this Hon’ble court may deem fit in the peculiar facts and circumstances of the present case.”

Learned counsel for the petitioners submits that petitioners participated in the E-auction conducted on 26.07.2024, by the respondent-Haryana Shehri Vikas Pradhikaran. And, upon being



CWP-24706-2024

-2-

adjudged the highest bidders, they were issued a letter of intent dated 09.08.2024 (P-3), for allotment of a residential plot/site/building No.201, Sector-39, Urban Estate Gurgaon II, measuring 301.40 square meters, on free hold basis, for Rs.6,68,88,100/-. Accordingly, he submits that 25% of the premium/consideration has since been remitted. Whereas, the balance 75% is required to be deposited within 120 days, failing which, in terms of clause 3 of the LOI itself, it is liable to be withdrawn without any notice, besides forfeiture of the consideration already deposited. And, the said period of 120 days would end on 07.12.2024. Thus, it is submitted that the limited grievance that the petitioners have is: albeit, the LOI has been issued in favour of all the three petitioners, but their respective shares have not been indicated. Whereas, in terms of clause 16 of the Revised E-Auction Policy dated 20.07.2022 (P-1), the petitioners had duly indicated that petitioner No.1 (Virender Singh @ Virender Singh Ahlawat) would have 50% share; petitioner No.2 (Santosh @ Santosh Ahlawat), would have 40% share; and petitioner No.3 (Narain Singh @ Narain Singh Dahiya) would have 10% share in the subject property, per the agreement dated 25.07.2024 (P-2), entered into between the parties. It is urged, for respective shares of the petitioners have not been depicted in the LOI, they are facing difficulty in raising loan to remit the balance consideration.

With reference to clause 16 (*ibid*), which envisages, in no uncertain terms, that no bid shall be accepted in the name of more than one person unless: ***'i) the names of all the other persons on whose behalf bid is being made are given; ii) their individual share are specified (as per their mutual agreement), however, fragmentation of the site is not permissible as per HSVP (Disposal of Land & Buildings) Regulations, 1978; and iii) the name of person making the bid produces a valid authority letter or power of attorney authorizing him to bid on behalf of other joint bidder(s)'***, he submits that the LOI needs to be modified, as the authorities are obliged to specify the respective shares of the petitioners. In this regard, he asserts that the petitioners have even served the respondent authorities with a representation dated 23.08.2024 (P-5), but to no avail. Hence, this petition.



Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondents, is present in Court. At the outset, he, as always, fairly submits that in the light of clause 16 (*ibid*), the matter needs to be re-examined by the competent authority. Thus, he submits that in such circumstances, it would rather be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to consider the concerns/grievances of the petitioners and pass appropriate orders on their representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioners or their authorized representative(s) shall be heard, for which, they may appear before the Estate Officer, EO HUDA, Gurugram-II, Sector-56, Gurugram, on 30.09.2024 at 11:00 A.M. And, accordingly, the necessary orders, as indicated earlier, shall be passed within three days thereafter.

Learned counsel for the petitioners is agreeable to the course suggested by learned counsel for the respondents and submits that let this petition be disposed of, in terms of the statement made by him.

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 accordingly disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders, assigning reasons in support thereof, shall be passed within the time indicated by the learned counsel for the respondents.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

25.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No