



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

CWP No.25032 of 2024
Date of decision: 27.09.2024

M/s Singla Builders @ Promoters Ltd.Petitioner
V/s
State of Punjab and othersRespondents

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

Present: Dr. Anmol Rattan Singh Sidhu, Sr. Advocate with
Mr. Mrigank Sharma, Advocate,
Mr. Vikas Sharma, Advocate, for the petitioner.
Mr. Jastej Singh, DAG, Punjab.

VIKRAM AGGARWAL, J.

1. The petitioner has prayed for the following substantive relief:-

*“Under Article 226/227 of the constitution of India
praying for issuance of a writ in the nature of MANDAMUS
seeking directions to the respondents to re-open the online E-bid
portal pertaining to the E-auction of Commercial Sites in
pursuance to the advertisement (ANNEXURE P-1) and the
auction guidelines (ANNEXURE P-3) which concluded on
16.09.2024, wherein the petitioner was precluded from
participating in the final bidding/auction process on account of
crashing of the official website of the respondents.*

AND

*For issuance of writ of MANDAMUS directing the
respondents to decide the representation dated 17.09.2024
(ANNEXURE P-10) and 18.09.2024 (ANNEXURE P-12) duly
received in the office of the respondent no. 2 and pertaining to
which a letter dated 17.09.2024 (ANNEXURE P-11) was issued to*



the petitioner to attend the meeting and thereafter, no action has been taken.

AND/OR

For issuance of writ of MANDAMUS directing the respondents not to finalize the bid of Commercial Site Pocket-I, Block F, Aero City, SAS Nagar (Mohali) as mentioned in the EMD payment made by the petitioner vide (ANNEXURE P-2) and to order forensic audit of the auction website, during the pendency of the present petition.”

2. Pursuant to an advertisement issued on 01.09.2024 (Annexure P-1) for e-auction of residential, commercial, chunk of institutional sites, the petitioner was desirous to bid for an 8 acre chunk of commercial site, situated in Pocket No.1, Block F, Aerocity, SAS Nagar, Mohali and earnest money of Rs.5 crores was deposited by the petitioner.

3. As per the advertisement, the e-auction was to be held from 06.09.2024 (6.00 p.m. onwards) till 16.09.2024 (1.00 p.m.). However, in terms of the guidelines (Annexure P-3), the auction could have continued beyond the last 1.00 p.m. also and further, the auction time could have been extended by 10/15 minutes if the last bid was submitted just prior to the closure of the web-portal. It is the case of the petitioner that bidding was started by the petitioner on 13.09.2024 and bids were submitted on 16.09.2024 till about 4.45 p.m. when suddenly, the web-portal crashed and it started displaying a blank screen. The screen shot of the web-portal has been placed on record as Annexure P-5. As per the petitioner, it started contacting the helpline numbers given on the web-portal and 20 calls were made to the said number but no response was received. Eventually, an e-mail on 16.09.2024 at 6.00 p.m. (Annexure P-7) was submitted by the petitioner requesting the respondents to take some decision well in time.



4. When the e-mail did not evoke any response, a second e-mail was submitted on 17.09.2024 at 10.00 a.m. (Annexure P-8), followed by a third e-mail on the same date at 2.30 p.m. (Annexure P-9). The petitioner then visited the office of the respondents and was again directed to submitted a written representation which was submitted on 17.09.2024 itself (Annexure P-10). The petitioner received a letter on 18.09.2024 (Annexure P-11), calling upon the petitioner to attend the office of respondent No.2 i.e. the Chief Administrator, GMADA, at 3.00 p.m. No audience was, however, given to the petitioner and after waiting for the whole day, the petitioner submitted another representation dated 18.09.2024 (Annexure P-12). For, no response was received, the petitioner has preferred the instant writ petition.

5. Learned Senior Counsel appearing for the petitioner vehemently submits that the technical glitch arose only because the respondents were hand in glove with the successful bidder and, therefore, the technical glitch was deliberate. He submits that the highest bid received by the respondents was for Rs.475 crores and the petitioner is willing to pay Rs.500 crores for the site in question. Learned Senior Counsel submits that the illegal action of the respondents has not only caused an irreparable loss to the petitioner but has also caused a loss of Rs.25 crores to the State Exchequer.

6. Upon advance copy of the petition having been served, learned Deputy Advocate General, Punjab is present. He vehemently opposes the submission made by learned Senior Counsel representing the petitioner and submits that there was no technical glitch, for apart from this property, many other properties were being auctioned at that time and there is no report of



any technical glitch regarding any other site. He submits that the stand taken by the petitioner seems to be an after thought with a view to scuttle the allotment of the commercial site to the successful bidder. He, however, submits that a sum of Rs.49 crores has already been deposited by the successful bidder and that any interim direction shall greatly harm the interest not only of the successful bidder but also that of the State.

7. On a specific query having been put as to whether, any formal decision had been taken on the representation/e-mails of the petitioner, learned counsel concedes that no such decision has been taken.

8. Faced with the situation, learned counsel submits that a decision in the said matter will be taken by respondent No.2 after affording due opportunity of hearing to the petitioner and thereafter, an order in this regard shall be passed within one week from today and that till a decision is taken and conveyed to the petitioner, formal letter of allotment shall not be issued to the successful bidder.

9. Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the State and submits that the writ petition be disposed of in terms of the statement made by learned counsel for the respondents.

10. In view of the aforesaid, the writ petition is disposed of in terms of the statements made by learned counsel for the parties binding them to the same.

11. This Court is sanguine that the authority concerned shall pass appropriate orders, in accordance with law, after complying with the principles of natural justice, within the time indicated by learned counsel for



the respondents, assigning reasons in support thereof.

12. 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 authority concerned shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

September 27, 2024

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