

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-67-2024
Date of decision: 08.01.2024

Navin Kumar AgrawalPetitioner

Versus

State of Haryana and othersRespondents

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

Present: Dr. Pankaj Nanhera, Advocate, and
Mr. Rahul Gautam, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner herein 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 certiorari for quashing the unilateral decision of
the Respondents, to roll back the allotment of the Plot No.
375GP, Sector 75. Faridabad, Haryana allotted in favour
of the Petitioner vide E-Auction No. ID 38547 dated
18.11.2022 on account of placing the highest bid amount
of Rs. 82,40,900/- i.e. Rupees Eighty-Two Lakhs, Forty
Thousand and Nine Hundred Only and reverting the
deposited Highest Bidder-1 (H-1) Amount on 10.01.2023
(ANNEXURE P-1) as the same has been done without
passing any order or assigning any reason and, thus, the
decision is arbitrary, illegal and against the principle of
equity, rule of law and natural justice and, is thus, not
sustainable in the eyes of law;*

And/Or

To issue a writ in the nature of Prohibition directing the Respondents to defer the further enlisting of the Plot in future Auctions/E-Auctions till the final decision of this Petition, in the interest of justice;

And/Or

To issue a writ in the nature of Mandamus, directing the respondents to issue the Letter of Intent (LOI) qua the above-mentioned Plot in favour of the Petition, being the Highest Bidder-1 (H-1) in the Auction @ Rs. 82,40,900/- (Rupees Eighty-Two Lakhs, Forty Thousand and Nine Hundred Only), after accepting the payment of Highest Bidder-1 (H-1) amount, in the interest of justice.”

Learned counsel for the petitioner submits that pursuant to the advertisement dated November 03, 2022, issued by the respondent-HSVP, petitioner participated in the e-auction conducted on November 18, 2022. He deposited the earnest money, i.e. equal to 10% of the bid amount. For, he was adjudged H1, for a plot No.375GP, Sector-75, Faridabad, Haryana (10 marla), and was ready to abide by the terms of the advertisement, he was sanguine that respondent-HSVP would issue the letter of intent in the normal course. However, on January 10, 2023, the amount deposited by the petitioner, i.e. Rs. 82,40,900/- was credited in his bank account and his bid was rejected. He further submits that to date, neither the respondent authorities have passed any order, nor assigned reasons to justify rejection of the bid of petitioner, despite being H1. It is urged that action of the respondent authorities is palpably erroneous and arbitrary. So much so, even the e-mail/representation dated 11.01.2023 (P-7), the respondent authorities have been served with, has failed to evoke any response.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court.

The factual position, as sketched out above, is not disputed by him. Rather, he concedes that since no reasons have been assigned to reject the bid of the petitioner, let this petition be disposed of, at this stage, to enable the competent authority to pass a speaking order, in

accordance with law. He submits that before any such orders are passed, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner is in agreement with the course suggested by the learned counsel for the respondent-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned counsel for the respondent-HSVP submits that the appropriate orders shall be passed within a period of eight weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondent.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

08.01.2024
Ak Sharma

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