

2025:PHHC:062099-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-2921-2025 (O&M)

Date of decision: 08.05.2025

PAWAN KUMAR & ANR.

.....Petitioners

Versus

STATE OF HARYANA & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Sahil Gupta, Advocate for the petitioners.

SUDHIR SINGH, J.

The petitioners have sought issuance of a writ in the nature of Certiorari quashing the order dated 13.06.2024 (Annexure P-8) passed by the Chief Administrator, Haryana State Agricultural Marketing Board, Panchkula, whereby e-auction held on 27.06.2023 of the shop bearing asset No.10 (unique asset No.49417) situated in Satnali Mandi, District Mahendergarh, was cancelled by rejecting the highest bid of the petitioners.

2. It is the case of the petitioners that being the real brothers, they had participated in an e-auction conducted by the Haryana State Agricultural Marketing Board (for short 'the HSAMB') on 27.06.2023 for the auction of shop bearing asset No.10 (unique asset No.49417). The reserve price for the said shop was Rs.85,68,000/-. The petitioners had deposited the earnest money of Rs.2,50,000/- as registration fees. They had quoted the highest bid for

the said shop to the tune of Rs.86,28,000/-. The said bid of the petitioners was accepted by the HSAMB. Accordingly, the petitioners had deposited 10% of the bid amount i.e., Rs.8,62,800/-. It is further the case of the petitioners that despite completing the aforesaid requisite formalities, they were not issued the letter of intent, which compelled them to file a representation to the Chief Administrator, HSAMB and Secretary-cum-EO, Market Committee, Mahendergarh. However, to the utter surprise of the petitioners, they were in receipt of a letter dated 06.10.2023 from the respondent-Authorities, whereby they were informed that the 10% amount deposited by them shall be returned as per the orders passed by the Headquarters. The petitioners filed **CWP-24968-2023**, which was disposed of by this Court vide order dated 06.11.2023 with the direction to the HSAMB to consider/examine the matter and pass appropriate orders, in accordance with law. It is further pointed out that the Chief Administrator, HSAMB, vide order dated 13.06.2024, has rejected the representation of the petitioners on legally untenable grounds.

3. Learned counsel for the petitioners has vehemently argued that once the petitioners were declared the successful bidder, having quoted the bid more than the reserve price, there was no occasion for the respondent-Authorities to reject the said bid. It is further argued that the impugned order does not stipulate the reasoned grounds for rejection of the claim of the petitioners. It is further argued that even if the petitioners were the single bidder, the action on the part of the respondent-Authorities in accepting their bid and declaring them successful and further accepting 10% of the bid

amount, estops them from backtracking. It is also argued that it could not be pointed out by the respondent-Authorities in the impugned order as to what financial loss has been caused to them, especially when, the petitioners had submitted the bid for an amount of Rs.86,28,000/-, which was more than the reserve price i.e., 85,68,000/-. It is, thus, argued that the impugned action on the part of the respondent-Authorities is not legally justified and liable to be quashed.

4. On the other hand, served with the advance copy of the petition, Mr. Gaurav Bansal, DAG, Haryana appears for respondent No.1-State, whereas Mr. Ankur Mittal, Advocate along with Mrs. Ashna Singh, Advocate appears for respondents No.2 to 4. Mr. Ankur Mittal, Advocate while countering the arguments raised on behalf of the petitioners, argues that the Chief Administrator, HSAMB, is perfectly justified in passing the impugned order, as the petitioners were the single bidder and when the matter was submitted for approval of the Chief Administrator, HSAMB, in terms of Section 18 of the Haryana State Agricultural Produce Markets Act, 1961, the same was rejected. It is further argued that merely because the petitioners were the highest bidder, does not vest in them any indefeasible right as the claim of the petitioners has been cancelled only for the reason that the petitioners were the single bidder.

5. We have heard learned counsel for the parties and have also gone through the paper book.

6. In our opinion, the short question that arises for consideration is whether the respondent-Authorities are justified in passing the impugned order, especially when the petitioners were declared successful in the bid submitted by them for the shop in question.

7. The facts leading to the petitioners being successful in the bid and them submitting 10% of the bid amount are not in dispute. Still further, it is undisputed that in terms of the provisions of the aforesaid Act, before transferring any immovable property, the Committee has to obtain prior approval of the Chief Administrator, HSAMB.

8. Rule 5(5) of the Haryana Agricultural Marketing Board (Sale of Immovable Property), Rules 2021, clearly stipulates that the Chief Administrator, HSAMB, shall have a right to cancel any bid in respect of any shop/booth at any time.

9. A perusal of the impugned order clearly shows that the reason for cancelling the claim of the petitioners is that they were the single bidder and that being the position, the said claim was rejected.

10. The only emphasis of the learned counsel for the petitioners is that the petitioners had been declared successful in the bid process and once 10% of the bid amount was deposited by them, the respondent-Authorities could not cancel the bid. However, we find no force in the said submission for the reason that in terms of Rule 5(5) aforesaid, the Chief Administrator, HSAMB, has a right to cancel any bid. As noticed above, the bid has been cancelled for the reason

that the petitioners were the only bidder. Thus, when the petitioners were the single bidder and no other bid was received, the respondent-Authorities are perfectly justified in cancelling the bid and refunding the amount deposited by the petitioners to them. The petitioners have got no right to compel the respondent-Authorities to issue them the letter of intent. Needless to say that, in the fresh round of the bid process, if any, it will be open for the petitioners to participate in the same, in accordance with law.

11. In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

12. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

08.05.2025
himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No