

(2013) 10 P&H CK 0234

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 17665 of 2013 (O and M)

Nitin Goyal

APPELLANT

Vs

Union Territory

RESPONDENT

Date of Decision : 07-10-2013

Acts Referred:

Citation : (2014) 1 PLR 132

Hon'ble Judges : Rameshwar Singh Malik, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rameshwar Singh Malik, J.

C.M. No. 145-18 of 2013

Applicant seeks to place on record the replication.

Application is allowed, as prayed for.

C.M. stands disposed of.

C.W.P. No. 17665 of 2013

1. The present writ petition is directed against the impugned action of the respondent-authorities, while putting the registration No. CH-01-AU-0006 to re-auction, despite having accepted the highest bid of the petitioner, in the auction held on 02.08.2013. Facts of the case are hardly in dispute. Petitioner purchased a vehicle vide Annexure P-1. A public notice appended at Annexure P-2, was issued inviting applications for allotment of special numbers. In response to the public notice (Annexure P-2), petitioner applied for five numbers. He deposited requisite amount of reserve price i.e. Rs. 15,000/- each for three numbers and Rs. 10,000/- each for two numbers, particulars whereof stated in para 4 of the writ petition. Auction for allotment of special registration numbers was held on 02.08.2013 at 10.00 a.m. in the office of respondent No. 3. Since the petitioner

had applied for five numbers, he received 5 letters out of which one has been appended at Annexure P-3. Petitioner appeared and participated in the auction on 02.08.2013. The special number in question is CH-01-AU 0006.

2. Petitioner was found the highest bidder for this number. The highest bid of the petitioner was for Rs. 16,500/- which was accepted by the competent authority. Petitioner was asked to deposit the remaining balance amount of Rs. 1500/- only, within three working days from the date of auction. Since the petitioner was declared successful bidder in the auction of above said No. CH-01-AU-0006, he was asked to collect the refund qua the remaining four numbers, because the petitioner was no more eligible for participating in the auction for remaining numbers for which he had applied.

3. As directed, petitioner received the amount on account of refund of his remaining applications. However, when he approached the office of respondent No. 3 on 03.08.2013 i.e. very next day, he was informed that auction of No. CH-01-AU 0006 has been cancelled on the ground that special numbers fetched lower price than what was expected. Petitioner submitted two representations. Annexure P-4 was submitted to respondent No. 2 and Annexure P-5, a similar representation was submitted to respondent No. 3. Without deciding the above said representations of the petitioner, impugned public notice (Annexure P-6) was issued, for re-auction of many special numbers including the above said number i.e. CM-01-AU 0006, which was purchased by the petitioner as highest bidder.

4. Having been left with no other option, petitioner has filed the instant writ petition. Notice of motion was issued and in the meantime, the impugned re-auction public notice (Annexure P-6), qua the above said special number i.e. CH-01-AU 0006, was stayed. Written statement was filed on behalf of respondents. Thereafter, replication was filed on behalf of petitioner.

5. Learned counsel for the petitioner submits that once the competent authority has accepted his highest bid and he was not allowed to participate in the auction qua four more numbers for which he had already applied, the respondent-authorities were estopped from cancelling the auction proceedings qua above said special number CH-01-AU 0006, which was purchased by the petitioner as the highest bidder. He further submits that the petitioner was granted the refund of amount which he deposited to participate in the auction qua other four numbers, thereby putting the petitioner out of consideration for the remaining four other special numbers. Under these circumstances, the respondent-authorities were not justified in putting the above said number to re-auction and that too without deciding the above said two representations submitted by the petitioner. Finally, he prays for setting aside the impugned public notice (Annexure P-6), qua the above said one special number i.e. CH-01-AU 0006, by allowing the present writ petition.

6. Per contra, learned counsel for the respondents submits that the action of the

respondents, while putting the above said special number to re-auction was neither unjust nor unreasonable because it was not the only number which was put to re-auction. He further submits whichever number did not fetch the expected price, was put to re-auction and the respondent-authorities were fully empowered to put any number to re-auction, whenever it was found not to have fetched the expected price. He prays for dismissal of the writ petition.

7. Having heard the learned counsel for the parties at considerable length, after, going through the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered view that the instant writ petition deserves to be allowed. To say so, reasons are more than one, which are being recorded hereinafter.

8. It is a matter of record that petitioner applied for more than one special numbers, as stated in para 4 of the writ petition as well as in the representations (Annexures P-4 and P-5). He also deposited the requisite amount as reserve price against all the five special numbers for which he was intending to participate in the auction." Once the petitioner was found highest bidder for the above said special number i.e. CH-01-AU 0006 and his bid was accepted, he felt satisfied. Further, as directed by the respondent-authorities, he got the refund of the amount which he deposited for the remaining numbers. Having said that, this Court feels no hesitation to conclude that the respondent-authorities were expected to proceed on a reasonable approach qua the above said special number, purchased by the petitioner, being the highest bidder and that number ought to have been excluded from the list of other numbers, which were sought to be put to re-auction by way of impugned public notice (Annexure P-6). Thus, the action of the respondents while putting the above said special number purchased by the petitioner, to reauction by way of impugned public notice cannot be sustained.

9. Present one is a case wherein the doctrine of reasonable expectation is clearly attracted. After, the highest bid was accepted and he was asked to deposit the remaining amount, petitioner proceeded on reasonable expectation withdrawing the amount deposited by him for the remaining special numbers; Petitioner was fully justified to expect from the respondent-authorities that now they will allow him to deposit the remaining amount of Rs. 1500/- only, for the special number which was purchased by him, being the highest bidder. Under such circumstances, action of the respondents cannot be sustained.

10. Another aspect of the matter was that the petitioner was directed to get the refund of the amount which was deposited by him, for participating in auction for the other four numbers, he applied for. In such a situation, petitioner was left with a limited choice to deposit the balance amount of Rs. 1500/- for the number which he had purchased on 02.08.2013. Under these circumstances, the respondent-authorities were expected to allow the petitioner to deposit the remaining amount of Rs. 1500/- on the next working day and the above said special number CH-01-AU-0006 ought to have been allotted to the petitioner.

Since, the respondent-authorities failed to proceed on a reasonable approach in this regard, their action cannot be sustained.

11. Before issuing the impugned public notice (Annexure P-6), genuine grievance raised by the petitioner by way of his representations (Annexures P-4 and P-5) was not even considered. Had the competent authority applied its mind on the grievance raised by the petitioner, it was quite possible that the plea raised by the petitioner might have been accepted by the competent authority, excluding the above said special number from the impugned public notice (Annexure P-6). However, even this was not done.

12. Further, during the course of hearing, learned counsel for the respondents could not put into service any substantive argument to persuade this Court to take a different view than the one taken hereinabove. In this view of the matter, it is unhesitatingly held that the action of the respondent-authorities was neither just nor reasonable and the same has been found to be arbitrary. Therefore, the impugned action cannot be sustained.

13. No other argument was raised.

14. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered opinion that the instant writ petition deserves to be allowed.

15. Consequently, the impugned public notice (Annexure P-6) is ordered to be set aside, qua the above said special number i.e. CH-01-AU 0006, which was purchased by the petitioner, being the highest bidder. Respondent No. 3 is directed to allot the above said special number to the petitioner at an early date, subject to payment of balance amount of Rs. 1500/-, but in any case within a period of three weeks from the date of receipt of a certified copy of this order. Resultantly, with the observations made and directions issued, as hereinabove, instant writ petition stands allowed, however, with no order as to costs.