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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 736/2023 & CM APPLs. 2802-03/2023**
SWATI YADAV Petitioner
Through: Ms. Shalini Nair, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY
AND ORS Respondent
Through: Mr. Ashim Vaccher, Standing
Counsel with Mr. Kunal Lakra,
Advocate for R-1 and 2/ DDA.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **20.01.2023**
CM APPL. 2803/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, this application is disposed of.

W.P.(C) 736/2023 & CM APPL. 2802/2023

1. The present petition has been filed impugning the e-mail dated 05.01.2023 issued by the Respondent rejecting the Petitioner's highest bid.
2. Learned counsel for the Petitioner states that the Respondent had organised various phases of e-auction for the sale of residential plots as per Delhi Development Authority (Disposal and Nazul Lands) Rules, 1981. She states that the Petitioner had participated in the 17th phase, e-auction of Residential Properties and submitted her bid for 5 plots including the plot in question i.e., Plot no. 57, Site No.1, New Rajinder Nagar, New Delhi ('subject plot').
3. She states that as per Clause 2.2 (a) of the Bid Document, the



Petitioner submitted the Earnest Money Deposit ('EMD') i.e., 5% of the reserve price, amounting to Rs.5,23,016/- per plot. She states that during the e-auction, the Petitioner was declared as the H1 bidder with respect to her bid of Rs. 1,57,10,312/-. She states it would be pertinent to record that the reserve price for the concerned plot was fixed by the Respondent, DDA, at Rs. 1,04,60,312/- and therefore, her bid was at least 50% more than the reserve price.

4. She states that the Respondent was obliged to issue a Letter of Intent ('LOI') to the Petitioner, within 7 days i.e., 22.11.2022, as per clause 7 of the bid document. She states that however, no Letter of Intent ('LOI') was issued Respondent, instead she has been communicated with the impugned letter dated 05.01.2023, which without explaining any reason, rejects her highest bid. She states that the said rejection is arbitrary and unreasonable and therefore, seeks a direction to the Respondent to issue a LOI for the subject plot. She has also impugned clause 2.4.1 of the bid document in the present writ petition.

5. Issue notice. Learned standing counsel for the Respondent for the Respondent accepts notice. He seeks and is granted two weeks' time to file his counter affidavit. Rejoinder, if any, be filed within 10 days thereafter.

6. Learned counsel for the Respondent states that presently the Respondent does not intend to re-auction of the subject plot. He states that in case there is any proposal to re-auction, the Respondent shall seek prior permission of this Court.

7. List on 03.03.2023.

MANMEET PRITAM SINGH ARORA, J

JANUARY 20, 2023/msh/aa