

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 11565/2021

Zuberi Engineering Construction Pvt. Ltd., Having Its Registered Office At 204, Anukampa-1, Opp. Raymonds Showroom, M.i. Road, Jaipur- 302001 Through Its Authorized Representative-Mr. Hemant Garg S/o Late Sh. Govind Naraian Gupta, Resident Of 8- Indira Colony, Sawai Madhopur.

-----Petitioner

Versus

1. Indian Oil Corporation Limited, Having Its Registered Office At G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051 Through Its Chairman.
2. Indian Oil Corporation, Through Jaipur Rso, Rajasthan State Office, Adarsh Nagar, Ashok Chowk, Jaipur-302004.
3. Dy. General Manager (Estate) Indian Oil Corporation Limited, (Marketing Division), Northern Region, Indian Oil Bhawan, 4Th Floor, Estate Department, Yusuf Sarai, New Delhi- 110016.

-----Respondents

For Petitioner(s) : Mr. Anuroop Singhi.
Mr. Roshan Sharma.
Mr. Rohit Solanki.

For Respondent(s) :

JUSTICE DINESH MEHTA

Order

06/10/2021

1. Mr. Singhi, learned counsel for the petitioner invites Court's attention towards communication dated 17.01.2011 and points out that petitioner's bid (Rs.21,70,28,660/-) was the highest, however, the respondent-corporation cancelled the tender process without assigning any reason.

2. Such being the position, the petitioner preferred a writ petition against said action of the respondent-Corporation being S.B. CWP No.10772/2011, in which the respondent - Corporation came with a plea in its reply that the auction has been cancelled considering that the land in question was suitable for establishment of solar plant.

3. Petitioner has challenged the de-novo auction proceedings being held by the respondent-corporation on 12th October, 2021.

4. Challenging the action of the respondent in putting the same land for auction, learned counsel argues that the land being subject matter of the litigation is being put to auction for the same purpose and practically on the same terms and conditions which were existing in the year 2011.

5. Learned counsel submits that respondents have firstly arbitrarily cancelled earlier auction proceedings on unsustainable grounds and thereafter regardless of the pendency of petitioner's writ petition, are proceeding with fresh auction.

6. Petitioner has approached this Court with a grievance that if the fresh auction is held, rights of the petitioner who was the successful bidder in the earlier proceedings (which are subject matter of writ petition No. 10722/2011) shall be adversely affected.

7. The matter requires consideration.

8. Issue notice. Issue notice of stay application also, returnable within six weeks.

(DINESH MEHTA),J

PREETI VALECHA /171

