

Review Application No.193 of 2013 (O&M) in  
Civil Writ Petition No.15863 of 2011

Ajay Anand Vs. State of Haryana & another

Present: Mr. V.K.Jain, Senior Advocate, with  
Mr. Rajesh Bansal, Advocate, for the applicant-petitioner.

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The petitioner has sought review of an order passed by this Court on 02.05.2012, whereby the writ petition filed by the petitioner claiming possession of Plot No.11 situated at HSIIDC, Industrial Estate, Ambala was dismissed, inter alia, on the ground that no concluded contract has come into existence.

Learned counsel for the petitioner referred to the proceedings of the Corporation (Annexure P-3) to contend that the Corporation has decided to confirm the bid given by the petitioner, therefore, there is error apparent on record.

At the time of hearing of the writ petition on 02.05.2012, the argument raised by the petitioner was that either the letter of allotment should be issued or the amount deposited by the petitioner be refunded. Keeping in view the said argument, it was ordered that the amount deposited by the petitioner be refunded to him.

A perusal of the record shows that after initial deposit of 10%, the petitioner deposited a cheque on 06.10.2006, but the said cheque was not encashed. The petitioner filed a civil suit claiming refund of earnest money, but the said suit was withdrawn. Thereafter, the petitioner filed another suit for declaration that as an auction purchaser, he is entitled to the possession of the property purchased after deposit of Rs.45.75 lacs on 28.02.2008. The said suit was withdrawn on 28.07.2011. Thereafter, writ petition was filed.

No letter of allotment was ever issued to the petitioner consequent to the proceedings Annexure P-3. In the absence of issuance of any letter of allotment, the petitioner cannot claim possession of the plot. Similar question came up for consideration before a Division Bench of this Court in CWP No.17397 of 2010 tilted 'Rajinder Kumar Rawal & others Vs. State of Haryana & others' decided on 24.04.2012, wherein relying upon a Full Bench judgment of this Court in Surjit Singh Vs. State of Punjab, (1979) 81 PLR 413 and other judgments reported as The Express Co-operative Group Housing Society Ltd. & others Vs. State of Haryana through its Chief Secretary & others (CWP No.8905 of 1997 decided on 03.10.1997) and Smt. Manju Jindal & another Vs. Haryana State Industrial Development Corporation Ltd., Chandigarh (CWP No.3342 of 1998 decided on 11.05.1998) as well as Supreme Court judgments in Jasbir Singh Chhabra & others Vs. State of Punjab & others (2010) 4 SCC 192 and Greater Mohali Area Development Authority & others Vs. Manju Jain & others (2010) 9 SCC 157, it was held that in the absence of issuance of letter of allotment, no concluded contract comes into force.

In view thereof, we do not find any error apparent on record, which may warrant review of the order dated 02.05.2012 passed by this Court.

Dismissed.

(HEMANT GUPTA)  
JUDGE

19.07.2013  
Vimal

(MEHINDER SINGH SULLAR)  
JUDGE