

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6697 OF 2016
[@SPECIAL LEAVE PETITION (C) NO. 17102 OF 2016]

DEV NARAYAN MANDAL

Appellant (s)

VERSUS

STATE OF U.P. AND ORS

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. In the nature of the order we propose to pass, it is not necessary to go into the factual details of this case. There were certain disputes with regard to the allotment of two plots. The respondents, in view of the alleged non-diligence on the part of the appellant, had cancelled the allotment and taken steps for fresh auction.

3. When the matter came up before this Court on 18.07.2016, we directed Respondent Nos. 2 and 3 to go ahead with the auction, permitting the appellant also to participate in the auction.

4. An affidavit has been filed on behalf of Respondent Nos. 2 and 3. It is submitted that the appellant herein was the highest bidder for both plots and that the respondents have no objection, in principle, in granting the bid in favour of the appellant, being the highest bidder.

5. Therefore, this appeal is disposed of, directing Respondent Nos. 2 and 3 to take further steps to finalise the auction proceedings within 15 days from today. The appellant shall make the required token deposit for each plot, after adjusting the amount already deposited with the authorities. The amount of deposit will carry interest at the rate of 9% from the date of deposit.

6. We further make it clear that in the event of default on the part of the appellant in depositing the earnest money, as above, or in making the balance payment as per schedule, the bid shall stand cancelled and Respondent Nos. 2 and 3 will be at liberty to go for fresh auction and in that event, the money deposited by the appellant shall stand forfeited.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
JULY 25, 2016.