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BEFORE THE HON'BLE HIGH COURT OF DELHI  
AT NEW DELHI  
EXTRA ORDINARY JURISDICTION  
(UNDER ARTICLE 226 OF THE CONSTITUTION)  
WRIT PETITION (CIVIL) No.....1399.....OF 2010

**MEMO OF PARTIES**

IN THE MATTER OF

National Investor Forum Regd. .... Petitioner

VERSUS

Golden Forests India Ltd. .... Respondent

AND IN THE MATTER OF

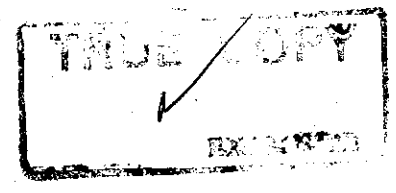
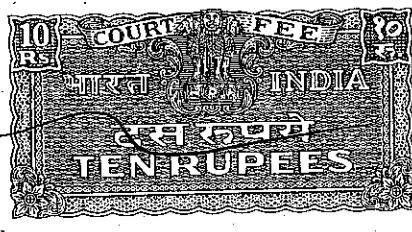
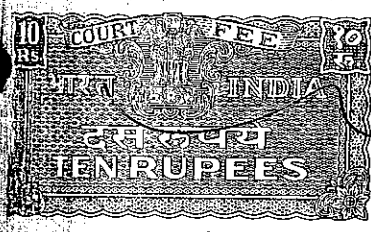
M/S Super Constructions Indore Private Limited  
Through its Director  
3, Jawahar Nagar, Indore  
Madhya Pradesh

....Applicant

VERSUS

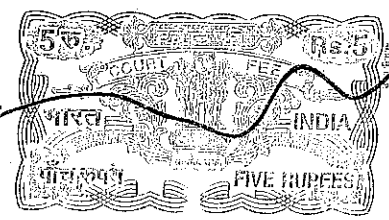
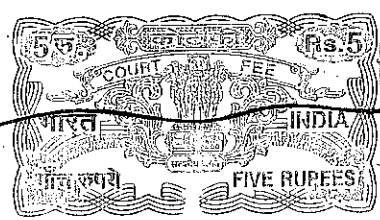
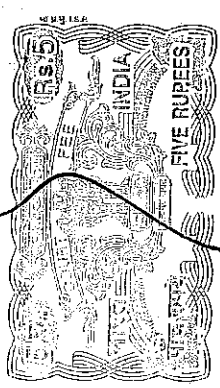
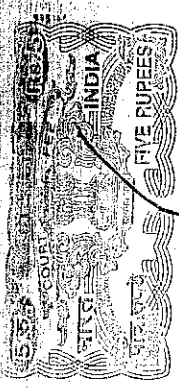
Committee Golden Forest (India) Limited  
Through its Chairman  
Bunglow No. 60, Sector-4  
Chandigarh

....Respondent



New Delhi  
Dated: 20.12.2010

Filed By  
V-B-L  
Varuna Bhandari Gugnani  
Bhakti Vardhan Singh  
Advocate for the petitioner  
69, Lawyers Chamber New Delhi



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

#26

+ W.P.(C) 1399/2010

NATIONAL INVESTOR FORUM REGD. .... Petitioner  
Through Ms.Suruchi Aggarwal, Adv. for  
GFIL Committee

versus

GOLDEN FORESTS INDIA LTD. .... Respondent  
Through Mr.Neeraj K. Kaul, Sr.Advocate with  
Ms.Varuna Bhandari, Adv.

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE MANMOHAN**

% **ORDER**  
**22.12.2010**

CM Nos.21789 to 21791/2010

These interlocutory applications being inter-linked are disposed of today.

The first application being CM No. 21789/2010 is for impleadment, the second being CM No. 21790/2010 is for setting aside the order dated 4<sup>th</sup> November, 2010 and the last one, that is, CM No. 21791/2010 is for stay of the auction.

*WP(C) No.1399/2010*

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Be it noted, on 4<sup>th</sup> November, 2010, the Committee had passed the following order: -

“This order shall be read in continuation of our order dated 25.10.2010.

M/s. Super Construction Private Limited. First Address – 45/2, Bairathi Colony, Indore (M.P.) & Second Address – 3, Jawahar Nagar, Indore (M.P.) have not deposited with this committee 20% of the highest bid money Rs.9,04,00,000/- (Nine Crore, four lakh rupees) within the prescribed period. Therefore, in terms of our order *ibid*, the participation. Money Rs.30,00,000/- (Thirty lac rupees) stands forfeited. It be informed accordingly, by E-mail as well as by speed post.”

On 16<sup>th</sup> November, 2010, while dealing with CM No.11371/2010, this Court passed the following order: -

**“CM No.11371/2010**

In this miscellaneous application filed by the committee, two properties are involved, one at Indore and the other at Nalgonda in the State of Andhra Pradesh.

It is submitted by Mrs. Aggarwal that as far as the property at Indore is concerned, there were 32 bids and it was knocked out in favour of the highest bidder but he chose not to come forward to fulfill the terms and conditions. Accordingly, the participation amount has been forfeited by the Committee. It is put forth by her that the said property is going to be re-auctioned.

As far as the property in Andhra Pradesh is concerned, it is fairly submitted by Mrs. Aggarwal that the entire property admeasuring 206 acres shall be put to auction in one go instead of piecemeal auction.

In view of the aforesaid, nothing survives in this application and, accordingly, the same stands disposed of.

In view of the aforesaid, we think that the applicant M/s. Super Construction Indore Pvt. Ltd., which was the highest bidder on earlier occasion and chose not to come forward to fulfill the terms and conditions of the bid, cannot be allowed to seek recall of the order as in the case at hand we perceive a different scenario and the Committee is not allowed by many persons to put forth the properties to auction or to finalize the auction and if finalized, do not satisfy the terms and conditions, as a consequence of which the Committee is handicapped to take steps to pay the amount that is due to the innocent investors. In view of the aforesaid, we are not inclined to allow the application for impleadment or setting aside the order passed by the Committee.

Needless to say, we are also not inclined to modify the order passed by us on 16<sup>th</sup> November, 2010. In view of the aforesaid, all the applications are rejected.

However, liberty is granted to the applicant – M/s. Super Construction Indore Pvt. Ltd. to participate in the fresh bid, if it complies with the terms and conditions of the bid. It cannot claim any benefit of the earlier deposit as

the said amount has already been forfeited.

Order dasti.

DECEMBER 22, 2010  
kapil

*sdv*  
CHIEF JUSTICE

*sdv*  
MANMOHAN, J

