
(2012) 03 P&H CK 0311
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 5595 of 2012

Architects Atelier

APPELLANT

Vs

Union of India and another

RESPONDENT

Date of Decision : 26-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 03 P&H CK 0311

Hon'ble Judges : M.M. Kumar, J;Alok Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This petition filed under Article 226 of the Constitution challenges order dated 10.3.2011 (P-9), passed by the Indian Institute of Technology, Ropar-respondent No. 2, whereby it has been decided to abandon/terminate the process of selection of Architectural/Consultant firm for preparation of master plan of IIT Ropar campus and design of buildings and allied services. In July 2010, the process for empanelment of architects for preparation of master plan of IIT, Ropar, Campus and design of buildings and allied services was initiated by inviting sealed tenders. It has been claimed that after opening of the technical bids, the name of the petitioner was amongst top ten firms. After presentation of their project, its name was included in the top three. After opening of the financial bids, it was at the top. It is alleged that without going through the details of the tender documents and the tenders notice and the reply submitted by the petitioner to the queries raised, respondent No. 2 has passed the order dated 10.3.2011 (P-9).

2. We have heard Learned Counsel for the petitioner at length and are of the considered view that there is no legal infirmity in the order dated 10.3.2011 (P-9). Paras 10.0 and 11.0 of the notice inviting EOI (P-1) empowers the IIT Ropar to accept, reject, cancel, split any or all EOIs without assigning any reasons. Paras 10.0 and 11.0 of the notice inviting EOI reads as under: 10.0. IIT

Ropar reserves the right to cancel the EOIs before submission/opening of EOIs, postpone the EOI submission/opening date and to accept/reject/cancel/split any or all EOIs without assigning any reasons thereof. IIT Ropar's assessment of suitability as per eligibility criteria shall be final and binding.

11.0. Consulting firms may note that they are liable to be disqualified at any time during the selection process in case any of the information furnished by them is found to be untrue. EMD of such consultant shall be forfeited. The decision of IIT Ropar in this regard shall be final and binding.

In the present case, reason for abandoning/terminating the selection process of architectural/consultant firm has been assigned because in the impugned order dated 10.3.2011 it has been specifically mentioned that after scrutiny and verification of documents and bids submitted by bidders, it has surfaced that the terms of the IIT Ropar have been found to be violated and the selection process has as a consequence been vitiated. The impugned order further states that a fresh process for the aforementioned selection on fresh terms would be initiated and the petitioner would have a right to bid for the said selection subject to compliance with the fresh terms and conditions. Accordingly, no interference of this Court would be warranted. The instant petition does not merit admission. Dismissed.