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

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**W.P.(C)No.4111/2017 and CM No.18013/2017**

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**Date of decision : 16<sup>th</sup> May, 2017**

THE INDIAN INSTITUTE OF ARCHITECTS..... Petitioner

Through : Mr. Amit Bhagat, Adv.

versus

NATIONAL BUILDING CONSTRUCTION CORPORATION  
& ORS ..... Respondents

Through : Mr. Rajinder Wali, Adv. for R-  
1/NBCC.

Mr. Saket Sikri,

Ms. Adwaita Sharma and Mr.  
Vaibhav Kalra, Adv. for R-  
2/ITPO.

Mr. Naveen R. Nath and  
Mr. Abhimanyu Verma, Adv.  
for R-3/Council of  
Architecture.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**JUDGMENT (ORAL)**

**GITA MITTAL, ACTING CHIEF JUSTICE**

1. The writ petition claiming to be by way of public interest litigation, has been filed by the Indian Institute of Architects, which is registered society under the Provisions of the Societies Registration Act, XXI of 1860 as a voluntary organization of Architects to

encourage study of Architecture and to elevate the standard of architectural practice as well as to promote the interests of architects throughout India.

2. The writ petitioner claims that it has been actively engaged in challenging several steps being taken for redevelopment of the Pragati Maidan Complex in New Delhi which the respondents are proposing to convert into an Integrated Exhibition – cum – Convention Centre (IECC).

3. Two previous writ petitions being WP(C)No.8635/2016 and WP(C)No.9702/2016 were filed by the present writ petitioner challenging different aspects of the notice inviting e-tender dated 20<sup>th</sup> June, 2016 issued by the National Building Construction Corporation (“NBCC” hereafter) – respondent no.1.

4. While dismissing the writ petition being WP(C)No.9702/2016, on 8<sup>th</sup> February, 2017, the court has observed thus:

**“W.P.(C) No.9702/2016**

*22. It is alleged by the petitioner that the impugned approval granted by the respondent No.1 for engaging the services of foreign architects is in contravention of the provisions of Section 37(1) of the Architects Act, 1972. The petitioner, therefore, seeks a direction to the respondent No.4 to establish an institutionalized system and lay down guidelines and/or establish processes on the basis of which the application made by foreign architects under Section 37(1) of the Act be examined.*

*23. We do not find any substance in the above*

*contention. We found that in the letter dated 26.02.2014, it was made clear that the specific approval in terms of Section 37(1)(b) of the Act would be accorded to the foreign architects as and when they are shortlisted by the Indian Trade Promotion Organization (ITPO)/respondent No.2 and an application is made to the Central Government for prior permission. Even according to the petitioner, the permission under Section 37(1) has to be sought by a person who is carrying out profession of an architect in any country outside India. Therefore, the 'in principle approval' conveyed to ITPO under the impugned letter, in our considered opinion, cannot be held to be in violation of the provisions of the Architects Act, 1972.*

*24. We have already held that the scope of interference by this Court in matters relating to tenders is very limited. For the same reasons, this petition is also liable to be dismissed.*

*25. Both the writ petitions are accordingly dismissed.”*

5. Not satisfied with the dismissal of the above writ petition, the present writ petition has been filed, now assailing the steps taken by the respondents subsequent to passing of the judgment dated 8<sup>th</sup> February, 2017. It appears that the counsel for the Indian Institute of Architects (respondent no.3 herein) issued public notice dated 1<sup>st</sup> April, 2017 (published in the Hindustan Times) informing the public about the directions made by the Supreme Court of India on the 14<sup>th</sup> of February 2017 in Civil Appeal Nos.3346-3348/2005 with regard to practice under the Architect Act, 1972 being restricted to Architects.

6. It is noteworthy that public interest lies in the development of the above noted integrated complex. The writ petitioner now makes a grievance that a letter dated 23<sup>rd</sup> September, 2016 has been issued by the respondent no.1 towards development of the above integrated complex to a joint venture undertaking whereby the tender for developing the complex has been awarded. The private respondent no.4 is one of the parties in the said joint venture.

7. The petitioner has complained that respondent no.3 has filed a criminal complaint against the respondent no.4 before the District Court, Delhi which has been registered as CC No.613374/2016 (earlier registered as Case No.73/2013) presently stated to be pending in the court of Metropolitan Magistrate. A submission is made that, such criminal case pending against respondent no.4, the issuance of the letter of intent dated 23<sup>rd</sup> September, 2016 to such party is opposed to public interest and deserves to be interdicted by a writ to be issued by this court.

8. When the writ petition was listed before us on the 12<sup>th</sup> May, 2017, we had orally called upon the counsel for the petitioner to disclose the nature and status of the said criminal complaint. He was unable to inform the court about the same.

9. We find that premised on bald allegations, unsupported by either record or by written pleadings, more and more writ petitions are being filed in this court on the basis of newspaper record, without making any efforts to verify the same purportedly in public interest.

This is resulting in unwarranted burden on valuable judicial time. The same appears to be so even in the present case.

10. We are informed by Mr. Naveen R. Nath, Id. counsel appears for respondent no.3 that the said criminal proceedings are in the nature of a complaint which was filed before the court under Section 200 of the Cr.P.C. We are informed that the complaint was filed more than four years ago and, till date, even pre-summoning evidence has not been concluded. Therefore the court has so far not even deemed it appropriate to issue summons to the respondent no.4 before us to stand trial for any criminal offence.

11. We have been further informed by Mr. Rajinder Wali, learned counsel for respondent no.1, that the party who had submitted the tender before the respondent no.1 was the joint venture company and not the respondent no.4. It is submitted by Mr. Wali that the respondent no.4 was only one constituent to the joint venture, which is an independent legal entity. The submission is that even if it could be held that a criminal case was pending against the respondent no.3, could it be held that the pendency of the criminal proceedings against a constituent of the joint venture would prohibit the joint venture from tendering? This is an aspect which would require to be considered by the authorities in the light of the law and guidelines on the subject not in these proceedings.

12. It is made clear that we hereby are not opining anything on the merits of this aspect of the matter.

13. In view of the above, the present writ petition and application are completely misconceived and are dismissed with costs quantified at ₹10,000/- which shall be deposited with the Delhi Legal Services Authority within one week from today.

Dasti to parties.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**MAY 16, 2017**  
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