

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 3194/2012.

M/s Icon Consultants

Versus

Capital Development Authority, etc.

Petitioner by: Syed Safeer Hussain Shah, Advocate.

Respondent No.1 by: Ch. Haseeb Muhammad, Advocate.

Date of Decision: 02.12.2019.

MOHSIN AKHTAR KAYANI, J: Through this Writ Petition, the petitioner has prayed for the following relief:-

- a. *To direct the respondents No.1 & 2 to advertise the appointment of advertising agencies under the PPRA rules, so that the petitioner too can file documents to contest in the open competition on merits.*
- b. *To withdraw/cancel the impugned orders/letters dated 14.10.2012, 21.03.2012 and 06.07.2012 initiated by the respondents No.1 & 2 in respect of selection/appointment of advertising agencies for publicity campaign.*
- c. *To direct all the respondents to strictly follow the rules of PPRA 2004 of Procurement and PID rules in letter and spirit for selection/appointment of advertising agencies in future publicity campaigns.*
- d. *Any other relief, which this Honourable Court may deem fit and proper, may also be granted.*

2. Learned counsel for the petitioner contends that respondent No.1/CDA initiated the process for appointment of advertising agencies with the approval of Press Information Department (PID)/respondent No.2, however, they have not allowed open competition for appointment of advertising agencies for

handling of their publicity assignments despite the fact that PPRA Rules are applicable in which open competition has been provided.

3. Learned counsel for the petitioner has been confronted regarding his grievance on the ground of eligibility, whereby letter assailed by the petitioner dated 14.10.2011 clearly spells out that CDA intends to hold an open competition for the appointment of advertising agencies for handling their publicity assignments, whereby only "Accredited Advertising Agencies are notified to submit their profile/art-pulls/designs etc.". Learned counsel for the petitioner candidly conceded that petitioner is not accredited advertising agency as per said letter.

4. Learned counsel for the CDA contends that CDA as well as any other Government organization is not authorized to publish such competition for hiring in print and electronic media and CDA has initiated the process of selection of advertising agency from the panel of accredited agencies from next two years only, which has been supervised by the PID, which is media regulatory body.

5. Arguments heard, record perused.

6. Be that as it may, very basic requirement has not been fulfilled by the petitioner due to which his application could not be considered, which has been turned down, as admitted by learned counsel for the petitioner. The record further reveals that CDA has properly initiated the process of hiring the advertising agency from the accredited advertising agencies list, whereby six members selection committee was constituted, comprising of Chairman CDA, Deputy Financial Advisor, Director Public Relations, one representative of PID, Deputy Director Public Relation and one external expert nominated by PID to evaluate the advertising agency.

7. As per stance of CDA, selection process has already been over for the year 2011-2012 and the said period has already been elapsed, as such the question raised by the petitioner has already become infructuous.

8. Besides this fact the petitioner is a non-accredited advertising agency and is not entitled for participation in the selection process as per letter dated 11.10.2011, issued by CDA to the PID, therefore, instant writ petition is incompetent and the same is hereby dismissed. However, petitioner may convert its eligibility to accredited advertising agency and may apply for the upcoming hiring process in the CDA as and when the same is initiated.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid