

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P. No. D – 878 of 2025

Date of hearing	Order with signature of Judge
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Fresh case

- 1. For orders on CMA No.3828/2025 (U/A)
- 2. For orders on office objections at Flag-A
- 3. For orders on CMA No.3829/2025 (Ex./A)
- 4. For hearing of main case

12.06.2025

Mr. Muhammad Zohaib Azam, Advocate for Petitioner.

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1. Urgency is granted.

2 to 4. Learned counsel for the petitioner submits that the petitioner is aggrieved by Notice Inviting Tender (NIT) No. EC/TC/G-55/87, dated 30.01.2025, issued by the respondent department, allegedly in violation of the Sindh Public Procurement Rules, 2010 ("**Rules of 2010**"). It is stated that the petitioner has already lodged a written complaint before the Chairman, Complaint Redressal Committee (available on Page 35 of the Court file); however, no action has been taken thereon.

Mr Ali Raza Baloch, learned Additional Advocate General Sindh, who is present in Court in connection with other matters, waives notice of this petition and submits that if such a complaint has been filed, it shall be decided strictly in accordance with the law.

Upon perusal of the record, the petitioner has approached this Court without fully availing or exhausting the alternative statutory remedy provided under Rule 31 of the Rules of 2010. Rule 31 establishes a comprehensive grievance redressal mechanism for bidders in procurement proceedings. Specifically:

- Under **sub-rule (3)**, an aggrieved bidder may file a written complaint after the decision causing grievance has been announced.
- Under **sub-rule (4)**, the Complaint Redressal Committee, upon receiving the complaint and if satisfied, may:
 - (a) prohibit the procurement committee from acting or deciding in a manner, inconsistent with these rules and regulations;

- (b) annul in whole or in part, any unauthorized act or decision of the procurement committee; and
- (c) reverse any decision of the procurement committee or substitute its own decision for such a decision.

Provided that the Complaint Redressal Committee shall not make any decision to award the contract.

- Under **sub-rule (8)**, a bidder dissatisfied with the decision of the Complaint Redressal Committee may lodge an appeal to the Chief Secretary through the Authority, which refers the matter to a review panel under Rule 32.
- Under **sub-rule (9)**, such appeal is available only where:
 - (a) the bidder has exhausted the complaint procedure under Rule 31; and
 - (b) has not withdrawn the bid security during the process.
- Under **sub-rule (15)**, the decision of the Chief Secretary is final, and the procuring agency is bound to act upon such findings. The complaint and the decision are also to be published on the Authority’s website within three working days.

In view of the foregoing, since the petitioner has availed the alternative statutory remedy provided under the rules, we deem it appropriate to **dispose of** the petition along with the listed applications, directing the concerned Chairman, Complaint Redressal Committee, to adjudicate the petitioner’s complaint within seven days, after affording him a meaningful opportunity of hearing. If the petitioner remains aggrieved thereafter, he may avail the appropriate remedy as the law prescribes.

The Office is directed to transmit a copy of this order to the concerned Chairman, Complaint Redressal Committee, for compliance.

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