

ORDER SHEET
HIGH COURT OF SINDH CIRCUIT COURT,
MIRPURKHAS

C.P No.D-654 of 2025

[Noor Muhammad Versus Province of Sindh and others]

Before

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Mr. Pervaiz Akhtar Talpur, Advocate on behalf of petitioner.
Mr. Tarique Mehmood Arain, Advocate on behalf of respondent No:03.
Mr. Ayaz Ali Rajper, Assistant A.G. Sindh.
Mr. Dhani Bux Mari, Assistant P.G. Sindh

Date of Hearing
& Order : 17.12.2025

ORDER

ADNAN-UL-KARIM MEMON, J. - Petitioner has sought the following relief(s)

- a) Cancellation of the illegal contract awarded to respondent No. 6 for 2025–26.
- b) Award of the said contract to the petitioner as per law.
- c) Direction to respondents No. 4 and 5 to produce eligibility records of respondent No. 6.
- d) Any other relief deemed just and proper.

2. The case of the petitioner is that he is a registered government contractor. The Cattle Piri/Live Stock Market, Umerkot, is annually auctioned by respondents 2 & 3. For the year 2025–26, the auction was announced in June 2025, and the petitioner, being eligible, participated after submitting the required demand draft (5%), FBR and SRB certificates, and bank statement. Despite fulfilling all legal requirements, the contract was awarded to respondent No.6. The petitioner contends that he was the highest eligible bidder and that respondent No.6 failed to submit mandatory tax registration certificates and bank statement, making him ineligible under applicable procurement and taxation laws. The award of contract to respondent No 6 is alleged to be illegal, arbitrary, non-transparent, and influenced by extraneous considerations. The petitioner repeatedly approached respondents 2 & 3 for cancellation of illegal award and for provision of impugned contract order, but to no avail. A legal notice was also served, which remained unanswered.

3. Learned AAG submitted that Respondent No. 6 was the highest bidder at Rs. 7.20 Crore, whereas the petitioner bid Rs. 7.15 Crore. Both parties finalized bids with thumb impressions, closing the auction process. Due to administrative circumstances, submission of FBR/SRB certificates was lawfully relaxed, and SRB systems were inactive at the time for both bidders. As per municipal policy, 20% above the bid amount is recovered and deposited by the department towards tax dues; hence, non-submission of certificates did not render respondent No.6 ineligible. Allegations of political influence are baseless and unsupported by evidence. Learned AAG assert that participation in an auction creates no vested right, no illegality or arbitrariness occurred, and the petitioner is estopped from challenging auction conditions after participation. The petition is termed false and vexatious and liable to dismissal with costs.

4. In view of the respective pleadings and submissions, it is evident that the petitioner's grievance is primarily based on his claim of being the highest *eligible* bidder and the alleged ineligibility of respondent No.6 due to non-submission of tax-related documents. However, the record, as explained by learned AAG, shows that respondent No.6 submitted the highest financial bid of Rs. 7.20 Crore as against the petitioner's bid of Rs. 7.15 Crore, and the auction proceedings were duly concluded with the finalization of bids and thumb impressions of both parties. The respondents have satisfactorily explained that, owing to administrative circumstances, the requirement of pre-submission of FBR and SRB certificates was lawfully relaxed and that, in any event, the municipal policy provides for recovery and deposit of tax dues by the department itself. No material has been placed on record to establish *mala fide*, arbitrariness, or violation of law in the conduct of the auction or in the award of contract to respondent No.6. Mere allegations of political influence, unsupported by cogent evidence, are insufficient to warrant interference in constitutional jurisdiction.

5. It is a settled principle that participation in an auction does not create a vested right in favour of a bidder, except to the extent of fair consideration in accordance with law. Once the petitioner participated in the auction without objection and failed to secure the highest bid, he is estopped from challenging the outcome of the process.

6. Accordingly, the petitioner has failed to make out a case for interference by this Court. The petition, being devoid of merit, is dismissed, along with all pending applications.

JUDGE

JUDGE