

THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Hasan (Akber)

C.P. No. D – 4373 of 2026

[M/s. Abdul Hafeez Kolachi Construction Company & another v. the Province of Sindh & others]

Petitioners : M/s. Abdul Hafeez Kolachi Construction Company & another through Mr. Touqeer Ahmed, Advocate.

Respondents 1 & 4 : The Province of Sindh & another through Mr. Naeem Akhtar Talpur, Additional Advocate General, Sindh.

Respondents 2 & 3 : The Managing Director, SPPRA & another through Mr. Qamar Zaman Shah, Legal Coordination, SPPRA.

Respondent No. 5 : Karachi Metropolitan Corporation (KMC) through Mr. Asad Ali, Advocate.

Respondent No. 6 : Nemo.

Date of hearing : 11-08-2026

Date of decision : 11-08-2026

ORDER

Adnan Iqbal Chaudhry J.- Petitioners have challenged two notifications dated 20.10.2025 and 18.03.2026 issued by the Sindh Public Procurement Regulatory Authority [**Authority**] to amend the SPPRA Regulations for Works. By the first notification, the Authority seems to have restricted bidders from making a bid which goes downwards by more than 20% of the Engineer's estimate. By the second notification, the Authority has laid down a sequential mechanism for resolving a tie between bidders.

Though learned counsel for the Petitioners submits that the impugned regulations have the effect of knocking-out bidders at the preliminary stage of the bidding process, he is unable to explain how that is so. Section 27 of the Sindh Public Procurement Act, 2009

vests the Authority with power to make regulations not inconsistent with the Act. Therefore, for any challenge to the regulations, the Petitioners will have to demonstrate an inconsistency with the Act.

Be that as it may, it transpires that the Petitioners are not aggrieved of any specific bidding process where the impugned regulations have been invoked to their detriment, rather they seek to pre-empt the application of said regulations to future procurements. In other words, the Petitioners do not have a cause of action in the present. In such circumstances we are not inclined to exercise writ jurisdiction to examine a question that is academic at this stage.

For the foregoing reasons, the petition is dismissed.

JUDGE

JUDGE

**PS/SADAM*