

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

C.P. No. D-5419 of 2018

DATE

ORDER WITH SIGNATURE OF JUDGES

Present

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Adnan Iqbal Chaudhry

RTJ Enterprises.....Petitioner

V E R S U S

Government of Sindh & others.....Respondents

16.08.2018

M/s. Tanveer Ahmed and Shaikh Zafar-ul-Islam, Advocates
for the Petitioner.

Mr. Ghulam Shabbir Shah, Additional Advocate General.

Dr. Jamal-ud-Din, Additional Secretary, Health Department,
Government of Sindh.

Muhammad Ali Mazhar, J: The petitioner has in fact challenged the Evaluation Criteria provided under Rule 8, 14 and 13 of the Sindh Public Procurement Rules, 2010. Learned counsel argued that the petitioner is engaged in the distribution of drugs, surgical disposable items and other medical equipments. The respondent No. 3 invited bids for the drugs and other medical accessories for the year 2018-19 in which the respondent No. 4 has introduced new standard bidding document whereby the bidder has to submit valid WHO prequalification certificate of quoted items. Learned counsel also pointed out that representation was moved to the Secretary, Health Department on 12.07.2018 for making some amendment in the Technical Evaluation Criteria but the application is still pending. On the last date, we issued notice to the Additional Secretary, Health Department who is present. He submits that the Technical Evaluation is under process and he is also one of the members of the Technical Committee. He further informed us that many participants have already submitted the prequalification certificates of the WHO in support of their products. To a question raised by

this court as to whether the representation moved by the petitioner has been decided or not? The Additional Secretary, Health Department submits that the petitioner may approach to the Technical Committee and after providing right of audience the representation will be disposed of. The Additional Secretary further submits that the Chairman of the Evaluation Committee is Vice Chancellor of Dow Medical University and he will coordinate a session to ensure that the representation of the petitioner will be heard and decided on 28.08.2018. The petitioner or his representative may reach to the office of the Vice Chancellor, Dow Medical University on 28.08.2018 at 11:00 am. Learned Additional Advocate General Sindh is also of the same view that opportunity of hearing may be provided to the petitioner. The petition is disposed of alongwith pending applications.

Copy of this order may be transmitted to the learned Additional Advocate General Sindh as well as the Additional Secretary, Health Department, Government of Sindh for compliance.

JUDGE

JUDGE

*SHUIBAN/PA**