

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

C.P. No.D-822 of 2019

M.B Roayal EnterprisesPetitioner

Versus

Province of Sindh & othersRespondents

&

C.P. No.D-823 of 2019

S & Sons Contractor.....Petitioner

Versus

Province of Sindh & othersRespondents

Date of hearing 13.02.2019

Mr. Wazir Hussain Chandio advocate for the petitioners.

Mr. Jawwad Dero, Addl. A.G a/w (Imran Khan, Internee)

Muhammad Ali Mazhar, J: Learned counsel for the petitioner argued that the facts in C.P. No.D-823 of 2019 are that the respondent No.5 published tender on 11.12.2018 in the newspapers for construction of boundary wall in 275 acres and allied works in Senwa Co-operative Housing Society situated at District Malir, Karachi. Whereas in C.P. No.D-822 of 2019 he argued that respondent No.4 got published invitation for tenders on 19.11.2018 in the newspapers for different works. The composite facts of both the petitions are

that the petitioners had submitted their bids, thereafter, nothing was informed to them whether the bids have been accepted or rejected? He further argued that tenders were opened secretly without associating the bidders.

2. The petitioners filed their complaints to the Complaint Redressal Committee on 31.01.2019 in C.P. No.D-823/2019, whereas, in C.P. No.D-822/2019 also on 30.01.2019.

3. Today Mr. Waseem Ali Mughal advocate has filed vakalatnama for Executive Engineer Building Division-II, Works & Services Department, Karachi. Qamar Zaman, Assistant Director (Legal), Sindh Public Procurement Regulatory Authority (SPPRA) has submitted the comments of Managing Director, SPPRA. The representative of SPPRA submits that appeal of M.B. royal Enterprises is fixed for hearing day after tomorrow before the Review Committee, whereas, the complaint submitted by the petitioner to SPPRA in C.P. No.D-823/2019 is not available in their record. However, he admits that he has seen the copy attached with the memo of petition.

4. Since both the complaints are relating to the violation of the terms and conditions of the same tendering process, therefore, it is to be decided first under the Sindh Public Procurement Rules, 2010 wherein mechanism for redressal of grievance is provided under Rule 31 and forum of appeal to the Review Committee under Rule 32. The Managing Director of the Sindh Public Procurement Regulatory Authority is

directed to decide both the complaint of the petitioner which were filed separately within seven (07) days. Officer of SPPRA undertakes that copy of complaint attached with the C.P. No.D-822/2019 shall be treated as complaint in C.P. No.D-823/2019 for the purpose of deciding the matter in terms of Sindh Public Procurement Rules, 2010. At this juncture, learned counsel for the petitioner requests that till decision of their complaints the Works and Services Department, Government of Sindh may be directed not to issue any work order. In response, the representative of the SPPRA pointed out a letter dated 08.02.2019 which was communicated by the Assistant Director (Legal-II) of Sindh Public Procurement Regulatory Authority, Government of Sindh to the Director General (Design), Works & Services Department, Government of Sindh that the procuring agency shall not award the contract till final decision of the Review Committee in accordance with Rule 32 read with Rules 31 (5, (6) and proviso of Rule 31 (7) of Sindh Public Procurement Rules, 2010. Since the SPPRA has already communicated directions, therefore, we do not feel any necessity of an injunctive order. Petitions are disposed of accordingly. Office is directed to place copy of this order in connected petition.

JUDGE

JUDGE