

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C.P. No. D-1584 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGES
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Fresh Case

1. For orders on Misc. No. 7129/2019
2. For orders on Misc. No. 7130/2019
3. For orders on Misc. No. 7131/2019
4. For hearing of main case.

08.03.2019

Present: Mr. Justice Muhammad Ali Mazhar
Mr. Justice Agha Faisal

Mr. Javed Iqbal, advocate for the petitioner

Muhammad Ali Mazhar.J:- Petitioner, through this constitution petition, contended that the Respondent No. 1 published tender in the newspapers for strengthening and improvement of Hospital in Azam Basti, Jamshed Town, Karachi. According to the petitioner, they applied in response to the tender and was lowest bidder but work order was not issued to them. A question raised by us to the learned Counsel that whether he availed opportunity of redressal of grievance and settlement of dispute under Rule 31 of Sindh Public Procurement Rules, 2010, learned Counsel pointed out page-17, which is a letter written to Executive Engineer, Building Division-III, Works & Services Department, Karachi on 19.02.2019.

The petitioner has prayed for the directions against the Respondent No. 3 to award contract to petitioner being lowest bidder and also prayed for restraining order against the said Respondent not to issue work order to the successful bidder. Under Rule 31 of SPPRA Rules, 2010, detailed mechanism and procedure is provided for redressal of grievance and before approaching this Court, petitioner should have availed appropriate and alternate remedy provided under the law,

which has not been done in this case. Whether the petitioner was lowest bidder or not? this has to be examined and evaluated by the SPPRA. Once the complaint is filed, the authority may call and examine all the bidding documents to ascertain whether the petitioner was lowest bidder and under what circumstances, bid of the petitioner was not accepted and or what were the lapses on the part of the petitioner in which the petitioner could not succeed in the tender proceedings. At this stage, the above scenario cannot be examined in the writ jurisdiction of this Court. Petition is dismissed in *limine* alongwith listed applications however, petitioner may avail appropriate remedy by filing proper complaint to redressal committee constituted under Rule 31 of SPPRA Rules, 2010.

JUDGE

JUDGE

