

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-4812 of 2015

Order with signature of Judge

Present: **Mohammad Ali Mazhar** and **Agha Faisal, JJ.**

- 1. For hearing of CMA No.20822 of 2015*
- 2. For hearing of main case*

12.04.2019

Malik Kushhal Khan, Advocate for the Petitioner.
Syed Jawed Iqbal, Advocate for the respondent No.1.
Mr. Hussain Bohra, Assistant Attorney General.

Mohammad Ali Mazhar J., Learned counsel for the petitioner argued that the petitioner is engaged in the manufacturing of seamless steel pipes, tubes, machinery and other components. The respondent No.1 had invited tenders through different newspapers for rate running contract of procurement of pipeline for three years. The petitioner considered one of the conditions in the tender notice objectionable and pleaded through this petition that Clause 8 of the Technical Evaluation Criteria wrongfully required that the financial strength of the company must be greater or equal to 500 millions US dollar which comes to around 50 billion against the procurement of 450 million. The petitioner has also taken the plea that this condition was inserted to deprive local companies from bidding process and procure the goods through foreign sources with mala fide intention. On 18th August, 2015 this petition was fixed for orders when the learned Divisional Bench of this Court while issuing notices passed the order that the bids in respect of tender enquiry No.PROC-FC/CB/PROD/RRC. PIPES-1528/2015 shall not be opened. This petition is pending since 2015 for one or the other reason. Today the learned counsel for the respondent No.1/Oil and Gas Development Company

Limited has produced a copy of letter dated 5th November, 2018 communicated by Incharge Legal Section in which it is stated that the bid opening of the said tender was postponed and the case was not processed in light of injunctive order passed by this Court. The learned counsel for the respondent No.1 in the light of above letter submits that the tender proceedings have already been postponed and whenever new tender will be invited the petitioner may participate in accordance with the terms and conditions of the tenders and the evaluation criteria. In this view of the matter the petition is disposed of accordingly.

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