

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-6732 of 2017

Shah MuhammadPetitioner

Versus

Province of Sindh & others.....Respondents

&

C.P. No.D-6804 of 2017

Maqsood AhmedPetitioner

Versus

Province of Sindh & others.....Respondents

Date of hearing 23.10.2018

Mr. Shaukat Ali Shaikh advocate for the petitioners.

Mr. S. Masroor Ahsan advocate for the respondent No.2 a/w
Mr. Muhammad Arif advocate.

Mr. Miran Muhammad Shah, Addl. A.G.

Mr. Tahir Durrani, State Counsel.

Muhammad Ali Mazhar, J: The case of the petitioners is that the respondent No.2 called the tender for running the hydrants. The invitations for participating in the tender process were published in different newspapers. The petitioners submitted their bids. The tender documents were to be opened on 08.12.2016 which was subsequently changed to some other date, however, according to the petitioners,

after considerable delays the bids were opened on 26.09.2017. The technical bids submitted by the petitioners were rejected on the same date. On very next day, the petitioner submitted his complaint to the Managing Director, Karachi Water & Sewerage Board and also endorsed the copy of the complaint to the DMD (T/S)/Convener Procurement Committee. In this complaint submitted for the redressal under the provisions of SPPR Rules, 2010 the petitioner also raised contention that his technical bid was wrongly rejected. Learned counsel further argued that despite submitting complaint on 27.09.2017 the Redressal Committee has failed to decide the complaint. Learned counsel further argued that the Redressal Committee was constituted under the SPPRA Rules, 2010 which document is available along with written statement filed by the defendant No.2 which shows that the Deputy Managing Director, Karachi Water & Sewerage Board was convener along with two members i.e. representative of A.G. Sindh and A.O, Karachi Water & Sewerage Board. In C.P. No.D-6804/2017 also same learned counsel pointed out his statement to show that on 27.09.2017 the petitioner complained to the M.D. Karachi Water & Sewerage Board and lodged the complaint for disqualification of his technical bids.

2. Learned counsel for the Karachi Water & Sewerage Board argued that process for procurement has already been completed. As far as complaints of the present petitioners to the M.D. are concerned, learned counsel argued that the M.D. was not member of the Redressal Committee, however, he admits that the Deputy Managing Director (Complaining Karachi Water & Sewerage Board) was convener.

3. We have examined the complaints as well as documents, whereby, Redressal Committee was constituted. No doubt in the Redressal Committee the Managing Director was not the member but the complaint was also endorsed in one case to the Convener Procurement Committee who was Deputy Managing Director of the Karachi Water & Sewerage Board. If this was the case that M.D. was not member then

after receiving the complaints he could have forwarded the complaints to the Redressal Committee. Whether the technical bids of the petitioners were sound or they were capable to participate in the tender proceedings or not, this was to be solely decided by the Procurement Committee constituted for the auction of hydrants and if in the event of any illegality if committed then recourse could be made through redressal committee. The M.D. could forward both the complaints to the Redressal Committee for redressal of petitioner's grievances which was the proper and appropriate forum to decide the issue. This petition is disposed of with the directions to the Managing Director, Karachi Water & Sewerage Board to forward the complaints of the petitioners to the said Redressal Committee within one month for decision in accordance with law. The Redressal Committee shall pass the order after hearing concerned parties within one month.

JUDGE

JUDGE

Aadil Arab