

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-4607 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

Abdul Malik Khan.....Petitioner

Versus

Province of Sindh & othersRespondents

Date of hearing 29.11.2018

Mr. Abid Akram advocate for the petitioner.

Syed Masood Ahmed Shah Bukhari advocate for the
respondent No. 10 & 12 a/w Mr. Ghulam Akbar advocate.

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

Javed Sabghatullah Mehar, Director (A&F), SPPRA.

Ali Imran Qadri, Procurement Specialist, SPPRA.

Qamar Zaman Shah, Assistant Director, SPPRA.

Muhammad Ali Mazhar, J: The order dated 22.06.2018 shows that while issuing pre-admission notice by the learned Division Bench of this court, the respondents were directed to pass appropriate order on the complaint of the petitioner in accordance with law after providing opportunity of being heard to the petitioner and submit compliance report. Learned counsel for the petitioner pointed out page No.215 of the petition which is a complaint dated 09.05.2018 submitted to the Chairman Redressal Committee but their complaint has not been decided which fact has been admitted by Jawed

Sabghatullah Mehar, Director (A&F), SPPRA. According to sub-Rule (5) of Rule 31 of Sindh Public Procurement Rules, 2010, it is the responsibility of the Complaint Redressal Committee to announce its decision within seven days and intimate the same to the bidder. It is further provided in this Rule that if the Committee fails to decide the complaint within seven days, the complaint shall stand transfer to the Review Committee who will dispose of the complaint in accordance with procedure laid down in Rule 32. Rule 32 of the Sindh Public Procurement Rules, 2010 germane to the appeal to the Review Committee which can be invoked when the bidder is not satisfied with the decision of the Procuring Agency's Redressal Committee then he may lodge the complaint to the Review Committee provided that he has not withdrawn the bid security, if any, deposited by him. Though under Rule 32 there is an independent mechanism of appeal to the Review Committee but it should be read with sub-Rule (5) of Rule 31 in that eventuality if the Committee fails to announce the decision within seven days, the complaint shall be automatically transferred to the Review Committee to dispose of the same in accordance with procedure laid down in Rule 32. In this case, admittedly, the complaint has not been decided, therefore, by fiction of law, this should have been transferred to the Review Committee for their decision which has not been done in this case. However, the officers present in court undertake that the complaint of the petitioner will be decided by the Review Committee within seven days positively

without any fail and communicate the decision to the petitioner and the procuring agency. On this statement learned counsel for the petitioner is satisfied. Petition is disposed of with the directions to the officers present in court to decide the complaint of the petitioner after providing ample opportunity of hearing and at the time of hearing the opportunity shall also be provided to the respondent No.10 and 12 to place their point of view.

JUDGE

JUDGE

Aadil Arab