

**IN THE HIGH COURT OF SINDH,**  
**Bench at Sukkur**

**C. P. No. D – 671 of 2020**

**Date of hearing**

**Order with signature of Judge**

**Hearing of Case (Priority)**

1. For orders on office objection
2. For hearing of CMA 3087/2020
3. For hearing of Main Case.

Date of Hearing: **29-11-2022**

Date of Decision: **29-11-2022**

None present for the Petitioner.

Mr. Nisar Ahmed Bhanbhro, Advocate for respondent No.9.

Mr. Ali Raza Baloch, Assistant Attorney General.

**ORDER**

None present for the petitioner. Through instant Constitutional Petition, the Petitioner, *inter alia*, seeks declaration to the effect that the constitution of Procurement Committee is illegal, unlawful and without prior permission of the head of the department i.e. Secretary, Irrigation Department, Government of Sindh; declare that the invitation of bid wherein the procuring agency/respondent No.5 has deliberately and unlawfully not mentioned any postal address, email address or fax number for submission of the bids, amounts to malice in law and in violation of the Rules, 2010 and Regulations; declare that the non-availability of the designated address of the Procuring Committee/respondent No.6 for submission of the bid is a collusive and sham bidding process, hence, of no legal consequences; declare that the bid evaluation report has been issued unauthorizedly by an incompetent person, therefore, the same is void ab-initio; declare that the inaction on the part of the Complaints Committee/respondent No.7 by not passing any reasoned order on the complaint of the petitioner is illegal and in violation of the legal and

fundamental rights of the petitioner and also to declare that the entire bidding process right from the inception till its culmination into the work order and so on amounts to mis-procurement, corrupt and fraudulent practice, and is of no legal consequences.

In response, comments have been filed on behalf of respondents No.2 to 4, 5 to 8, wherein it has specifically been pleaded that neither the petitioner is authorized person to appear before the respondents No.5&6 and had never paid tender fee nor the petitioner participated in the bid. It has further been pleaded that the contract was awarded to the Government contractor, who quoted the lowest bid in accordance with SPPRA, Rules, 2010.

It is also matter of record that the petitioner approached the Complaint Redressal Committee (CRC) who securitized the procurement proceedings and concluded in its minutes of meeting that CRC found no substantial anomaly / ambiguity in the procurement process and aforesaid Committee was of the unanimous opinion that the procurement process was valid. It is also a matter of record that against decision of CRC, the petitioner did not prefer any Appeal before the Review Committee, as provided under Rule 32 of the SPPRA Rules, 2010. Hence, this petition being devoid of any merit **stands dismissed** accordingly along with listed application.

**J U D G E**

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Ahmad