

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D- 703 of 2025
[M/s Muhammad Yousif Sodhar vs. Province of Sindh and 02 others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For orders on M.A No.3120/2025 (U/A)
- 2. For orders on office objections
- 3. For orders on M.A No.3121/2025 (Exemption application)
- 4. For orders on M.A No.3122/2025 (Stay application)
- 5. For hearing of main case

08.5.2025

Mr.Aayatullah Khuwaja, Advocate for the Petitioner

Through the instant petition, the petitioner assails the action of respondent No.3, whereby the petitioner has been deprived of the contract, which has instead been awarded to M/s Noor Construction and Developers pursuant to the Bid Evaluation Report. It is contended that respondent No.3 has acted in derogation of the provisions of the Sindh Public Procurement Rules, 2010 (SPP Rules, 2010).

Learned counsel for the petitioner submits that the petitioner, a registered Government Contractor under the Pakistan Engineering Council, duly participated in the bidding process for three projects but was erroneously reflected in only one, raising serious concerns regarding transparency. He further contends that despite offering a lower bid, another firm was awarded the contract, demonstrating palpable irregularities in the bid evaluation process. He contends that the respondents appear to extend undue favour to a particular firm, thereby violating the procurement regulations under the SPP Rules, 2010. In view of these violations, he seeks the cancellation of the tender and bidding process.

When confronted with the query as to whether the petitioner availed the remedy provided under Rule 31 of the SPP Rules, 2010, learned counsel submits that a formal complaint was lodged before respondent No.2, Chief Engineer, Public Health Engineering Department,

Shaheed Benazirabad (Chairman, Complaint Redressal Committee), on 30.04.2025, which remains pending without adjudication. However, seeks disposal of the instant petition with a direction to respondent No.2 to expeditiously decide the petitioner's complaint.

Upon a meticulous examination of Rule 31, it is evident that a comprehensive mechanism has been prescribed for the redressal of grievances and adjudication of disputes. Under Sub-rule (3) of Rule 31, an aggrieved bidder may submit a written complaint against any act or decision of the procurement agency during the procurement process. The Complaint Redressal Committee, upon receipt of such a complaint, is empowered to restrain the procurement agency from acting in a manner contrary to the law, annul any unauthorized act, reverse any decision, or substitute its own determination, provided that the committee shall not decide on the award of the contract. Furthermore, Rule 31 mandates a time-bound adjudication of complaints. If a bidder remains dissatisfied with the committee's decision, an appeal may be preferred before the Chief Secretary through the Authority, as provided under Sub-rules (8) and (9) of Rule 31. Upon receipt of such an appeal and the requisite fee, the Chief Secretary shall constitute a review panel to scrutinize the complaint. The decision rendered by the Chief Secretary is final and binding upon the procuring agency.

In light of the foregoing, since the petitioner has availed the alternate statutory remedy provided under the rules, we deem it appropriate to dispose of the petition along with the listed applications, directing respondent No.2 to adjudicate the petitioner's complaint within seven days, after affording him a meaningful opportunity of hearing. If the petitioner remains aggrieved thereafter, he may avail the appropriate remedy as prescribed under the law.

Office is directed to communicate copy of this order to the respondent No.2 for compliance.

JUDGE

JUDGE