

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No.D-1950 of 2025

Date	Order with signature of Judge
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- 1. For hearing on CMA No.7678/25 (U/A).
- 2. For hearing of CMA No.7679/25 (E/A)
- 3. For hearing of CMA No.7780/25 (S/A)
- 4. For hearing of main case.

18.11.2025

Mr. Amir Khan Sadhayo, Advocate for the petitioner.

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- 1. Granted.
- 2. Granted, subject to all just and legal exceptions.
- 3 & 4. The petitioner through this petition prayed as under:-
 - a) *That, this Honourable Court may kindly be pleased to declare that the act of Respondent No.04 regarding uploading the NIT by putting back Date after its opening date is illegal, unlawful and unconstitutional, liable to be cancelled.*
 - b) *That, this Hon'ble Court may kindly be pleased to direct the Respondent No. 04 to Cancel NIT No. TC/2745, Dated: 21-03-2025, as the same has not been Procured in accordance with SPP Rules 2010.*
 - c) *That, this Hon'ble Court may kindly be pleased to direct the Respondent No. 03 to Decide Subject Complaint No. M&S/Suk/122 Dated: 15-09-2025 on Merit within 07 working days as per Rule-31 of SPP Rules 2010.*
 - d) *That, this Hon'ble Court may kindly be pleased to restrain the Respondents from awarding any contract pursuant to the said flawed tender process till final decision of this petition.*
 - e) *To grant any other equitable relief which has not been specifically prayed for, which this Honourable Court deems fit and proper circumstances of the above case.*

The case of the petitioner is that Respondent No.4 issued NIT No. TC/2745 dated 21.03.2025 by dishonestly back-dating the uploading date as 01.04.2025 and by reflecting the bid submission date as 15.04.2025. It is alleged that the said NIT was not published in any widely circulated newspaper, in violation of Rules 17, 18 and 41 of the SPP Rules, 2010. The petitioner further contends that the NIT, pertaining to a project valued at approximately Rs.70 million, was processed without conducting the mandatory bid opening and without preparing the bid evaluation report, and that such reports were likely to be uploaded later with manipulated dates on the SPPRA website, contrary to Rules 38 and 50 of the SPP Rules, 2010.

It is further alleged that Respondent No.4 awarded all works to favoured contractors without any competitive bidding and unlawfully issued bills in advance. The petitioner asserts that the procurement process was carried out without providing the mandatory minimum response period of 15 days prior to the opening of bids, and that Respondent No.4, in collusion with certain officials of SPPRA, committed serious misconduct and mis-procurement. Feeling aggrieved, the petitioner submitted Complaint No. M&S/Suk/122 dated 15.09.2025 under Rule 31 of the SPP Rules, 2010 before Respondent No.3, which was required to be decided within seven days. However, the same was not decided within the prescribed period, leading the petitioner to initiate the present constitutional petition.

We have heard learned counsel for the petitioner and perused the record. The impugned NIT dated 21.03.2025, cancellation of which is sought, was not challenged promptly before the competent authority. The record reveals that the complaint was lodged only on 15.09.2025—after an unexplained delay of nearly six months. It is apparent that the petitioner remained inactive for several months and

approached the competent authority only after a substantial lapse of time.

It has additionally come on record that the application dated 15.09.2025 is shown to have been dispatched on 26.09.2025, which prima facie suggests that the same was sent merely to create a basis for filing this petition. It is well settled that the law favours the vigilant and not those who sleep on their rights. The conduct of the petitioner reflects indolence, and the petition does not demonstrate any prompt invocation of the statutory remedy provided under the SPP Rules, 2010.

In view of the above circumstances, the petitioner has failed to make out any case warranting interference by this Court in its constitutional jurisdiction. The petition is, therefore, found to be devoid of merit and is dismissed in limine. All listed applications also stand dismissed as infructuous.

JUDGE

JUDGE