

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.62 of 2015

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DATE                      ORDER WITH SIGNATURE(S) OF JUDGE(S)  
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For hearing of CMA No.543/2015

**20.01.2015**

Mr. Faisal Siddiqui, Advocate for Plaintiff.  
Mr. Makhdoom Ali Khan, Advocate for Defendant No.5.  
Mr. Saif Malik, Advocate for Defendant No.8.  
Dr. Ghulam Sarwar on behalf of Program Manager, Respondent No.4  
Dr. Mohammad Sabir, Additional Secretary Health on behalf of  
Respondent No.2.  
Muhammad Arshad Awan, Proprietor of M/s. Lab Link Enterprises,  
Respondent No.7.  
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Learned counsel for the plaintiff has challenged the award of procurement of Hepatitis “B” and “C” medicines by defendants No.2 to 4 to defendant No.7 and defendant No.5, is the supplier of such medicines to defendant No.7. It is the claim of the plaintiff that in the process of award, the Sindh Public Procurement Act, 2009 has been violated and their own bid has been rejected without giving any due consideration. The defendants were put on notice.

Mr. Makhdoom Ali Khan, learned counsel for defendant No.5 and Mr. Saif Malik, learned counsel for defendant No.8 have effected their appearance and seek time for filing counter affidavit to this application, however, the learned counsel for the plaintiff has referred to Page-441, Annexure “F” and Page-465, Annexure “G/1”, which two documents at least *prima facie* give feeling that the Government agencies have either acted in haste or have not very carefully scrutinized the documents available with them at the time of holding the meeting and passing orders for awarding contract of supply of subject medicines for the year 2014-2015. It has been vehemently argued by the learned counsel for defendant No.5 that there is a delay in approaching this Court as the procurement was ordered on 26.12.2014. The document dated 26.12.2014 followed by the meeting held on the same day at 02:30 p.m. has a reference to the other

documents which were not supposed to be available on 26.12.2014. Learned counsel only seek two days' time to finally argue this application and, therefore, in the meanwhile, the defendants are restrained from making any supply of medicines to the Government agencies from today noon till 22<sup>nd</sup> January 2015 at 11:00 a.m., by which date, the learned counsel for the defendants No.5 and 8 will file counter affidavit with advance copy to the learned counsel for the plaintiff by tomorrow evening so that the counsel for the parties should come prepared on the above mentioned date and time and get the listed application disposed of on merits.

JUDGE

*Gulsher/PA*