

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

*Constitutional Petition No.D-242 of 2026.
(Syed Muzaffar Ali Shah v. Province of Sindh and others)*

Before:-
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'

03.03.2026.

Mr. Muhammad Uzair Shaikh, Advocate for the petitioner

Ali Haider 'Ada' J- The petitioner has designated himself as a Government contractor and, in that capacity, applied for a contract pursuant to the Notice Inviting Tenders (NIT) issued by the Public Health Engineering Department for various development schemes for the year 2025-2026. The grievance of the petitioner is that the tender process and the award of the contract by the respondents, without publicly opening the bids, are contrary to law. He has further prayed that the award of the contract be set aside, the entire NIT process be suspended, and a fresh and transparent bidding process be conducted.

2. The petitioner's case is that he submitted a complaint dated 25.12.2025 before the Chairman/Chief Engineer of the Public Health Engineering Department; however, the same has not yet been decided. Thereafter, on 30.01.2026, he approached the Chairman of the Complaint Redressal Committee. The petition has been filed based on documents relating to the complaint submitted before the Chief Engineer, the bid evaluation report annexed as Annexure-F, and the complaint filed before the Complaint Redressal Committee. The record further reflects that on 07.02.2026, the Petitioner filed an appeal before the Review Committee; however, his grievance has still not been redressed.

3. Learned counsel for the petitioner submits that, being a qualified contractor, the petitioner applied for the work scheme, but his bid was neither opened nor was any technical bid conducted. Instead, the work was awarded to Respondent No.6 at a rate of only 0.38% below the

estimated cost, whereas the petitioner's bid was 20% below the estimated cost. He further submits that despite pursuing the matter through proper channels, all efforts proved futile, and the tender process does not reflect transparency.

4. Heard and perused the record.

5. Firstly, the matter pertains to a procurement process. In this regard, the Sindh Public Procurement Rules, 2010 (**Rules-2010**), were framed by the Government of Sindh in exercise of powers conferred under Section 26 of the Sindh Public Procurement Act, 2009. The "bidding process" is defined under Rule 2(h), which, for the sake of convenience, is reproduced below:-

2(h) "Bidding Process" means the procurement procedure under which sealed bids are invited, received, opened, examined and evaluated for the purpose of awarding a contract.

6. The bidding process is further governed by the bidding documents, and Rules 20 and 21 of Rules-2010, provide the provisions regarding the preparation and contents of bidding documents. For ready reference, Rules 20 and 21 are reproduced as follows:-

20. Provision of Bidding Documents. (1) *The procuring agency shall provide the bidding documents to all interested bidders in accordance with the procedures and requirements specified in the Notice Inviting Tender.*

(2) *The procuring agency may charge a fee for bidding documents, which shall not exceed the cost of preparation and printing.*

21. Contents of Bidding Documents. (1) *The Bidding Documents shall include the following information:*

(a) *letter of invitation for bid;*

(b) *data sheet containing information about the assignment;*

(c) *instructions for preparing bids;*

(d) *amount and manner of payment of bid security and performance guarantee (where applicable);*

(e) *manner and place, date and time for submission of bidding documents;*

(f) *manner, place, date and time of opening of bids;*

(g) method of procurement used;

(h) a detailed and unambiguous evaluation criteria;

(i) terms and conditions of the contract agreements, as far as already known by the procuring agency;

(j) Terms of Reference and technical specifications of goods, works or services to be procured, subject to Rule 13;

(k) manner in which tender price is to be assessed and computed, including information about tax liability;

(1) currency in which tender price is to be formulated and expressed;

(m) bid validity period;

(n) a copy of integrity pact to be signed by the parties (where applicable);

(o) any other information which is specified in regulations to be issued by the Authority.

(2) Any information, that becomes necessary for bidding or for bid evaluation, after the invitation to bid or issue of the bidding documents to the interested bidders, shall be provided in a timely manner and on equal opportunity basis. Where notification of such change, addition, modification or deletion becomes essential, such notification shall be made in a manner similar to the original advertisement.

(3) Procuring agencies shall use standard bidding documents as and when notified by the Authority:

Provided that bidding documents already in use of procuring agencies may be retained in their respective usage to the extent they are not inconsistent with these rules and till such time that the standard bidding documents are notified.

[(4) All procuring agencies shall hoist the bidding documents or pre-qualification documents or short listing documents, as the case may be, on or before the first date of issuance of such documents on Authority's website as well as on the website of procuring Agency, in case it has its own website.]

7. Now, the principal contention of the Petitioner is that he participated in the bidding process and duly deposited/submitted the call deposit in favour of the procuring agency. His case primarily rests upon the assertion that he offered the lowest bid and, despite fulfilling the formal requirement of submitting the call deposit, the technical bid was not opened. However, it is noteworthy that the petitioner has not alleged that the procuring agency failed to provide him with the bidding documents. On the contrary, it is evident that he applied, obtained the

requisite forms, prepared his bid, and submitted the call deposit with the prescribed procedure. This clearly demonstrates that he was not denied access to the bidding documents. Once the petitioner asserts that his bid was the lowest and that he was properly evaluated, it was incumbent upon him to place on record the relevant bidding documents forming the basis of his claim. Mere assertion without supporting material is insufficient to substantiate such a plea.

8. **Rule 21** of the Sindh Public Procurement Rules, 2010 prescribes the contents of the bidding documents, which include, inter alia, requirements relating to eligibility and qualification. Furthermore, **Rule 27** provides the criteria for pre-qualification of bidders, including experience and past performance, capability with respect to construction works, financial capacity, availability of personnel, plant and equipment, managerial competence, and any other relevant factor as determined by the procuring agency. The petitioner has failed to place on record any material demonstrating that he fulfilled the pre-qualification criteria or that his bid was responsive in terms of the prescribed requirements.

9. **Rule 23** of the Rules, 2010 provides for clarification and modification of bidding documents, whereby any interested bidder who has obtained the bidding documents may seek clarification in writing, and the procuring agency is bound to respond accordingly. In the present case, the petitioner, being a participating bidder, did not seek any clarification regarding the contents of the bidding documents at any stage.

10. Moreover, **Rule 41** of Rules-2010, prescribes the procedure for opening of bids, while **Rule 42** deals with the evaluation of bids, and **Rule 45** provides for announcement of the evaluation report. The petitioner's grievance is that the technical bid evaluation report was not publicly opened but was uploaded. However, there is nothing on record to show that the prescribed procedure was violated, particularly when the petitioner himself admits that the evaluation report was uploaded in terms of Rule 45 of the Rules, 2010.

11. With regard to the grievance redressal mechanism, **Rule 31** of the Rules, 2010 provides a specific procedure for filing a complaint before the

Complaint Redressal Committee (CRC). According to the petitioner's own showing, the evaluation report was uploaded on 28.11.2025 and the contract was awarded thereafter. However, the complaint before the CRC was filed on 30.01.2026, i.e., after considerable delay and beyond the stage contemplated under Rule 31(1), which enables a bidder to seek redress during the procurement process and prior to the award of the contract.

12. **Rule 31(3)** further provides an opportunity to challenge the act or decision of the procuring agency, and in case the CRC failed to decide the complaint, an appeal may be preferred before the Review Committee within ten (10) days as prescribed under the Rules. **Rule 32(5)** empowers the Review Committee to entertain an appeal against the decision of the CRC or the procuring agency, **if any**.

13. In the present case, the alleged appeal before the Review Committee is stated to have been filed on 07.02.2026 before the Managing Director, SPRA, which appears to be beyond the statutory period prescribed under the Rules. Furthermore, the record does not satisfactorily demonstrate that the appeal was filed before the competent Review Committee in strict compliance with Rule 32, nor does it reflect that the necessary documents and information, as required under Rule 32(6), were annexed thereto.

14. In these circumstances, the Petitioner has failed to demonstrate any violation of the mandatory provisions of the Sindh Public Procurement Rules, 2010, or any fraudulent practice or mis-procurement that would warrant interference by this Court in exercise of its Constitutional jurisdiction. Consequently, the mere prayer for cancellation of the NIT, without cogent grounds or substantiated allegations, is misconceived. The instant petition, being devoid of merit and frivolous in nature, is hereby dismissed accordingly.

JUDGE

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