

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constt. Petition No. D- 590 of 2023

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| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|

Fresh case.

- 1. For orders on CMA 2439/2023 (U/A)
- 2. For orders on office objection at Flag ‘A’.
- 3. For orders on CMA 2440/2023 (Ex)
- 4. For orders on CMA 2441/2023 (stay)
- 5. For hearing of main case.

28.03.2023.

Mr. Nisar Ahmed Bhanbhro, Advocate for petitioner.

Mr. Ali Raza Balouch, Assistant Advocate General Sindh.

- 1. Urgency granted.
- 2. Deferred.
- 3. Exemption is granted subject to all just exceptions.

4&5. The petitioner claiming to be a Proprietorship Concern/ Contractor under the license for construction and operation of engineering works, has maintained this petition challenging the bidding process under NIT No. TC/G-55/1640 of 2022, *inter alia*, on the ground that the tender process is in violation of SPPRA Rules, 2010 and against that petitioner has approached to Complaint Redressal Committee (CRC) under Rule 31 of the Sindh Public Procurement Rules, 2010 by moving complaints dated 27.02.2023 and 02.03.2023 (Copies of applications are available with the memo of petition as Annexure ‘E’ and ‘F’ at page 183 and 197), however, the same have not been decided by CRC within stipulated period i.e 07 days.

Mr. Ali Raza Balouch, Assistant Advocate General Sindh is present in some other matters; he waives notice and states that if C.R.C has not decided the complaints of the petitioner, the remedy is available with petitioner to approach Review Committee in terms of Rule 31(5) and 32 of Sindh Public Procurement Rules, 2010 in view of dictum laid down in the case of Messrs

MOHLIB ENTERPRISES through Proprietor vs. The Province of Sindh through Secretary Education and 2 others (PLD 2023 Sindh 27).

Learned counsel for the petitioner being satisfied with the contention of learned Assistant Advocate General Sindh seeks transfer of petitioner's complaints to Review Committee for that he is ready to pay prescribed fee.

Accordingly, instant petition is **disposed of** by directing the Complaint Redressal Committee that in case complaints of the petitioners have not been decided, the same be transferred to Review Committee for their disposal in accordance with law within thirty (30) days after receiving the same.

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Irfan/PA