

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH AT KARACHI**

Suit No. 1595 of 2016

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DATE ORDER WITH SIGNATURE OF JUDGE

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1. For orders on CMA No.10369/16 (If granted)
  2. For orders on CMA No. 10370/16 (U/O 39 Rule 1 & 2 CPC.)
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01.07.2016.

Mr. Arshad Tayebaly, Advocate for the plaintiff.

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1. Granted.
2. Through this Suit, the plaintiff has challenged the Tender Enquiry bearing No.SN-3517/16 in respect of Steel Line Pipes API 5L GR.X70 (PSL-2) of the following description and sizes.
  - (1) 30" dia x 0.469" WT, 52,444 Mtrs.,
  - (2) 30" dia x 0.562" WT, 39,971 Mtrs. and
  - (3) 36" dia x 0.688" WT, 77,186 Mtrs.,

Learned Counsel for the plaintiff submits that pursuant to earlier Tender(s) bearing No.SN-3358/15, the plaintiff was issued a purchase order dated 06.01.2016 and against another Tender Inquiry No.3282/15, a purchase order dated 28.09.2015 in respect of the same material and quantity as stated hereinabove except the quantity in respect of Item No.3. Learned Counsel submits that as per the plaintiff's information the new tender was in respect of the same goods and material and therefore the Plaintiff obtained Tender Form from which it appears that the defendant is in the process of awarding a fresh Tender in respect of the same goods for which the plaintiff has already been issued purchase orders. He submits that pursuant to the purchase orders, plaintiff has already submitted performance guarantee of more than 500 Million. Per Learned Counsel earlier Tender in favour of plaintiff still subsists, whereas, the impugned Tender is nothing but an act of malafide on the part of the defendant, whereby, they intend to oust the plaintiff and induct some other supplier for the same goods.

Let notice be issued to the defendants for 19.07.2016. Till the next date of hearing, the defendant is restrained from proceeding further with Tender Enquiry No.3517/16 and its Award to any other party, if the same is in respect of the Contract already awarded to the plaintiff.

J U D G E

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