

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**C.P.NO.D-2217/2015**

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Date	Order with signature of Judge
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1. For Order on Misc. 14667/15 (Urgent)
2. For Katcha Peshi
3. For hearing of Misc.No.9631/2015

**9.6.2015**

Mr. Muhammad Arif Sheikh, Advocate for the petitioner  
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Counsel for the petitioner submits that the petitioner had participated in the auction conducted by the Respondent No.2 and had submitted bids in respect of four lots of Sweeping Cargo of Urea. Counsel submits that the petitioner's bid was the second highest in respect of Lot Nos.1 & 2 and since the highest bidder has defaulted, therefore, petitioner may be declared as successful bidder in respect of Lots No.1 & 2, in the auction dated 5.3.2015, whereas, in the alternative, the earlier bid of petitioner in respect of Lots No.1 & 2 may be considered in the forth coming auction, as a valid and proper bid, and in case no higher bid is received, the petitioner's bid may be declared as successful.

2. Comments have been filed on behalf of the respondent No.2, which reflects that since the highest bidder after award of tender had defaulted, therefore, respondent No.2 be strictly adhered to the transparent procedure and process, and has invited fresh tender and in such circumstances, the bid of the petitioner cannot be accepted as successful, as the tender in question has already been script, whereas new tender has already been announced.

3. Counsel for the petitioner was confronted as to how the instant petition is maintainable being in respect of a bidder, who was not even the highest bidder and such bid was also not accepted and as to whether any right occurs to the bidder for invoking Constitutional jurisdiction of this Court and seeking of issuance of writ to respondent No.2. Counsel for the petitioner could not response to the such query of the Court satisfactory and prayed that in such situation, the bid of the petitioner may be directed to be considered on the next occasion.

4. We are of the view that such contention of the petitioner is misconceived in fact and law and firstly a unsuccessful bidder has no right or interest to seek issuance of any writ in such circumstances, whereas, the petitioner is at liberty to participated afresh in a new tender, accordingly, instant petition is being misconceived and is hereby dismissed alongwith listed applications.

JUDGE

JUDGE

JUDGE

JUDGE

