

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C. P. No. D-6602 of 2021

Date	Order with signature of Judge
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PRIORITY.

1. For orders on CMA No.32282/2021.
2. For hearing of CMA No.28286/2021.
3. For hearing of main case.

01.09.2022.

Mr. Munawar Alam Khan, Advocate for the Petitioner.
 Mr. Irshad Ali Shar, Advocate for the Intervener.
 Mr. Sandeep Malani, Assistant Advocate General, Sindh, alongwith
 Qamar Zaman Shah, Assistant Director (Legal) SPPRA.

The instant Petition has been filed with the allegation that the procurement contract for excavation of an archeological site in the Province was being awarded by the Culture, Tourism, Antiquates & Archives Department to the Respondent No.16, albeit that the Respondent No.15, which is said to be an associated concern by virtue of the benami ownership of the two firms being common, had been blacklisted vide Notification No.SO(G)/CTA&AD/7-75/2021/1988 dated 05.10.2021. As it transpires, a Decision of the Review Committee of the Sindh Public Procurement Regulatory Authority, Government of Sindh dated 22.12.2021 has been placed on record during the course of proceedings under cover of a Statement bearing the signature of the Assistant Advocate General, Sindh, which reflects that such Notification has since been set aside. The operative part of the Decision reads as follows:-

Decision of the Review Committee:

“Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Ruler 32 the Review Committee sets aside the blacklisting Notification No.SO(G)/CTA&AD/7-57/2021/1987 dated 4th October 2021 issued by the Secretary to Government of Sindh, Culture, Tourism, Antiquates Archives Department Karachi. The matter shall be deemed to be pending before the procuring agency that shall pass a well speaking order after affording a fair opportunity of hearing and defense to the appellant by observing all rules, regulations accordingly.”

The learned Assistant Advocate General, Sindh, present in Court today, has stated that the said Decision of the Review Committee has not been challenged, thus the Notification is no longer in the field. Learned counsel for the Petitioner also conceded that this was so. However, he sought to contend that the blacklisting had been initiated as earlier procurement, involving the Respondent No.15 had been marked by corruption and corrupt practices, causing loss to the public exchequer. He sought that the matter be probed so that penal consequences could follow.

Under the given circumstances, where the blacklisting formed the basis of the Petitioner's case is no longer in the field, the instant Petition stands dismissed accordingly alongwith pending miscellaneous applications. As to the further allegation of corruption and corrupt practices, if the Petitioner has any credible evidence in that regard, he may approach the concerned anti-graft agency so as to place the relevant material before it for consideration.

CHIEF JUSTICE

JUDGE

MUBASHIR