

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
H.C.A. No.222 of 2022
M/s.Brisk Service Company & others.....v/s.....Province of Sindh
& others.

Date

Order with signature of Judge

Present:

Mr. Justice Aqeel Ahmed Abbasi

Justice Mrs. Kausar Sultana Hussain

10-08-2022

Syed Amir Ali Shah, Advocate for the Appellants.
Mr.Qaim Ali Memon, Advocate for Respondent No.9.
Khawaja Shams-ul-Islam, Advocate for the Respondent
No.13.
Mr.Zeeshan Edhi, Additional Advocate General.

ORDER

Instant HCA has been filed against the ad-interim order passed on 16.06.2022 by the learned Single Judge in Suit No.919/2022, whereby, according to learned counsel for the appellants, while issuing notices to the defendants, restraining order has been passed against the appellants to the effect that the operation of the award in favour of the appellants shall remain suspended, whereas, the official defendants have been directed not to release any sum in favour of the appellants. According to learned counsel for the appellants, the respondent No.13 failed to obtain subject award in their favour, as they were technically disqualified, therefore, instead of approaching the relevant forum for redressal of grievance, if any, filed a frivolous suit and

through misrepresentation of facts have obtained ad-interim order, which is liable to be set aside.

2. Conversely, learned counsel for the respondent No.13 present in Court submits that the entire process of awarding contract in favour of the appellants was illegal, whereas, the appellants did not fulfill the requirements, nor they were financially or technically qualified, however, with the collusion of the procuring agency and officers in the Government of Sindh managed to obtain the awards in respect of four contracts, however, in violation of SPPRA Rules. Learned counsel for the respondent No.13 has further submitted that the huge public funds have been siphoned off with collusion of appellants and officers of Government of Sindh, as the contracts have been awarded to ghost company.

3. Heard the parties at some length and perused the record as well as the impugned order passed by learned Single Judge, which reflects that while issuing notice to the appellants ad-interim order has been passed, whereby, operation of contract awarded in favour of the appellants has been suspended till next date of hearing, whereas, the official respondents have

also been directed not to release any sum in favour of the appellants pursuant to such award. It appears that no final adverse order has been passed by the learned Single Judge on the injunction application against the appellants, who still have opportunity to file reply/objections to the injunction application and to raise all such grounds and objections as raised before this Court, before the learned Single Judge in the suit, as these grounds are premature to be raised before this Court, as no final order appears to have been passed on the injunction application.

4. Accordingly, instant HCA is disposed of with the directions to the learned counsel for the appellants to file reply/objections, if any, to the injunction application and seek modification/vacation of the ad-interim order. The learned Single Judge may pass appropriate order after hearing the parties preferably within 02 weeks from the date of hearing of such application.

Instant appeal is disposed of in the above terms alongwith listed application.

Judge

Judge