

Order Sheet

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P No. D – 633 of 2023

Date

Order with Signature of Hon'ble Judge

Fresh case

1. For orders on CMA No.2603/2023 (U/A)
2. For orders on CMA No.2604/2023 (Ex.A)
3. For hearing of main case

30.03.2023

Mr. Aamir Khan Sadhayo, Advocate for the petitioner

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1. Urgency granted.
2. Granted, subject to all just exceptions.
3. The petitioner claims to be a qualified Government Contractor. It is case of the petitioner that the respondent No.3 issued NIT No.TC/G-55/303/2023, dated 24.02.2023, for various works for that it participated for Work No.33; however on the date of opening of bid i.e. 13.3.2023, when the representative of the petitioner approached to the office of Respondent No.3, he shocked to see that members of the Procurement Committee were not available even the bidding box was not available and neither any dropping and opening was conducted by Respondent No.3, which has made the above NIT as case of mis-procurement. Against that on 19.03.2023, the petitioner filed a Complaint under Rule 31 of SPPRA Rules, 2010 to Respondent No.2 / Chairman Complaint Redressal Committee / Superintending Engineer Works and Services Department, Naushahro Feroze, which has not been decided by him till date.

Learned counsel for the petitioner contends that since seven days' time to decide the complaint by the Complaint Redressal Committee has lapsed, the complaint of the petitioner is required to be sent to Review Committee under Rule 31(5) read with Rule 32 of SPPRA Rules, 2010, and he would be satisfied and will not press this petition further, if directions are given to Review Committee to decide the complaint of the petitioner in accordance with the law.

Mr. Zulfiqar Ali Naich, some Assistant Advocate General Sindh present in Court in connection with other cases, waives the notice of this petition and records his no objection, if this petition is disposed of as proposed by learned counsel for the petitioner.

We, therefore, dispose of this petition in terms that in case the complaint of the petitioner has not been decided by the Respondent No.2 within stipulated period, it be sent to the Review Committee as provided under Rule 31(5) (*ibid*) for disposal of the same in accordance with the procedure laid down in Rule 32 (*ibid*) subject to fulfillment of the formalities by the petitioner.

Judge

Judge

ARBROHI