

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. **D – 1829** of 2024

Date	Order with signature of Judge
------	-------------------------------

FRESH CASE

1. For orders on Misc. No. 8195/2024.
2. For orders on Misc. No. 8196/2024.
3. For hearing of Main Case.
4. For orders on Misc. No. 8197/2024.

18.04.2024:

Petitioner through its authorized representative
Naeem Ahmed Khan present in person.

1-4. Through instant petition, the petitioner has prayed that petitioner company may be allowed to participate in the tender process of respondent No.2 for the parking area at Karachi Airport as according to the petitioner, the respondents are not allowing the petitioner to participate in the tender process on the pretext that there is some outstanding liability against the petitioner, whereas, according to petitioner, an amount of Rs. 91,946,040/- is already lying with the respondents as security deposit, whereas, a Suit No.109/2024 has already been filed by the petitioner seeking Declaration, Direction, Recovery of Deposited amount of Rs.91,946,040/- and Mesne Profit.

Instant petitioner has been filed by one Naeem Ahmed Khan, who is appearing in person and claims to be the authorized representative of the petitioner Kohisar Enterprises, who was confronted as to maintainability of instant petition as prima facie, nothing has been placed on record except some documents relating to previous contract and pendency of litigation between the parties in the aforesaid Suit, to show that petitioner has been denied participation in the tender process by the respondents.

Moreover, in such eventuality, whereas, petitioner is required to approach the Procuring Agency, and in case of any grievance, petitioner can approach to the Grievance Redressal Committee constituted under the law for redressal of grievance. In response to such query, representative of the petitioner could not submit any reasonable explanation, however, submitted that since the respondents are not issuing the tender documents, raise verbal objections, whereas, the last date for submitting tender documents is fixed as 22.04.2024, whereas, there is apprehension that respondents will not accept or consider the bid of the petitioner on false pretext of some outstanding liability, therefore, instant petition has been filed under Article 199 of the Constitution.

We are of the view that instant petition is misconceived and not maintainable in view of alternate forum/remedy available to the petitioner, whereas, in the absence of final order or direction by the competent forum, instant petition is otherwise premature, the same is therefore, dismissed in limine alongwith listed applications. However, petitioner will be at liberty to approach the respondents for the purposes of submitting tender form/documents, which may be considered by the respondents, in accordance with law provided there is no legal impediment in this regard or any other in the aforesaid Suit to this effect.

CHIEF JUSTICE

JUDGE

A.S.