

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

C. P No. D- 870 of 2024

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<b>Date</b>	<b>order with Signature of Hon'ble Judge</b>
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**Fresh case**

1. For orders on CMA No.3415/2024 (U/A)
2. For orders on office objection at flag 'A'
3. For orders on CMA No.3416/2024 (Ex.A)
4. For orders on CMA No.3417/2024 (S/A)
5. For hearing of main case

**29.05.2024**

M/s Abid Hussain Qadri and Mukhtiar Ali Shaikh, Advocates  
for the petitioners

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Petitioners claim to be government contractors and have filed this petition seeking declaration against an illegal act of respondent No.1 / Executive Engineer, Central Civil Division Pak PWD, Sukkur as illegal, based on *mala fide* and ulterior motives, and against SPPRA Rules, in addition to seeking ad-interim injunction in their favour, restraining respondent No.1 from allotting any work order in terms of Notice Inviting Tender No.EE/CCD/SUK/ NIT/AB/117 dated 15.04.2024.

Their case is that they, in response to invitation of bids, had submitted tenders from Serial Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and Serial No.3 and 5, respectively. However, on the date of opening of bidding documents when they and other contractors were present in the office of respondent No.1, till 1:30 pm the bids were not opened within specified time. And thereafter, the bids were opened but meanwhile petitioners' bids had gone missing. Against it, they filed a complaint before the Grievance Redressal Committee in terms of SPPRA Rules. On 21.05.2024 a meeting of the Grievance Redressal Committee took place in which petitioners were heard but no decision was made and it is still awaited.

We have heard learned counsel for the petitioners, who has reiterated above facts. In our view, the petition involves factual controversy in that petitioners have alleged that their bids submitted by them had gone missing from the office of respondent No.1. A decision on such factual controversy cannot be made unless requisite evidence is recorded and opportunity is given to both the parties to cross examine each other. Furthermore, the issue raised in this petition is pending before Grievance Redressal Committee and decision on which is still awaited. No case, therefore, for taking up this issue in Constitutional jurisdiction by this Court has been made out. Accordingly, this petition is dismissed in *limine* along with listed applications.

Judge

Judge

ARBROHI