

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Constitutional Petition No.D-253 of 2026  
(Shoukat Ali Soomro v. Province of Sindh and others)

<i>Date of hearing</i>	<i>Order with signature of Judge.</i>
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**Before:-**

***Mr. Justice Amjad Ali Bohio,  
Mr. Justice Ali Haider 'Ada'.***

**Fresh Case**

1. For orders on CMA No.873/2026 (U/A).
2. For orders on office objections.
3. For orders on CMA No.874/2026 (Ex/A).
4. For hearing of main case.
5. For orders on CMA No.875/2026 (S/A).

**04.03.2026.**

Mr. Abdul Ghani Abro, Advocate for the petitioner

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**Ali Haider 'Ada' J;** Through this petition, the petitioner has called in question the tender process initiated by the respondent authorities through a Notice Inviting Tender (NIT). It is the case of the petitioner that, being a government contractor, he participated in the bidding process; however, his bid was not opened, and the result was uploaded on 28.11.2025. The petitioner thereafter approached the Complaint Redressal Committee, but no decision has yet been communicated. On these grounds, he has prayed that the tender process be declared void ab initio and the award of the contract in favour of respondent No.6 be set aside.

2. Learned counsel for the petitioner contended that after filing a complaint before the Complaint Redressal Committee, the petitioner also approached the Review Committee, and the matter is still pending consideration. He further submitted that the petitioner had quoted the lowest bid as compared to the successful bidder, namely, respondent No.6. In support of his contention, learned counsel placed on record a

review application/complaint dated 11.02.2026 along with the comparative statement and challan of the same date.

3. Heard and perused the record.

4. At the outset, it may be observed that the controversy relates to a procurement process governed by the Sindh Public Procurement Rules, 2010, framed under Section 26 of the Sindh Public Procurement Act, 2009. Under these Rules, the term "bidding process" has been defined in Rule 2(h), which, for the sake of convenience, is reproduced hereunder:

*2(h) "Bidding Process" means the procurement procedure under which sealed bids are invited, received, opened, examined and evaluated for the purpose of awarding a contract.*

5. The bidding process is regulated through the bidding documents in terms of the Sindh Public Procurement Rules, 2010. In this regard, Rules 20 and 21 deal with the preparation and contents of bidding documents to ensure transparency in the procurement process. For ready reference, the said provisions are reproduced hereunder:

**20. Provision of Bidding Documents.** (1) *The procuring agency shall provide the bidding documents to all interested bidders in accordance with the procedures and requirements specified in the Notice Inviting Tender.*

(2) *The procuring agency may charge a fee for bidding documents, which shall not exceed the cost of preparation and printing.*

**21. Contents of Bidding Documents.** (1) *The Bidding Documents shall include the following information:*

(a) *letter of invitation for bid;*

(b) *data sheet containing information about the assignment;*

(c) *instructions for preparing bids;*

(d) *amount and manner of payment of bid security and performance guarantee (where applicable);*

(e) *manner and place, date and time for submission of bidding documents;*

(f) *manner, place, date and time of opening of bids;*

(g) *method of procurement used;*

*(h) a detailed and unambiguous evaluation criteria;*

*(i) terms and conditions of the contract agreements, as far as already known by the procuring agency;*

*(j) Terms of Reference and technical specifications of goods, works or services to be procured, subject to Rule 13;*

*(k) manner in which tender price is to be assessed and computed, including information about tax liability;*

*(1) currency in which tender price is to be formulated and expressed;*

*(m) bid validity period;*

*(n) a copy of integrity pact to be signed by the parties (where applicable);*

*(o) any other information which is specified in regulations to be issued by the Authority.*

*(2) Any information, that becomes necessary for bidding or for bid evaluation, after the invitation to bid or issue of the bidding documents to the interested bidders, shall be provided in a timely manner and on equal opportunity basis. Where notification of such change, addition, modification or deletion becomes essential, such notification shall be made in a manner similar to the original advertisement.*

*(3) Procuring agencies shall use standard bidding documents as and when notified by the Authority:*

*Provided that bidding documents already in use of procuring agencies may be retained in their respective usage to the extent they are not inconsistent with these rules and till such time that the standard bidding documents are notified.*

*[(4) All procuring agencies shall hoist the bidding documents or pre-qualification documents or short listing documents, as the case may be, on or before the first date of issuance of such documents on Authority's website as well as on the website of procuring Agency, in case it has its own website.]*

6. The main contention of the petitioner is that he participated in the bidding process and deposited the call deposit in favour of the procuring agency. His case rests on the assertion that he offered the lowest bid and that his technical bid was not opened. However, it is not the case of the petitioner that the procuring agency denied him the bidding documents. Rather, it appears that he applied, obtained the forms, and submitted his bid along with the call deposit in accordance with the prescribed procedure, which shows that he was duly facilitated in the process. Despite claiming to be the lowest bidder, the petitioner has failed to place

on record the relevant bidding documents or material to substantiate such assertion, as a mere claim without supporting record is not sufficient.

7. The bidding process is governed by the Sindh Public Procurement Rules, 2010. Rule 21 provides the contents of bidding documents, including eligibility and qualification requirements, while Rule 27 prescribes the criteria for pre-qualification of bidders, such as experience, financial capacity, personnel, equipment, and managerial capability. The petitioner has not produced any material to demonstrate that he fulfilled the prescribed criteria or that his bid was responsive.

8. Rule 23 provides that a bidder may seek clarification regarding bidding documents, yet the petitioner did not avail such an opportunity at any stage. Similarly, Rules 41 and 42 deal with opening and evaluation of bids, while Rule 45 provides for announcement of the evaluation report. The petitioner himself admits that the evaluation report was uploaded, which is consistent with the procedure contemplated under the Rules.

9. About grievance redressal, Rule 31 provides a specific mechanism for filing a complaint before the Complaint Redressal Committee. According to the petitioner's own showing, the evaluation report was uploaded on 28.11.2025, and the contract was awarded thereafter, whereas the complaint was filed on 30.01.2026, well beyond the stage contemplated under the said Rule. The alleged appeal before the Review Committee dated 11.02.2026 also appears to have been filed beyond the prescribed period and the record does not reflect strict compliance with the requirements of Rule 32.

10. In these circumstances, the petitioner has failed to demonstrate any violation of the mandatory provisions of the Sindh Public Procurement Rules, 2010, or any mis-procurement warranting interference by this Court. The mere request for cancellation of the tender process, without substantiated grounds, is misconceived. Consequently, the instant petition, being devoid of merit, is dismissed accordingly.

**JUDGE**

**JUDGE**