

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitutional Petition No.D-120 of 2026
[Ghulam Akbar Mughal and another vs. Province of Sindh and others]

Constitutional Petition No.D-205 of 2026
[M/S Ellahi Enterprises vs. Province of Sindh and others]

Constitutional Petition No.D-206 of 2026
[M/S Ellahi Enterprises vs. Province of Sindh and others]

Constitutional Petition No.D-207 of 2026
[M/S Ellahi Enterprises vs. Province of Sindh and others]

Constitutional Petition No.D-467 of 2026
[M/S Waqar Enterprises & Co. vs. Province of Sindh and others]

Before:-

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

07.04.2026

Mr. Khan Muhammad Sangi, Advocate for Petitioners in C.P No. D-205, 206, and 207 of 2026

Mr. Zain-ul-Abdin Chachar, Advocate for the Petitioner in C.P No. D-467 of 2026.

Mr. Ali Raza Balouch, Additional Advocate General.

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ORDER

Ali Haider 'Ada' J.-By this single order, the above-captioned petitions are being decided together, as they arise out of a similar cause of action.

2. Through the instant petitions, the petitioners have challenged the process of issuance of Notices Inviting Tenders (NITs), contending that the same are illegal and in violation of the Sindh Public Procurement Regulatory Authority (SPPRA) Rules, on the ground that such tenders were not issued through the e-tendering and e-bidding system.

3. In response, notices were issued to the concerned procurement authorities, who relied upon Notification No. AD/(HR)/SPPRA/PPMS/25-26/361, dated 18.11.2025, whereby permission was granted to use the Procurement Performance Management System (PPMS) instead of the e-bidding system. The SPPRA authorities, in their comments, submitted that the e-procurement system has been launched and is being implemented in phases. It was further stated that the system is newly introduced and is not only binding upon procuring agencies but also requires bidders to register and participate through the same platform.

4. The SPPRA authorities have further contended that a considerable number of officials still require training for effective implementation of the system, and several procuring agencies have sought technical assistance for operating the newly introduced platform. It has also been pointed out that many departments lack trained staff to manage the upgraded system and are facing budgetary constraints. Reliance has also been placed upon Section 6 of the Sindh Public Procurement Act, 2009, which provides that the general directions and affairs of the Authority vest in its Board.

5. Learned counsel for the petitioners contended that the NITs in question are liable to be set aside solely on the ground that the e-procurement system has not been adopted, which, according to them, amounts to a violation of the law.

6. Conversely, the learned Additional Advocate General submitted that the new system has been launched and is in the process of regular implementation. He further submitted that the SPPRA authority has undertaken that the previous procurement system would remain in use only up to 18.12.2025, and thereafter, all procurement processes would be conducted strictly through the e-procurement system. Such an undertaking has been placed on record through a statement of the learned Additional Advocate

General, along with a letter of authorization issued by the Managing Director, SPPRA.

7. Heard the learned counsel for the parties and perused the material available on record.

8. Upon consideration of the entire facts and circumstances of the case, particularly the undertaking furnished by the concerned authorities for implementation of the e-procurement system, it appears that the authorities are in the process of transitioning to the new system and are currently facing certain technical and administrative constraints. At the same time, the petitioners have failed to place on record any material to demonstrate that they themselves were registered or capable of participating in the e-procurement system, or that the impugned tendering process was vitiated by mala fide, illegality, or procedural impropriety.

9. In the absence of any evidence of mala fide or misuse of authority, and considering that the procurement process already undertaken cannot be set aside merely on account of transitional difficulties in implementation of the new system, no case is made out for interference. However, the procuring agencies are directed to strictly adhere to the amended Rule 24 of the SPPRA Rules, 2010, and to ensure that all future procurements are conducted through the e-procurement system in accordance with law.

10. In view of the above findings, all the instant constitutional petitions are disposed of accordingly.

JUDGE

JUDGE