

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C. P. No. D – 27 of 2026
(*M/s S.S.S Corporation v Province of Sindh & others*)

Date	Order with Signature of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date Of Hearing 21.05.2026

Mr. Talha Abbasi, Advocate for Petitioner
Mr. Waleed Khanzada, Advocate for Respondent No.2
Mr. Zia Ul Haq Makhdoom advocate for respondent No.5.
Mr. Sajid Latif advocate for respondent No.3.
Mr. Akbar Khan, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J. – Petitioner has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- i) **Declare that continuation of operation of water hydrants by Respondents No. 3 to 8 after expiry of their two-year auction tenure on 30.05.2025 is illegal, void and without lawful authority;**
- ii) **Direct Respondent No.2 to immediately stop all operations of water hydrants being run by Respondents No.3 to 8 pursuant to expired contracts;**
- iii) **Direct Respondent No.2 to conduct a fresh auction of all water hydrants strictly through open, transparent and competitive bidding, within a fixed timeframe;**
- iv) **Restrain Respondent No.2 from granting any extension, temporary arrangement, or continuation to existing contractors without public auction;**
- v) **Restrain Respondent No.2, or any person acting for and/or on its behalf, from ousting, disqualifying, or otherwise excluding the petitioner from the auction process except in accordance with law for reasons duly recorded and communicated;**
- vi) **Grant any other relief deemed just and proper in the circumstances;**
- vii) **Award costs of the petition.**

2. Learned counsel for the Petitioner submits that the Petitioner, a registered partnership firm, possesses the requisite experience, financial strength, and technical capacity to participate in public procurement processes conducted by Respondent No.2, the Karachi Water and Sewerage Corporation (KWSC), established under the Karachi Water and Sewerage Corporation Act, 2023 and responsible for managing and auctioning hydrants, which constitute important public assets and a significant source of revenue. It is contended that Respondent No.2 issued bids on 25.12.2022 for the auction of six hydrants for two years, followed by a corrigendum dated 19.01.2023, and thereafter awarded work orders on 30.05.2023 to Respondents No.3 to 8. The Petitioner alleges that the auction process has historically been marred by cartelization and collusion, as the same contractors have repeatedly secured hydrant contracts over the past fifteen years by quoting marginally above reserve prices, thereby restricting competition and causing loss to the public exchequer. It is further submitted that

the contractual period of the said hydrants expired on 30.05.2025, yet no fresh auction has been conducted. Despite expiry, Respondents No.3 to 8 are allegedly continuing operations without lawful authority, public notice, or transparent process, purportedly through tacit extensions, which is claimed to be illegal, arbitrary, and contrary to principles of transparency and fair competition. The Petitioner argues that this failure violates its fundamental rights under Article 18, read with Articles 4 and 25 of the Constitution, and also offends Section 24-A of the General Clauses Act, 1897 due to non-transparent exercise of discretion by Respondent No.2. Learned counsel emphasizes that hydrants being sensitive public utilities directly impact potable water supply and public revenue, and their continued operation without lawful bidding undermines governance, accountability, and public trust. It is also expressed that due to prior challenges raised by the Petitioner, there exists an apprehension of possible mala fide exclusion from future bidding processes. In view of these submissions, the Petitioner prays for a declaration that the continuation of Respondents No.3 to 8 is unlawful, for direction to conduct a fresh transparent auction within a stipulated timeframe, and for restraint against any extensions or exclusion of the Petitioner from future bidding.

3. Learned counsel for Respondent No.5, without filing formal comments, opposes the petition and submits that it is based on misconceived assumptions, selective facts, and unsubstantiated allegations. He contends that Respondent No.5 was lawfully awarded the hydrant contract through a transparent competitive bidding process conducted by Respondent No.2 in accordance with applicable procurement rules, including issuance of tender documents, corrigendum dated 19.01.2023, and award of work order dated 30.05.2023. It is stated that no challenge to the said bidding process was made at the relevant time, nor was it ever declared illegal or collusive by any competent forum. He emphasized that hydrant operations are essential for continuous water supply and revenue generation, and courts ordinarily do not interfere in such administrative and policy matters involving technical evaluation. In view of the above, Respondent No.5 prays for dismissal of the petition with costs, allowing existing arrangements to continue subject to the lawful decision of the competent authority.

4. On the other hand, learned counsel for Respondents No. 3 has raised their voice of concern that this petition is not maintainable under the law and liable to be dismissed.

5. Learned counsel for KW&SC submits a compliance report stating that the Board, after deliberation, has decided to further examine the financial,

operational, and legal aspects of the matter before reaching a final decision, and such a decision will be made within reasonable time.

6. In view of the pleadings, submissions, and material placed on record, it appears that the core grievance of the Petitioner pertains to alleged non-conduct of fresh auction after expiry of hydrant contracts and continued operation of existing contractors, coupled with apprehensions of exclusion from future bidding processes. However, the record shows that the hydrant contracts were initially awarded through a competitive bidding process conducted by Respondent No.2, and no contemporaneous challenge was laid against the said process at the relevant time. Allegations of cartelization and collusion remain general in nature, unsupported by any adjudication by a competent forum under the relevant legal framework, and thus cannot be accepted at this stage in constitutional jurisdiction.

7. It is also an admitted position that the matter of renewal/fresh auction is presently under active consideration of Respondent No.2/competent authority, which has itself indicated that financial, operational, and legal aspects require further examination before a final decision is taken. In such circumstances, judicial interference at this stage in the form of declaring the existing arrangements unlawful would be premature, particularly where the competent authority has not yet finally adjudicated the issue.

8. Nevertheless, it is equally well-settled that public procurement and management of public assets must strictly conform to the principles of transparency, fairness, equality of opportunity, and compliance with Articles 4, 18, and 25 of the Constitution. Any continued arrangement beyond contractual expiry, if not strictly backed by lawful authority, must be regularized through a transparent and reasoned decision, ensuring that no party is arbitrarily excluded and that public revenue and interest are safeguarded. Accordingly, while declining to grant the substantive reliefs sought by the Petitioner at this stage, this petition is disposed of with the directions to The Respondent No.2/competent authority shall, within a period of two months, positively finalize its decision regarding the conduct of fresh auction or any lawful interim arrangement strictly in accordance with applicable rules and policy. Such a decision shall be taken after providing a proper opportunity of hearing to the Petitioner and all concerned stakeholders, ensuring transparency and fairness in the process. A speaking order shall be passed, clearly reflecting reasons addressing the issues of transparency, continuation of arrangements, and future bidding process. It is clarified that until such final decision is taken, the matter shall remain within the domain of the competent authority; however, the same

shall not be construed as approval of any arrangement found to be contrary to law.

9. The petition, along with pending application(s), is disposed of in the above terms.

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