OFFICE OF THE
SUPERINTENDING ENGINEER PROVINCIAL HIGHWAY CIRCLE SUKKUR

Ph: 071-9310768
Fax:071-9310767

No. BB(i)/453 /2020 Dated: 09 / 07 /2020

To

The Assistant Director (Legal-II)
Government of Sindh SPPRA
Karachi

Subject: **REQUEST FOR CANCLEATION OF NIT OF WORK OF TC/G-55/ 323 OF 2020 DATED: 15-05-2020 REGARDING VARIOUS WORK OF PROVINCIAL HIGHWAYS DIVISION SUKKUR**

Reference: Your office letter No: AD(L-II)/SPPRA/CMS-1359/2019-20/0011 Dated: 02th July 2020 recevied on to day 09-07-2020

With reference to your office letter No: cited above, it is to informed that the undersigned being chairman of CRC has accordingly conduct the meeting to rederess the grievancs of complainant M/S. Agha Muhammad Khan Co: on dated: 24-06-2020 and decision were taking with the consent of the Committee Members and the copy of decision / Minuts of the Meeting sent to all concerned including Managing Director SPPRA Sindh Karachi vide this office letter No: BB(i)/ 569 Dated: 24-06-2020.

However photo copy of the same is sent herewith for faovur of information and ready reference.

DA/As above

SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE
SUKKUR

C.F.W.Cs to:

1 The Secretary to Government of Sindh Works & Services Department Karachi.

2 The Chief Engineer Highway Sukkur for favour of kind information

post the CRC's decision

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OFFICE OF THE
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Ph: 071-9310768
Fax:071-9310767

No. BB-(i)/ 564 /2020 Dated: 24/06 /2020

To

The Chief Engineer
Highway Sukkur

Subject: **MINUTS OF THE MEETING OF COMPLAINT REDRESSAL COMMITTEE HELD ON 24-06-2020**

The Decision / Minutes of the meeting of complaint Redressal Committee on complaints made by M/S. Agha Muhammad Khan Government Contractor / Firm against Executive Engineer Provincial Highway Division Sukkur is submitted herewith for favour of kind information.

DA/As...Above

SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE
SUKKUR

Copy (alongwith copy of above minutes of the meeting) forwarded with compliments

1. The Managing Director Government of Sindh, Sindh Public Procurement Regulatory Authority Karachi
2. The District Accounts Officer Sukkur
3. The Executive Engineer Barrage Division Sukkur
4. The Executive Engineer Provincial Highway Division Sukkur
5. M/S. Agha Muhammad Khan Government Contractor Address Plot No: 17 Street No. 3, Muslim Co-operative Housing Socity, Military Road Sukkur.

SUPERINTENDING ENGINEER
PROVINCIAL HIGHWAY CIRCLE
SUKKUR

(E)

MINUTES OF THE COMPLAINT REDRESSAL COMMITTEE (CRC) MEETING HELD UNDER THE CHAIRMANSHIP OF SUPERINTENDING ENIGNEER PROVINCIAL HIGHWAY CIRCLE SUKKUR HELD ON 24-06-2020
(LIST OF PARTICIPANTS ATTACHED)

Meeting of Complaint Redressal Committee (CRC) constituted fixed on 24.06.2020, as per SPPRA Rule 31 to hear complaint made by **M/S Agha Muhammad Khan** the meeting was convened vide this office letter No.BB9i)/545/2020 dated 18.6.2020.

Back Ground:- Executive Engineer Provincial Highway Division Sukkur invited NIT vide No: TC/G-55/323 Dated: 15.5.2020.

M/S. Agha Muhammad Khan & Co. complained that the Executive Engineer Provincial Highway Division Sukkur invited the bids vide its advertisement No: TC/G-55/323 Dated: 2020 and malpractice has been made in the Bidding process by the Executive Engineer Provincial Highways Sukkur. It is further stated in the complaint that though they applied for Blank Tenders and approached Mr. Muhammad Aslam Tender Clerk, who refused to issue Blank Tender for which the Blank Tender was downloaded from SPPRA website as per rules.

It is further alleged that the complainant party filled rates and attached required 5% Earnest money and proceeded to drop it in the Drop box, but the officials allegedly refused to receive and due to such apprehension he went to the XEN Provincial Highway Division Sukkur on 1.6.2020 but he found the door of his office closed from inside, whereas the Tender Clerk was available in his office at the time of opening the Bids.

He further alleged in the complaint that he was contacted by the XEN to settle matter and advised not to participate in the Tenders as the works already awarded to their respective political persons of vicinity and get back the tenders. He further alleged that he was interested to offer bids for works No.1,2 and 4 duly sealed with the Technical Proposal, but XEN did not want to healthy competition with malafide intention.

The complaint was admitted on record. The Executive Engineer Provincial Highway Division Sukkur furnished detailed report vide his office letter No: TC/G-55/ 440

dated: 22.6.2020, in which he denied the allegations leveled in the complaint. He further reported that complainant firm purchased bidding documents of works No.1,2 and4 and he has also made payment of required amount of bidding documents vide DR No.29469 dated 4.6.2020. The copy of said DR has been produced with the Comments. The DR has been perused by the participants.

The purchase of Blank Tenders, payment of fees and issuance of DR has falsified the allegation of the complainant that he was not issued blank tender, though requested by him. The complainant has failed to produce any documentary proof as against the DR produced by the Executive Engineer Provincial Highways Sukkur.

The Executive Engineer Provincial Highways Sukkur in comments has further denied the allegations of malpractice played in the bidding process. In support of his version he has produced an attendance sheet, which shows that several Contractors have participated in the bidding process. On the contrary it is reported in the comments that the complainant firm after receiving Blank Tenders did not return for participation of the bidding process. The complainant has failed to produce any documentary proof of filling rates in the Tenders etc. An opportunity of explaining the position was given to the person who attended the meeting, but since he is the son of Company owner, therefore, he is not in a position to explain details of malpractice as alleged in the complaint and replied that his father being owner of Firm has directed him to record his attendance before the Committee only.

The Executive Engineer Provincial Highways in the comments has further reported that the complaint has been made with malafide intention to pressurize Government Functionaries for getting undue favour. This fact also gets support from the fact that during pendency of the complaint before proper forum Viz. Complaint Redressal Committee a Legal Notice dated 19.6.2020 has been sent to the CRC on behalf of Agha Muhammad Khan & Co. through its Proprietor Agha Muhammad Khan by M/S Shaikh Law Associates stating different facts that some of the works were cancelled from the NIT, but it is matter of record that no any work from the NIT has been cancelled.

It is necessary to mention here that perusal of complaint shows that in whole the complaint complainant has not disclosed his status whether he is Proprietor of the company, or he has been authorized by the Company for making complaint. Proprietor of the company is admittedly Agha Muhammad Khan as mentioned in the Legal Notice and other record, who has not attended the proceedings today. His son without any authority has appeared. Signature of son of Proprietor has been obtained in token of attending the Meeting, which shows that it is same signature which has been made over complaint, which shows that the complaint itself has not been made by the Proprietor of the Firm, but it has been made by a person who is not concern with the matter.

Perusal of the NIT No.TC/G-55/323 dated 15.5.2020 shows that the date for receiving and opening the Tenders was fixed as 8.6.2020 and whole the process was made on the relevant date, but in the complaint complainant has alleged that today i.e 01/06/2020 he was not allowed to enter in the office and no member of Procurement Committee was available and only Tender Clerk available in the office on the time of opening of Bids, which shows that admittedly complainant himself has not visited the Office on fixed date i.e 8.6.2020.

Conclusion:- The perusal of complaint, report and documents shows that the financial Bids were opened by the Procurement Committee as per procedure before all participated contractors / Firms on fixed date viz. 8.6.2020. The complainant firm was issued Blank Tenders and such DRs were also issued and produced with the comments, but intentionally complainant firm failed to deposit those Tenders and participate in the Bidding process on fixed date and time, but they allegedly appeared in the office one week before the fixed date i.e 1.6.2020. Complainant has neither produced any documentary proof to support his version as mentioned in the complaint, nor Proprietor of the Firm has made complaint, nor Proprietor appeared before the Committee to prove the allegations. Son of complainant present before the Committee is not an authorized person of the firm, therefore, he has got no authority to make complaint, which disclosing his identity, status and authority to show locus standi in the matter.

Looking to the above facts and circumstances, the Complaint Redressal Committee is of the unanimous view that there is no any illegality, irregularity or any

malpractice on the part of the Procuring Committee, the complaint has been made by an irrelevant person without any justification and proof hence complaint do not merit any consideration, waich stands dismissed..

Being a Non-Tech. Member.

District Accounts Officer
Sukkur
(Member CRC)

Executive Engineer
Barrage Division
Sukkur
(Member CRC)

(Syed Muzammil Muzafar Musavi)
Superintending Engineer
Provincial Highway Circle
Sukkur
(Chairman CRC)

Meeting of Complaint Redressal Committee over complaint made by

1. M/S. Agha Muhammad Khan Government Contractor.

V/S. Executive Engineer Provincial Highway Division Sukkur

Held on 24-06-2020

S.No	Name of Participant	Designation	Contact No:	Signature
1.	Syed Muzammil Muzaffar Musavi	Superintending Engineer Provincial Highway Circle Sukkur		
2.	Ali Muhammad Magsi	SDO Sukkur	0302-3611585	
3.	Ameer Bux Mahar	AXEN Rohri Sub-Division Sukkur	0333-65 49775	
4.	Masroor Hussain Solangi	XEN, PHD Sukkur.	0300/9256439	

5. Agha Hussain Project Manager 0300-2280476