



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3063/2021-22/

Karachi, dated the 30<sup>th</sup> March, 2022

To,

The Executive Engineer,  
Machinery Maintenance Division Khairpur @ Shikarpur,  
**SHIKARPUR.**

Subject: **DECISION OF THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY.**

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the Authority's Review Committee decision (M/s Din Muhammad Enterprises v/s Executive Engineer, Machinery Maintenance Division Khairpur @ Shikarpur, held on 16.03.2022, for information & necessary action.

ASSISTANT DIRECTOR (Legal-II)

**A copy is forwarded for information and necessary action to:**

1. The Secretary to the Government of Sindh, (Works & Services) Department Karachi.
2. The Superintending Engineer, Highway Circle Larkano.
3. Assistant director (I.T), SPPRA (with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010)
4. The Staff Officer to the Chairman / Members Review Committee.
5. The Appellant.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3063/2020-21

Karachi, dated, 22<sup>nd</sup> March, 2022

BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY  
AUTHORITY UNDER RULE-32 OF SPP RULES 2010.

Decision of the Review Committee held on 16.03.2022

Date(s) of meeting(s)	16.03.2022
Appellant	M/s Din Muhammad Enterprises
Procuring Agency	Executive Engineer Machinery Maintenance Division Khairpur at Shikarpur
Appeal received on	03.03.2022
CRC filed on	01.02.2022
NIT ID	T00138-21-0005
Bid opening date	01.02.2022 11.02.2022
Bid Evaluation Report	Not posted up to meeting date
Contract documents	Not posted up to meeting date

The Appellant's Version:-

This appeal has been preferred by the appellant **Din Muhammad Enterprises** hereinafter referred as "Appellant" in terms of Rule 31(5) read with Rule 32 against the procuring agency "**Executive Engineer Machinery Maintenance Division Khairpur at Shikarpur (51-Works and Services Department)**" hereinafter referred as the "procuring agency". The appellant was called by the Review Committee for ascertaining the maintainability of appeal. The appellant could not appear before the Review Committee so the review committee decided to adjudicate the matter ex-parte. The complaint and appeal of the appellant are on the record. He filed his complaint to the Complaint Redressal Committee on 01.02.2022 but the complaint Redressal Committee could not decide the matter within seven days. Therefore, on 03.3.2022, the appellant approached the Review committee to adjudicate the matter. In the nutshell, it is as follow:

The appellant Filed complaint to CRC	01.02.2022
CRC meeting	Not held
The appellant Filed Appeal to RC	03.03.2022

**Findings of the Review Committee**

1. The basic question involved is the maintainability of the instant appeal, whether the appeal is time barred or not under SPP rules?
2. The Rule 31(5) & 32(1) provide the time limit for any bidder to approach the Review Committee.

**Rule 31(5)**

**The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32,]2 [ if the aggrieved bidder files the review appeal within ten (10) days of such transfer;]**

**Rule 32(1)**

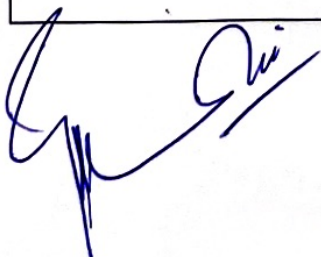
**A bidder not satisfied with decision of the procuring agency's complaints redressal committee may lodge an appeal to the Review Committee [within ten (10) days of announcement of the decision]' provided that he has not withdrawn the bid security, if any, deposited by him.**

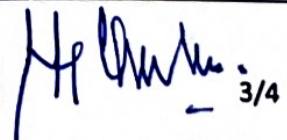
3. From perusal and analysis of the Rules mentioned supra, it is evident that there are two ways to approach the Review Committee-by transfer or dissatisfaction from CRC decision. One of the way-approaching by transfer-is to approach the Review Committee in case the Complaint Redressal Committee fails to arrive at the decision within 7 days of the receipt of the complaint. In this case, the appeal stood transferred to the Review Committee which is authorized to dispose of the complaint provided that the aggrieved bidder files the review appeal within **ten (10) days of such transfer.**
4. Another way to approach the Review Committee is after the announcement of the decision of Complaint Redressal Committee. In this case also the complainant is required to approach the Review Committee within ten (10) days of the announcement of the decision.
5. It is noted that in either of the cases whether failure of CRC to decide the matter or dissatisfaction of the bidder from CRC decision, the bidder was required to approach the Review Committee within 10 days. In accordance with the rules, any appeal received after 10 days' time is not maintainable. In the instant matter, the bidder failed to approach the Right forum at Right time. He approached the Compliant Redressal

Committee on 01.02.2022 but the compliant Redressal Committee failed to arrive at the decision within seven (7) days. Resultantly, the appellant approached to the review Committee on 03.03.2022 which is not maintainable as per the SPP Rules quoted above.

6. The above discussion is summarized in table below.

Way of Approaching the Review Committee	Condition	Time limitation	In Appellant's case
By Transfer Rule 31(5)	<p>If the CRC fails to arrive at the decision</p> <p>If the aggrieved bidder files the Review Appeal within ten days of such transfer</p>	Within 10 days of the transfer of appeal	<p>The complainant filed complaint on 01.02.2022</p> <p>The CRC failed to arrive at the decision within seven days (7).</p> <p>The complaint transferred to the Review Committee on 08.02.2022.</p> <p>Appeal period expired on 18.2.2022</p> <p>The appellant filed appeal on 03.03.2022 after Twenty Three (23) days of the transfer of complaint.</p>
Dissatisfaction From the Decision of the Complaint Redressal Committee Rule 32	<p>If CRC announces its decision and the complaint is dissatisfied</p> <p>If the complainant lodges appeal within ten days of the announcement of decision.</p>		

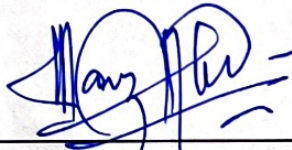


7. The appellant submitted that he could not approach the Review Committee timely because he waited for the decision of the Complaint Redressal Committee (CRC) meeting. The Review Committee noted that the appellant was required to approach the Review Committee timely as provided under Rule 31(5) but the appellant could not do so.
8. It is well settled principle of law that Vigilance is required for the claim and infringement of rights. Vigilance requires that those who wish to seek assistance of law must move with speed and within time limits to do so.
9. The above discussion is sufficient to prove that the appeal is time barred under the SPP Rule 31(5)

**Decision of the Review Committee:**

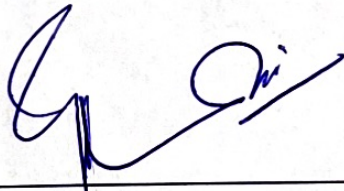
Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the appeal as the appeal is time barred under the SPP Rules 2010(amended up-to-date).



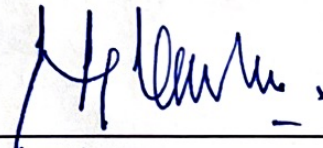
Member  
(Manzoor Ahmed Memon)  
Member SPPRA Board



Member  
(Munir Ahmed Shaikh)  
Independent Professional



Member  
(G. Mohiuddin Asim)  
Representative of P & D Board ,P&  
Development Department Karachi



Chairman  
(Abdul Haleem Shaikh)  
Managing Director  
Sindh Public Procurement Regulatory Authority