



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.D D (L-II)/SPPRA/CMS-3796/2022-23/ 1100

26th
Karachi, dated the June 2023

To,

The Executive Engineer,
Provincial Highway Division,
KHAIRPUR MIRS.

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 decision of Review Committee meeting held on 21.06.2023 against Review Appeal submitted by M/s Muzafar Hussain & Brothers on NIT No T01740-22-0001 for your information.

(ABDUL JABBAR SHAIKH)
LEGAL COORDIANTOR

A copy is forwarded for information and necessary action to:

1. The P.S to Secretary to Government of Sindh, Works & Services Department.
2. The Superintendent Engineer, Provincial Highway Circle, Works & Services Department Khairpur Mir's.
3. Assistant Director (I.T), SPPRA (with an advice to post the decision on the Authority's website in terms of Rule-32(11) of the SPP Rules, 2010)
4. The Chairperson / Members of Review Committee (All)
5. M/s Muzafar Hussain & Brothers, Address: New Pind Phattak Sukkur, Mobile No 0300-5036009 (The Appellants)



Decision of the Review Committee of Sindh Public Procurement Regulatory Authority (SPPRA) held on 21.06.2023 under Rule 31(5) read with Rule-32 of the SPP Rules, 2010

M/s Muzafar Hussain & Brothers the Appellant
V/S
The Executive Engineer, Provincial Highway Division Khairpurmir's..... the Procuring Agency

1. Introduction:

1.1. The Executive Engineer, Provincial Highway Division Khairpurmir's "The Procuring Agency" invited bids for procurement of various works vide NIT No. TC/G-55/1640 of 2022 dated 28.12.2022 in Newspapers and also hoisted on SPPRA Website vide Serial No. T01740-22-0001. Method of Procurement was Single Stage Two Envelope.

1.1. The appellant did not mention the work No. for which he had applied. Procurement Committee opened the bids Technical on 18.01.2023.

1.2. The Appellant submitted that the procuring agency did not inform him about the financial opening of bids.

1.3. The Appellant approached to CRC on 06.03.2023 with a request to look into the malafide intentions of the procuring agency and restrain the Procuring Agency from awarding the contract.

1.4. The CRC failed to decide the matter within 7 days. Therefore, the appellant submitted a Review Appeal before the Review Committee on 30.03.2023 with a request to decide the matter within best interest of justice.

2. Proceedings of the Meeting:

2.1. The Chair welcomed the participants and asked about the appellant. The Committee were informed that the appellant failed to appear before the Review Committee. The chair invited Representative of Procuring Agency to explain his version. The representative of procuring agency informed that the appellant has with-draw bid security. He has requested to reject his appeal.

3. Observations of the Review Committee :

3.1. The Review Committee observed that the behaviour of the appellant towards his appeal showed that he had filed the frivolous appeal as has not pursue his appeal seriously.

3.2. The Committee noted that that submission of frivolous Review Appeals is not only hampering smooth working of the Authority but also causing huge losses of time and resources to the exchequer.

3.3. The Review Committee is of the unanimous opinion that the appellant has filed this review appeal to misuse the forum of the Review Committee for ulterior motives.

Decision of the Review Committee

Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7) of SPP Rules has decided as under;

1. Dismiss the instant Review Appeals being frivolous.
2. Impose a penalty on the appellant an amount equivalent to ten times of the amount paid as Review Appeal fees. The appellant is directed to pay the amount of penalty of Rs.100,000/- (One Hundred Thousand only) in shape of Pay Order in favour of SPPRA within 15 days from the issuance of this decision failing which no Review Appeal shall be considered in future.



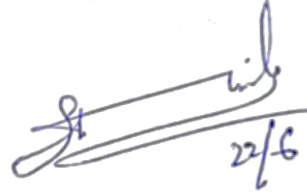
Member
(Khair Muhammad Kalwar)
Representative of Planning & Development
Department Karachi



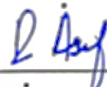
Member
(Syed Adil Gillani)
Private Member (SPPRA Board)



Member
(Khair Muhammad Kalwar)
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Eng: Syed Muhammad Shakaib)
Independent Professional



(Chairperson)
Rubina Asif
Managing Director
Sindh Public Procurement Regulatory Authority