GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

NO.AD (L-II)/SPPRA/CMS-2849-32/2021-22/0677 Karachi, dated the 31st January, 2022

To,

The Director General (Technical Services),
Karachi Metropolitan Corporation,
Local Government Department,
Government of Sindh,
KARACHI.

Subject: **DECESION OF REVIEW COMMITTEE OF SINDH PRUBLIC 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 Niaz Muhammad Khan V/s Director General Technical Services (KMC) Karachi)** held on 10.01.2022 & 20.01.2022, for your information and further necessary action, under intimation to this Authority, at the earliest.

ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for information and necessary action to:

1. The Secretary to Government of Sindh, (Local Government) Department, Karachi.
2. The Executive Engineer, Karachi Metropolitan Corporation Karachi.
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 Appellants/Complainant.

GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY

No.AD (L-II) SPPRA/CMS-2849/2021-22 Karachi, dated the, 20th January, 2022

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

Decision of the Review Committee held on 20.01.2022

Date(s) of meeting(s)	10.10.2022 & 20th January 2022
Appellant	M/s Niaz Muhammad Khan & Brothers J/V GM Enterprises
Procuring Agency	The Director General (Technical Services) KMC Karachi
PPMS NIT NO	T01905-21-0002
Appeal Received in Authority Dated	13.12.2021
Dated of Posting Notice Inviting Tender	01.10.2021
Date of Opening of Bids	08.11.2021
Date of Posting Bid Evaluation Report	15.11.2021 & 17.11.2021
Date of Posting Contract Documents	29.12.2021

1. The matter was listed for hearing before the Review Committee twice. The appellant appeared before the Review Committee on 10.1.2022 but the procuring agency was absent .On the next date of hearing on 20.1.2022, the procuring agency was represented by the Executive Engineer whereas the appellant failed to appear before the Review Committee in its meeting on 20.1.2022.The Review Committee decided to adjudicate the matter ex-parte.
2. The Committee Was informed, that the appellant M/s Niaz Muhammad Khan & Brothers J/V M/s GM Enterprises had already withdrawn his appeal vide letter No. GM/Eng/SPPRA/0040, dated 19.01.2022.
3. The Review Committee observed that the appellant had filed the frivolous appeal.
4. The Committee noted that the problem of frivolous Review appeals is not only hampering smooth working of the Review Committee but also causing huge loss of time resources and also cause

harm to many entities in many ways. The procuring agency against whom the groundless complaint is lodged becomes the source of serious harassment and inconvenience, in some cases reputation on stake. The Review Committee process itself becomes clogged, disrupted, and delayed, thus affecting the other appellants in general, and becomes source of the undue delay in the disposal. The situation therefore cries out for remedies to avert these harms.

5. It was noted that the appellant had paid Rs.50, 000/ (Fifty Thousand) as Review Appeal fees.

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 declares the instant review appeal frivolous rejects and 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. Therefore, the Review Committee declares that the bid security submitted by the appellant shall be forfeited by the procuring agency. Furthermore, the committee decided to impose a penalty, equivalent to five times of the amount submitted as the Review Appeal fees, on the appellant. The appellant shall submit penalty of Rs2.50, 000, (Two Lac and Fifty Thousand) to the Authority in the same manner as the Review Appeal fees is submitted within one month.

Member
(Manzoor Ahmed Memon)
Member SPPRA Board

Member
(Munir Ahmed Shaikh)
Independent Professional

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

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