



**Appeal No. PPRA/AP-54/2024**  
Government of Pakistan  
**Public Procurement Regulatory Authority**  
(Appeal & Review Petition Secretariat)  
1<sup>st</sup> Floor, FBC Building, G-5/2, Islamabad  
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**ORDER**

M/s Siddique Sons Engineering (Pvt.) Limited

**...the "Appellant"**

Vs.

Gujranwala Electric Power Company (GEPCO), etc.

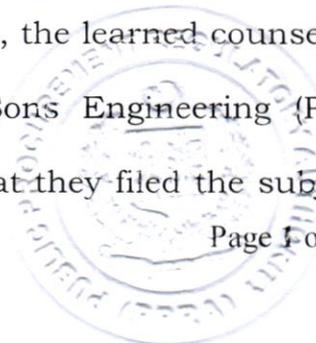
**...the "Respondent"**

<b><u>Date of Hearing</u></b>	
<b>20.03.2025</b>	<i>Mr. Ali Awais, Advocate; Mr. Mohsin Raza Hashmi Advocate;</i>
<b>29.01.2025</b>	<i>Mr. Omer</i>
<b>09.01.2025</b>	<i>Barrister Qasim Duggal,</i>
	<b>(On behalf of the Appellant)</b>
	<b>(On behalf of the Respondent)</b>
	<i>Barrister Abdul Wahab Khan; Mr. Junaid Ashraf; Mr. Nasir Mahmood (ED)</i>
	<b>(On behalf M/s Trace Engineering)</b>

**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004**

The above-mentioned learned counsel(s) and representative(s) of the parties tendered appearance before the Appellate Committee and presented their arguments at length.

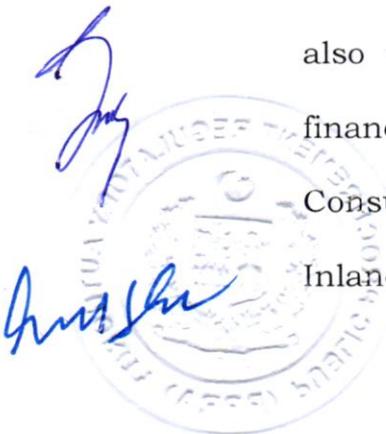
2. At the very outset of hearing, the learned counsel of the Appellant i.e., M/s Siddique Sons Engineering (Pvt.) Limited (the Appellant) submitted that they filed the subject



appeal against the decision dated 21.11.2024, passed by the Grievance Redressal Committee (GRC) of the Gujranwala Electric Power Company (GEPCO / the procuring agency / the Respondent No.1).

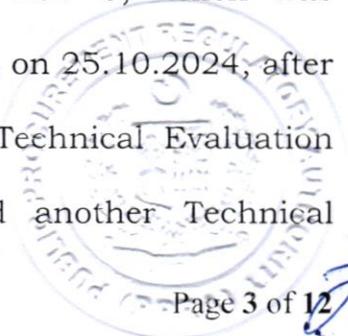
3. The counsel of the appellant also submitted that, on 28.02.2024, the Respondent No.1 opened the bids submitted by the bidders, including that of the Appellant, in the tender enquiry no. CE/DEV/GEPCO/PMU/T&G/2023-24/NCB-STG-DW-02 (the "Tender"). The said Tender was evaluated via Single Stage Two Envelope method. The Appellant submitted its bid only for LOT 1-4 out of the 6 lots of the Tender. Thereafter, on 04.03.2024, the Respondent No.1 wrote letter to the Appellant and M/s Trace Engineering & Consultant to submit sales tax / income tax return for verification of turnover against the Tender. In response, M/s Trace Engineering & Consultant's Letter attached the financials of another foreign entity to add Rs.200 Million in its annual turnover so as to meet the financial qualification criteria of the bidding documents.

4. The counsel of the appellant further submitted that during the evaluation of the Tender, the Respondent No.1 also wrote letter to FBR to inquire about / confirm the financial details provided by M/s Trace Engineering & Consultant. On 19.07.2024, the Assistant Commissioner Inland Revenue, Mr. Awais Aftab Butt, responded to the



Respondent's Letter wherein it stated that "*there is no record available with FBR regarding Rs.200 Million declared in Gilgit Baltistan record. Detail of any such receipts may be verified from relevant Gilgit Baltistan tax authority*". Moreover, the Assistant Commissioner Inland Revenue noted that on 07.03.2024 (post submission of the bid by M/s Trace Engineering & Consultant to Respondent), the said entity revised its financials for the year 2022 from Rs.34,291,369/- to Rs.162,020,643/- with the Federal Board of Revenue. Therefore, M/s Trace Engineering & Consultant altered its financial position post submission of the bid and submitted the same to the Respondent No.1.

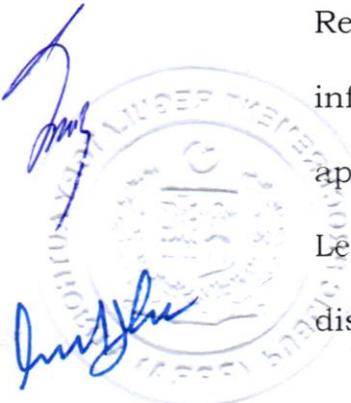
5. The counsel of the appellant added that on 23.08.2024, after the above correspondence with the relevant officers and confirmation that the financial information provided by the Respondent No.1 declared the Technical Evaluation Report (1<sup>st</sup> Technical Evaluation Report) wherein it declared the bids submitted by the M/s Trace Engineering & Consultant for LOT 1-3 as non-responsive. At the same time, the Respondent No.1 declared that the bids submitted by the Appellant in terms of LOT 1, 2 & 4 were responsive, apart from LOT 3, which was declared non-responsive. Subsequently, on 25.10.2024, after a lapse of two months from the 1<sup>st</sup> Technical Evaluation Report, the Respondent No.1 issued another Technical



Evaluation Report (“2<sup>nd</sup> Evaluation Report”) wherein, the bids submitted by M/s Trace Engineering & Consultant was declared as responsive. Further, until the filing of Appeal, the Respondent No.1 has not evaluated the financial proposal of the bidders in respect of the Tender.

6. The counsel of the appellant further added that on 28.10.2024, the Appellant filed a grievance before the GRC of the Respondent No.1 via its letter no. SSE/GEPCO/GRC/DW-2/M2/01 (“Grievance”) wherein it challenged the procurement process and the issuance of the 2<sup>nd</sup> Technical Evaluation Report. On 21.11.2024, 24 days after filing of the Grievance by the Appellant, the GRC of the Respondent No.1 dismissed the Grievance, hence, this Appeal.

7. On the other hand, the learned counsel of the Respondent No.1 raised preliminary objections and submitted that the instant appeal is neither maintainable nor entertain able as it fails to demonstrate any procedural violations or fundamental breaches of the Public Procurement Rules, 2004 (“PP Rules, 2004”) by the Respondent No.1. No vested right of the Appellant has been infringed, nor has any decision been made contrary to the applicable procurement laws justifying intervention by this Learned Authority. Hence, the appeal is liable to be dismissed outright. Further that, the appeal under reply is

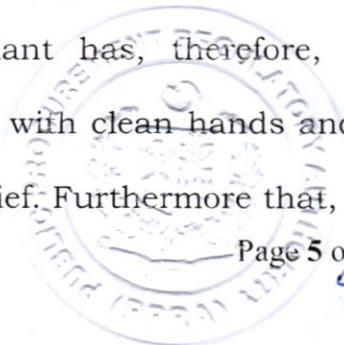


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vague and devoid of any specific allegations or instances of misconduct or illegality on the part of the Respondent No.1. The Appellant has merely raised generalized grievances without substantiating its claims. Therefore, the appeal is liable to be dismissed for lack of merit.

8. The counsel of the Respondent No.1 also submitted that the entire procurement process, including the evaluation of bids, the actions of the GRC and the issuance of technical evaluation reports, has been conducted in strict compliance with the PP Rules, 2004. The Appellant has failed to identify any provision of the Rules that has been violated by the Respondent No.1. Moreover, the appeal under reply has been filed with malafide intent and ulterior motives to disrupt the procurement process and delay its finalization. The Appellant's actions are not bona fide and appear to be driven by commercial rivalry rather than any genuine grievance against the Respondent No.1.

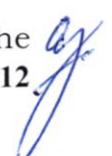
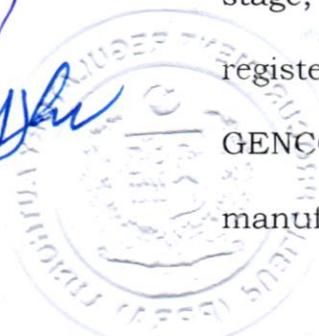
9. The counsel of the respondent No.1 raised further objection that the Appellant has misrepresented material facts and deliberately suppressed critical information regarding the reasons for the issuance of revised technical evaluation reports and the findings of the Grievance Redressal Committee. The Appellant has, therefore, not approached this Learned Authority with clean hands and is not entitled to any discretionary relief. Furthermore that, the



Appellant's contentions are based on a gross misinterpretation of the provisions of the PP Rules, 2004. The Appellant has erroneously alleged procedural violations where none exist, thereby rendering the appeal untenable. That the appeal is manifestly meritless, vexatious, and an attempt to frustrate the procurement process. It is, therefore, liable to be dismissed summarily with exemplary costs under the applicable rules.

10. The counsel of the Respondent No.1 added that the GRC acted within its jurisdiction and authority in resolving the grievances raised by the Appellant. The findings of the GRC are final and binding under Rule 48 of the PP Rules, 2004, and no legal basis exists for this appeal to challenge the same.

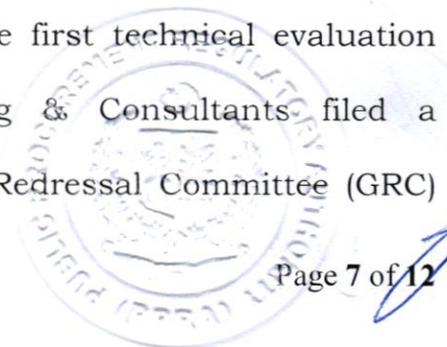
11. The counsel of the Respondent No.1 highlighted the background of the instant case and submitted that the respondent No.1 issued an advertisement (GEPCO Tender Notice: Invitation for Bids) on 22.01.2024, under sealed Tender No. CE/DEV/GEPCO/PMU/T&G 2023-24/NCB-STG-DW-2. The tender invited bids, categorized lot-wise from Lot-I to Lot-VI for the supply of items on a single-stage, two-envelope basis. Eligible participants include registered or prequalified firms with DISCOs, NTDC, WAPDA, GENCOs, and PEPCO, or their authorized dealers, manufacturers, or suppliers. The items must meet the



required specifications and drawings, with no element of foreign exchange involved, and must be delivered free carrier.

12. The counsel of the Respondent No.1 also submitted that on 28.02.2024, the Respondent opened the bids submitted by four bidders who participated in Tender Inquiry No. CE/DEV/GEPCO/PMU/T&G/2023-24/NCB-STG-DW-2, along with their respective firm documents, as required under the criteria for technical responsiveness. Following a detailed evaluation, M/s EMCO Industries Lahore and M/s Trace Engineering & Consultants were declared non-responsive in the first technical evaluation report dated 23-08-2024. Further submitted that the bids were evaluated strictly in accordance with the tender document's specified criteria. The tender included detailed instructions to bidders, conditions of the tender, and technical specifications, all of which were critical for assessing the technical responsiveness of the bids. M/s Trace Engineering & Consultants was declared as "Non-Responsive", for the reasons as illustrated in the GEPCO letter no: 3273-74/CE/DEV/T&G, dated, 20.08.2024.

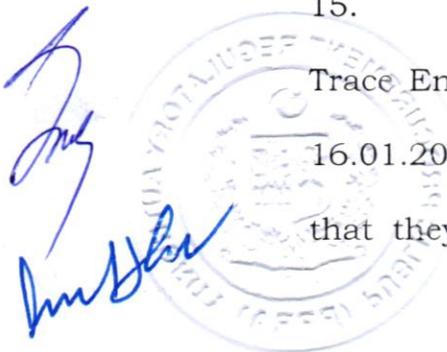
13. The counsel of the Respondent No.1 further added that after issuance of the first technical evaluation report, M/s Trace Engineering & Consultants filed a grievance before the Grievance Redressal Committee (GRC)



on 21.08.2024, within the prescribed seven days' time limit. During this process, M/s Trace Engineering & Consultants provided explanations to the reasons as demonstrated in their initial submission. These explanations were acknowledged during the 2<sup>nd</sup> technical evaluation, and the firm was subsequently declared responsive in the revised evaluation report.

14. The counsel of the respondent No.1 further argued that, after issuance of the 2<sup>nd</sup> technical evaluation report, the appellant M/s Siddique Sons, filed a grievance before the GRC on 28.10.2024, raising objections regarding the evaluation process. The Respondent No.1 (GEPCO), submitted a detailed reply on 21.11.2024, addressing the grievances through para-wise responses. It was clarified that the GRC acted within its authority under the procurement rules, and the grievances raised by M/s Siddique Sons were found to be without merit. The Appellant has now filed the instant appeal before the Authority, alleging procedural violations and non-compliance with the PP Rules, 2004. The Respondent No.1 firmly denies all allegations and requested for dismissal of the instant appeal.

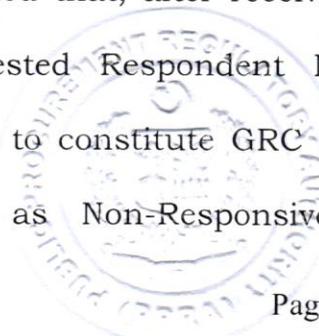
15. On the other side, the counsel of the M/s Trace Engineering & Consultants filed an application dated 16.01.2025 before the Authority, wherein, they submitted that they also participated in the tender in question and



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through the technical evaluation report, the applicant was declared responsive. Thereafter, the Appellant filed a complainant against the technical evaluation report before GRC, which was dismissed, hence, this Appeal. Therefore, in this scenario, their valuable rights are in issue in the instant appeal and any outcome in the matter is directly linked with the applicant's rights in the tender process, therefore, requested to make them a necessary and proper party in the appeal.

16. Upon this, appellate committee considered the request of M/s Trace Engineering & Consultants and a notice for hearing was also served to the Respondent No.02 i.e., M/s Trace Engineering & Consultants. The learned counsel of the Respondent No.02 appeared before the Committee and submitted that their firm participated in the Tender No.CE/DEV/GEPCO /PMU/T&G/2023-24/NCB-STG-DW-2, which was floated by Respondent No. 1. The Tender was opened on 28.02.2024 under Single Stage Two Envelope Procedure. Further, the Technical Evaluation Report was also uploaded on 23.08.2024, wherein the Respondent No. 02 was declared Non-Responsive by the Respondent No. 01. Further added that, after receiving the letter dated 20.08.2024, requested Respondent No. 01 through letter dated 21.08.2024 to constitute GRC against the decision of declaring it as Non-Responsive. The



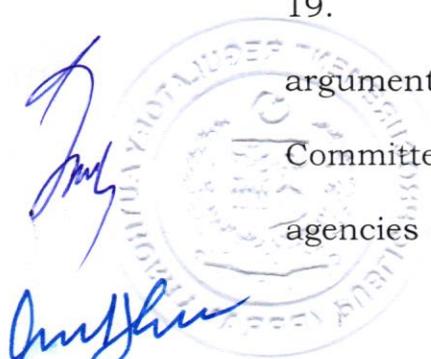
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Respondent, through the letter dated 21.08.2024, gave a detailed response to all the reasons that were given by the Respondent No. 02 for declaring it as Non-Responsive.

17. The counsel of the Respondent No. 02 further submitted that, after detailed deliberations, the stance of the Respondent No. 02 was accepted, the Technical Evaluation Committee of Respondent No.1 was directed to re-evaluate the financial credentials of the Respondent No.02. Thereafter, the 2<sup>nd</sup> Technical Evaluation Report was uploaded on 25.10.2024, wherein, the Respondent No. 02 was declared Responsive.

18. The counsel of the Respondent No. 02 further argued and highlighted that the Appellant, since the start of the Tender proceedings, is trying to sabotage the whole process, more specifically, to oust the Respondent No. 02 from participating in the process. The Appellant, at every stage, initiated various frivolous and baseless complaints, objections and actions against the Respondent, with the sole purpose to disqualify it from participating in the tender. Hence, request for dismissal of the instant appeal.

19. After perusal of all available record and arguments made by both the parties, the Appellate Committee ("the Committee") observed that all the procuring agencies are under obligation to carry out the procurement



process through e-Pak Acquisition and Disposal System (EPADS) under Rule 7A of the PP Rules, 2004 and the Regulations made thereunder i.e. e-Pak Procurement Regulations, 2023. However, in the instant case, the respondent i.e., Gujranwala Electric Power Company (GEPCO) conducted the said procurement process manually, which is contrary to the abovementioned Rule & Regulations. This fact is sufficient to nullify the entire procurement process.

20. The Committee also observed that as per Rule 23(4) of the Public Procurement Rules, 2004 "Procuring agencies shall use standard bidding documents as and when notified by regulation by the Authority". However, in the instant case, the respondent did not use standard bidding documents as required in the said rule, therefore, it is also contrary to the PP Rules, 2004.

21. The Committee further observed that as per Rule 26(3) of the Public Procurement Rules, 2004, the procuring agency shall ordinarily be under an obligation to process and evaluate the bid within the stipulated bid validity period. However, under exceptional circumstances and for reason to be recorded in writing, if an extension is considered necessary, all those who have submitted their bids shall be asked to extend their respective bid validity period. Such extension shall be for not more than the period

equal to the period of the original bid validity. However, in the instant case, the respondent (GEPCO) did not seek extension in the bid validity period from the respective bidder and the original or extended bid validity period has already been expired, therefore, it is also a clear violation of the said Rule.

22. In the light of abovementioned reasons, the Committee is of the view that since the instant procurement process became infructuous hence, required to be reinitiated. Therefore, the appeal in hand is **disposed of** accordingly.

  
**(Dr. Muhammad Aslam Waseem)**  
Director General (Legal)  
(Member)

  
**(Sheikh Afzaal Raza)**  
Director (M&E)  
(Member)

  
**(Hasnat Ahmad Qureshi)**  
Managing Director (PPRA)  
(Chairman of the Committee)

*Each page of the order has been signed by all members of the Appellate Committee. The order comprises of twelve (12) pages.*

