



Appeal No. PPRA/AP-02/2025
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
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SHORT ORDER

M/s SPGEC-HRK-SB (JV)

...the "Appellant"

Vs.

National Highway Authority (NHA), etc.

...the "Respondent(s)"

Date of Hearing 07.04.2025	Mr. Ahmed Nawaz <i>(On behalf of Appellant)</i> Mr. Abdur Rehman (Director P&CA), Mr. Fahad Rashid (DD P&CA) <i>(On behalf of Respondent)</i>
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

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

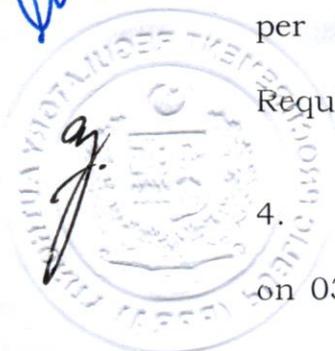
2. At the outset of the hearing, learned counsel of the appellant i.e., M/s SPGEC-HRK-SB (JV) submitted that the National Highway Authority (the Respondent) invited potential bidders for the procurement of the projects titled "Dualization

and Rehabilitation of Karachi-Quetta-Chaman Road (N-25) from Karachi-Kararo (232 KM) & Wadh-Khuzdar (41 KM); Total Length of 273 KM” and “Dualization of Kararo-Wadh Section (83-KM) & Kuchlak - Chaman Section (104-KM) of National Highway (N-25), (Length: 187-KM)”.

3. The counsel of the appellant also submitted that M/s SPGEC-HRK-SB is consisting of M/s Sichuan Province Geological Engineering Complex, M/s HRK & Co., and M/s Shah Builders (the Appellant), who all have come together forming a joint venture (JV) consortium. The Appellant participated in the prequalification for Section-IIA [From Uthal to Bela-(70.7 KM)] of Project with the name of “Dualization and Rehabilitation of Karachi-Quetta-Chaman Road (N-25) from Karachi-Kararo (232 KM) & Wadh-Khuzdar (41 KM); Total Length of 273 KM” and Section-VI [From Kuchlak to Chaman (KM 332+500 to KM 395+000)] of “Dualization of Kararo-Wadh Section (83-KM) & Kuchlak-Chaman Section (104-KM) of National Highway (N-25), (Length: 187-KM)”. The Appellant met the criteria set forth by the procuring agency in both of the said Projects Prequalification, however, was disqualified from the bidding process / pre-qualification process for the project as per Clause 2.1 of Section III (Qualification Criteria & Requirements) of the Pre-Qualification (PQ) Documents.

4. The counsel of the Appellant further submitted that, on 03.12.2024, the Appellant, in order to approach the next

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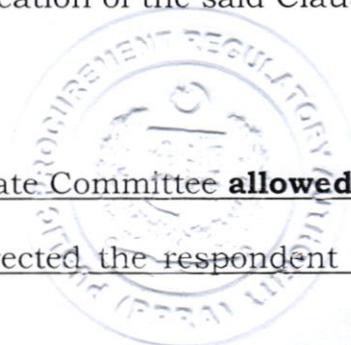


statutory forum, wrote / filed letter before the Convener of GRC of respondent. After that, the Convener of GRC avoiding the legal advice of his own in-house legal team, went ahead and upheld the decision of the procurement committee by merely stating "it is to inform that the GRC has unanimously decided to maintain yours dis-qualification." Hence, filed the instant appeal.

5. On the other hand, learned representative of the respondent i.e., National Highway Authority (NHA) raised preliminary objections and denied all the assertions made by the counsel of the appellant.

6. In light of above and the reasons *to be recorded*, the Appellate Committee is of the considered opinion that the Appellant was wrongly disqualified from the pre-qualification process for the project under the Clause 2.1 of Section III (Qualification Criteria & Requirements) of the Pre-Qualification (PQ) Documents. The matter / issue regarding the past performance such as the termination of previous contracts with the appellant has already been challenged in the different courts hence, the matter is sub-judice. Therefore, the disqualification of the Appellant by implication of the said Clause is not rightly justified.

7. In view of above, the Appellate Committee **allowed / accepted** the instant appeal and directed the respondent to



allow the Appellant to participate in the bidding / procurement process and to provide a reasonable time to submit his bid so that the spirit of Rule 4 of the Public Procurement Rules, 2004 may be fulfilled.

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

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

(Hasnat Ahmed 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 four (04) pages.

