



No. PPRA/RP-05/2025
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
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ORDER

M/s Hussain Construction Services

...the "Petitioner"

Vs.

Pakistan Petroleum Limited

...the "Respondent"

<u>Date of Hearing</u> 07.10.2025	<p><i>Mr. Owais Awan (Advocate), Mr. Kaleem Ehsan Goraya (Advocate), Mr. Dost Ali Baloch (Advocate)</i></p> <p style="text-align: right;">(On behalf of Petitioner)</p> <p><i>Mr. Salman Abbas, Sardar Haseeb Ahmed, Mr. Muhammad Ali Rahman, Ms. Muneeba Khan, Mr. Adeel Peter</i></p> <p style="text-align: right;">(On behalf of Respondent)</p>
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**REVIEW PETITION UNDER RULE 19(3) OF THE PUBLIC PROCUREMENT
RULES, 2004**

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

2. At the very outset, learned counsel of the petitioner submitted that, being aggrieved and dissatisfied by the Order dated 07.09.2021 passed by Respondent (i.e., Pakistan Petroleum Limited / the Procuring Agency) bearing No. 14/SV/15383 ("Impugned Order"), the Petitioner invoked the jurisdiction of the Public Procurement Regulatory Authority (PPRA) ("Authority") seeking review of the Impugned Order

under Rule 19(3) of Public Procurement Rules, 2004 ("Rules") read with Regulations for "Procedure of filing and disposal of Review Petition under Rule 19(3)," 2021 and Regulations on "Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024" including all other enabling laws.

3. The counsel of the petitioner also submitted that they had participated in the process of procurement for tender titled "*Construction of Access Road, Jetties, Well and Camp Site Locations and Logistics Provision through Sea Water / Tidal Creeks at Dolphin X-1 Well*" bearing Tender No.PD/E&C/PT/1583/2020 dated 08.12.2020 published by the Respondent. Further, the counsel of the Petitioner submitted that their bid was found technically non-compliant on account of its failure to adhere to the mandatory technical evaluation criteria. As a result, they were disqualified and excluded from the bidding process. However, when they requested for return of the bids, the officials from the office of Respondent demanded illegal gratification and upon refusal, Respondent went ahead with mala-fide intentions and proceeded to cause wrongful harm to the Petitioner.

4. The counsel of the petitioner further submitted that, after a lapse of several months, the Petitioner received Show Cause Notice (SCN) dated 21.04.2021 issued by Respondent wherein, it was alleged that during verification of the bid documents, Work Order and Performance Certificate for "*Construction of Fish Landing Jetty & Allied Harbor Work at Pishukan West Bay Gwadar*" were found to be forged / fake / non-genuine and the Petitioner was given only three (3) days by Respondent to submit a written reply. In response, the Petitioner submitted reply to Show Cause Notice dated 23.06.2021, wherein, the Petitioner maintained his innocence and requested for an independent probe and full investigation into the allegation of misrepresentation of the Work Order and Performance Certificate.

5. The counsel of the petitioner also added that, as per the Petitioner's stance, without giving a fair opportunity of personal hearing or conducting an impartial inquiry into the allegations, the Respondent passed Impugned Order dated 07.09.2021 thereby blacklisting the Petitioner from public procurements throughout Pakistan for a period of ten (10) years. Resultantly, the Public Procurement Regulatory Authority issued letter dated 21.02.2022 bearing no. F. No. 1-



8/Blacklisting/IT/2022 blacklisting the Petitioner for a period of ten (10) years w.e.f 18.02.2022 to 17.02.2032.

6. At the last, the counsel of the petitioner also submitted that the Petitioner filed Application for Redressal of Grievances dated 11.02.2025 before the Redressal of Grievances Committee of the Respondent which has not been decided or disposed till to date. Hence, filed this instant Review Petition.

7. On the other side, learned counsel of the respondent i.e., Pakistan Petroleum Limited raised preliminary objections regarding the instant review petition and submitted that this Petition is wholly misconceived, legally untenable, and evidently filed beyond the prescribed statutory limitation. As per Rule 19(3) of the Public Procurement Rules, 2004, provides that a review petition may be filed within thirty (30) days of communication of blacklisting or barring action. The blacklisting order against the Petitioner was issued by the Respondent on 07.09.2021 and was duly communicated and published. Further, the Petitioner has approached this Authority nearly four years later, without any condonation or lawful justification for such an extraordinary and inexcusable delay. The filing of a civil suit before a court that lacked jurisdiction cannot extend or suspend the statutory limitation period. The limitation prescribed under Rule 19(3) is mandatory, not directory, and goes to the root of jurisdiction. Therefore, the petition is not maintainable as being hopelessly time-barred.

8. The counsel of the respondent also submitted that the instant Petition is liable to be dismissed for being a subsequent and improper attempt to reopen a matter that has already been adjudicated upon. The Petitioner previously instituted Civil Suit No 1250/2021 before the Senior Civil Judge, Karachi South, which was dismissed on 01.12.2022, specifically on the ground that the Petitioner failed to avail the statutory remedy provided under Rule 19(3) of the PP Rules, 2004. Despite that, the Petitioner did not avail the statutory remedy of review within the prescribed time. The Petitioner cannot now claim the benefit of a review that was never pursued when available, and certainly not years after the prescribed period. The Petitioner is attempting to reopen an issue that has already been dealt with by bringing it before another forum after failing in the first.



9. The counsel of the respondent further submitted that the instant Petition raises no new legal or factual grounds that were not already considered and disposed of by the Respondent during the blacklisting process. A Show Cause Notice was issued, a reply was received, and an independent verification of the documents in question submitted by the Petitioner during the bidding process confirmed that the same were forged. The Petitioner did not dispute the verification at the time nor seek any personal hearing. The reliance on Articles 10-A and 18 of the Constitution is equally misplaced, the blacklisting was carried out under a valid statutory framework, in compliance with the procedural safeguards under the Public Procurement Rules, 2004. The present petition merely repeats earlier assertions, without offering any credible rebuttal, new evidence, or are apparent on the record that would warrant invoking review jurisdiction under Rule 19(3) of the PP Rules, 2004.

10. The counsel of the respondent also submitted that the Petitioner's reliance on the 2021 Review Regulations and the 2024 Mechanism for Blacklisting and Debarment is legally misconceived. The blacklisting in question was imposed on 07.09.2021 under Rule 19(1)(a) of the Rules, and the applicable framework at the time. Subsequent procedural instruments do not apply retrospectively, nor can they revive a remedy that had already lapsed under the framework applicable at the relevant time. The Petitioner's reliance on subsequently introduced regulations to avoid the consequences of limitation and to reopen concluded proceedings is misconceived and has no basis in law.

11. The counsel of the respondent further argued and submitted that, at that time during the verification of documents submitted with the Petitioner's bid, PPL identified discrepancies in two key documents; (i) a purported Work Order, and (ii) a corresponding Performance Certificate, both relating to an alleged project titled "*Construction of Fish Love Jeny & Allied Harbor Work at Pishukon West Bay, Gwadar.*" In view of these discrepancies, a formal Show Cause Notice dated 21.04.2021 was issued to the Petitioner, outlining the allegation that the submitted documents were forged or fabricated. The Petitioner was granted an opportunity to submit a written response within three days.

12. The counsel of the respondent also submitted that the Petitioner submitted a written reply dated 23.04.2021 in

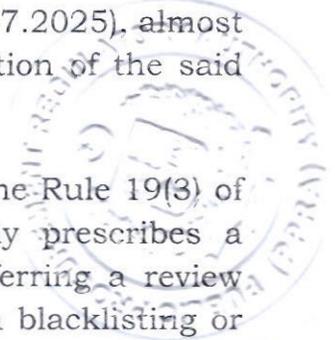
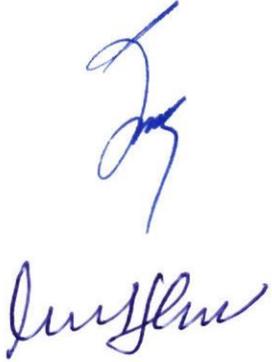


response to the aforementioned Show Cause Notice, however, the reply failed to address the core allegation of having submitted forged documents. The Petitioner failed to provide any explanation in respect of the authenticity of the Work Order or Performance Certificate in question, nor provided any supporting material enclosed to rebut the allegation. The reply did not include any request for a personal hearing or an independent inquiry, and at no point did the Petitioner directly contest the verification findings. The response, therefore, did not amount to a substantive reply to the contents of the Show Cause Notice.

13. At the last, the counsel of the respondent also added that, following the Petitioner's reply, PPL carried out verification of the submitted documents with the relevant public authority. It was officially confirmed that the Work Order and Performance Certificate relied upon by the Petitioner were not genuine and had not been issued by the concerned department. In light of this confirmation, PPL concluded that the Petitioner had engaged in a fraudulent practice within the meaning of Rule 2(f)(iv) of the Public Procurement Rules, 2004, Consequently, acting under Rule 19(1)(a), PPL issued a reasoned order dated 07.09.2021, blacklisting the Petitioner and its sole proprietor from participation in procurement proceedings for a period of ten (10) years, hence request for dismissal of the instant review petition.

14. After perusal of all relevant record and arguments made by both the parties, the Committee observed that, the instant Review Petition has been filed under Rule 19(3) of the Public Procurement Rules, 2004 read with the "Procedure for Filing and Disposal of Review Petition under Rule 19(3)" Regulations, 2021. However, the record reveals that the impugned blacklisting order was passed on 07.09.2021 and duly communicated to the Petitioner in the same year, whereas the present petition was instituted before the Authority in the month of July 2025 (i.e., 16.07.2025), almost four (04) years after the date of communication of the said blacklisting order.

15. The Committee also observed that the Rule 19(3) of the Public Procurement Rules, 2004 clearly prescribes a limitation period of thirty (30) days for preferring a review petition from the date of communication of a blacklisting or barring action. The Petitioner has failed to establish any



reasonable justification for such extraordinary delay / lapse of time. The pendency of civil litigation before a court lacking jurisdiction does not suspend, extend, or revive the limitation prescribed by statute.

16. The Committee further observed that, on perusal of the record, it revealed that the Respondent had issued a Show Cause Notice dated 21.04.2021, granted opportunity to submit a written reply, and received a response from the Petitioner dated 23.04.2021. The record also demonstrates that the Respondent conducted independent verification of the documents relied upon by the Petitioner and confirmed their non-genuineness from the issuing authority. The Petitioner did not, at any stage, submit evidence to rebut, disprove or challenged these verification findings.

17. It is, therefore, evident that the Petitioner has failed to point out any error apparent on the face of the record, procedural irregularity, or miscarriage of justice that would warrant interference with the impugned blacklisting order in the exercise of review jurisdiction under Rule 19(3) of the Public Procurement Rules, 2004.

18. For what the reasons and observations mentioned above, the review petition in hand is hereby **dismissed being time barred** and disposed of accordingly.



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



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



(Hasnat Ahmed Qureshi)
Managing Director (PPRA)
(Chairman of the Committee)

Note: A copy of this order is being forwarded to Director-IT, PPRA, Islamabad) for information.

Each page of the order has been signed by all members of the Review Petition Committee. The order comprises of **six (06)** pages.