



**No. PPRA/RP-06/2025**  
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 Munir & Co.

**...the "Petitioner"**

Vs.

Gujranwala Electric Power Company Limited (GEPCO), etc.

**...the "Respondent"**

<b><u>Date of Hearing</u></b>  <b>28.10.2025</b>	<i>Mr. M. Shahid Piracha (ASC), Mr. Mustafa Piracah (Advocate), Mr. Munir</i>  <i>(On behalf of Petitioner)</i>  <i>Barrister Qassim Duggal, Mr. Hamaad Ayub (D.D PS&amp;C PMU)</i>  <i>(On behalf of Respondent)</i>
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**REVIEW PETITION UNDER RULE 19(3) OF THE PUBLIC PROCUREMENT  
RULES, 2004**

The above mentioned learned counsel(s) 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 i.e., M/s Munir & Co submitted that the Petitioners were

lawfully awarded the contract titled “*Work for Construction of Tower Foundation Type ZM-16 Meter Raised (01-No) of Location No. 33 of 132 KV Transmission Line Narowal–Pasrur*” vide Award of Contract Letter No. 4657-62/PD/GSC dated 23.09.2019, for a total contract price of Rs. 928,446/-. In faithful compliance with the award, the Petitioners mobilized their resources at site and executed the work in its entirety amounting to the said value.

3. The counsel of the petitioner also submitted that they successfully completed the project on 18.10.2019, and the same was duly verified and accepted by the competent authority. Consequently, a Work Completion Certificate was issued on 23.01.2020, conclusively acknowledging the satisfactory completion of work in accordance with the approved specifications, drawings, and standards. That after an inordinate lapse of 649 days (1 year, 9 months, and 10 days) following completion, an unforeseen incident occurred on 28.07.2021, whereby the foundation was compromised, resulting in the collapse of Tower No. 33 and disruption of the 132 KV Narowal–Pasrur transmission line. It is respectfully submitted that such lapse of time demonstrates that the failure, if any, was not attributable to any defect in the Petitioners’ workmanship or materials but rather to extraneous causes beyond their control, including possible operational, environmental, or maintenance factors.


4. The counsel of the petitioner further submitted that, in pursuant to the said incident, the Director General (HR & Admin), GEPCO, initiated an inquiry through Letter No. 3/166-71/CEO/GEPCO/ENQ-81 dated 13.09.2021, to ascertain the reasons for the tower collapse and fix responsibility, if any. Moreover, the Inquiry Committee, after conclusion of proceedings, submitted its report dated 07.03.2022, wherein it, inter alia, recommended the debarment of M/s Munir & Co. and proposed disciplinary action against departmental officers, namely Mr. Khalid Nazir, Sub-Engineer (GSC), GEPCO, and Mr. Abubakar Rafique, SDO, GEPCO. The inclusion of departmental officers in the recommendations clearly indicates that the alleged failure was not solely or primarily attributable to the Petitioners, but rather resulted from multiple administrative and technical lapses within GEPCO's own supervisory framework.

5. The counsel of the petitioner further added that, without affording the Petitioners any fair opportunity of personal hearing or defense, the Respondent No. 2, i.e., *Standing Committee for Blacklisting, GEPCO*, proceeded to pass the Impugned Order vide Letter No. 2099/83727-47 dated 21.04.2025, whereby the Petitioner was declared "Blacklisted" and "cross-debarred" from participation in civil work tenders for a period of **three years** effective from the

*Amir Khan*

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date of issuance of the said document. The operative portion of the order reads as under:

*“As such the sufficient grounds have been established for debarment of M/s Munir & Co. Lahore. Thus, in view of the foregoing, the said contractor is hereby ‘Blacklisted’ and henceforth cross debarred for participation in Civil Work tenders for a period of 03 years effective from the date of issuance of this document.”*

6. The counsel of the petitioner also submitted that the Respondents failed to issue a Show Cause Notice as required under Regulation No. 7 of SRO 460(I)/2024. The said Regulation mandates that before initiating any penal or adverse proceedings, a proper show cause notice must be duly served upon the concerned party. In the instant case, no such notice was ever issued to the Petitioners. Consequently, the entire proceedings stand vitiated being contrary to law, and are therefore null and void. Moreover, the mandatory procedural and substantive requirements for issuance of a valid show cause notice were not fulfilled. The failure to comply with these legal prerequisites renders the entire process unlawful and void. It is a settled principle that where the foundational procedural step such as a valid show cause notice is absent, all subsequent proceedings automatically collapse. Therefore, aforesaid blacklisting order dated 21.04.2025 is patently illegal, arbitrary, and mala fide and it was passed without due notice, show-cause, or opportunity of hearing, in contravention of the principles of


natural justice and Rule 19 of the Public Procurement Rules, 2004, hence this review petition.

7. On the other side, learned counsel of the respondent i.e., Gujranwala Electric Power Company Limited (GEPCO) submitted that the instant appeal is misconceived, devoid of merit, and an attempt to mislead this Authority through vague assertions and distorted facts. The record clearly establishes that the Respondent (GEPCO) acted strictly in accordance with law and procedure. The collapse of the 132KV Narowal-Pasrur transmission tower was a direct result of the Appellant's poor workmanship, substandard materials, and gross negligence in the execution of the foundation work at Location No. 33, which failed merely one and a half years after completion. The Respondent's actions were driven by the imperative to protect public property, ensure public safety, and maintain uninterrupted electricity supply to consumers.

8. The counsel of the respondent also submitted that, upon receipt of the initial report from XEN SS&T/L GEPCO Gujranwala dated 17.08.2019, regarding severe erosion of the tower foundation due to flooding at Nala Daik, urgent remedial measures were ordered by the Chief Engineer (T&G) vide letter dated 09.10.2019. The Project Director, GSC GEPCO, accordingly initiated restoration work to avert the imminent risk of tower collapse. Subsequently, tender for

construction of an additional ZM-01+6m tower at Location No. 33 was floated on 30.08.2019 at an estimated cost of Rs. 1,076,997/-. Out of seven firms who purchased bidding documents, four bidders submitted their bids, and the contract was awarded to M/s Munir & Co. on 23.09.2019 for completion within 10 days. However, the work was completed on 18.10.2019 with an undue delay of 14 days, resulting in imposition of liquidated damages as per contract.

9. The counsel of the respondent further submitted that, on 28.07.2021, the said tower collapsed due to foundation failure, leading to a major breakdown in power supply. A site inspection committee was immediately constituted, followed by testing by M/s GEO Search Laboratory. The tests revealed extremely poor quality of concrete and deficient workmanship core samples could not even be recovered from two of the piles due to disintegration. These findings clearly established that the Appellant failed to meet basic construction and safety standards, thereby endangering public infrastructure. The Appellant's negligence caused significant financial loss and disruption of essential public services.

10. The counsel of the respondent also added that, in light of the said findings, an Inquiry Committee was constituted by DG (HR & Admin), GEPCO, vide Office Order dated 13.09.2021, under Section 3 of the GEPCO

Blacklisting Policy. After exhaustive investigation and examination of relevant officials and the contractor, the Committee, through its report dated 07.03.2022, found M/s Munir & Co. guilty of gross negligence and recommended blacklisting for three years. The matter was referred to the Standing Committee for Blacklisting vide letter dated 31.12.2024, which duly issued show-cause notices to the Appellant on 03.01.2025 and 23.01.2025. Despite repeated reminders / opportunities, the Appellant failed to respond or appear for hearing, thereby forfeiting its right of defense under Section 7 of S.R.O. 460(I)/2024.

11. The counsel of the respondent further submitted that, thereafter, the GEPCO Blacklisting Committee, in its meeting dated 14.04.2025, unanimously decided to blacklist the Appellant for a period of three years, exercising powers under Rule 19(b) of the Public Procurement Rules, 2004. The decision was duly conveyed vide letter dated 21.04.2025. The Appellant subsequently filed an appeal before the Chief Executive Officer, GEPCO, on 07.05.2025 and was granted a personal hearing on 16.06.2025, during which it failed to provide any satisfactory justification or documentary evidence to rebut the findings. The Appellant's claim of procedural violations or denial of fair hearing is therefore baseless and contrary to the record.

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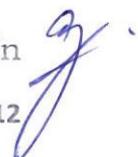
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12. The counsel of the respondent also submitted that the petition in hand is not maintainable under the law as no violation of the Public Procurement Rules, 2004, or S.R.O. 460(I)/2024, has been demonstrated. The Respondent followed all mandatory requirements, including issuance of show-cause notices, personal hearing, and inquiry proceedings in line with the GEPCO Blacklisting Policy. The Appellant neither produced CMTL test reports nor complied with contractual terms. The plea of "emergency work" cannot absolve the Appellant of liability, as the principle of implied warranty of good workmanship mandates adherence to quality standards irrespective of urgency. Furthermore, the Appellant's shifting stance regarding submission of test reports constitutes a violation of the "Rule of Consistency" and reflects mala fide intent to distort facts before this Authority.



13. At the last, the counsel of the respondent also submitted that the impugned decision of blacklisting is based on concrete evidence, expert findings, and due process. The Appellant has failed to raise any new or substantial ground warranting interference by this Authority. The premature failure of a public transmission structure constitutes gross negligence, waste of public funds, and breach of trust. The Respondent's action to debar the Appellant was lawful, necessary, and proportionate to ensure accountability and prevent recurrence of such negligence. In



view of the above, the Respondent prayed that the instant review petition be dismissed with costs, being frivolous, vexatious, and devoid of merit.

14. After perusal of all relevant record and arguments made by both the parties, the Committee observed that the core issue before the Committee in this petition is whether the impugned order of blacklisting dated 21.04.2025 was passed in accordance with the applicable laws, regulations, and principles of natural justice. It is relevant to mention that, it is an admitted position that the Petitioner, M/s Munir & Co., was awarded the contract titled "*Work for Construction of Tower Foundation Type ZM-16 Meter Raised (01-No) of Location No. 33 of 132 KV Transmission Line Narowal-Pasrur*" vide Letter No. 4657-62/PD/GSC dated 23.09.2019. The work was completed on 18.10.2019 and a Work Completion Certificate was issued on 23.01.2020, confirming compliance with contractual standards. The incident of tower collapse occurred on 28.07.2021, approximately one year and nine months after completion of the work.

15. The Committee also observed that Petitioner's principal contention revolves around alleged procedural irregularities specifically, non-issuance of a proper *Show Cause Notice* as required under Regulation 7 of S.R.O. 460(I)/2024, and lack of opportunity of hearing prior to passing the impugned order. The Petitioner asserts that the blacklisting decision was rendered *ex parte*, contrary to Rule

19 of the Public Procurement Rules, 2004, and the settled principles of natural justice. On the contrary, it has been averred that the Standing Committee for Blacklisting issued two letters dated 03.01.2025 and 23.01.2025, followed by multiple reminders, but the Petitioner failed to submit a response or appear before the Committee. The Respondent has further placed reliance on inquiry findings, core test results by M/s GEO Search Laboratory, and internal reports demonstrating poor quality of concrete and workmanship.

16. The Committee further observed that it is an admitted fact that the order of blacklisting was issued by the Respondent, GEPCO, on 21.04.2025. At that time, the "Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024" had already been notified and brought into force on 28.03.2024. Therefore, the Respondent was legally bound to act and proceed strictly in accordance with the said Regulations. However, contrary to the mandatory provisions thereof, the Respondent initiated and conducted the blacklisting proceedings against the Petitioner under its own departmental blacklisting policy, instead of following the prescribed regulations.

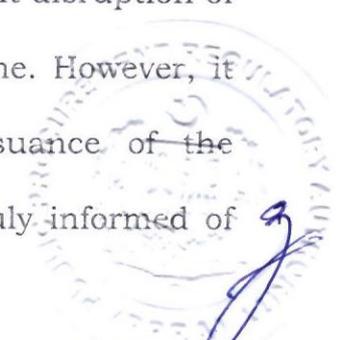
17. It is further an admitted fact that the Respondent issued letters dated 03.01.2025 and 23.01.2025 in relation to the blacklisting of the Petitioner, purportedly offering an opportunity of hearing through the said communications.



However, it is pertinent to note that these letters did not conform to the standard format of a show cause notice as envisaged under the applicable laws / regulations. Moreover, the essential component of a statement of allegations, necessary to enable the Petitioner to furnish an informed and meaningful response, was conspicuously absent from the said letters.

18. The Committee further observed that upon careful examination of the inquiry report dated 07.03.2022, it was revealed that responsibility for the incident was attributed both to the contractor, *M/s Munir & Co.*, and to the concerned departmental officers of GEPCO. The said report, while identifying deficiencies in the construction works and substandard quality of concrete, simultaneously pointed out lapses in supervision and shortcomings within GEPCO's monitoring mechanism. The recommendation for initiating disciplinary proceedings against the concerned departmental officers clearly indicates that the cause of failure was not exclusively attributable to the contractor alone. Therefore, in view of the findings contained in the said report, the petitioner cannot be completely absolved of responsibility for the collapse of Tower No.33 and the consequent disruption of the 132 KV Narowal-Pasrur Transmission Line. However, it is an admitted fact that prior to the issuance of the blacklisting order, the petitioner had been duly informed of

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the initiation of blacklisting proceedings through respondent's letters dated 03.01.2025 and 23.01.2025.

19. In view of the foregoing facts and observations, the review petition in hand is **partially accepted** and the period of blacklisting imposed upon the petitioner is hereby **reduced from three (03) years to six (06) months** accordingly, effective from the date of the original blacklisting order, i.e., 21.04.2025.

  
(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 implementation of this order.

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

