



**No. PPRA/RP-07/2025**  
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 Shandong Taikai Disconnecter Co. Ltd.

**...the "Petitioner"**

Vs.

National Grid Company of Pakistan *formerly* NTDC, etc.

**...the "Respondent"**

<b>Date of Hearing</b>  <b>09.10.2025</b>	<i>Mr. M. Hanzala Advocate, Mr. Babar Adrees</i>  <i>(On behalf of Petitioner)</i>  <i>Mr. Ali Ahmad Shah Advocate, Ms. Nazish Fattah Advocate, Mr. Aqib Noor Advocate.</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 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 i.e., M/s Shandong Taikai Disconnectors Co. Ltd., submitted that the impugned blacklisting order dated 31.07.2025, passed / issued by the Respondent i.e., National Grid Company of Pakistan Ltd. (NGC), is illegal, arbitrary, and void ab initio. The Petitioner participated in Tender No. NOR-115-

R1-2024, opened on 24.06.2024, conducted under the Single Stage Two Envelope procedure for the procurement of 500kV Disconnectors (Lot-II). In compliance with Clause 13.3(b) of the Bid Data Sheet, the Petitioner furnished an apostille-notarized contract copy and a performance certificate from Ethiopian Electric Power (EEP) dated 23.09.2022. Upon post-bid clarification, the Petitioner provided a revised performance certificate dated 28.08.2024, duly issued on EEP's letterhead, along with the relevant contract documents. NGC directly verified the same with EEP via email on 02.09.2024, and EEP confirmed authenticity on 18.09.2024. The Petitioner even offered, vide letter dated 24.09.2024, to bear all costs for NGC's visit to EEP for physical verification or alternatively to the Sahiwal Project in Pakistan.

3. The counsel of the petitioner also submitted that, despite full compliance, NGC arbitrarily declared Lot-II "re-tendered" in October 2024 and later declared the Petitioner non-responsive through letter dated 10.12.2024 without assigning any reasons. Subsequently, after expiry of bid validity, NGC issued a show-cause notice dated 16.01.2025, alleging submission of fake certificates. The Petitioner approached the Hon'ble Lahore High Court through Writ Petition No. 5953/2025 and, in compliance with Court's direction dated 02.07.2025, NGC was bound to provide a fair hearing. The Petitioner duly responded vide letter dated 22.07.2025, however, disregarding the Court's order and the

Petitioner's clarifications, the respondent (NGC) passed the impugned blacklisting order dated 31.07.2025.

4. The counsel of the petitioner further submitted that the Respondent's action of blacklisting the Petitioner is in gross violation of Article 18 of the Constitution, which safeguards the right to engage in lawful trade and business. The Hon'ble Supreme Court in PLD 1999 SC 1126 (New Jubilee Insurance Co. v. NBP) has held that blacklisting must be based on substantive material evidence and cannot rest upon assumptions. The present case demonstrates that NGC acted solely on conjecture without any documentary or substantive proof of forgery or fraud. The Petitioner's documents were verified directly by EEP, and the record bears no evidence of falsification or fabrication. The blacklisting order is thus contrary to the principles of due process and natural justice.

5. The counsel of the petitioner also added and submitted that, under Sections 25, 463, and 464 of the Pakistan Penal Code, forgery requires conclusive proof of a false document and intention to defraud. The respondent neither established any element of intent nor produced any proof of falsification. The Petitioner's certificates contained identical verified content traceable to the original contract and project details, which negates any allegation of fabrication. The Supreme Court in 2003 SCMR 341 emphasized that the burden of proving forgery lies on the alleging authority

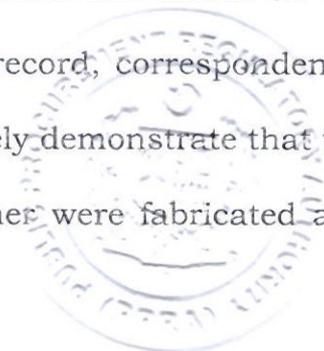
through best available evidence, a standard that NGC wholly failed to meet. Likewise, in 1987 PCr.L.J 247, it was held that fraud cannot be presumed but must be proven through positive intent. The Petitioner's bona fide conduct, repeated offers for verification, and transparency demonstrate the absence of any fraudulent intent or misrepresentation.

6. The counsel of the petitioner also submitted that, even if minor procedural irregularities existed in the presentation of certificates, such deviations cannot be treated as fraud warranting blacklisting. The certificates were genuine and issued by the authorized end-user, and any formatting or procedural inconsistency cannot deprive the Petitioner of participation in public procurements. It is a settled principle that no one should be penalized for procedural irregularities where no mala fide or deceit is established. Hence, the impugned order is an excessive and disproportionate penalty inconsistent with PPRA principles of fairness and proportionality.

7. The counsel of the petitioner further submitted that the impugned order is tainted with discrimination and mala fide intent, as evident from the respondent's lenient treatment of M/s S.A.R.A Energy Construction Trade & Industry Co. Inc. (Turkey), which admittedly submitted a forged NESPAK inspection certificate in another project (ADB-401B-2022, Lot-V). Despite clear confirmation of forgery by NESPAK through letter dated 16.12.2024, the respondent merely issued a

warning letter dated 08.05.2025, citing long-term relations. Conversely, the Petitioner, whose documents were duly verified by the issuing authority, was blacklisted. This selective enforcement violated Article 25 of the Constitution and the mandatory provisions of PPRA blacklisting framework, hence filed this review petition.

8. On the other side, learned counsel of the respondent i.e., National Grid Company of Pakistan Ltd. (NGC) raised the preliminary objections regarding the instant review petition and submitted that the said Review Petition is not maintainable as the Petitioner has approached this Authority with unclean hands, having submitted fabricated, forged, and fraudulent documents during the procurement process in violation of the mandatory provisions of the bidding documents and the Public Procurement Rules, 2004 ("PP Rules, 2004"). The Respondent lawfully declared the Petitioner's bid as non-responsive and initiated blacklisting proceedings in accordance with Rule 19 of the PP Rules, 2004. These proceedings are a legitimate and necessary measure to preserve the transparency and integrity of public procurement. The Petitioner has failed to establish any procedural irregularity, illegality, or mala fide intent on the part of NTDC. On the contrary, the record, correspondence, and third-party verification conclusively demonstrate that the documents submitted by the Petitioner were fabricated and misleading.



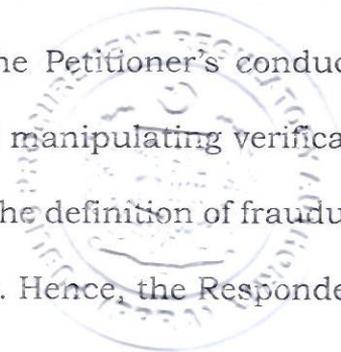
9. The counsel of the respondent also submitted that they invited bids under Tender No. NOR-115-R1-2024 titled "Procurement of 500kV Disconnectors for Asset Management under NTDC's Own Resources," opened on 24.06.2024, in which the Petitioner participated. Under Clauses 13.3(b) and 14.1 of the Instructions to Bidders (ITB), each bidder was required to furnish duly notarized contract agreements and verifiable end-user certificates. The Petitioner submitted a purported Performance Certificate and Operation Report dated 28.08.2024, which, upon scrutiny, revealed serious discrepancies including missing initials and seals, inconsistent fonts, mismatched stamps, and digitally altered headers and footers bearing "Ethiopian Electric Power." Further, in response to NTDC's verification email dated 23.08.2024, the alleged end user failed to confirm the authenticity of the certificates attached to the Petitioner's post-bid clarification. The Petitioner also failed to produce the original certificates or a verifiable chain of correspondence, despite repeated directions by NTDC. The available correspondence revealed that NTDC's official address was not copied in communications, indicating collusion and interference in the verification process.

10. The counsel of the respondent further submitted that, the end-user's response(s) dated 23.08.2024 and 02.09.2024 failed to mention any contract agreement number or project name, rendering the documents unverifiable. The

Petitioner, in its response to the Show Cause Notice dated 12.02.2025, admitted that it had no direct contractual relationship with Ethiopian Electric Power and was merely a subcontractor of China Electric Power Equipment and Technology (Hong Kong) Limited. Consequently, the alleged Performance Certificate issued in the Petitioner's name holds no legal or evidentiary value. The submission of falsified certificates constitutes fraud under Section 17 of the Contract Act, 1872, and forgery within the meaning of Sections 463 and 471 of the Pakistan Penal Code, 1860 ("PPC"), which criminalize the making and use of forged documents with intent to deceive. Under Rule 19 of the PP Rules, 2004, any bidder found engaged in fraudulent or corrupt practices must be debarred or blacklisted.

11. The counsel of the respondent also added and submitted that the Petitioner's deliberate omission to produce original or verifiable documents attracts an adverse presumption under Articles 117 and 129 of the Qanun-e-Shahadat Order, 1984, that the originals, if produced, would have gone against the Petitioner. It is a settled principle that fraud unravels everything (*fraus et jus nunquam cohabitant*), any transaction tainted with deceit stands void ab initio and non-existent in the eyes of law. The Petitioner's conduct of submitting falsified documents and manipulating verification correspondence clearly falls within the definition of fraudulent practice under the PPRA framework. Hence, the Respondent's



decision to declare the bid non-responsive and initiate blacklisting proceedings is legally justified, proportionate, and in consonance with the governing law and judicial precedent, including 2025 SCMR 955.

12. At the last the counsel of the respondent also submitted that this Hon'ble Authority may be pleased to dismiss the Review Petition filed by the Petitioner, uphold the Respondent's lawful decision of declaring the Petitioner's bid as non-responsive, and affirm the blacklisting of the Petitioner under Rule 19 of the Public Procurement Rules, 2004, for an appropriate period, so as to preserve the sanctity and transparency of the public procurement process.

13. After perusal of all relevant record and arguments made by both the parties, the Review Petition Committee ("the Committee") observed that the core issue in the instant case is that, whether the Petitioner's submitted Performance Certificate and related documents were genuine and duly verifiable, or whether the Respondent (NGC) lawfully concluded that the Petitioner submitted forged or fabricated documents, thereby warranting blacklisting under Rule 19 of the Public Procurement Rules, 2004 ("PP Rules, 2004"), or such conclusion was based on assumption and without conclusive proof of fraud.

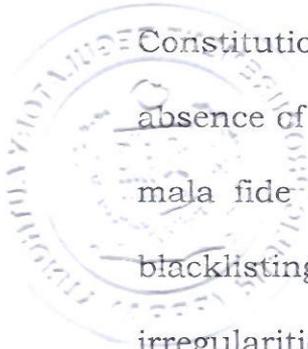
14. The Committee also observed that the petitioner i.e., M/s Shandong Taikai Disconnectors Co. Ltd., participated in

Tender No. NOR-115-R1-2024 for procurement of 500kV Disconnectors (Lot-II) under the Single Stage Two Envelope procedure. In compliance with Clause 13.3(b) of the Bid Data Sheet, the Petitioner furnished apostille-notarized contract documents and a Performance Certificate issued by Ethiopian Electric Power (EEP) dated 23.09.2022, later resubmitted in revised form on 28.08.2024. The record reflects that the Petitioner responded to all clarification requests, submitted supporting documentation, and even offered to bear all expenses for physical verification either at EEP's office or at the Sahiwal Project site in Pakistan. The Committee further notes that EEP, through its email dated 18.09.2024, confirmed the authenticity of the certificate to NGC's designated address. Hence, the Committee finds that prima facie, the Petitioner made consistent efforts to ensure transparency and verification of its documents.

15. The Committee further observed that the discrepancies highlighted by the Respondent such as variations in formatting, missing initials, or digital presentation are of a technical or procedural nature and do not, in themselves, constitute proof of forgery or fabrication. The Respondent did not produce any independent verification or official denial from the issuing authority (EEP) disowning the certificates. On the contrary, the confirmation issued by EEP and the absence of any contradictory communication create doubt on the Respondent's conclusion of fraud.

16. The Committee is of the considered view that blacklisting, being a serious penal consequence, requires strict compliance with due process and must rest upon substantive and conclusive evidence, as held by the Hon'ble Supreme Court in **PLD 1999 SC 1126 (New Jubilee Insurance Co. v. NBP)** and **2003 SCMR 341**. In the present case, the Respondent has failed to demonstrate intent to deceive or fraudulent intent as required under Sections 17 of the Contract Act, 1872 and Sections 463 and 471 of the Pakistan Penal Code, 1860. The available record does not establish mens rea, nor does it meet the evidentiary standard necessary to brand the Petitioner's conduct as fraudulent. The Committee is therefore of the view that the blacklisting order dated 31.07.2025 was issued without sufficient legal or factual basis and in contravention of the principles of natural justice.

17. The Committee also noted that the Respondent's selective approach in dealing with similar cases such as issuing mere warnings to other bidders found with questionable documentation raises legitimate concerns of inconsistency and discrimination, contrary to Article 25 of the Constitution of Islamic Republic of Pakistan 1973. In the absence of any deliberate concealment, misrepresentation, or mala fide on part of the Petitioner, the extreme action of blacklisting cannot be sustained. Even if minor procedural irregularities were present, such lapses do not amount to



fraud and could have been addressed through clarification, warning or disqualification of the relevant procurement, rather than a punitive debarment.

18. In view of the foregoing observations, the Review Petition Committee holds that the impugned blacklisting order dated 31.07.2025, issued by the respondent i.e., National Grid Company of Pakistan Ltd., suffers from procedural and evidentiary deficiencies and was passed without conclusive proof of fraudulent intent or fabrication. The Committee therefore finds merit in the Review Petition.

19. For what the reasons and observations mentioned above, the instant review petition is **allowed** and blacklisting order dated 31.07.2025 passed by the respondent is hereby **set aside**.

  
(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)

**Note:** A copy of this order is being forwarded to Director-IT, PPRA, Islamabad) for implementation of this order and to **de-list the petitioner's company i.e., M/s Shandong Taikai Disconnectors Co. Ltd** from the list of active blacklisted / debarred firms on PPRA's website.

*Each page of the order has been signed by all members of the Review Petition Committee. The order comprises of Eleven (11) pages.*