



**No. PPRA/AP-28/2025**  
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 Global Technologies

*...the "Appellant"*

Vs.

Lahore Electric Supply Company (LESCO) *through its CEO, etc.*

*...the "Respondent(s)"*

<b><u>Date of Hearing</u></b>  <b>02.10.2025</b>	<p>Mr. M. Hanzala (Advocate), Mr. Alam Zaib Khattak (Advocate), Mr. Usman Iqbal</p> <p style="text-align: right;"><i>(On behalf of Appellant)</i></p> <p>Barrister Qasim Arif Duggal, Mr. M. Azam Malik (Advocate), Mr. Aamir Fazal (Deputy Manager, Design), Ms. Sadaf Zahid (Addl. Dy. Manager, Design)</p> <p style="text-align: right;"><i>(On behalf of Respondent, LESCO)</i></p> <p>Mr. Muzaffar Islam (Advocate), Mr. M. Moeen Nisar</p> <p style="text-align: right;"><i>(On behalf of Respondent No.6, M/s M.N Enterprises)</i></p>
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**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004, AGAINST THE IMPUGNED DECISION OF THE LESCO GRC DATED 14-07-2025 REGARDING TENDER NO.708 AND TENDER NO.706 FOR THE SUPPLY OF STEEL POLES (TYPE SPA, SPD AND TYPE SPG RESPECTIVELY) OPENED ON 17-04-2025.**

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

2. Through the instant Appeal, the Appellant challenged the decision of the Grievance Redressal Committee

(GRC) of Lahore Electric Supply Company (LESCO) dated 14.07.2025. At the outset, the learned counsel of the appellant i.e., M/s Global Technologies submitted that they filed the instant appeal under Rule 48(7) of the Public Procurement Rules, 2004 against the Tender No. 708/PMU. The GRC upheld LESCO's evaluation report dated 04.06.2025, which declared the appellant's bid as non-responsive and accepted the bid of M/s M.N. Enterprises (Respondent No.6) for the said Tender opened on 17.04.2025. The appellant contends that the GRC's decision is arbitrary, lacks transparency, and violates the Public Procurement Rules, 2004, as well as principles of natural justice and constitutional protections.

4. The counsel of the appellant also submitted that the subject tender was issued by LESCO for the supply of 132kV Steel Tubular Poles. The Appellant submitted its bids in accordance with the Instructions to Bidders (ITB), eligibility criteria, and technical specifications outlined therein. The LESCO through its evaluation report dated 04.06.2025, while accepting M/s M.N. Enterprises' bid, declared the Appellant as "non-responsive" on the grounds that the supply record provided indicates the bidder supplied STG material only once in 2023, which does not meet the eligibility criteria. The relevant part of the report is reproduced here for the easy reference:

*"Supply records provided with the bid shows that the bidder has supply STG materials once in 2023, which doesn't fulfill the criteria. Therefore, bidder doesn't fulfill the qualification criteria set forth as per SBD".*

5. The counsel of the appellant also submitted that, being aggrieved, the Appellant filed a grievance with LESCO's GRC on 05.06.2025, which was heard on 19.06.2025. The Appellant submitted clarifications / comments to the GRC on 03.07.2025 to advance arguments stated in the GRC request. However, the GRC rejected the grievance on 14.07.2025. The

GRC issued the impugned order dated 14.07.2025, stating therein: *"The grievance of M/s Global Technologies, Lahore is not justified clause 51.1(b) of the bidding document against the subjected tenders 706/PMU and 708/PMU."*

6. The counsel of the appellant further submitted that the Respondent's decision, communicated through the LESCO Project Management Unit (PMU) vide letter No. 6616-18/DEV/PROC/706-708/PMU dated 14.07.2025, whereby the grievance of M/s Global Technologies Lahore was dismissed, is legally flawed and factually unsustainable. The GRC erred in upholding the eligibility of M/s M.N. Enterprises for Tender No. 708/PMU, despite its evident non-compliance with Clause 51.1(b) of the Bidding Documents, as amended by Corrigendum No. 35111-16/DEV/Proc/PMU dated 09.04.2025. The said clause explicitly requires that a bidder, if not a manufacturer, must possess at least three (03) years' experience in the supply or import of STG material of the *same nature*, duly supported by import records signed and stamped. LESCO itself defined "same nature" to mean at least one contract of 132kV STG material, including circuits, breakers, CTs, PTs, lightning arrestors, and steel tubular poles of type SPA and SPD. M/s M.N. Enterprises, however, failed to furnish any proof of prior experience or supply of 132kV Steel Tubular Poles (Type SPA & SPD) as stipulated, rendering its bid non-responsive. The Respondent's decision to treat such a bid as eligible amounts to an erroneous application of the evaluation criteria.

7. The counsel of the appellant further added that the GRC also failed to adhere to the procedural requirements prescribed under Rule 48(6) of the Public Procurement Rules, 2004, which obligates the Committee to decide a complaint within ten (10) days of its receipt. The complaint in the instant matter should have been decided by 15.06.2025, however, LESCO communicated its decision on 14.07.2025,

in clear contravention of the statutory timeframe. The Appellant's grievance before the GRC, *inter alia*, highlighted that M/s M.N. Enterprises lacked experience in the supply of 132kV SPA and SPD type poles, which are unique to Pakistan and have distinct technical specifications and characteristics not comparable to poles used in China (110kV or 220kV). Moreover, the bidder failed to provide the mandatory performance certificates under Clause 53.1 of the Bidding Documents, further substantiating its ineligibility.

8. The representative of the appellant also submitted that the Appellant's proposed manufacturer, M/s Qingdao Qiangli Steel Structure Co. Ltd., China, possesses over fifteen (15) years of experience in supplying steel tubular poles to Pakistani DISCOS and NTDC, with proven quality, type testing, and satisfactory operational performance. Despite this, the Appellant's bid was declared non-responsive, whereas the bid of M/s M.N. Enterprises lacking requisite experience, performance certificates, and type test credentials was unjustifiably declared responsive. Such selective application of the criteria under Clauses 51 (General Experience), 52 (Contractual Experience), and 53 (Operational Certificates) not only violates the principles of fair competition and equal treatment enshrined in the Public Procurement Rules, 2004, but also raises concerns of favouritism and procedural bias.

9. At the last, the counsel of the appellant further submitted that the impugned GRC decision violates constitutional protections guaranteed under Articles 4, 10A, and 18 of the Constitution of the Islamic Republic of Pakistan, 1973. The arbitrary rejection of the Appellant's compliant bid and the acceptance of a non-compliant one, constitute a denial of fair dealing, fair trial, and the freedom to conduct lawful trade. The decision undermines transparency, accountability, and the level playing field

required under the PPRA regulatory framework. Therefore, the GRC's impugned order dated 14.07.2025, being contrary to law, procedure, and established judicial principles, deserves to be annulled, and the matter reconsidered in accordance with Clauses 51, 52, and 53 of the Bidding Documents and the governing procurement laws, hence this appeal.

10. On the other side, learned counsel of the respondent i.e., Lahore Electric Supply Company (LESCO) submitted that the Lahore Electric Supply Company (LESCO) floated two separate tenders, namely Tender No. 706/PMU for the supply of 132 kV Steel Tubular Poles (Type: SPD) and Tender No. 708/PMU for the supply of Steel Tubular Poles (Type: SPA, SPD & SPG). Subsequently, in exercise of powers conferred under Clause 9.1 of Section-II of the bidding documents, LESCO issued a corrigendum modifying Clause 51.1(b) relating to "General Experience." The said tenders attracted participation from three firms in Tender No. 706/PMU and four firms in Tender No. 708/PMU, including the Appellant, M/s Global Technologies, Lahore, and the Most Advantageous Bidder, M/s M.N. Enterprises, Lahore. Both tenders were opened on 17.04.2025 in the presence of the participating bidders. The evaluation was conducted in accordance with Rule 35 of the Public Procurement Rules, 2004 ("PP Rules"), and separate technical and financial evaluation reports were prepared by the Chief Engineer (TS) Design, duly approved by the Chief Engineer (Development) PMU, LESCO on 04.06.2025, and thereafter communicated to all participants and uploaded on the official website.

11. The counsel of the respondent also submitted that the Appellant was dissatisfied with the evaluation outcome, therefore, filed a grievance petition before LESCO's GRC on 05.06.2025, which was received in the office of Chief Engineer (Development) PMU on 11.06.2025. In compliance with due process, the Chief Engineer (Development) referred the matter

to the General Manager (Technical), LESCO, as Convener of the GRC, vide Letter No. 5523-93 dated 16.06.2025. The GRC convened a detailed hearing on 19.06.2025, wherein both the Appellant and representatives from the evaluation committee were afforded equal and ample opportunity to present their respective positions. Upon detailed deliberation in light of the evaluation reports and relevant provisions of the bidding documents, the GRC unanimously concluded that the complaint of M/s Global Technologies was unjustified under Clause 51.1(b). Its recommendations were accordingly communicated to the Chief Engineer (Development) PMU, LESCO, via letters No. 518-22 and 523-27 dated 25.06.2025. Despite this, the Appellant submitted an additional letter dated 03.07.2025 reiterating its earlier stance, which was duly considered before LESCO and communicated its final decision through Letter No. 6616-18/DEV/PROC/706-708/PMU dated 14.07.2025, dismissing the grievance of the appellant.



12. The representative of the respondent also submitted that the appellant (M/s Global Technologies) had quoted M/s Qingdao Qiangli Steel Structure Co. Ltd., China, as the manufacturer for the subject poles. However, the bidder failed to meet the mandatory qualification criterion under Clause 51.1(b), which requires at least three (03) year experience in the supply or import and supply of Steel Tubular Galvanized (STG) material. The record furnished by the Appellant demonstrated only one transaction involving the supply of STG material (in 2023 to QESCO), whereas the remaining contracts pertained to non-STG items such as excavators and road construction machinery. Consequently, the bid of M/s Global Technologies was deemed "Non-Responsive" for non-fulfilment of the stipulated experience requirement.



13. The representative of the respondent (LESCO) further added that, in contrast, the respondent no. 06 i.e.,



M/s M.N. Enterprises, quoted M/s Jiangsu Guohua Tube Tower Manufacture Co. Ltd., China, as manufacturer, successfully demonstrated compliance with all experience, performance, and contractual requirements under Clauses 51.1(b), 52.1, and 53.1 of the bidding documents, supported by documentary proof of multiple international and domestic supplies of 132 kV Steel Tubular Poles since 2009. Their undertaking for conducting fresh type tests within the delivery period, as per Clause 11.1(n), further substantiated their responsiveness.

14. The counsel of the respondent (LESCO) further submitted that the Appellant was afforded due process at all material stages, including a detailed hearing before the GRC, where its grievance was heard at length. The Appellant's subsequent contention that the GRC decision was non-speaking or non-reasoned is misconceived, as the underlying evaluation report and minutes of the GRC meeting explicitly set out the rationale for rejection. The Appellant could have, at any time, sought access to the GRC minutes or supporting documents under the Right of Access to Information Act, 2017, but chose instead to file a frivolous appeal. The claim of discrimination is equally untenable, as the Appellant's own documentary record establishes that it lacked the requisite three-year experience in supply of STG material, which cannot be substituted with unrelated machinery supplies.

15. The representative of the respondent (LESCO) further added and submitted that the same bidder (respondent no. 06), M/s M.N. Enterprises, with the same manufacturer, had previously participated in Tenders No. 693 and 694 for the procurement of 132 kV Steel Tubular Poles and was declared responsive after thorough evaluation. Upon a similar complaint in those cases, an independent Inquiry Committee reaffirmed the correctness of the evaluation report and confirmed that M/s M.N. Enterprises fulfilled the criteria

prescribed under the bidding documents. The findings of that Inquiry Report, specifically under Terms of Reference (T.O.R) Nos.3 and 4, validated the evaluation's accuracy and demonstrated that M/s M.N. Enterprises had indeed met the required experience and contractual obligations. Therefore, the Appellant's assertion regarding non-eligibility of M/s M.N. Enterprises is factually and legally baseless. Additionally, all bidders were requested to extend their bid validity up to 14.10.2025, and the subject tender remains under active consideration of LESCO's management.

16. At the last, the counsel of the respondent also submitted that the entire evaluation process, the decision of the GRC, and the determination of bid responsiveness were carried out strictly in accordance with the Public Procurement Rules, 2004 and the provisions of the bidding documents. The Appellant was lawfully declared non-responsive due to its failure to meet the mandatory requirement of similar experience, whereas M/s M.N. Enterprises was rightly adjudged as the most advantageous and technically eligible bidder. It was further contended that if the Appellant had any objection to the evaluation criteria stipulated in the bidding documents, the proper course under Rule 48(2) of the PP Rules was to challenge the same before the Procuring Agency at the relevant stage, and, if still aggrieved, to subsequently file an appeal before this Authority. However, the Appellant chose not to raise any such objection at the material time and voluntarily participated in the bidding process under the stated criteria. Accordingly, the present appeal is devoid of merit, misconceived in law, and liable to be dismissed.

17. On the other hand, learned counsel of the respondent no. 06 i.e., M/s M.N. Enterprises submitted that the present appeal is frivolous, misconceived, and constitutes a clear abuse of process. The Appellant, having failed to meet the mandatory technical and eligibility criteria prescribed

under the bidding documents, seeks to frustrate a legitimate public procurement process through vexatious litigation. This conduct is consistent with the Appellant's previous pattern of filing repetitive grievances in earlier advertisements of the same tender, reflecting mala fide intent to obstruct the procurement and prevent the Procuring Agency from awarding the contract. Such misuse of appellate forums undermines the sanctity of the procurement framework and is contrary to the public interest. It is further submitted that the Bid Validity Period was originally expiring on 17.06.2025 and now extended by the successful bidder, i.e., respondent no. 06 (M/s M.N. Enterprises), until 14.10.2025, is being unnecessarily consumed due to the Appellant's dilatory tactics, thereby jeopardizing the entire procurement and exposing LESCO to potential financial loss and delay in executing critical infrastructure work.

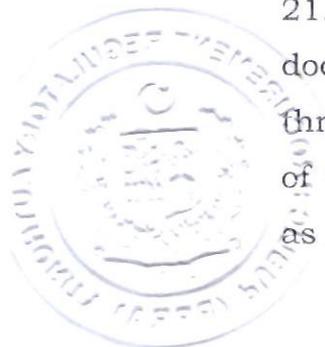
18. The counsel of the respondent no.06 also submitted that, it is a settled principle of procurement law that the technical evaluation of bids lies within the exclusive domain of the Procuring Agency and its evaluation committee, which comprises competent technical experts. The GRC of LESCO thoroughly examined the Appellant's grievance, provided a fair hearing, and issued a reasoned finding based on the record. The Appellant has failed to identify any procedural irregularity, mala fide conduct, or violation of any mandatory rule. Mere disagreement with the GRC's conclusion does not warrant interference by this Hon'ble Forum. Under the PP Rules, a bid that is substantially non-responsive to mandatory criteria such as the requirement for similar experience must lawfully be rejected. The Appellant, having failed to demonstrate three years of experience in supply of similar STG materials, was correctly declared technically non-responsive. There is no evidence that the GRC ignored any material document or misapplied the rules. Hence, the

Appellant's allegations are vague, unsubstantiated, and devoid of merit.

19. At the last, the counsel of the respondent no.06 further submitted that the subject procurement pertains to 132 kV Steel Tubular Poles (SPD), which are vital for LESCO's transmission network and directly affect public electricity distribution. Any delay in contract award caused by this appeal gravely prejudices public interest by risking disruption in electricity infrastructure development. The disqualification of the Appellant was lawful, objective, and in strict accordance with the Bidding Documents and PP Rules, owing to its lack of similar experience, a mandatory, non-negotiable requirement. Conversely, being the successful bidder, M/s M.N. Enterprises, fully satisfied all eligibility, technical, and financial requirements and is backed by a reputable Chinese manufacturer with proven experience in the supply of similar materials. In these circumstances, the appeal deserves outright dismissal to prevent further obstruction to a transparent procurement process and to uphold the principle of timely execution of public utility projects.

20. After perusal of all available record and arguments made by all the parties, the Appellate Committee ("the Committee") observed that, the core issue in the instant appeal revolves around the Appellant's technical disqualification and the GRC decision dated 14.07.2025, which upheld the evaluation report declaring the Appellant's bid as non-responsive.

21. The Committee also observed that the bidding documents explicitly prescribed the requirement of at least three (03) years of relevant experience in the supply or import of Steel Tubular Galvanized (STG) material of similar nature as a mandatory qualification criterion. In this regard, the



LESCO issued following corrigendum modifying Clause 51.1(b) relating to "General Experience":-

*"The bidder (in case bidder is not manufacturer) should have at least **03 years' experience of supply of STG material or three (03) years of import & supply experience of STG material having same nature** (Import record should be attached) duly signed and stamped shall be provided with the bid otherwise bid will be considered as non-responsive. However, **the manufacturer in this case should have 05 years' experience of manufacturing and 03 years' experience of supply of same nature or higher capacity of the offered equipment.** Supply record duly signed and stamped shall be provided with the bid otherwise bid will be considered as non-responsive."*

Contrary to this, the Appellant relied mainly on a single supply transaction executed in 2023, which does not satisfy the prescribed duration or scope of experience. Upon perusal of the record, it is evident that the Appellant's experience credentials did not meet the mandatory qualification criterion of similar experience as per the said modified Clause 51.1(b) of the bidding documents.

22. The Committee also observed that the Appellant did not produce any additional evidence before the GRC or this forum to substantiate the claim of requisite experience. The GRC, therefore, acted lawfully in declaring the bid non-responsive, and its findings are duly supported by the documentary record.

23. The Committee further observed that the Appellant did not challenge the evaluation criteria or the contents of the bidding documents at the appropriate stage in accordance with Rule 48(2) of the PP Rules, 2004. Having voluntarily participated in the tender process under the stated criteria and submitted a bid accordingly, the Appellant is estopped from questioning those same provisions after being declared technically non-responsive. Therefore, the Committee finds

that such post-evaluation objections are not sustainable in law and amount to an afterthought.

24. As per the available record, the Committee also observed that the successful bidder, M/s M.N. Enterprises (Respondent No. 06), fulfilled all mandatory technical, financial, and past performance criteria as verified through documentary evidence. The selection of the said bidder as the most advantageous bid, therefore, appears to be in conformity with the Rules as well as the prescribed evaluation criteria set out in the bidding documents.

25. For what the reasons and observations mentioned above, the Appellate Committee finds no illegality, irregularity, or procedural lapse in the conduct of the evaluation, the GRC proceedings, or the decision rendered therein. The Appellant has failed to substantiate any ground warranting interference by this Authority. Accordingly, the appeal in hand, is found to be devoid of merit and is hereby **dismissed** and the decision of the Grievance Redressal Committee dated 14.07.2025 is upheld.

  
(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 twelve (12) pages.*

