



No. PPRA/AP-30/2025
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 Eagle Cables (Pvt.) Ltd.

...the "Appellant"

Vs.

Islamabad Electric Supply Company (IESCO), *through its CEO*, etc.

...the "Respondent(s)"

<u>Date of Hearing</u> 21.10.2025	Mr. Hanzala (Advocate), Mr. Alam Zaib (Advocate), Mr. Waseem Asghar <p style="text-align: right;"><i>(On behalf of Appellant)</i></p> Mr. Asif Khan (ASC), Mr. Masood Ahmed (Director Procurement) <p style="text-align: right;"><i>(On behalf of Respondent)</i></p> Mr. Muzaffar Islam (Advocate) <p style="text-align: right;"><i>(On behalf of M/s Al Hussain Traders)</i></p>
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004, AGAINST ILLEGAL AND UNLAWFUL AWARD OF A CONTRACT TO M/S AL HUSSAIN TRADERS [TENDER NO. NCB-158-R]

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. At the outset, learned counsel of the appellant i.e., M/s Eagle Cables (Pvt.) Ltd. submitted that their firm is a reputable company duly incorporated under the Companies Ordinance, 1984 (now Companies Act, 2017), and the instant appeal filed in pursuant to the directions of the Honorable Islamabad High Court in Writ Petition No. 610/2025, dated 31.07.2025, whereby the Honorable Court disposed of the petition with the observation that the Appellant may avail the alternate statutory remedy of filing an appeal under Rule 48 of the Public Procurement Rules, 2004 (hereinafter referred to as "PP Rules").

3. The counsel of the appellant also submitted that they participated in Tenders No. *NCB-156*, *NCB-157*, and *NCB-158* issued by the Respondent, Islamabad Electric Supply Company (IESCO), for the procurement of Steel Tubular Poles Type SPA, SPD, and SPG. The Appellant submitted its bid strictly in accordance with the Instructions to Bidders (ITB), eligibility criteria, and technical specifications. The technical bids were opened on 17.04.2024, and in the Technical Evaluation Report dated 16.05.2024, two bidders namely the Appellant and M/s Al-Hussain Traders were declared responsive. Subsequently, IESCO issued notices for the financial bid opening initially scheduled for 23.05.2024 and later rescheduled to 31.05.2024.



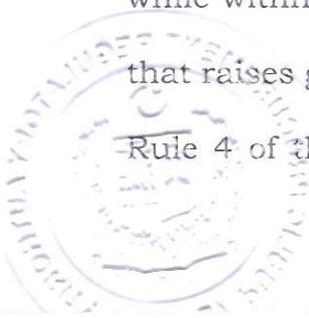
4. The counsel of the appellant further submitted that, following the publication of the Technical Evaluation Report, the Appellant submitted a grievance on 20.05.2024, contesting the responsiveness of *M/s Al-Hussain Traders* on the ground that the said bidder had submitted forged and fabricated documents, including the Certification of Quality Management System, Certification of Environment Management System, and falsified experience certificates purportedly from *M/s Yangzhou Green Power Technology Co. Ltd.*, a non-existent manufacturer. A follow-up grievance dated 27.05.2024 was also filed, urging IESCO's Grievance Redressal Committee (GRC) to declare the said bidder non-responsive.

5. The counsel of the appellant also submitted that they were summoned to a GRC hearing on 03.06.2024 which was duly attended. On 05.06.2024, the Appellant submitted additional written arguments substantiating its earlier allegations. The GRC, after due consideration, concluded through its decision dated 09.07.2024 that *M/s Al-Hussain Traders* had indeed submitted fraudulent documents, constituting corrupt practices under Rule 19 of the PP Rules, 2004, and the Regulations of Blacklisting and Debarment, 2024. Pursuant thereto, IESCO uploaded a revised Technical Evaluation Report on 15.07.2024, declaring *M/s Al-Hussain Traders* as non-responsive in all three tenders.



6. The counsel of the appellant further added and submitted that, in contrary to the spirit of the said GRC findings and in an act tainted with mala fide intent, IESCO, through office orders dated 13.08.2024, abruptly cancelled the aforementioned tenders without assigning any valid reasons, despite the Appellant being the sole remaining responsive bidder. The Appellant, through a representation dated 11.07.2024, had also requested initiation of blacklisting proceedings against M/s Al-Hussain Traders, yet IESCO failed to take any action in that regard. Instead, the Respondent re-advertised the same procurements through *Re-tender Nos. NCB-156-R, 157-R, and 158-R*, for which technical bids were opened on 19.09.2024.

7. The counsel of the appellant also submitted that they participated in *NCB-156-R* and *NCB-158-R* through its manufacturer *M/s Qingdao Qiangli Steel Structure Co. Ltd., China*, and simultaneously submitted multiple intervention requests dated 20.09.2024 and 23.09.2024, reiterating the demand for blacklisting of M/s Al-Hussain Traders in light of the earlier GRC findings. Nevertheless, the Respondent allowed the same bidder to participate in the re-tender process. On 01.10.2024, IESCO uploaded the Technical Evaluation Report for *NCB-157-R*, *declaring* M/s Al-Hussain Traders responsive while withholding the reports for the other two tenders an act that raises grave concerns about transparency and violation of Rule 4 of the PP Rules, 2004. The Appellant challenged this



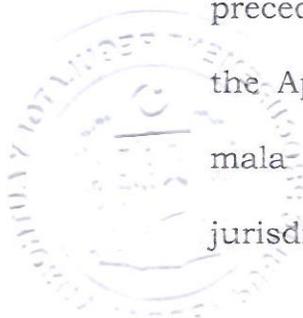
selective disclosure and apparent favouritism through a representation dated 09.10.2024.

8. The counsel of the appellant also added and submitted that, on 18.10.2024, IESCO uploaded Technical Bid Evaluation Summaries for *NCB-156-R* and *NCB-158-R*, declaring both the Appellant and *M/s Al-Hussain Traders* as responsive, and subsequently issued a Notice dated 21.10.2024 for the opening of financial bids on 25.10.2024. The Appellant, being aggrieved by the unlawful declaration of *M/s Al-Hussain Traders* as responsive, filed separate Grievance Petitions dated 23.10.2024 before the GRC, pointing out that the said bidder had now proposed a different manufacturer thus confirming that the documents of its previous manufacturer were fake and further demonstrating that the new manufacturer failed to meet the prescribed experience criteria. However, IESCO rejected the grievance related to *NCB-156-R* on 30.10.2024 without providing reasons or hearing, while the grievance regarding *NCB-158-R* remained undecided.

9. The counsel of the appellant also submitted that being aggrieved by such inaction, the Appellant approached the Honourable Islamabad High Court through *W.P. No. 3180/2024*, resulting in a direction to IESCO to decide the grievance after affording a hearing. Despite the said direction, IESCO issued a premature and non-speaking order dated 30.10.2024, which was subsequently set aside by the

Honourable Court in *W.P. No. 3280/2024* vide order dated 06.11.2024, remanding the matter to the GRC for a fresh decision. Although a hearing was held on 18.11.2024, IESCO failed to issue any reasoned order, and instead proceeded to award the contract through its Final Bid Evaluation Report dated 07.02.2025 in favour of M/s Al-Hussain Traders, the very bidder earlier found guilty of fraudulent conduct. The Appellant's grievance dated 10.02.2025 was dismissed on 14.02.2025 without due consideration, and the same day, the contract was unlawfully awarded to M/s Al-Hussain Traders.

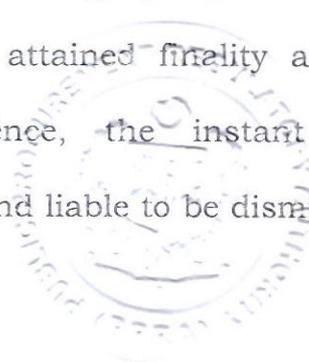
10. At the last, the counsel of the appellant further submitted that, it is pertinent to highlight that a similar instance occurred in a procurement conducted by Multan Electric Power Company (MEPCO), wherein M/s Umair Industries (Pvt.) Ltd. had submitted identical fake documents from the same non-existent Chinese manufacturer, *M/s Yangzhou Green Power Technology Co. Ltd.* In that case, MEPCO's inquiry committee confirmed the fraudulent nature of the documents and consequently terminated the contract, demonstrating proper enforcement of procurement integrity. In stark contrast, IESCO has acted in disregard of both law and precedent by rewarding a proven fraudulent bidder. Therefore, the Appellant, being aggrieved by the illegal, arbitrary, and mala fide actions of IESCO, now invoked the appellate jurisdiction of this Authority under Rule 48(7) of the PP Rules



2004, seeking redress and enforcement of transparency, accountability, and fairness in the procurement process.

11. It is very relevant to mention here that the appellant has filed an application dated 11.09.2025 before this Authority wherein, the applicant / appellant humbly prayed that M/s Al Hussain Traders being a relevant party whose inclusion may assist in the complete determination of the issues involved be added as a respondent party, if this Hon'ble Authority deems it necessary and appropriate in the interest of justice.

12. On the other side, learned counsel of the respondent i.e., Islamabad Electric Supply Company (IESCO) raised preliminary objections on the maintainability of this appeal and submitted that the instant appeal is not maintainable under the law, as the Appellant has failed to assail any specific order of the Procuring Agency. The Appellant has sought cancellation of Tender No. 157R, in which it admittedly did not participate, therefore, it lacks both cause of action and *locus standi*. The Appellant cannot challenge a procurement process in which it was not a participant or aggrieved bidder. Moreover, the Appellant has filed multiple appeals against different tenders and actions of the Procuring Agency taken at different times many of which have attained finality and are now hopelessly time-barred. Hence, the instant appeal is incompetent, misconceived, and liable to be dismissed on this ground alone.



13. The counsel of the respondent (IESCO) also submitted that the Appellant has filed two separate appeals simultaneously, challenging similar actions and seeking identical relief, which is barred under Sections 9 and 10 of the Civil Procedure Code (CPC). The Hon'ble Courts have consistently held that multiple petitions on identical grounds and cause of action are not maintainable. Furthermore, the Appellant has failed to implead the successful bidder, M/s Al-Hussain, as a necessary party both before the Grievance Redressal Committee (GRC) and before this Authority. No adjudication can be made in the absence of the necessary party whose rights would be directly affected, therefore, the appeal is hit by the principle of non-joinder of necessary parties and is liable to be dismissed.

14. The counsel of the respondent (IESCO) further submitted that the instant appeal is also hopelessly time-barred by approximately thirteen (13) months. No application for condonation of delay has been filed, nor has any plausible explanation been offered for such an inordinate lapse. The record reflects that the Appellant's earlier grievance petitions were decided as far back as 09.07.2024 and 11.07.2024, and the decisions were duly communicated to the Appellant, who chose not to challenge them within the prescribed period. Consequently, the matter has become a past and closed transaction. It is a settled principle of law that limitation creates a vested right in favour of the other party, and delayed

claims cannot be entertained. The instant appeal, therefore, deserves dismissal solely on the ground of limitation.

15. The counsel of the respondent (IESCO) also added and submitted that the tenders no. 156, 157, and 158, to which the Appellant has referred, were scrapped for technical reasons such as expiry of bid validity and dissolution of the IESCO Board of Directors (BOD), as no approving committee was available at that time. No bidder, including the Appellant, challenged the decision to scrap the tenders, which has therefore attained finality. Subsequently, the tenders were re-advertised, and the Appellant participated in the re-tendering process with full knowledge and without objection. Only after learning that its bid was technically deficient and financially higher bid, the Appellant attempt to offer a post-evaluation discount contrary to procurement law and initiated frivolous litigation merely to disrupt a transparent process. The Appellant has not pointed out any specific illegality, irregularity, or mala fide on part of the Respondent or the successful bidder.

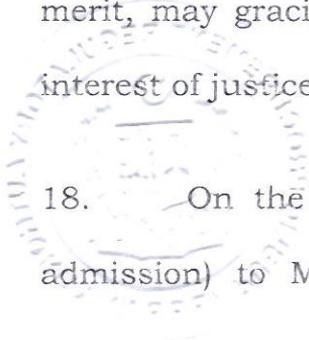
16. The counsel of the respondent (IESCO) also submitted that the chronological record demonstrates that all actions of the Procuring Agency were in strict accordance with law and PP Rules, 2004. The initial tender was opened on 17.04.2024, scrapped on 13.08.2024, and re-advertised on 24.08.2024. Technical bids were opened on 19-09-2024 in the presence of

the Appellant, followed by multiple hearings, decisions, and communications culminating in the GRC decision dated 13.02.2025, duly dispatched to the Appellant on 14.02.2025. The Appellant availed personal hearing opportunities on multiple occasions and even admitted participation in the proceedings in paragraph 13 of Writ Petition No. 610/2025. Despite being heard and communicated with transparently, the Appellant continued to file repetitive and frivolous petitions instead of availing proper legal recourse under Rule 48 of PP Rules, 2004.

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17. At the last, the counsel of the respondent further added and submitted that the Appellant has not approached this Authority with clean hands and has adopted a course of vexatious litigation with mala fide intent to delay lawful procurements. The Appellant is a habitual litigant who has consistently filed false and frivolous petitions since the inception of the project. The appeal also contravenes Rule 48(5) and (7) of the PP Rules, 2004 which bar challenges to technical evaluations after opening of financial bids. In view of the above, it is humbly prayed that the instant appeal, being not maintainable, time-barred, incompetent, and devoid of any merit, may graciously be dismissed with heavy costs in the interest of justice.

18. On the other hand, after issuance of notice (pre-admission) to M/s Al-Hussain Traders their counsel and

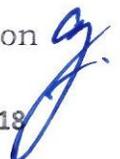


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representative tendered appearance before the Committee and submitted that M/s Al-Hussain Traders, being the lawfully declared successful bidder and contract awardee in the procurement process conducted by the Islamabad Electric Supply Company (IESCO), respectfully tenders this response to the Pre-Admission Notice dated 13.10.2025 and the accompanying Application for Impleadment filed by M/s Eagle Cables (Pvt.) Ltd. before this Authority. The present reply is being submitted solely for the purpose of placing the true and material facts on record in the interest of justice, transparency, and fair adjudication. It is clarified that this reply does not constitute a waiver of any objections as to the maintainability, limitation, or jurisdiction of the instant appeals, which are otherwise incurably defective in law.



19. The counsel of M/s Al-Hussain Trader also submitted that IESCO floated tenders under Contract Nos. 156, 157, and 158 for procurement of materials and execution of works in accordance with the Public Procurement Rules, 2004. The tenders were initially opened on 17.04.2024 with participation of various firms including M/s Al-Hussain Traders and the present Appellant. However, upon dissolution of IESCO's Board of Directors on 24.07.2024, the Tender Committee became dysfunctional, and due to expiry of bid validity, the process was scrapped on 13.08.2024 purely on administrative grounds. Subsequently, after reconstitution of the Board, the tenders were re-advertised on 24.08.2024 and reopened on



19.09.2024, providing all eligible bidders, including the Appellant, a fair and equal opportunity to participate afresh.

20. The counsel of M/s Al-Hussain Trader further submitted that, despite the transparent conduct of the second tendering process, M/s Eagle Cables (Pvt.) Ltd. raised objections dated 09.10.2024 on matters already settled during the earlier scrapped process. The same were duly addressed through a detailed clarification by IESCO on 23.10.2024. The evaluation report was uploaded on the PPRA website on 18.10.2024 in compliance with the PP Rules, followed by the opening of financial bids on 25.10.2024 after disposal of the Appellant's two writ petitions (No. 3180/2024 and 3280/2024) by the Hon'ble Islamabad High Court both decided without any adverse finding against the procurement proceedings. Even thereafter, IESCO's Grievance Redressal Committee heard the Appellant's complaints and issued a reasoned decision on 28.11.2024. Instead of accepting the lawful outcome, the Appellant continued to file multiple petitions, including Writ Petition No. 610/2025, which too was disposed of with directions to pursue the alternate remedy of appeal. The present appeals have thus been filed after an unexplained delay of over eight months from the date of contract award and without impleading the successful bidder.

21. The counsel of M/s Al-Hussain Trader further argued and submitted that the instant appeal is ex facie not

maintainable being hit by the bar of limitation, lack of jurisdiction, non-joinder of necessary party, *and* absence of locus standi. Under Rule 48 of the Public Procurement Rules, 2004 and the Redressal of Grievances Regulations, 2021, any grievance must be lodged before the announcement of the evaluation report and prior to award of contract. The present appeal, filed long after completion and award of procurement, is hopelessly time-barred. Once the contract was awarded, both IESCO and PPRA became functus officio and could not lawfully reopen or revisit a concluded transaction. Moreover, since the Appellant did not participate in tender No. 157R, it cannot be regarded as an "aggrieved person" under procurement law and, therefore, lacks locus standi to challenge the same.




22. The counsel of M/s Al-Hussain Trader also submitted that the conduct of the Appellant clearly demonstrates an abuse of process and mala fide intent. Despite having availed and exhausted multiple remedies before the procuring agency, the Appellant continues to indulge in repetitive and frivolous litigation with the sole aim of obstructing the lawful execution of contracts and causing undue delay and financial harm to both the procuring agency and the successful bidder. The filing of successive petitions and belated appeals after the conclusion of the procurement process undermines the sanctity and finality of public tenders envisaged under the PPRA regime. The impugned interim stay order dated 30.09.2025, passed without

hearing of M/s Al-Hussain Traders, the principal affected party is thus contrary to the principles of *audi alteram partem* guaranteed under Article 10-A of the Constitution and is liable to be recalled.

23. At the last, the counsel of M/s Al-Hussain Trader further submitted that, in the legal context, superior courts have consistently held that once a procurement contract is awarded, the authority becomes *functus officio*, and no grievance redressal jurisdiction remains. Entertaining belated and defective appeals, particularly in the absence of the necessary party, violates due process and undermines public procurement integrity. While M/s Al-Hussain Traders does not oppose its impleadment for record purposes, such impleadment cannot retrospectively cure the fatal defects in the appeal or validate an order passed in violation of natural justice, hence request for dismissal of the instant appeal.

24. After perusal of all relevant record and arguments made by all the parties, the Committee observed that:

- i. The Appellant had submitted a grievance petition dated 23.10.2024 challenging the Technical Bid Evaluation Reports pertaining to NCB Tenders No. 156-R and 158-R, both dated 18.10.2024. In consequence thereof, the Respondent (IESCO) adjudicated the grievance relating to NCB-156-R and rejected the same vide its decision dated 30.10.2024. At that stage, the Appellant did not assail the aforesaid GRC decision before this Authority by filing an appeal in terms of Rule 48(7) of the Public

Procurement Rules, 2004, which expressly provides that *“Any bidder or party not satisfied with the decision of the GRC may file an appeal before the Authority within thirty days of communication of the decision, subject to depositing the prescribed fee and in accordance with the procedure issued by the Authority.”* Accordingly, in view of the admitted position that no appeal was preferred within the prescribed limitation period, the present appeal, to the extent that it pertains to Tender No. NCB-156-R, is barred by limitation.

ii. It is also evident from the fact that the Respondent did not decide the Appellant’s grievance with respect to NCB-158-R, and that matter has remained undecided till date. Consequently, the Appellant approached the Hon’ble Court with regard to the grievances against the procuring agency and later on, filed the instant Appeal in the light of the direction of the Honourable High Court, hence, the matter is cognizable to such extent under the Public Procurement Rules, 2004.

iii. The Appellant’s grievance, pertaining to the submission of fraudulent documents by M/s Al-Hussain Traders in Tender Nos. 156, 157, and 158, was initially upheld by the Grievance Redressal Committee (GRC). Consequently, the technical evaluation report was revised and the Respondent i.e., Islamabad Electric Supply Company (IESCO), had declared M/s Al-Hussain Traders as “non-responsive” in respect of all three aforementioned tenders.

iv. Subsequent to above declaration, the Respondent (IESCO) proceeded to scrap / cancel all three tenders, without providing any cogent or justifiable reason for such action. Notably, despite the acceptance of grievance

petition with regard to the submission of fake documents by GRC through its decision dated 09.07.2024, the Respondent (IESCO) failed to initiate any proceedings for blacklisting or debarment of M/s Al-Hussain Traders, as expressly mandated under Rule 19 of the Public Procurement Rules, 2004. Further, Rule 19 obligates procuring agencies to take appropriate action against bidders found guilty of corrupt or fraudulent practices. Furthermore, M/s Al-Hussain Traders was subsequently permitted to participate in the re-tendering process. Such inaction by the Respondent is against the spirit of Rule 19 of the Public Procurement Rules, 2004.

- v. The Appellant had filed a grievance petition dated 23.10.2024 against the Technical Bid Evaluation Reports for NCB Tenders No. 156-R and 158-R dated 18.10.2024. The grievance application (tracking number CN: 40611936828) was received at IESCO office on 24.10.2024 at 10:42 AM, and was also submitted via email on 23.10.2024 at 16:55. However, contrary to Rule 48(4) of the PP Rules, 2004, which requires suspension of procurement proceedings upon filing of a grievance against the technical evaluation report, IESCO proceeded to open financial bids on 25.10.2024. This action constitutes a sheer violation of Rule 48(4) of the PP Rules, 2004.

- vi. The minutes of Grievance Redressal Committee (GRC) of IESCO dated 28.11.2024 clearly reflects that, the unnecessary restrictions and criteria, particularly relating to contractual experience, as published in all previous tenders, restricted fair and healthy competition for eligible bidders and manufacturers. The GRC explicitly recommended that all repeated tenders, i.e., 156-R, 157-R, and 158-R, may be cancelled to ensure fairness in the procurement process. Despite such

serious findings by the GRC, IESCO ignored the recommendations of GRC unilaterally and without lawful authority and proceeded with the tendering process. The Appellate Committee noted that failure to follow the GRC's findings constitutes a significant procedural lapse and undermines the principle of fairness and transparency in procurement and such grave violations constitutes the mis-procurement in terms of the Rule 50 of the PP Rules, 2004.

25. In view of the foregoing, the Appellate Committee is of the considered opinion that procuring agencies are under a statutory obligation to comply with the Public Procurement Rules, 2004 (the "PP Rules") in true letter and spirit. In the instant case, however, the procuring agency (IESCO) has failed to uphold the spirit of Rule 19 and has exercised its discretion in a manner inconsistent with the intent of the said Rule. The Rule 19 of the PP Rules, 2004 mandates that a procuring agency shall take appropriate action against any bidder found to be involved in corrupt or fraudulent practices. Accordingly, the Committee hereby directs the Respondent (IESCO) to constitute an Inquiry Committee to investigate the allegations of fake and forged documents submitted by M/s Al-Hussain Traders in previous tenders i.e., Tender No. IESCO/PMU/NCB-156/2024, NCB-157/2024 and NCB-158/2024, as per the IESCO's GRC decision dated 09.07.2024. In case, the Inquiry Committee establishes the submission of such fake documents, the Respondent is further directed to take action against M/s Al-Hussain Traders strictly in accordance with

Rule 19 of the PP Rules, 2004, read with the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024, in its true letter and spirit.

26. In light of the findings and observations mentioned at para 24 and 25 of this Order, the Appeal in hand is hereby *partially allowed*.


(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)

Each page of the order has been signed by all members of the Appellate Committee. The order comprises of eighteen (18) pages.

