



**No. PPRA/AP-34/2025**  
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 Alamdar Engineering (Pvt.) Ltd.

**...the "Appellant"**

Vs.

Peshawar Electric Supply Company (PESCO) *through its CEO, etc.*  
*General, etc.*

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

|                         |  |
|-------------------------|--|
| <b>Dates of Hearing</b> | Mr. Sheharyar Gondal (Advocate), Mr. Shazeb Nawaz Khan (Advocate), Mr. Ahmad Sheraz (Director Operations)<br><b>24.09.2025</b> |
|                         | <b>(On behalf of Appellant)</b>  |
|                         | Mr. M. Hanzala (Advocate), Mr. Sheraz Ullah, Mr. Zafar Ali<br><b>(On behalf of Respondent)</b>                                 |

**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004, AGAINST THE ORDER / DECISION DATED 07.08.2025 PASSED BY GRIEVANCE REDRESSAL COMMITTEE OF PESCO**

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 Alamdar Engineering (Pvt.) Ltd. submitted that their firm is duly registered with PEC and pre-qualified with multiple

utilities, and has also executed numerous projects. The Respondent No. 1 acting through the Chief Engineer PMU, PESCO issued Invitation to Bid/Tender No. CEx/PMU/STG/PSDP/DW/2024-25/23 dated 07.03.2025, for procurement / supply of 220 KV EA, ED, and EG-type lattice towers, with delivery through "FCS" basis at PESCO Warehouse, Jamrud Road, Peshawar. The bidding procedure adopted was "Single Stage-One Envelope" under Rule 36(a) of the Public Procurement Rules, 2004 ("PP Rules").

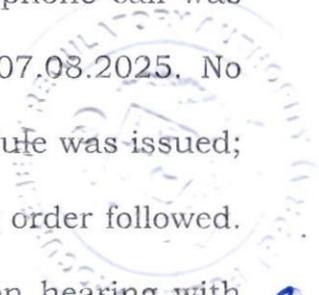
3. The counsel of the appellant also submitted that they submitted their bid on 24.03.2025, both electronically via EPADS and in hard copy / manual form; the bid package comprised the duly executed Form of Bid, required documents as prescribed by ITB, Bid Security PKR 1.3 Million (in shape of CDRs issued by Bank of Punjab), PEC license, NTN/STRN, power of attorney / board resolution, and all ancillary undertakings. The bid was signed, stamped, bore no qualifications, and was substantially responsive.

4. The counsel of the appellant further submitted that as per record, two bids were received and opened on 24.03.2025 at 11:30 hours. The Appellant quoted PKR 59.20 million; the other bidder, M/s Specialists Group Inc. Ltd., Lahore, quoted PKR 67.52 million. The Appellant ranked as the lowest bidder. Moreover, on 16.07.2025, Respondent No. 2 i.e., Chief Engineer (Development) PMU, PESCO uploaded the Final

Evaluation Report (received 17.07.2025), wherein, it recorded the Appellant as “financially responsive” yet “technically non-responsive.” The report provided no clause-wise grounds, identified no omissions, assigned no marks, enclosed no worksheet, and sought no clarification under Rule 30 of the PP Rules. It was a non-speaking order.

5. The counsel of the appellant also submitted that they filed a Complaint under Rule 48 of the PP Rules, dated 21.07.2025 addressed to Respondents No.1 and 2, against the Final Evaluation Report dated 16.07.2025, asserting; (i) the finding of “technical non-responsiveness” is unreasoned and non-speaking; (ii) the bid is substantially responsive to all mandatory specifications/ITB; and (iii) A de novo, clause-wise re-evaluation be undertaken and process held in abeyance pending determination by the Respondent No.3 i.e., GRC. The Complaint served via email to CEO and PMU of Respondent No.1 and 2 dated 22.07.2025, by TCS courier delivered on 23.07.2025, and by hand on 22.07.2025.

6. The counsel of the appellant further added and submitted that the Respondent No. 3 afforded no meaningful opportunity of hearing. Only an informal telephone call was made by a member of Respondent No.2 on 07.08.2025. No notice of hearing, agenda, issues list, or schedule was issued; no meeting convened; no minutes or speaking order followed. During call, the Appellant requested in-person hearing with



technical clarifications and documents; however, request was ignored.

7. The counsel of the appellant further submitted that on 07.08.2025, Respondent No. 3 dismissed the Complaint via order uploaded on EPADS, without notice, hearing, or inviting submissions. The Impugned Order is cryptic, non-speaking, gives no clause-wise reasoning, identifies no ITB/specification deviation. The failure violates Rule 48 read with Rule 35 of the PP Rules, 2004, principles of natural justice (audi alteram partem), constitutional provisions, and the General Clauses Act, 1897. The order is arbitrary, procedurally improper, unreasonable, hence, liable to be set aside.

8. At the last, the counsel of the appellant also submitted that their firm declared technically non-responsive (ITB-43) for not providing reason for not uploading mandatory Prototype Approval document with e-bid on EPADS. The Appellant declared financially non-responsive (ITB-46) because, though audited financial statements were attached, income tax returns and bank statements were not enclosed with e-bid. Hence, being aggrieved, filed the instant appeal.

9. On the other hand, learned counsel of the respondent i.e., Peshawar Electric Supply Company (PESCO) submitted that the grievance filed by the Appellant against the decision of the PESCO Evaluation Committee pertaining to the subject tender was duly examined by the Grievance Redressal

Committee (GRC). The representative of the Appellant firm was afforded an opportunity of hearing, both in person and telephonically. After a detailed examination of the grievance petition, along with all relevant records and documents available on record, the GRC rendered its reasoned findings and decision. The GRC concluded that the grievance lacked merit, as the Appellant had failed to furnish mandatory documents required under the bidding documents, thereby rendering its bid as non-responsive.

10. The counsel of the respondent also submitted that, specifically, the GRC noted that the Appellant did not submit (i) the Prototype Approval in accordance with Clause ITB-43 of the Bidding Documents, and (ii) Income Tax Returns and Bank Statements as stipulated under Clause ITB-46. The absence of these essential documents constituted a material deviation from the tender requirements. Consequently, the GRC declared the bid submitted by the Appellant, through the EPADS portal, as non-responsive, and accordingly, upheld the decision of the Evaluation Committee as being in full conformity with the provisions of the bidding documents.

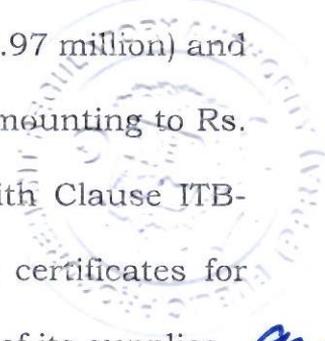
11. The counsel of the respondent further submitted that, during the technical evaluation, the Committee reviewed the manufacturer's authorization, qualification, experience, and technical data / drawings furnished with the bid. The Appellant, M/s Alamdar Engineering Works (Pvt.) Ltd., Lahore,

offered 220 kV Tower Type EA, ED, and EG structures along with leg extensions and claimed to have supplied similar materials since 2010. However, under Clause ITB-43, the bid was found non-compliant as it lacked valid type test reports or confirmation of fresh type testing as per Clause 5 of the Technical Provisions and NTDC standards. Conversely, in relation to Clause IB-44, the Appellant met the experience criterion, having attached supply record indicating engagement in the relevant field since 2010. Similarly, under Clause IB-45, the bidder demonstrated satisfactory contractual experience by submitting purchase orders from various DISCOs, including HESCO (PO No. 01-0195 dated 28.02.2012, Rs. 19.8 million) and PESCO (PO No. 1830-35 dated 09.05.2023, Rs. 88.8 million). The performance certificates attached with the bid were also found adequate.

12. The counsel of the respondent also added that, with respect to the financial evaluation, the GRC of the respondent observed that the Appellant failed to submit the requisite Income Tax Returns / Bank Statements through the EPADS system, contrary to the requirements of Clause IB-46 of the Bidding Documents. Although, the Appellant demonstrated an average annual turnover of Rs. 511.400 million, meeting the turnover requirement. However, absence of the aforementioned financial documents constituted a substantial omission that could not be regularized post-submission. Hence, based on the cumulative assessment of both technical and financial non-

compliances, the Respondent asserts that the GRC's determination declaring the Appellant's bid as non-responsive was lawful, justified, and in accordance with the prescribed procurement rules and bidding criteria.

13. At the last, the counsel of the respondent also submitted that M/s Specialists Group Inc. Limited also participated in the subject tender offering 220 kV Tower Type EA, ED, and EG structures along with leg extensions. The firm has been engaged in the supply of similar materials since 2009, as evidenced by the supply record submitted with its bid. Upon evaluation, it was observed that the bidder fulfilled all mandatory qualification and experience criteria prescribed in the bidding documents. Under Clause ITB-43, the bid was accompanied by valid type test reports and prototype approvals as per NTDC standards and specifications, thus meeting the technical requirement. In accordance with Clause IB-44 and IB-45, the bidder demonstrated over five years of manufacturing and supply experience, and also provided documentary evidence of successfully executed contracts of a similar nature, including Purchase Orders from QESCO (PO No. 421 dated 30.11.2021 amounting to Rs. 13.97 million) and IESCO (PO No. 116/2021 dated 29.09.2021 amounting to Rs. 57.7 million). The bidder further complied with Clause ITB-45(b) by submitting satisfactory performance certificates for comparable projects, confirming the reliability of its supplies.



14. On the other hand, learned counsel for M/s Specialists Group Inc. Limited (the "Applicant") respectfully submitted that they filed an Application under Order I, Rule 10(2) of the Code of Civil Procedure, 1908 on 16.09.2025, seeking impleadment of the Applicant as Respondent No. 4 in the captioned Appeal. It is further submitted by the Applicant that the instant Appeal, filed by M/s Alamdar Engineering (Private) Limited ("the Appellant"), arises out of PESCO's Tender No. CEX/PMU/STG/PSDP/DW/2024-25/23, floated on 07.03.2025, for the procurement of 220 kV tower types EA, ED, and EG with leg extensions. Both the Appellant and the Applicant participated in the tender on 24.03.2025. After technical and financial evaluation, PESCO issued an Evaluation Report on 16.07.2025, declaring the Applicant as the responsive bidder and the Appellant as technically non-responsive. The Appellant's grievance was subsequently dismissed by PESCO's GRC vide its Order dated 07.08.2025. Thereafter, on 10.08.2025, PESCO issued a Letter of Intent ("LoI") in favour of the Applicant for procurement of the bid items, pursuant to which the Applicant furnished the requisite Performance Guarantee on 22.08.2025 under Clause 2(ii) of the LoI. It was only upon subsequent inquiry regarding delay in issuance of the purchase order that the Applicant became aware of the pendency of the captioned Appeal before this learned Authority and has therefore sought impleadment to



safeguard its vested rights and legitimate interests arising from the tender process.

15. The counsel of the applicant (SGI) further submitted that the Appellant directly challenged both the Evaluation Report and the GRC's Order, in consequence whereof, the Applicant's LoI and Performance Guarantee stand at stake. Any decision adverse to PESCO in the present Appeal would materially prejudice the Applicant's contractual and proprietary interests. Therefore, the Applicant is both a necessary and proper party whose presence is indispensable for complete and effective adjudication of the matter. Reliance is placed on the settled principles laid down in *Peace Enterprises v. Govt. of AJK* (2023 MLD 1403), *Falcon-1 (Pvt.) Ltd. v. Federation of Pakistan* (2017 YLR 1752), and *Syntron Ltd. v. Huma Ijaz* (2014 SCMR 531), wherein superior Courts have held that the provisions of Order I, Rule 10 CPC are to be liberally construed to ensure that all parties likely to be affected by the judgment are heard. Moreover, impleadment of the Applicant would prevent multiplicity of litigation and ensure fair adjudication, as endorsed in *Province of Punjab v. M. Akram* (2023 SCMR 755) and *Razia Sultana v. M. Siddique* (2004 CLC 668). The counsel therefore prays that the Applicant be impleaded as Respondent No.4, being a necessary and proper party to these proceedings, with liberty to raise additional grounds at the time of hearing, hence filed this application.

16. After perusal of all relevant record and arguments made by both the parties, the Appellate Committee observed that, the Appellant's grievance primarily revolves around its disqualification on technical and financial grounds under Clauses ITB-43 and ITB-46 of the bidding documents. The Appellant asserts that its bid was substantially responsive, that the Evaluation Report lacked specific reasoning, and that the GRC Order was non-speaking and issued without affording a meaningful opportunity of hearing. Conversely, Respondent No. 1 (PESCO) maintains that the evaluation and GRC proceedings were conducted in accordance with the Public Procurement Rules, 2004 and the bidding documents, emphasizing that the Appellant's failure to furnish mandatory documents namely, prototype / type test approval and income tax returns / bank statements constituted material omissions that rendered the bid non-responsive.



17. The Committee also observed that the Clause ITB-43 of the bidding documents explicitly required submission of prototype / type test approval as per NTDC standards and specifications, whereas Clause ITB-46 mandated the submission of income tax returns / bank statements to establish financial soundness. The Appellant, by its own admission, did not upload the prototype approval on the EPADS and also omitted the required income tax returns / bank statements. These documents were not ancillary but essential to determine responsiveness under the bidding

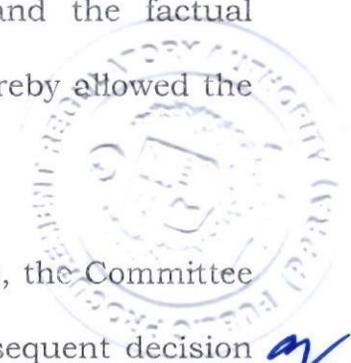


documents. The Committee is of the considered view that such omissions constitute material deviations that cannot be cured post bid submission under Rule 36 of the PP Rules, 2004. Accordingly, the findings of the Evaluation Committee and the GRC declaring the Appellant as non-responsive are based on cogent and objective grounds and do not reflect arbitrariness or mala fide.

18. The Committee further observed that, in relation to the Application filed under Order I, Rule 10(2) of the Code of Civil Procedure, 1908, by M/s Specialists Group Inc. Limited, the Applicant is the successful bidder in the subject procurement, in whose favour the Letter of Intent (LoI) was issued on 10.08.2025, and who has duly furnished the requisite Performance Guarantee to PESCO in compliance with the tender conditions. Considering that the outcome of the instant Appeal has a direct bearing on the Applicant's contractual and financial interests, the Committee finds merit in the contention advanced by the learned counsel for the Applicant and holds that the Applicant qualifies as both a necessary and proper party to these proceedings. Accordingly, in view of the cited judicial precedents and the factual circumstances of the case, the Committee hereby allowed the said Application dated 16.09.2025.

19. In view of the foregoing observations, the Committee concludes that PESCO's evaluation and subsequent decision

*[Handwritten signature]*



to declare the Appellant's bid non-responsive were in consonance with the bidding documents and the PP Rules, 2004. The Appellant's failure to furnish mandatory prototype / type test approval and financial documents constitutes a valid basis for disqualification.

20. For what the reasons and observations mentioned above, the Appeal in hand is hereby **dismissed** being devoid of merit and disposed of accordingly.



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



**(Sheikh Ahsan 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.*

