



**No. PPRA/AP-37/2025**  
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 Microtech Industries (Private) Limited

**...the "Appellant"**

Vs.

Lahore Electric Supply Company (LESCO)

**...the "Respondent"**

<b>Dates of Hearing</b> <b>19.11.2025</b> <b>13.11.2025</b>	Mr. Tahir Maqsood Butt (ASC), Rana Tariq (COO), Mr. Ghulam Rasool (Advocate), Mr. Qasim Masood (CIA) <p style="text-align: right;"><b>(On behalf of Appellant)</b></p> Barrister Qasim Duggal (Advocate), Mr. Adeel Bhatti (Advocate), Mr. Abid Hamayun (Add. Manager Proc. LESCO), <p style="text-align: right;"><b>(On behalf of Respondent No.1)</b></p> Barrister Syed Ali Nouman (ASC), Mr. Arsalan Qaiser (Advocate) <p style="text-align: right;"><b>(On behalf of Respondent No.2)</b></p>
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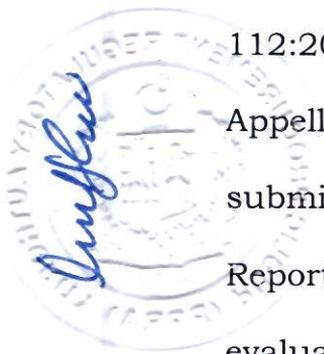
**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004**  
**[SINGLE PHASE AMI SMART METERS "LOT-2"]**

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 Microtech Industries (Private) Limited submitted that the

present Appeal is preferred under Rule 48 of the Public Procurement Rules, 2004, being an aggrieved bidder, assailing the non-speaking, arbitrary, and patently illegal decision dated 25.09.2025 ("the Impugned Decision") issued by the Grievance Redressal Committee (GRC) of Lahore Electric Supply Company (LESCO). The Impugned Decision, rendered without any reasoning or application of mind, is void ab initio for being contrary to the mandatory requirements of the Public Procurement Rules, 2004 (PP Rules, 2004) thereby constituting a mis-procurement under Rule 51. The decision unlawfully upholds a flawed, biased, and procedurally defective evaluation process, resulting in the illegal award of a multi-billion-rupee contract to an ineligible and non-responsive bidder, M/s. AM Associates Pvt. Ltd. ("AMA"), thereby also raising grave concerns under the Competition Act, 2010.

3. The counsel of the appellant also submitted that the respondent (LESCO) floated Tender No. 4212 for procurement of 345,000 Nos. Static 1-Phase AMI Smart Energy Meters with remote disconnect relay and PTA-compliant 4G communication module, to be supplied as per NTDC / WAPDA Specifications DDS-65:2003, DDS-98:2011, and DDS-112:2012. The tender was opened on 04.09.2025, and the Appellant, being duly pre-qualified and technically competent, submitted a fully compliant bid. However, the Evaluation Report dated 10.09.2025 declared M/s AMA as the lowest evaluated bidder for all three lots, while M/s. Vertex



Electronics (Pvt.) Ltd. ("Vertex") was also evaluated despite its admitted deficiencies in mandatory qualification requirements. The Appellant, along with other bidders, duly submitted a comprehensive Grievance Petition on 13.09.2025 highlighting manifest illegalities in evaluation, particularly the improper qualification of M/s AMA and M/s Vertex. Nevertheless, the GRC dismissed the grievances for Lots 2 and 3 through a one-paragraph, unreasoned order, while only admitting M/s AMA's non-responsiveness for Lot 1. The GRC altogether failed to address identical disqualifications of M/s Vertex Electronics, compelling the Appellant to prefer this Appeal.

4. The counsel of the appellant further submitted that the Impugned Decision is liable to be set aside for being a non-speaking order in violation of Rule 48(3) of the PP Rules, 2004, which obligates the GRC to "investigate and decide" the grievance by giving reasons based on record. The Appellant had raised nine specific grounds, including procedural irregularities, violation of mandatory qualification criteria, improper acceptance of an un-submitted bid through EPADS, and anti-competitive concerns, yet the GRC failed to provide any reasoning whatsoever. As held by the Hon'ble Supreme Court of Pakistan (1991 SCMR 2330 – Aslam Warriach), all quasi-judicial bodies must pass reasoned orders, failure to do so renders such decisions arbitrary, capricious, and void. The Impugned Decision, being cryptic and devoid of analysis, is therefore unlawful.

5. The counsel of the appellant further submitted that M/s AMA, as a new entrant, failed to meet the mandatory requirements under Section V(B), Note (xi), which expressly requires a new firm to submit a copy of an educational or regular purchase order along with completion and performance certificates, failing which the bidder must either be offered only an educational order or declared non-responsive. Clause 52.1 further required at least two satisfactory performance certificates for similar contracts. M/s AMA relied upon an educational purchase order (PO No. 587-91/MM dated 15.07.2025 issued by GEPCO to WOSCO Metering), despite the admitted fact that no supplies were made and no performance reports exist. M/s Vertex Electronics relied upon a similar unperformed educational order from TESCO dated 05.08.2025. Both bidders therefore failed the mandatory criteria and were non-responsive. The GRC's selective recognition of M/s AMA's non-responsiveness for Lot 1, while inexplicably ignoring identical deficiencies for Lots 2 and 3 and for M/s Vertex, is perverse, discriminatory, and contrary to settled law that eligibility criteria cannot be waived (Poddar Steel Corporation v. Ganesh Engineering Works, AIR 1991 SC 1579).

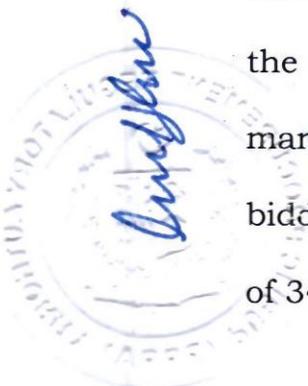
6. The counsel of the appellant also added and submitted that the purported "merger" of M/s WOSCO and M/s World Over Engineering into M/s AMA was a colourable device engineered to circumvent pre-qualification requirements, as the internal memo announcing merger dated

02.09.2025 was issued merely two days before bid opening, and the operative notification was issued on 08.09.2025 four days after the bid submission deadline. Prequalification is a non-transferable privilege vested in a specific legal entity and cannot be post-facto transferred through administrative orders. This manoeuvre not only violates settled jurisprudence (Michigan Rubber (India) Ltd. v. State of Karnataka, (2012) 8 SCC 216), but also constitutes an anti-competitive arrangement prohibited by Section 11 of the Competition Act, 2010. By facilitating and recognizing this merger without CCP approval, LESCO enabled a reduction of market competition, exposing the procurement process to regulatory consequences, including penalties and orders under Section 31 of the Competition Act. The unusual haste in completing evaluation within three working days, despite intervening holidays, and accepting M/s AMA's hard copy bid for Lot 1 in violation of mandatory EPADS upload requirements, further confirms the tainted nature of the process.

7. The counsel of the appellant further argued and submitted that NTDC / NGC technical directives dated 20.10.2015 and 10.07.2025 categorically provide that firms with only an educational order and no one-year satisfactory field performance may be awarded only another educational order of limited quantity. LESCO, however, unlawfully proceeded to award M/s AMA a bulk supply of 230,000 meters despite zero field performance, thereby compromising the

technical integrity of a critical national asset. The cumulative violations of Section V(B), Note (xi), Clause 52.1 of the bidding documents, NTDC directives, and the PP Rules, 2004, unequivocally attract Rule 51, which declares any procurement conducted contrary to the Rules or evaluation criteria as misprocurement. Therefore, the evaluation process, the Impugned Decision, and the resultant award in favour of M/s AMA and M/s Vertex are legally untenable and liable to be annulled.

8. It is important to mention here that M/s AM Associates (Pvt.) Ltd., filed / submitted an application dated 28.10.2025 through counsel in the instant appeal, under Order I, Rule 10 of CPC, 1908 for impleadment of their firm as necessary and proper party. Through the said application the counsel of the applicant submitted that their firm is a duly incorporated company under the Companies Act, 2017 and the lawful successor of M/s WOSCO Metering (Pvt.) Ltd. and M/s World Over Engineering (Pvt.) Ltd., pursuant to an amalgamation sanctioned by the SECP vide order dated 05.08.2025 and duly acknowledged by LESCO through notification dated 02.09.2025. The Chief Executive Officer, Mr. Ali Ahmed, duly authorized through a Board Resolution, to file the said application. The Applicant is a prequalified manufacturer in M-5 category with LESCO and a participating bidder in Tender No. 4212 dated 04.09.2025 for procurement of 345,000 Single Phase AMI Meters.



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9. Moreover, it is also submitted that six firms participated in the bidding process and, as per the comparative statement duly signed by the Tender Opening Committee, the Applicant emerged as the lowest evaluated responsive bidder, particularly for Lot 2 and Lot 3, strictly in conformity with the Rule 29, 30, and 36(b) of the PP Rules, 2004. The Grievance Redressal Committee (GRC), while adjudicating the grievances filed by the Appellant and other unsuccessful bidders, categorically found no illegality, irregularity, or procedural lapse in the Applicant's prequalification, eligibility, or merger, and confirmed that the evaluation of the Applicant's bid was lawful and transparent. Despite this, the Appellant has filed the instant appeal without impleading the Applicant, although the reliefs sought directly seek to disturb or nullify the award of contract made in the favour of M/s AMA.

10. Through the said application the counsel of AMA also submitted that, Order I Rule 10(2) of CPC, 1908 applicable to PPRA proceedings by virtue of their quasi-judicial nature, this Authority possesses the jurisdiction to implead any person necessary for the complete and effective adjudication of the matter. A party whose rights stand to be directly affected by the outcome is both a necessary and proper party. As the successful bidder with vested commercial rights arising from a lawful evaluation under Rule 35 of the PP Rules, 2004, the Applicant's presence is indispensable. Any adjudication in its absence would be partial, unenforceable, and contrary to well-

established jurisprudence requiring that successful bidders be made parties to proceedings likely to affect their rights.

11. The Applicant further submitted that non-impleadment violates the constitutional guarantee of fair trial under Article 10-A of the Constitution of Pakistan. The principles of natural justice, particularly the doctrine of *audi alteram partem*, mandate that no person be condemned unheard. Since the Appellant seeks to annul the contract awarded to the Applicant, failure to afford the Applicant an opportunity of hearing renders the proceedings constitutionally infirm. Moreover, impleadment is necessary to prevent multiplicity of proceedings, avoid inconsistent findings, and enable this Authority to conduct a comprehensive adjudication in the public interest. PPRA's statutory mandate under Section 5 of the PPRA Ordinance, 2002 requires the Authority to ensure transparency, fairness, and procurement integrity objectives that cannot be achieved without hearing the party whose award is under challenge. Equity, procedural fairness, and settled judicial principles all dictate that the Applicant be added as a respondent to ensure complete justice, hence this application.

12. On the date 13.11.2025, the Appellant, being an aggrieved bidder in respect of Lot-2, preferred this amended Appeal under Rule 48 of the Public Procurement Rules, 2004, pursuant to the observations made by the Appellate Committee

during the hearings dated 22.10.2025 and 27.10.2025, challenging the non-speaking, arbitrary, and patently illegal decision dated 25.09.2015 ("the Impugned Decision") issued by the Grievance Redressal Committee (GRC) of the Lahore Electric Supply Company (LESCO), which unlawfully upheld a fatally flawed evaluation report. The Impugned Decision, being void ab initio due to multiple violations of the PP Rules and amounting to mis-procurement within the meaning of Rule 50, further raises serious concerns under the Competition Act, 2010. Accordingly, this Amended Appeal is specifically directed against the Impugned Decision and the underlying evaluation report to the extent of Lot-2, wherein the Appellant was a contesting bidder.

**Appellant's Arguments on the Application Filed by M/s AM Associates (Pvt.) Ltd. Under Order I Rule 10 CPC**

13. On the other hand, learned counsel of the appellant submitted that while it does not object to the impleadment of M/s AM Associates (Pvt.) Ltd. in the present proceedings, such non-objection is strictly limited to M/s AMA being treated as a *proper party*, given that its commercial interests may be affected by the outcome of this Appeal. The Appellant acknowledges that M/s AMA was declared the lowest bidder for Lots 2 and 3, however, this acknowledgment does not amount to any admission regarding the legality, responsiveness, or validity of M/s AMA's bid or its claimed status in the procurement process. The Appellant reserves its full and

unconditional right to contest every assertion, defense, and factual claim advanced by M/s AMA in its application or any future submissions.

14. The counsel of the appellant also submitted that M/s AMA's application contains several substantive, misleading, and factually incorrect assertions which the Appellant expressly rebuts. First, M/s AMA's claim that it is the "lawful successor by amalgamation" approved by SECP and LESCO is vehemently denied. The Appellant will demonstrate during the substantive hearing that this purported merger was employed as a colourable device to evade mandatory eligibility and prequalification requirements, that it was executed without obtaining mandatory prior approval of the Competition Commission of Pakistan under Sections 11-14 of the Competition Act, 2010, rendering it void and unenforceable, and that FBR records, as well as practices of other DISCOs, contradict M/s AMA's claim of lawful succession. Second, M/s AMA's assertion of being the "lowest evaluated responsive bidder" is the very matter under challenge, as the Appellant will establish that M/s AMA's bid was non-responsive due to failure to provide two mandatory satisfactory Performance Certificates under Clause 52.1, and its inability to demonstrate completion and performance of the New Entrant Educational Order as required under Note (xi).

15. The counsel of the appellant further submitted that, M/s AMA's assertion regarding the GRC "found no illegality" in

the procurement process is deceptive and inaccurate. The Appeal directly challenges the GRC's decision as a non-speaking, arbitrary order that failed to adjudicate upon the nine specific grievances raised by the Appellant. M/s AMA's reliance on such a flawed and procedurally defective order cannot vest it with any enforceable rights. Consequently, M/s AMA cannot assert any vested or accrued rights in a contract whose underlying evaluation stands challenged as illegal, non-transparent, and void ab initio for violations of mandatory PP Rules. Any rights claimed by M/s AMA on the basis of such an evaluation are equally tainted and unenforceable. In light of the foregoing, the Appellant prayed that while M/s AMA may be impleaded as a proper party, this Authority may: (i) direct M/s AMA to file a complete written reply to the Amended Memo of Appeal within a stipulated timeframe, (ii) and the Appellant's consent to impleadment does not validate M/s AMA's eligibility or any of its claims.

16. On the other side, learned counsel of the respondent i.e., Lahore Electric Supply Company (LESCO) submitted that the impugned decision dated 25.09.2025 was rendered strictly in accordance with the Public Procurement Rules, 2004, the applicable bidding documents, and the material placed before the Grievance Redressal Committee (GRC). The Committee carefully examined the procurement record, technical evaluations, grievances raised by various bidders, and all supporting documents before arriving at a reasoned decision.

The Appeal filed by the Appellant is misconceived, factually erroneous, and devoid of any legal basis, as the Appellant has failed to establish any violation of procurement laws, mala fide, or deviation from the prescribed procedure. Under Rules 30 to 38 of the PP Rules, 2004, the procuring agency is exclusively empowered to determine responsiveness and conduct evaluations, the GRC merely ensured that such processes were duly followed an exercise carried out with full transparency and in accordance with law.

17. The counsel of the respondent (LESCO) also submitted that the technical and financial evaluation was conducted by a duly constituted and professionally competent Evaluation Committee, which declared all participating bidders technically responsive, with M/s AM Associates emerging as the lowest evaluated responsive bidder across all lots. The grievances raised regarding the prequalification and experience of M/s AM Associates were objectively scrutinized during the GRC meeting dated 22.09.2025, wherein it was confirmed that the said firm, earlier operating as M/s WOSCO and M/s World Over Engineering, was prequalified under Category M-5 and had undergone a lawful merger approved by the SECP on 05.08.2025 prior to bid opening. In accordance with Sections 284-287 of the Companies Act, 2017, all rights, obligations, qualifications, and credentials of the amalgamated entities vested in M/s AM Associates, making it the lawful successor and fully eligible to participate in the procurement. The

Appellant's objections regarding duplication, non-qualification, or lack of experience are therefore frivolous and contrary to the legal effect of a statutory amalgamation.

18. The counsel of the respondent (LESCO) further submitted that the bidding process was conducted transparently, competitively, and in a manner that ensured equal treatment of all participating bidders. Clause 52.1 of the bidding documents, as clarified during the pre-bid meeting, permitted the submission of performance certificates for AMI as well as non-AMI meters, which M/s AM Associates duly satisfied. Allegations regarding visibility of Lot-1 on the EPADS portal were duly examined, and it was established that the bidder had successfully submitted its bid electronically and also provided hard copies and original bid securities, the non-visibility issue stemmed from a technical glitch on the portal. The GRC, therefore, rightly concluded that grievances pertaining to Lots 2 and 3 were untenable, while Lot-1 required further review solely due to the portal issue not due to any wrongdoing by LESCO or the bidder. The procurement resulted in substantial financial savings approximately Rs.1 billion when compared to similar procurements by other DISCOs further demonstrating the competitiveness and integrity of the process.

19. The counsel of the respondent (LESCO) also submitted that the Appellant's attempts to challenge the

evaluation, raise objections under the Competition Act, 2010, or rely on non-binding NTDC / NGC correspondence are wholly misplaced. This forum lacks jurisdiction over competition law matters, and in any event, the merger of M/s WOSCO and M/s World Over into M/s AM Associates constituted an internal corporate restructuring of entities already under common ownership. All bidders were evaluated uniformly, no favouritism occurred, and no material irregularity has been demonstrated. Reopening technical determinations made by qualified experts would amount to substituting the discretion of a specialized Evaluation Committee without any allegation of perversity or mala fide an approach consistently rejected by judicial and quasi-judicial forums. In light of the above, the counsel of the respondent requested that the Appeal in hand is non-maintainable, devoid of substance, and is liable to be dismissed.

20. At the last, the counsel of the Appellant reiterated that the entire procurement process undertaken by LESCO in Tender No. 4212 stands vitiated by manifold legal, procedural, and factual infirmities that cumulatively constitute a textbook case of *mis-procurement* under Rule 50 of the PP Rules, 2004.

The impugned GRC decision dated 25.09.2025 is a non-speaking, arbitrary, and mechanically issued order, passed in complete disregard of the nine specific grievances raised, thereby violating Rule 48(3) and the settled principles of natural justice. Furthermore, the unlawful post-bid

“clarification” that converted Clause 52.1 from “AMI + Non-AMI” to “AMI or Non-AMI” amounted to an impermissible amendment of a mandatory eligibility criterion, tailor-made to accommodate Respondent No. 2 despite its lack of AMI experience. Even under this illegally relaxed standard, M/s AMA through M/s WOSCO remained non-responsive, as its past performance relates exclusively to non-AMI meters, a fundamentally different product. The Appellant has also demonstrated that M/s AMA itself, in W.P. No. 63435/2025, admitted the binding nature of NTDC / NGC directives and further acknowledged M/s WOSCO’s status as a new entrant with no satisfactory AMI performance, making M/s AMA’s qualification legally impossible.

21. The counsel of the appellant further submitted that the purported merger relied upon by LESCO and M/s AMA is nothing more than a colourable device engineered to retrospectively create eligibility. The contradictory conduct of the merging entity M/s WOSCO independently participating in the FESCO Tender of 27.08.2025, even after the alleged amalgamation approval, conclusively demonstrates that the merger was invoked selectively and in bad faith solely for this procurement. This manipulation, coupled with the unprecedentedly hasty evaluation of complex technical bids within three working days, and the admitted e-procurement violation wherein M/s AMA’s hard copy bid for Lot-1 was entertained despite no upload on the mandatory EPAD portal,

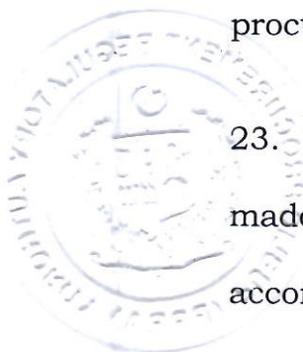
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reflected a procurement process marred by arbitrariness, opacity, and collusion. Moreover, LESCO's further refusal to abide by the binding NTDC / NGC directives and the issuance of a Purchase Order during the pendency of this appeal only reinforces the mala-fide intention to frustrate oversight and create a *fait accompli*.

22. At the very last, the counsel of the appellant further added and submitted that, for the said reasons, and given the proven violations of PP Rules 16, 17, 30(3), 48(3), and 50, therefore, requested that the Authority be declared the entire procurement process including Purchase Order No. 4212-P5 dated 30.10.2025 *null and void* on account of misprocurement; set aside the impugned GRC decision and Evaluation Report; impose appropriate penalties upon the Respondents; direct LESCO to re-initiate the procurement strictly in accordance with PP Rules and binding NTDC / NGC directives; and transmit the matter to the Competition Commission of Pakistan for investigation into anti-competitive conduct under Sections 11 and 31 of the Competition Act, 2010. The Appellant submitted that such relief is essential to uphold transparency, fairness, and the integrity of public procurement.

23. After perusal of all relevant record and arguments made by all the parties, the Appellate Committee noted that, according to the appellant, the core issue in the present appeal

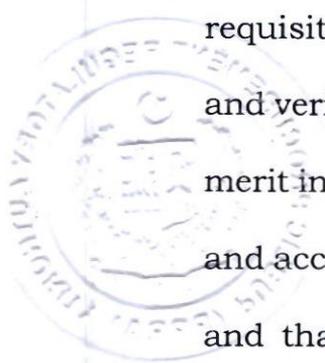


is that the appellant is aggrieved by the Grievance Redressal Committee's (GRC) decision dated 25.09.2025. The appellant contends that LESCO conducted an arbitrary, non-transparent, and legally flawed evaluation process in Tender No. 4212 by unlawfully declaring M/s AM Associates (AMA) and Vertex Electronics responsive, notwithstanding their alleged failure to satisfy mandatory qualification, experience, and performance criteria prescribed under the bidding documents and the Public Procurement Rules, 2004. It is asserted that M/s AMA's qualification was facilitated through an irregular and selectively applied "merger", submission of inadequate performance certificates and acceptance of a non-submitted bid through EPADS. Further, the appellant submitted that the GRC issued a non-speaking order in contravention of Rule 48(3), and that identical deficiencies raised in the grievance concerning Lots 2 and 3 were ignored, thereby amounting to mis-procurement under Rule 50 of the PP Rules, 2004.

24. The Appellate Committee also noted that the Appellant's principal objection pertains to the eligibility and corporate status of M/s AMA. It was observed that the amalgamation of M/s WOSCO and M/s World Over Engineering into M/s AMA was duly sanctioned by the Securities and Exchange Commission of Pakistan under Sections 284 to 287 of the Companies Act, 2017 and had taken effect prior to the completion of the bid evaluation process.

Upon such amalgamation, all rights, obligations, assets, qualifications, and credentials of the amalgamating entities stood lawfully vested in M/s AMA. The Committee further observed that, under settled law, the legal consequence of amalgamation is that the successor company steps into the shoes of the predecessor entities for all legal and contractual purposes. The allegations of the amalgamation being a “colourable device” were found to be speculative, unsupported by any cogent evidence, and contrary to the statutory record. Accordingly, the Appellate Committee held that Lahore Electric Supply Company was fully justified in recognising M/s AMA as an eligible and prequalified bidder. Reliance is made on “2024 PTD 758 Lahore High Court”, “2014 CLD 961 Sindh” and “2023 CLD 1088 Sindh”.

25. The Committee further observed that the Appellant’s reliance on Note (xi), Clause 52.1, and the cited NTDC / NGC correspondence is misconceived and without legal basis. Clause 52.1 expressly permitted submission of performance certificates relating to both AMI and non-AMI meters, a position that was unequivocally clarified during the pre-bid meeting. In compliance with this requirement, M/s AMA submitted the requisite performance certificates, which were duly examined and verified by the Evaluation Committee. The Committee finds merit in LESCO’s stance that educational orders are recognized and accepted instruments within the power distribution sector, and that the bidding documents contained no restriction or

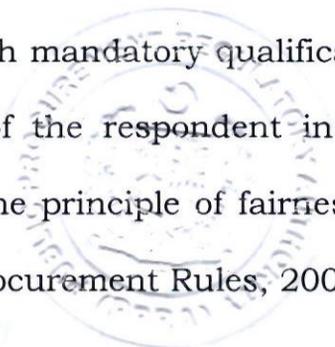


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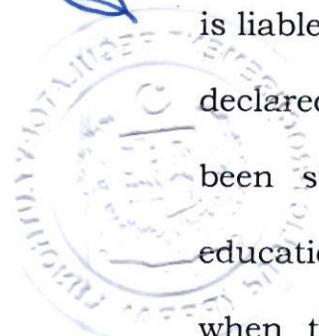
disqualification against bidders holding such orders. Furthermore, neither the bidding documents nor the applicable PP Rules prescribe a mandatory requirement of one-year AMI field experience for commercial quantities. Accordingly, the Appellant's effort to import extraneous conditions or external standards into the tender framework is legally unsustainable.

26. The Committee further observed that the respondent (LESCO) was duty-bound, in letter and spirit, under Rule 48(3) of the Public Procurement Rules, 2004 to adjudicate upon the appellant's grievance within the prescribed timeframe, to pass a duly reasoned and speaking order, and to communicate the same to the appellant. However, in the present case, the decision dated 25.09.2025 rendered by the Grievance Redressal Committee of Lahore Electric Supply Company is patently non-speaking and was not communicated to the appellant. Rule 48(3) of the Public Procurement Rules, 2004 expressly obligates the Grievance Redressal Committee to investigate and decide the grievance, and the expression "decide" necessarily connotes the recording of reasons, particularly where intricate issues relating to eligibility, responsiveness, and compliance with mandatory qualification criteria are involved. The failure of the respondent in this regard is contrary to the spirit of the principle of fairness as enshrined in Rule 4 of the Public Procurement Rules, 2004.



27. The Committee also observed that the acceptance of a hard copy bid for Lot-1 by the respondent (LESCO), despite the availability and mandatory use of a valid electronic submission facility on the EPADS platform, even when sought to be justified on the ground of an alleged “technical glitch,” is incompatible with the principle of equal treatment of bidders and is contrary to the spirit and scheme of the Public Procurement Rules, 2004. The Committee further held that post-bid explanations, indulgences, or relaxations which have the effect of curing substantive or material deficiencies particularly those relating to mandatory submission requirements cannot be construed as permissible clarifications. Such actions undermine the sanctity and credibility of the e-procurement framework and result in material prejudice to those bidders who adhered strictly to the prescribed procurement procedure and submission modalities.

28. Furthermore, the Appellate Committee observed that Section V(B), Note (xi) of the bidding documents unequivocally provides that a new entrant is required to submit not only an educational or regular purchase order, but also completion and satisfactory performance certificates; failing which, the bidder is liable either to be restricted to an educational order or to be declared non-responsive. However, in the present case, it has been stated by M/s AM Associates (Pvt.) Ltd. that the educational order was undertaken during the interim period when the merger process was underway, and that upon



completion of the merger, such interim arrangement cannot be relied upon to restrict or curtail the bidder on this ground. In view of these circumstances, the Appellate Committee holds that the objection raised with regard to the educational order is untenable.

29. Lastly, the Committee further observed that the appellant's principal objection concerning the alleged lack of requisite experience of M/s AM Associates in respect of the impugned procurement is devoid of merit. The record unequivocally establishes that the amalgamation of M/s WOSCO and M/s World Over Engineering into M/s AMA Associates was duly sanctioned by the Securities and Exchange Commission of Pakistan under Sections 284 to 287 of the Companies Act, 2017, and that such amalgamation had lawfully taken effect prior to the conclusion of the bid evaluation process. Consequent upon the said amalgamation, all rights, obligations, assets, experience, qualifications, and credentials of the amalgamating companies stood validly and legally vested in M/s AM Associates. In these circumstances, the respondent was fully justified in evaluating and qualifying M/s AM Associates in accordance with the settled principles of law and relevant judicial precedents which affirm that the rights, obligations, and qualifications of amalgamating companies vest automatically in the resulting entity.

30. For what the reasons and observations mentioned above, the decision of the Grievance Redressal Committee

dated 25.09.2025 is affirmed and upheld. Therefore, the appeal in hand is hereby **dismissed** and disposed of accordingly.

  
**(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 twenty-two (22) pages.*

