



No. PPRA/AP-40/2025
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 Global Technologies (Pvt.) Ltd.

...the "Appellant"

Vs.

MEPCO

...the "Respondent(s)"

Date of Hearing 04.11.2025	Mr. M. Hanzala (Advocate), Mr. Usman Iqbal <i>(On behalf of Appellant)</i> Mr. Aamir Aziz Qazi (Advocate), Mr. M. Abdur Rehman (Chief Supply Chain), Mr. Abid Hussain (Addl. Manager Proc.), Mr. Awais Khan (Addl. Dy. Manager Proc.) <i>(On behalf of Respondent (MEPCO))</i> Mr. Muzaffar Islam (Advocate), Mr. Khuram Ejaz <i>(On behalf of Respondent No.5 (M/s Al-Khurram))</i>
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**APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004
AGAINST THE ILLEGAL AND UNLAWFUL REJECTION OF GRIEVANCE BY
MEPCO-GRC DATED 10-10-2025 REGARDING TECHNICAL EVALUATION
REPORT DATED 01-10-2025 OF TENDER NO.02/2025-26 FOR SUPPLY OF
132 KV STEEL TUBULAR POLES (SPD)**

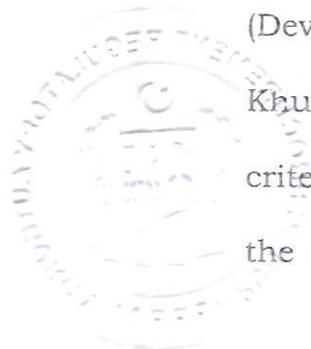
The above mentioned learned counsel(s) and representative(s) of the parties tendered appearance before the Appellate Committee and furnished their arguments at length.

2. At the outset, learned representative of the appellant i.e., M/s Global Technologies (Pvt.) Ltd. submitted that they

participated in Tender No. 02/2025-26 initiated by the Multan Electric Power Company (MEPCO / Respondent) for the procurement of *132KV Steel Tubular Poles (SPD)*. The Appellant submitted its bid strictly in accordance with the Instructions to Bidders (ITB), the eligibility criteria, and all technical specifications prescribed in the bidding documents, thereby fulfilling every mandatory requirement for responsiveness under the Public Procurement Rules, 2004.

3. The counsel of the appellant also submitted that the technical bids were opened on 13.08.2025, thereafter MEPCO uploaded the Technical Evaluation Report on the PPRA website dated 01.10.2025. In the said evaluation, the Respondent No.5, M/s Al-Khuras Associates (Pvt.) Ltd., was declared as "responsive" along with certain other bidders. The Appellant, being fully compliant and technically qualified, was adversely affected by the erroneous declaration of Respondent No.5 as responsive despite its non-fulfilment of mandatory criteria.

4. The counsel of the appellant further submitted that, being aggrieved, the Appellant filed a detailed and timely grievance / complaint dated 04.10.2025 (Ref. No. MEPCO/PMU-02/RG/327), addressed to the Chief Engineer (Development), PMU MEPCO Multan, highlighting that M/s Al-Khuras Associates (Pvt.) Ltd. did not meet the prescribed criteria in letter and spirit. The grievance was submitted within the statutory period prescribed under Rule 48(3) of the PPRA.



Rules, 2004. Although the Appellant initially attempted to submit the grievance through EPADS, a technical error prevented filing. This issue was immediately reported to MEPCO, and in compliance with ITB-48(2), the Appellant submitted the written grievance manually within the due time.

5. The counsel of the appellant also submitted that the respondent (MEPCO), vide its impugned letter No. 1943-proc dated 10.10.2025 issued by the Chief Engineer (Development), PMU MEPCO Multan, rejected the grievance on the grounds that it was (i) not addressed to MEPCO and (ii) not submitted through EPADS. The Appellant submitted that this impugned decision is illegal, arbitrary, non-speaking, and contrary to the PP Rules, 2004 as it avoids adjudication on the merits of the grievance and wrongly disregards a timely and duly submitted complaint.

6. The counsel of the appellant further added that the impugned GRC Order dated 10.10.2025 relies upon two erroneous and untenable grounds for rejecting the Appellant's grievance. First, the grievance was purportedly rejected for not being submitted through the Electronic Procurement Application and Data System (E-Pads). Clause 48.2 of the Instructions to Bidders (ITB), however, expressly provides that any bidder feeling aggrieved by any act of the procuring agency may lodge a written complaint within seven days of the technical evaluation report and five days of the final evaluation

report. A plain reading of this clause does not mandate submission exclusively via E-Pads. Second, the grievance was allegedly not addressed to MEPCO, whereas it was in fact duly addressed to the Chief Engineer (Development), the competent and designated officer for such matters. The rejection on these grounds constitutes a violation of the principles of natural justice, including due process, fair hearing, and issuance of a reasoned order. Reliance is placed on 1998 SCMR 1863, 2012 SCMR 1235, and PLD 2012 SC 553.

7. The counsel of the appellant also submitted that the grievance highlighted that M/s Al-Khuras Associates (Pvt) Ltd fails to meet the mandatory qualification criteria for the tendered 132KV Steel Tubular Poles (SPD). The bidder and its proposed manufacturer lack the requisite experience under Clause 13.3(b) of the BDS, both in terms of contractual supply (70% of tendered material) and performance criteria (continuous satisfactory operation for at least three years). Previous evaluations by PESCO and other authorities confirm that the same manufacturer has been disqualified for non-compliance with these requirements. The Technical Evaluation Report erroneously declared them responsive, and the GRC's failure to address these merits renders its decision unsustainable and arbitrary.

8. The counsel of the appellant also submitted that the Appellant's grievance was filed on 04.10.2025, well within the

stipulated period under ITB Clause 48.3. Dismissing it without addressing the merits deprives the Appellant of the right to redressal and violates principles of transparency, fairness, and economy under Rule 4 of the PP Rules, 2004. The selective favouring of a non-responsive bidder amounts to discrimination and contravenes the principles of equal treatment under Article 25 of the Constitution, hence this appeal.

9. On the other side, learned counsel of the respondent i.e., MEPCO submitted that the instant appeal is misconceived, legally incompetent, and not maintainable, as the Appellant has approached this Forum by deliberately distorting, concealing, and misrepresenting material facts. The appeal is founded upon false, fabricated, and misleading assertions, and is therefore liable to be dismissed at the very outset. The Appellant has not approached this Forum with clean hands and has intentionally suppressed essential facts relating to filing of grievances, procedural requirements under the E-PADS Regulations, 2023, and its own conduct during the procurement process. It is further submitted that the individual filing the present appeal, Mr. Usman Iqbal Bhatti, has no authorization to represent the Appellant Company, and no authority letter has been annexed with the appeal, rendering the proceedings incompetent.

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10. The counsel of the respondent (MEPCO) also submitted that the Tender No. PMU/02/2025-26 for procurement of 132 kV Steel Tubular Poles was duly advertised and conducted strictly in accordance with law, wherein three firms participated. After technical evaluation, M/s Global Technologies (Appellant) and M/s Al-Khuras Associates (Pvt.) Ltd. were declared technically responsive, while M/s F.N. Power (Pvt.) Ltd. was declared non-responsive. The Technical Evaluation Report was uploaded on the PPRA website on 01.10.2025. During financial evaluation, M/s Al-Khuras Associates emerged as the most advantageous bidder with a quoted price of Rs. 105,996,168/-, whereas the Appellant's bid was the second lowest at Rs. 128,496,000/-. The Appellant was duly informed of the financial bid opening scheduled for 16.10.2025.

11. The counsel of the respondent further submitted that the Appellant filed a manual grievance dated 04.10.2025, addressed to the Chief Engineer Development PMU MEPCO Headquarters, which was received on 06.10.2025. This grievance was forwarded to the Chief Engineer CSD (Convener, Grievance Redressal Committee) vide letter dated 07.10.2025. However, under the mandatory requirements of SRO No. 296(1)/2023 dated 27.02.2023 (E-PADS Regulations), particularly clause 13, all grievances must be filed electronically on EPADS within prescribed timelines, addressed to the Competent Authority (Chief Engineer CSD).

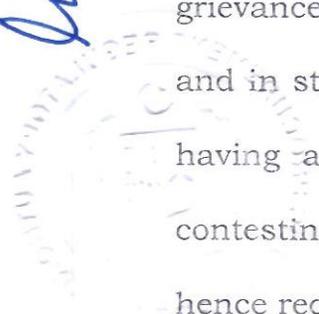
The Appellant knowingly bypassed the statutory mechanism and instead opted for a manual submission, in clear violation of the EPADS Regulations. Although the Appellant falsely claims technical issues in filing electronically, no proof, screenshots, or error logs were ever provided to MEPCO.

12. The counsel of the respondent also submitted that the Appellant has concealed from this Forum the fact that it subsequently uploaded another grievance on EPADS on 10.10.2025, only after its earlier manual grievance was not entertained vide letter dated 09.10.2025. This second grievance was rightly rejected by the GRC on the grounds of being time-barred under Rule 48(3) of the PP Rules, 2004 and for non-compliance with mandatory EPADS filing procedures. The Appellant, fully aware of the EPADS mechanism, is now attempting to camouflage its own procedural violations by selectively concealing facts and presenting a misleading narrative before this Forum. Government of Pakistan vide letter dated 27.08.2024 categorically directed procuring agencies to conduct all procurement activities strictly through EPADS, and any deviation constitutes mis-procurement.

13. The counsel of the respondent also added and submitted that all grounds raised by the Appellant are denied as incorrect, baseless, and misconceived. The Appellant violated mandatory EPADS filing requirements, failed to address the grievance to the competent forum, submitted a manual

complaint contrary to law and belatedly filed an electronic grievance after expiry of statutory timelines. The grievance was, therefore, rightly dismissed by the GRC as per Rules, Regulations, and bidding documents. Furthermore, the Appellant's attempt to challenge the procurement process is an afterthought, aimed merely at delaying MEPCO's procurement activities. The Appellant has not pointed out any illegality in evaluation, nor any violation of PPRA Rules by the Respondent. Conversely, MEPCO has fully complied with PP Rules, E-PADS Regulations, and the instructions set out in the bidding documents, particularly Clause 42 requiring all grievances to be addressed to Chief Engineer CSD (Convener, GRC).

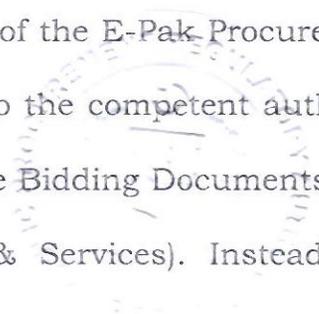
14. The counsel of the respondent further submitted that the Appellant's allegations regarding evaluation, responsiveness of other bidders, and treatment of its grievance are unfounded. The claim that M/s Al-Khuram Associates was wrongly declared responsive is baseless. The lowest evaluated bidder quoted substantially lower rates (Rs. 105,996,168/-) compared to the Appellant's own higher quote (Rs. 128,496,000/-). Therefore, the Appellant cannot claim any vested right to the award of contract. All proceedings of the grievance committee were legally justified, uploaded on EPADS, and in strict conformity with applicable rules. The Appellant, having accepted the bidding conditions, is estopped from contesting the mandatory EPADS mechanism after violating it, hence request for dismissal of the instant appeal.



15. On the other hand, learned counsel of the respondent no. 05 i.e., M/s Al-Khurram Associates Pvt. Ltd submitted that the present appeal is not maintainable and constitutes a clear abuse of the procurement grievance mechanism. The Appellant's conduct from filing an improper grievance to initiating this appeal reflects mala fide intent to obstruct and delay an otherwise lawful procurement process undertaken strictly in accordance with the Public Procurement Rules, 2004 ("Rules") and the E-Pak Procurement Regulations, 2023. Though technically qualified, the Appellant submitted a financial bid nearly 25% higher than the lowest evaluated bid, thereby rendering itself commercially non-competitive. Having failed to secure the contract on merit, the Appellant has resorted to frivolous litigation aimed at frustrating the Procuring Agency's lawful discretion. The Hon'ble Courts have repeatedly held that unsuccessful bidders cannot weaponized the grievance mechanism to achieve through litigation what they failed to obtain through competition.

16. The counsel of the respondent no. 05 also submitted that the Appellant's grievance was procedurally defective and non-maintainable, as it was neither filed through the mandatory EPADS portal under Regulation 13 of the E-Pak Procurement Regulations, 2023, nor addressed to the competent authority designated under Clause 49.1 of the Bidding Documents, i.e., the Chief Engineer (Commercial & Services). Instead, the

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Appellant submitted a manual grievance addressed to the Chief Engineer (Development) an officer wholly without jurisdiction thereby circumventing the statutory framework and digital record keeping mechanism. Since the entire procurement was conducted electronically through EPADS, including bid submission and evaluation, any grievance was mandatorily required to be routed through the same platform. MEPCO thus rightly rejected the grievance vide letter dated 10.10.2025 for failure to comply with mandatory procedural requirements.

17. The counsel of the respondent no. 05 further submitted that the Grievance Redressal Committee ("GRC") committed no illegality or procedural impropriety, as it recorded clear and lawful reasons for rejecting the grievance. Once the Appellant failed to meet the threshold requirement of proper submission under Regulation 13 and Clause 49.1, no examination of merits was warranted. The Appellant's allegations that the GRC order is non-speaking or violative of natural justice are misconceived, as the GRC was required only to "investigate and decide" the complaint to the extent of its maintainability. The order thus fully satisfies Rule 48(6) of the PP Rules, 2004, Section 24-A of the General Clauses Act, 1897, and Article 10-A of the Constitution. The Appellant cannot rely on its own non-compliance as a basis to challenge a lawful administrative action.

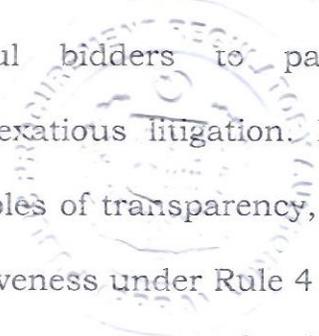
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18. The counsel of the respondent no. 05 further argued and submitted that the Appellant has failed to point out any procedural impropriety, mala fide, discriminatory treatment, or violation of the evaluation criteria in the technical evaluation of M/s Al-Khurram Associates. The Technical Evaluation Committee examined all bidders, including the Appellant, strictly in accordance with the criteria prescribed in the bidding documents and declared Respondent No. 05 as technically responsive. All credentials, experience requirements, and manufacturer qualifications were duly verified. Respondent No. 05 is backed by an experienced Chinese principal company with extensive expertise in the supply of similar materials. The Appellant has produced no credible evidence to demonstrate any deviation, bias, or manipulation. Mere disagreement with technical conclusions cannot constitute a ground for appellate interference.

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19. The counsel of the respondent no. 05 also submitted that the Appellant's repeated pattern of raising frivolous grievances and employing dilatory tactics including in previous tenders of a similar nature demonstrates a deliberate attempt to obstruct public procurement whenever its financial bid is commercially uncompetitive. Allowing such conduct would set a dangerous precedent, enabling unsuccessful bidders to paralyze procurement processes through vexatious litigation. Public procurement is governed by principles of transparency, value for money, efficiency, and competitiveness under Rule 4 of the



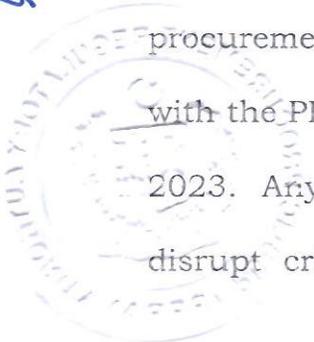
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PP Rules, 2004. The Appellant's litigation strategy is in stark violation of these objectives and is designed to derail a critical procurement involving 132 KV Steel Tubular Poles essential for MEPCO's infrastructure.

20. The counsel of the respondent no. 05 further submitted that the Appellant's allegations regarding technical deficiencies in Respondent No. 05's bid are irrelevant and misconceived, as the GRC rightly declined to enter into merits due to the Appellant's failure to file a valid grievance. The evaluation record clearly shows that Respondent No. 05 fulfilled all mandatory requirements, including experience, manufacturer credentials, and technical specifications. No documentary evidence has been provided by the Appellant demonstrating any non-responsiveness, misrepresentation, or non-compliance. Comparisons drawn with unrelated PESCO tenders or prior PPRA decisions are legally irrelevant, as each procurement is evaluated independently based on its own tender documents and submissions.

21. At the last, the counsel of the respondent also submitted that the request for suspension or stay of procurement proceedings by the appellant is wholly unjustified. The procurement process is lawful, transparent, and compliant with the PPRA Rules and the E-Pak Procurement Regulations, 2023. Any delay would gravely prejudice public interest, disrupt critical power infrastructure planning, and expose

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MEPCO to financial loss due to expiry of bid validity and potential re-tendering. The Appellant has failed to establish any prima facie illegality or irreparable loss warranting interim relief. The balance of convenience lies overwhelmingly in favour of allowing the procurement to proceed to ensure timely completion of public-sector infrastructure.

22. After perusal of all relevant record and arguments made by both the parties, the Appellate Committee observed that the grievance submitted by the Appellant was indeed filed manually and not through EPADS as required under Regulation 13 of the E-Pak Procurement Regulations, 2023. While the Appellant claims technical difficulties, no documentary evidence such as error logs or screenshots was produced to substantiate this claim. The grievance was also addressed to the Chief Engineer (Development) rather than the designated Competent Authority (Chief Engineer CSD / Chief Engineer Commercial & Services), resulting in non-compliance with the bidding document provisions Clauses 48.2 and 49.1 and EPADS Regulations, 2023.

23. The Committee also observed that the GRC rejected the grievance on maintainability grounds, not on substantive merits. As per established principles, an improperly submitted grievance cannot compel a procuring agency to consider substantive merits. The Committee also noted that the Appellant was the second lowest bidder, and the financial

evaluation established the respondent no. 05 i.e., M/s Al-Khuras Associates Pvt. Ltd. as the most advantageous bidder. Mere disagreement with technical evaluation does not amount to a legal infirmity warranting interference.

24. The Committee further observed that Clauses 13.3(b)(1) and 13.3(b)(2) of the Bid Data Sheet explicitly permit consideration of material having "similar or higher rating." Accordingly, the Performance Criteria under sub-clause 3 may be interpreted in the same manner, by applying the analogy derived from the aforementioned clauses. However, the record established that the Technical Evaluation Report (TER) was uploaded on the Authority's website on 01.10.2025. In terms of Rule 48(3) of the PP Rules, 2004, and the procedure prescribed in the bidding documents, the appellant was required to file its grievance within the stipulated time period as defined under the said rule, and by addressing the same to the Chief Engineer CSD (Convener, GRC), as well as through the designated EPAD system. Contrary to this, the Appellant failed to comply with the said mandatory requirements. Therefore, the Respondent's GRC rightly refused to entertain the grievance of the Appellant.

25. Moreover, during the course of the hearing, the representative of the Appellant submitted before the Appellate Committee that they had attempted to submit their grievance through the EPAD system between 01.10.2025 and 07.10.2025

but failed to do so due to a purported technical error. However, upon scrutiny of this assertion, it is established that the Appellant's stance is factually incorrect. The EPAD records and system logs confirm that no technical issues were encountered during the aforesaid period with respect to the vendor grievance submissions, and the Grievance Redressal Module was fully functional throughout the period in question.

26. In light of foregoing reasons and observations, the Appellate Committee upheld the decision of respondent's GRC dated 10.10.2025, therefore, the appeal in hand is hereby **dismissed** and disposed of accordingly.



(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 fifteen (15) pages.



