



No. PPRA/RP-13/2025
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 Hussaini Co. (Pvt) Ltd.

...the "Petitioner"

Vs.

Pakistan Civil Aviation Authority

...the "Respondent"

<u>Date of Hearing</u>	<i>Mr. Majid Jehangir, Advocate (SC)</i>
31.12.2025 17.12.2025	(On behalf of Petitioner) <i>Mr. Adil Aziz Qazi, Advocate (SC), Mr. Rana M. Bilal Anwar, Barrister Zopash Khan, Barrister Malik Talha, Mr. Usama Shahid, Advocate</i> (On behalf of Respondent)

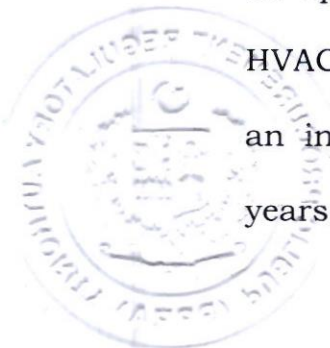
**REVIEW PETITION UNDER RULE 19(3) OF THE PUBLIC PROCUREMENT
RULES, 2004**

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

2. At the very outset, learned counsel of the petitioner i.e., M/s Hussaini Co. (Pvt) Ltd. submitted that the present Review Petition has been preferred by the petitioner under Rule 19(3) of the Public Procurement Rules, 2004, read with Section 5(2)(a) of the Public Procurement Regulatory Authority

Ordinance, 2002, and is squarely maintainable within the jurisdiction of this learned Authority. Although the Petition has been filed beyond the prescribed limitation, the delay is neither deliberate nor negligent and stands fully explained through exceptional and compelling circumstances elaborated in the accompanying application for condonation of delay, which forms an integral part of the Petition. In the interest of substantial justice, equity, and fair play, the Appellant respectfully submits that the delay merits favourable consideration.

3. The counsel of the petitioner also submitted that the petitioner's firm is well-established and engaged in HR services, manpower supply, janitorial services, construction and development works, and general order supplies, with an unblemished track record of successful execution of projects for both public and private sector entities, including the Respondent itself. The Respondent i.e., Pakistan Civil Aviation Authority issued satisfactory performance certificates dated 30.11.2018 and 12.12.2018 in favour of the petitioner, affirming its integrity, competence, and contractual compliance. On 08.12.2021, the Respondent invited proposals for operation and maintenance of Electrical, Mechanical, and HVAC functions at Jinnah International Airport, Karachi, for an initial period of one year, extendable by two additional years, pursuant whereto the petitioner duly purchased the RFP



and submitted its technical and financial bids on 23.12.2021 in accordance with the prescribed requirements.

4. The counsel of the petitioner further submitted that, upon opening of the technical bids on 23.12.2021, the petitioner was verbally informed that its technical proposal had been rejected on the alleged ground of non-demonstration of prior experience, and its sealed financial bid was returned on the same day, thereby conclusively terminating the procurement process vis-à-vis the petitioner. Owing to the severe and prolonged physical and mental health conditions of the Appellant's Chief Executive Officer, as detailed in the condonation application, the petitioner was rendered unable to immediately approach the Grievance Redressal Committee. Despite having already disqualified the petitioner and returned its financial bid, the Respondent, while being functus officio, issued a letter dated 27.12.2021 seeking submission of experience-related documents, which subsequently formed the basis of adverse presumptions against the Appellant.

5. The counsel of the petitioner also submitted that, thereafter, ex-parte proceedings were initiated against the petitioner, culminating in an ex-parte blacklisting order dated 02.01.2023, whereby the petitioner was blacklisted for the maximum period of ten years on the conjectural allegation that the submitted documents were "likely to be forged." At the relevant time, no valid blacklisting mechanism existed as mandated under Rule 19(1) of the Rules. The Civil Aviation

Authority Order dated 01.07.2019 was expressly confined to contractors, suppliers, concessionaires, lessees, and licensees, a category to which the petitioner admittedly did not belong. In the absence of a duly developed and notified mechanism, the Respondent lacked jurisdiction to blacklist the petitioner, rendering the impugned ex-parte order void ab initio and without lawful authority.

6. The counsel of the petitioner further added and submitted that, even otherwise, the impugned ex-parte blacklisting order is substantively illegal as no fraudulent or corrupt practice was ever established against the petitioner, as required under Rule 19(1)(a) of the Rules. The vague allegation that documents were “likely to be forged” falls short of even the civil standard of proof and does not constitute a finding of fraud. The burden of proof, which squarely lay upon the initiating department, was never discharged. The impugned order is founded entirely on assumptions, conjectures, and adverse presumptions arising solely from the petitioner’s non-participation, without disclosure of any independent evidence, recorded findings, or compliance with the evidentiary requirements envisaged even under the Respondent’s own internal orders.

7. The counsel of the petitioner further argued and submitted that the impugned proceedings are further vitiated by incurable procedural defects, including initiation of adverse action after the Respondent had become functus officio, failure

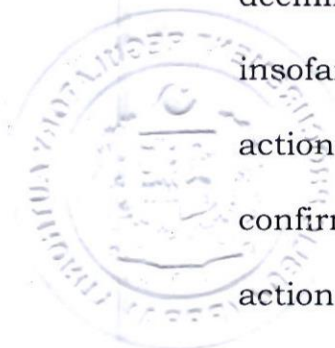
to disclose the evidence relied upon, denial of a statutory opportunity of review, and complete absence of hearing. These defects constituted a blatant violation of the principles of natural justice, particularly audi alteram partem. The confirmation of the blacklisting by the Authority vide letter dated 22.03.2023 likewise reflects no meaningful examination under Rule 19(2), having been issued in a mechanical and cursory manner without assessing the legality, proportionality, or conformity of the impugned order with any valid mechanism.

8. The counsel of the petitioner also submitted that, without prejudice to the foregoing, even assuming arguendo the applicability of the Civil Aviation Authority Order of 2019, the imposition of a ten-year blacklisting is manifestly disproportionate and violative of Clause D3.1 thereof, which prescribes a maximum of one year for a first offence and two years for a second offence. The Respondent imposed the harshest possible penalty without establishing any misconduct, fraud, or corrupt practice, thereby acting arbitrarily and unreasonably. The subsequent promulgation of the PPRA Blacklisting and Debarment Regulations, 2024 further reinforced that no lawful regulatory framework existed at the time of passing the impugned order, rendering the entire exercise legally unsustainable.

9. The counsel of the petitioner also added and submitted that the impugned ex-parte blacklisting order dated 02.01.2023 and the confirming letter dated 22.03.2023

constitute an unlawful restraint on the petitioner's fundamental right to carry on lawful trade and business guaranteed under Article 18 of the Constitution. In the absence of jurisdiction, a valid mechanism, established misconduct, or due process, the impugned actions are void, arbitrary, and without lawful authority. The counsel of the petitioner, therefore, respectfully prayed that both the impugned ex-parte order and the confirming letter be set aside, with all consequential reliefs, including removal of the petitioner's name from the list of blacklisted firms.

10. On the other hand, learned counsel and representative of the Pakistan Airports Authority tendered appearance from the side of the respondent i.e., Pakistan Civil Aviation Authority and preliminary submitted that, in pursuant to Gazette Notification S.R.O. 1220(I)/2024 dated 09.08.2024, issued under section 18 of the Pakistan Airports Authority Act, 2023, all assets, undertakings, rights, interests, and pending litigation of the Pakistan Civil Aviation Authority (CAA) have, by operation of law, vested in the Pakistan Airports Authority (PAA). Furthermore, section 72(2) of the said Act expressly validates all actions taken under the repealed ordinances, deeming them to have been lawfully undertaken under the Act, insofar as they are not inconsistent therewith. Accordingly, all actions relating to the disqualification, blacklisting, and PPRA confirmation concerning the Petitioner are deemed valid actions of the Pakistan Airports Authority (PAA), which is the



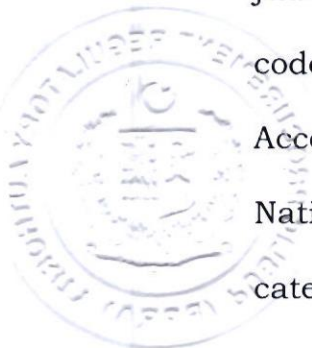
proper and competent respondent and fully authorized to defend the impugned proceedings under the Public Procurement Rules, 2004.

11. The representative of the PAA also submitted that the instant Review Petition is ex facie not maintainable, hopelessly barred by limitation, and liable to be dismissed in limine. The Petitioner itself admitted that the Review Petition falls beyond the prescribed period under Rule 19(3) of the PP Rules, 2004. The impugned disqualification was communicated in January 2022, the blacklisting order was issued on 02.01.2023, and the decision was confirmed by PPRA on 22.03.2023, whereas the present Review Petition has been filed only in December 2025, after unexplained delays ranging from two and a half to nearly four years. Rule 19(3) prescribes a strict, mandatory, and jurisdictional limitation, which cannot be circumvented by filing a belated and legally deficient condonation application supported merely by vague medical assertions, without any continuous medical record or explanation as to why no director, authorized representative, or counsel pursued available remedies during the intervening years.

12. It is pertinent to mention that the Pakistan Airports Authority (PAA) filed its written submissions in relation to the last date of hearing as well as in response to the instant Review Petition. Wherein, the learned counsel for the PAA contended that the law relating to limitation now stands conclusively settled in a case titled *Sikandar Ali and others vs. Waris Ali and*

others (2025 MLD 1939), the Honourable Sindh High Court held that vague, generalized, or unsubstantiated plea do not constitute "sufficient cause," and that each day's delay must be satisfactorily explained. It was further held that negligence, indolence or lack of coordination cannot defeat accrued rights once limitation expires. Similarly, the Balochistan High Court in *Asadullah vs. Zamran* (2025 PCrLJ 1168) held that where a special statute prescribes limitation, section 5 of the Limitation Act does not automatically apply. The Supreme Court in *Secretary C&W Department v. Messrs Parcon Associate Government Contractors* (PLD 2025 SC 371) reiterated that limitation is a statute of repose requiring strict compliance, and merits cannot be examined unless the bar of limitation is first overcome. Applying these settled principles, the present Review Petition is irredeemably time-barred.

13. The counsel of the PAA further submitted that, without prejudice to the above, the Petition is also liable to dismissal on account of deliberate suppression and misrepresentation of material facts. The record conclusively established that the Petitioner submitted forged and tampered documents, including three experience certificates produced on identical judicial stamp papers of Rs.100 bearing similar series and codes, rendering them inherently suspicious, and a forged Account Maintenance Certificate purportedly issued by the National Bank of Pakistan. The said bank certificate was categorically disowned by the concerned NBP Branch Manager



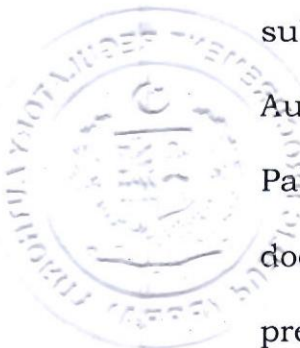
through official correspondence (Ref: NBP/G-13/2022), confirming it to be fake and forged. Upon detection, the complete original record was forwarded to HQ CAA/PAA, where all hard and soft copies of verifications and proceedings were preserved. The Petitioner has deliberately omitted these incriminating facts from the Review Petition in an attempt to mislead this learned Authority, thereby disentiing itself from any discretionary relief.

14. The counsel of the PAA also added and submitted that the disqualification and subsequent blacklisting were lawful, evidence-based, and carried out strictly in accordance with Rule 19 of the Public Procurement Rules, 2004, which expressly empowers procuring agencies to disqualify and blacklist bidders involved in corrupt or fraudulent practices. The rejection of the Petitioner's bid was based on its failure to establish genuine experience as required under Clause 3(xvi) of the RFP, and the blacklisting was initiated after documentary fraud stood affirmatively established through bank verification and internal scrutiny. The process was lawfully undertaken by the Competent Office of Prime Interest (OPI) at HQ PAA, which is the designated authority for debarment matters. The principles of audi alteram partem were duly observed, opportunities were afforded, and the Petitioner failed to rebut the documentary evidence. Detection of fraud is not confined to the bid evaluation stage; rather, the procuring

agency retains jurisdiction to act in protection of public interest even after bid rejection.

15. The counsel of the PAA further submitted that the grounds raised by the Petitioner regarding lack of jurisdiction, functus officio, proportionality, Article 18, and alleged conjecture are misconceived, factually incorrect, and contrary to record. Article 18 does not protect fraudulent commercial conduct, nor do later regulations have retrospective application to actions lawfully taken in 2022–2023. Forgery of bank documents and experience certificates constitutes a grave offence warranting strict sanction, particularly in aviation-related procurement involving public funds and critical infrastructure. It is further clarified that following the lawful disqualification of the Petitioner, the contract was awarded to M/s Continental Engineering Services (Pvt.) Ltd., the lowest evaluated responsive bidder, in strict compliance with PP Rules, 2004. Accordingly, the Review Petition is barred by limitation, vitiated by suppression and fraud, and devoid of merit, warranting outright dismissal.

16. On the other side, learned counsel of the petitioner submitted his written reply in response to the PAA written submission and contended that on 31.12.2025, this learned Authority expressly directed the purported Respondent i.e., Pakistan Airports Authority (PAA), to place on record the documents and evidence on which its verbal stance was premised by 07.01.2026, so as to enable the petitioner to rebut



the same. However, in blatant violation of the said directions, the purported Respondent filed its written reply on 08.01.2026, without annexing a single supporting document. Despite relying upon alleged documents during oral submissions, the purported Respondent deliberately withheld the same. Consequently, all verbal and written assertions unsupported by record deserve outright rejection, and an adverse inference is liable to be drawn under Article 129(g) of the Qanoon-e-Shahadat Order, 1984, as settled in *Jhangir vs. Shama Sultana (2022 SCMR 309)*.

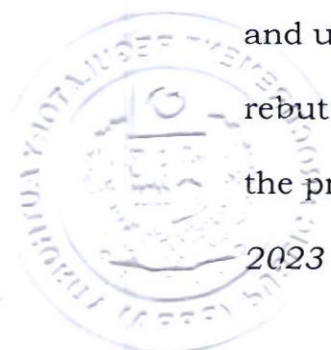
17. The counsel of the petitioner also submitted that the purported Respondent lacks locus standi to represent or defend the actions of the actual Respondent, namely Pakistan Civil Aviation Authority (CAA). Under Section 18 of the Pakistan Airports Authority Act, 2023, only those assets and undertakings of CAA stood transferred to PAA which were notified by the Federal Government through Gazette Notification. Vide S.R.O. No. 1220(I)/2024 dated 9 August 2024, such transfer was made prospectively from the date of notification. The petitioner, however, was blacklisted on 02.01.2023, i.e., seventeen months prior to the issuance of the Notification. Settled law mandated that statutes and notifications operate prospectively unless expressly stated otherwise (*CIR v. Millat Tractors Ltd., 2024 SCMR 700; Super Engineering v. CIR, 2019 SCMR 1111*). Therefore, even assuming arguendo that the impugned blacklisting could be

termed an “asset” or “undertaking”, PAA lacks the legal capacity to defend the same, rendering all its submissions liable to be disregarded.

18. The counsel of the petitioner further submitted that, without prejudice to the foregoing, PAA was never impleaded through a formal application under Order I Rule 10 CPC, 1908. In the absence of any such application, this learned Authority lacks the jurisdiction to suo motu implead a third party or stranger to the lis. Accordingly, all pleadings and arguments advanced by the purported Respondent are non est in law, and the proceedings, if any, can only continue vis-à-vis the actual Respondent, CAA.

19. The counsel of the petitioner also added and submitted that it is a settled proposition of law that no limitation runs against a void order (*HBL vs. M. Hussain, 2022 CLD 1013*). The impugned blacklisting order was never served upon the petitioner in the manner prescribed under Clause D4.4.2 of CAA’s Blacklisting Mechanism, which mandates publication on the CAA website in case of non-acknowledgment. Admittedly, no such publication was ever made, rendering the impugned order legally uncommunicated and unenforceable. Moreover, no counter-affidavit was filed to rebut the petitioner’s explanation for delay, thereby attracting the presumption of admission (*MCB v. Federation of Pakistan, 2023 CLD 333*).

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20. The counsel of the petitioner also submitted that all precedents relied upon by the purported Respondent are clearly distinguishable, as they pertain to disputes inter se private parties or rest on entirely different factual matrices. Conversely, superior courts have consistently held that delay on medical grounds constitutes sufficient cause and must be approached liberally (*Shamim Akhtar v. Sheikh Abdul*, 1994 MLD 1965). It has further been held that no vested right accrues in favor of a public authority merely due to lapse of limitation (*Rana Saleem v. CIT*, 2002 PTD 1035), particularly where refusal to condone delay would defeat substantial justice.

21. The counsel of the petitioner further added and submitted that The Appellant's case is patently meritorious. The impugned blacklisting for ten (10) years is ex facie illegal and ultra vires Clause D3.1 of CAA's Blacklisting Mechanism, which prescribes a maximum period of one (01) year for a first offence. The Honourable Supreme Court has repeatedly held that where an order is unsustainable on merits, technical objections of limitation cannot defeat justice (*HDA v. Abdul Majeed*, PLD 2002 SC 84). Additionally, documentary medical evidence placed on record has not been rebutted by any cogent material, and it is trite law that documentary evidence prevails over bald oral assertions.

22. Lastly, the counsel of the petitioner also submitted that the allegation of forgery is neither pleaded in the

impugned order nor proved by any tangible evidence. The alleged National Bank of Pakistan letter was never confronted to the petitioner, nor produced before this learned Authority, despite a specific undertaking. Under Clause D4.1.3.3 of the Blacklisting Mechanism, the burden to prove forgery squarely lay upon CAA/PAA, which has remained undischarged. Furthermore, once the petitioner was declared technically non-responsive, its financial bid returned, and bid security released, CAA became functus officio. Moreover, blacklisting the petitioner years after conclusion of the procurement process reflects mala fides and renders the impugned order void ab initio.

23. After perusal of all relevant record and arguments made by both the parties, the Review Petition Committee (“the Committee”) noted that, before entering into the merits of the case, firstly, the question of limitation mandatorily be addressed. In connection thereto, the Committee observed that the instant Review Petition has admittedly been filed well beyond the period prescribed under Rule 19(3) of the PP Rules, 2004 and the subject Review Petition was filed on 05.12.2025, whereas the impugned disqualification occurred in January 2022, the blacklisting order was issued on 02.01.2023, and the confirmation by PPRA was conveyed on 22.03.2023.

24. The Committee further observed that the record clearly establishes that the respondent (CAA), through its letter dated 02.01.2023, and PPRA, vide its letter dated

22.03.2023, duly communicated the decision regarding blacklisting of M/s Al-Hussaini & Co. (Pvt.) Ltd. to the petitioner at the relevant time. Notwithstanding such communication, the petitioner sought condonation of delay on the ground of alleged health-related issues of its Chief Executive Officer. In this regard, the Committee finds that the explanation so advanced is vague, generalized, and wholly unsubstantiated, as no continuous or cogent medical record has been produced to demonstrate that the petitioner was incapacitated from approaching this Authority within a reasonable period. Mere reliance on an isolated or belated medical assertion does not meet the threshold of "sufficient cause" envisaged under Rule 19(3) of the Public Procurement Rules, 2004, as consistently interpreted by the superior courts. The delay of nearly three years from the respective dates remains unexplained and is unsupported by any continuous documentary evidence. Furthermore, the Committee deems it pertinent to note that even if the medical condition of the petitioner's Chief Executive Officer was allegedly severe during the prolonged period of delay, no plausible explanation has been furnished as to why no authorized representative of the petitioner could have approached the Authority and availed the statutory remedy available under Rule 19(3) of the Public Procurement Rules, 2004.

