No. PPRA/AP-33/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
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ORDER

M/s. PKG International Shipping & Logistics Limited

...the "Appellant"

Vs.

Water and Power Development Authority (WAPDA) & Another

...the "Respondents"

Date of Hearing	Ch. Faisal Nawaz (ASC), Mr. Mubashar Hussain (Director)
20.07.2026	***(On behalf of Appellant)***
	Mr. Arshad Hussain Malik, Mr. Naseer Ahmed, Mr. M. Atiqur Rehman
	(On behalf of Respondent (WAPDA))
	Mr. Zeeshan Baig, Syed Sheheryar Raza Zaidi
	(On behalf of Respondent (M/s Daco Int'l))

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004 AGAINST THE DECISION OF THE GRIEVANCE REDRESSAL COMMITTEE COMMUNICATED VIDE LETTER NO. GM(M&S) W/DIR(MC)/1373-79 DATED 15.06.2026 IN RELATION TO TENDER NO. P9401

The Authority received the titled Appeal on 16.06.2026, filed under Rule 48(7) of the Public Procurement Rules, 2004. The Authority on receipt of the Appeal issued notices to the parties wherein it was directed to appear in person or through their nominated representatives or Counsel before the Authority on 20.07.2026 before the Appellate Committee in the Committee Room of this Authority.

2. On the said date of hearing (20.07.2026), the above-mentioned learned counsels and representatives of the parties appeared before the Committee and presented their arguments at length. The Respondents provided written arguments to the Committee.

3. The counsel for the Appellant submitted that the Appeal is being filed under Rule 48(7) of the Public Procurement Rules, 2004 against the decision of the Grievance Redressal Committee (GRC) communicated vide Letter No. GM(M&S)W/Dir(MC)/1373-79 dated 15.06.2026, the Revised Technical Evaluation Report issued pursuant to the GRC decision dated 19.03.2026, and the Technical Evaluation Report issued under Tender No. P9401 relating to the Procurement of Clearing & Forwarding Agents for the period 2026-2028.

4. The counsel for the Appellant submitted that the impugned evaluation suffers from serious procedural irregularities, arbitrary scoring, and misapplication of the evaluation criteria, resulting in grave prejudice to the Appellant. The matter involves violation of the Public Procurement Rules, 2004 and the principles of transparency, fairness and equal treatment, which form the cornerstone of public procurement law in Pakistan.

5. The counsel for the Appellant further submitted that CRRK WAPDA invited bids through Tender No. 9401 for procurement of Clearing & Forwarding Agents for clearance of imported consignments for the period 2026-2028. As per Clause 19 of the Bids Data Sheet, the procurement process was required to be conducted through Quality and Cost Based Selection (QCBS) Single Stage Two Envelope Procedure with the following weightage:

- 70 Marks Technical Evaluation
- 30 Marks Financial Evaluation

6. The Appellant submitted its bid along with all required documentary evidence demonstrating full compliance with the evaluation criteria. After completion of the revised technical evaluation process, the Technical Evaluation Report awarded the Appellant 66.67 Marks out of 70, without identifying the basis for deduction of 3.33 marks. Another bidder, namely M/s. Daco International Transport (Pvt) Ltd., was awarded 69 marks, despite documentary evidence indicating demurrage/detention charges exceeding PKR 5,000,000. These charges contradict the declaration of "Nil Demurrage in last three years", on the basis of which the bidder was awarded maximum marks.

7. The counsel for the Appellant submitted that the Appellant requested the CRRK WAPDA to provide the details of the mark sheet containing the detail breakdown of the marks, however, the CRRK WAPDA remain unresolved, and cannot provide the said details necessitating intervention by this Honourable PPRA Authority. Being aggrieved by the initial technical evaluation, the Appellant submitted a grievance before the GRC highlighting, inter alia, award the low marks to PKG and irregular award of marks to M/s Daco International Transport (Pvt) Ltd. under the "Nil Demurrage" criterion despite substantial documentary evidence indicating instances of demurrage, detention, storage and related charges. Upon filing of the grievance, procurement proceedings were suspended under PPRA Rule 48(4) and the matter was heard by the GRC. After hearing the parties and examining the record, the GRC categorically held:

   "The Complainant grievance(s) merits consideration, therefore, you are requested to re-evaluate the technical

proposal(s) including but not limited to instant grievance application."

8. The above finding clearly established that the grievances raised by the Appellant warranted reconsideration and fresh examination. However, despite the clear directions of the GRC, the Evaluation Committee failed to properly re-evaluate the technical proposals in light of the grievances raised by the Appellant. The Revised Technical Evaluation Report demonstrates that the Committee did not meaningfully examine the evidence submitted regarding the award of marks to M/s. Daco International Transport (Pvt) Ltd. under the "Nil Demurrage criterion and retained the same scoring without providing any valid justification. As a result, the concerns highlighted before the GRC remained unaddressed, defeating the very purpose of the re-evaluation directed by the GRC.

9. The counsel for the Appellant contended that upon issuance of the Revised Technical Evaluation Report, the Appellant submitted a detailed Appeal/Petition dated 11.06.2026, bringing on record further documentary evidence, legal submissions, procurement irregularities, and the Procuring Agency's failure to implement the directions contained in the GRC decision dated 19.03.2026. The Appellant specifically highlighted that the material evidence relating to demurrage, detention, storage charges, verification of Goods Declarations, and evaluation discrepancies concerning M/s Daco International Transport (Pvt) Ltd. had not been addressed in the revised evaluation process.

10. Thereafter, vide Letter No. GM(M&S)W/Dir(MC)/1373-79 dated 15.06.2026, the Convenor GRC/General Manager (M&S) WAPDA informed the Appellant that the matter had already been examined and decided by the competent forum/authority, that the case stood disposed of and closed, and that if the

Appellant remained aggrieved, it may seek remedy before the appropriate forum in accordance with Rule 48(7) of the Public Procurement Rules, 2004 and applicable procurement regulations.

11. The counsel for the Appellant submitted that neither the Revised Technical Evaluation Report nor the subsequent disposal of the matter adequately addressed the substantive issues, documentary evidence, and legal objections repeatedly raised by the Appellant. The impugned actions have resulted in grave prejudice to the Appellant and have undermined the principles of transparency, fairness, equal treatment, and objective evaluation mandated under the Public Procurement Rules, 2004. The Appellant is therefore constrained to invoke the appellate jurisdiction of the Public Procurement Regulatory Authority under Rule 48(7) of the Public Procurement Rules, 2004 and respectfully seeks appropriate relief against the impugned decision, the Revised Technical Evaluation Report, and the procurement irregularities.

12. The counsel for the Appellant submitted that the present Appeal is being filed under Rule 48(7) of the Public Procurement Rules, 2004 read with the Redressal of Grievances Regulations, 2021. The Appellant is aggrieved by the decision of the Grievance Redressal Committee (GRC) communicated vide Letter No. GM(M&S)W/Dir(MC)/1373-79 dated 15.06.2026, the Revised Technical Evaluation Report issued pursuant thereto, and the Technical Evaluation Report relating to Tender No. P9401. Accordingly, the subject matter falls within the jurisdiction of the Public Procurement Regulatory Authority. The impugned decision was communicated to the Appellant vide Letter No. GM(M&S)W/Dir(MC)/1373-79 dated 15.06.2026. This Appeal is being filed within the limitation period prescribed under Rule

48(7) of the Public Procurement Rules, 2004 and is therefore maintainable.

13. The counsel for the Appellant submitted that WAPDA invited bids through Tender No. 9401 for procurement of Clearing & Forwarding Agents for clearance of imported consignments for the period 2026-2028. As per Clause 19 of the Bids Data Sheet, the procurement process was required to be conducted through Quality and Cost Based Selection (QCBS). Single Stage-Two Envelope Procedure with the following weightage:

    - 70 Marks Technical Evaluation
    - 30 Marks Financial Evaluation

14. The Appellant submitted its bid along with all required documentary evidence demonstrating full compliance with the evaluation criteria. After completion of the technical evaluation process, the Technical Evaluation Report awarded the Appellant 66.67 marks out of 70, without identifying the basis for deduction of 3.33 marks. Another bidder namely M/s Daco International Transport (Pvt) Ltd. was awarded 69 marks, despite documentary evidence indicating demurrage/detention charges exceeding PKR 2700,000/-. These charges contradict the declaration of "Nil Demurrage in last three years", on the basis of which the bidder was awarded maximum marks. The Appellant filed a grievance before the Grievance Redressal Committee; however, the procurement irregularities remain unresolved, necessitating intervention by this Honourable GRC.

15. The counsel for the Appellant submitted that the evaluation process must strictly follow the criteria prescribed in the bidding documents. Any deviation renders the evaluation legally unsustainable. The procurement committee deviated from the Single Stage Two Envelope Procedure by obtaining

financial proposals through email, which is contrary to the procedure prescribed in the bidding documents. Such deviation undermines the confidentiality and transparency of financial bids. The award of maximum marks to a competing bidder based upon a Nil Demurrage affidavit, despite documentary evidence indicating demurrage charges, raises serious concerns regarding misrepresentation and improper evaluation. The Appellant has been awarded 66.67 marks without identifying the criterion under which marks were deducted, which violates the requirement of objective and transparent evaluation.

16. The counsel for the Appellant submitted that the impugned evaluation report is liable to be set aside on the following grounds:

Ground I

17. The revised evaluation report is liable to be reviewed on the following grounds:

a) Failure to implement the directions and spirit of the GRC decision dated 19.03.2026.

b) Non-consideration of material evidence submitted by the appellant.

c) Absence of a reasoned and speaking determination on disputed issues.

d) Violation of the principles of transparency, fairness and equal treatment of bidders envisaged under PPRA Rules.

e) Failure to independently verify documents and claims challenged before the GRC.

Ground II

18. The most alarming aspect of the revised evaluation is that despite independent third-party confirmation establishing that demurrage charges were incurred due to deficiencies attributable to M/s Daco International Transport (Pvt.) Ltd.,

the bidder continues to enjoy the full benefit of marks awarded under the "Nil Demurrage" criterion.

The independent confirmation furnished by Pak Matiari-Lahore Transmission Company (Private) Limited was precisely the type of evidence which the GRC considered decisive during the proceedings. Once such confirmation became available, the burden shifted upon the evaluating authority to either withdraw the marks awarded under the criterion or record cogent reasons explaining why the evidence was being disregarded.

Shockingly, the revised evaluation report does neither. The retention of the same score despite conclusive contrary evidence renders the re-evaluation process arbitrary, unreasonable and contrary to the principles of fair competition.

Ground III

19. The outcome of the revised evaluation creates a strong and reasonable apprehension that the re-evaluation exercise was undertaken merely as a formality to satisfy procedural requirements while preserving the original ranking of bidders.

Ground IV

20. Violation of PPRA Rule 36-Evaluation of Bids. Under Rule 36 of the Public Procurement Rules, 2004, bids must be evaluated strictly in accordance with the evaluation criteria specified in the bidding documents.

The rule mandates that:

- evaluation must remain objective and transparent;
- marks must correspond strictly with the criteria announced in the tender documents.

In the present case:

- the Appellant has fulfilled all evaluation criteria
- yet 3.33 marks have been deducted without any justification

Such deduction is arbitrary and contrary to Rule 36.

Ground V

21. Incorrect Evaluation under Nil Demurrage Criterion

Under the evaluation criteria:

- Nil Demurrage → 20 Marks
- Demurrage up to PKR 2,700,000 → 0 Marks

Despite this clear criterion, M/s Daco International Transport (Pvt) Ltd. has been awarded 20 marks.

However, documentary evidence shows the following demurrage charges:

Sr. #.	Consignee	Vessel	Bill of Lading	Arrival Date	Demurrage/Storage/Maintenance	Invoice Amount
1	NTDC	XIN SHANGH AI	COAU72558 38390	17-Jan-25	Multiple containers detention charges	PKR 4,110,855
2	Netracon Technologies Pvt. Ltd.	GROTON	RJK0133059	6-Dec-25	Container detention (CMA CGM, 6+6+7 days)	PKR 418,950
3	NTDC	ARAYA BHUM	1.5E+11	3-Jan-25	Container storage /demurrage on multiple containers	PKR 1,613,166
4	Nordex Pakistan Pvt. Ltd.	SEASPA N BREEZE	BIOF01023 600	16-Nov-25	29 days container storage/demurrage	PKR 304,879
5	NTDC	XIN SHANGHAI	COAU72558 38390	17-Jan-25	14 days container storage on 13 containers	PKR 1,606,844
6	NTDC	HYUNDAI BRAVE	HDMUSHAA 21695300	7-Jan-25	17 days container storage on 3 containers	PKR 461,667
7	NTDC	HYUNDAI BRAVE	HDMUSHAA 21695300	7-Jan-25	Container detention (HMM, 3 containers)	PKR 184,175
8	Pak Matiari Lahore Transmission Company Pvt. Ltd.	EVER LUCID	HDSKH125 WA22100	24-Dec-25	5 days container storage	PKR 90,193
9	K-Electric Limited	KOTA LIMA	JHSSHA112 50036	23-Dec-25	Terminal/storage charges	PKR 35,048
10	NTDC	ONE REPUTATIO N	KMTCSHAN 468321	14-Feb-25	Container detention /maintenance /cleaning (Korea Marine Transport, multiple containers)	PKR 1,610,000

11	NTDC	ONE REPUTATIO N	KMTCSHAN 468321	14-Feb-25	Container storage /open top storage /short-term demurrage (1 day) 15 days container storage/OOG marshalling	PKR 54,939
12	Nordex Pakistan Pvt. Ltd.	ONE READINESS	OPOF04386 600	5-Dec-25	15 days container storage / OOG marshalling	PKR 173,982
13	NETRACO N TECHNOL OGIES PVT LTD	GROTON	RJK013305 9	7-Dec-25	Container storage / Terminal/Documentati on	PKR 80,073
14	NTDC	HMM BANGKO K	VCEA04700	25-Dec-24	75 days demurrage on multiple containers	PKR 4,421,071

The total demurrage amount exceeds PKR 2,700,000/-, yet they said bidder has been awarded maximum marks. Such evaluation is manifestly contrary to the criteria stated in the tender documents.

Ground VII

22. Violation of Principle of Equal Treatment of Bidders. Public procurement law requires that all bidders be treated equally.

However:

- The Appellant was subjected to repeated clarification requests.
- Competing bidders were not subjected to similar scrutiny.

Such differential treatment violates the principle of fair competition.

Ground VIII

23. Violation of Transparency Principle (PPRA Rule 4). Rule 4 requires procurement to be conducted in a manner that promotes:

- transparency
- fairness
- competition
- economy and efficiency.

The irregularities in the present case demonstrate clear violation of these principles.

Ground IX

24. The circumstances of the evaluation process give rise to a reasonable apprehension of mala fide exercise of discretion and institutional bias, including:

    1. Deduction of marks from the Appellant without explanation.

    2. Award of maximum marks to a competing bidder despite documentary evidence of demurrage charges.

    3. Selective scrutiny of the Appellant's documents while ignoring discrepancies in competing bids.

    4. Furthermore, it is also respectfully submitted that, subsequent to the grievance proceedings, the Bidder came across the Technical Evaluation Report issued by Sui Northern Gas Pipelines Limited (SNGPL) against Tender Enquiry No. SNC-1934/26 regarding the clearance of imported consignments.

As per the official evaluation report, M/s Daco International Transport (Pvt) Ltd. was declared "Technically Non-Responsive" and awarded only 49 marks. The Procuring Agency specifically recorded the following finding:

"Technically non-responsive scored 49 marks. They have failed to meet the requirements, as the provided GDs as required could not be verified from WEBOC during visit of the bidder's premises."

This finding is of significant importance in the present proceedings. It establishes that another public-sector procuring agency, after conducting physical verification and scrutiny of records, was unable to verify the GDs submitted by M/s Daco International Transport (Pvt) Ltd. through the WEBOC system. Consequently, the bidder was declared technically non-responsive.

In these circumstances, serious doubts arise regarding the authenticity, verifiability, and reliability of the experience and performance claims submitted by M/s Daco International

Transport (Pvt) Ltd. in Tender No. 9401. If the bidder was unable to establish and verify its GDs/contracts before another public-sector procuring agency, it remains unclear how the same bidder was awarded 69 marks by CRRK, particularly under the "Experience of Firm" and "Performance of Firm" criteria, without conducting a similar level of verification of the GDs/contracts and supporting documentary evidence.

Once the above mala fide intention is established, the appearance of bias itself is sufficient to invalidate the evaluation process, as public procurement must remain free from even the perception of unfairness.

Ground X

25. The impugned evaluation process is further vitiated due to the acceptance of a materially incorrect affidavit submitted by M/s Daco International Transport (Pvt) Ltd. declaring "Nil Demurrage in the last three years."

However, documentary evidence available on record demonstrates that the said bidder has incurred substantial demurrage/detention charges exceeding PKR 2,700,000/-.

The documents clearly contradict the declaration of Nil Demurrage made by the said bidder.

It is a settled principle of procurement law that any material misrepresentation, false declaration, or submission of misleading information in a tender process constitutes a serious violation affecting the integrity of the procurement process.

Public procurement regimes require bidders to provide truthful and accurate information, and any incorrect affidavit submitted to obtain evaluation advantage is liable to attract serious consequences.

Submission of a false affidavit in procurement may result in:

- disqualification of the bidder from the tender process
- rejection of the bid as non-responsive
- blacklisting under applicable procurement rules

- cancellation of any award obtained on the basis of misrepresentation

The acceptance of such an affidavit without verification undermines the principles of transparency and fair competition embodied in the procurement framework.

The misrepresentation in the present case directly affected the technical evaluation score, as the bidder was awarded 20 marks for Nil Demurrage, which significantly altered the overall ranking of bidders.

Had the evaluation criteria been applied correctly:

- the said bidder would not have been entitled to the marks awarded under the Nil Demurrage criterion, and
- the comparative scoring of bidders would have been materially different.

Therefore, the evaluation outcome is based upon an incorrect factual premise, rendering the entire evaluation process legally unsustainable.

It is a fundamental duty of the procuring agency to ensure that all declarations and affidavits submitted by bidders are accurate and verifiable, particularly where such declarations materially influence the evaluation process.

Failure to verify such declarations amounts to serious procedural irregularity, warranting corrective intervention by this Honourable GRC.

26. The representative of the Respondents (WAPDA) submitted that the Appeal is misconceived and not supported by the record, as the technical evaluation and subsequent re-evaluation were carried out strictly in accordance with the bidding documents, applicable PPRA Rules and the directions of the Grievance Redressal Committee. Further submitted that no arbitrary scoring, unfair treatment or misapplication of evaluation criteria was made. The Appellant's objections regarding experience, deduction of marks and alleged demurrage of another bidder have already been duly examined, and the

marks were awarded on the basis of authenticated documents and the prescribed evaluation criteria.

27. The representative of the Respondents (WAPDA) further submitted that the Technical / Procurement Committee does not admit the allegation. The evaluation and subsequent re-evaluation were carried out strictly in accordance with the evaluation criteria prescribed in the bidding documents. No procedural irregularity, arbitrary scoring, or misapplication of the criteria has been committed by the Committee; rather, the marks were awarded on the basis of the record submitted by the bidders and the applicable tender requirements. The procurement proceedings have been conducted on merit, in a transparent and fair manner, and in accordance with the criteria notified to all bidders. No bidder has been given any preferential treatment, and the process has remained consistent with the principles of equal treatment and fair competition.

28. The representative of the Respondents (WAPDA) submitted that the bids were processed under Quality and Cost Based Selection on EPADS V.2.0. The technical evaluation fields included experience, performance, economy (demurrage charges), manpower, business spread, membership and affiliation, financial health, and filing of income tax and sales tax returns, as provided in the bidding documents and the EPADS format. During technical evaluation / re-evaluation of the bidding documents submitted by the Appellant, it was found that several contract agreements relied upon by the Appellant related to transportation business and were not relevant for technical evaluation of clearing and forwarding services. Out of the experience certificates submitted with the bid, the Appellant was asked, vide email dated 12.02.2026, to provide contract agreements/work orders for selected clients

on a sampling basis. In response, vide email dated 14.02.2026, the Appellant provided copies of Goods Declarations which did not correspond with the required client agreements. Subsequently, vide email dated 19.02.2026, the Appellant was asked to provide Goods Declarations for selected clients on a sampling basis. The Appellant informed on the same date that the Goods Declarations relating to those selected clients were connected with NTDC. Accordingly, the Appellant's claim of complete compliance is not borne out from the record.

29. The representative of the Respondents (WAPDA) further submitted that the revised technical evaluation was conducted by a duly constituted three-member Technical / Procurement Committee on EPADS V.2.0, comprising the Convener and two members. Each member evaluated/ re-evaluated the technical proposal independently and awarded marks on the basis of his own assessment against the criteria prescribed in the bidding documents. The Committee comprised the following:

- General Manager (CCC)
- Chief Resident Representative
- Director General Finance (B&C)

30. The Appellant was awarded full marks in all evaluation fields except Experience and Economy / Demurrage Charges. The final score of 66.67 marks out of 70 is the result of the independent marks awarded by the three Committee members, namely 66, 67 and 67. Therefore, the alleged deduction of 3.33 marks is neither arbitrary nor unexplained; it is clearly traceable to the marks awarded under the heads of Experience and Economy/Demurrage Charges.

31. It is further clarified that EPADS V.2.0 does not provide any separate mandatory field requiring the Procuring Agency to upload detailed reasons for each deduction in the Technical

Evaluation Report. However, without prejudice, this office duly provided the detailed explanation and breakup of marks in response to GRC Letter No. GM(M&S)W/647-49 dated 16.03.2026 through Letter No. CRRK/TENDER(2026-28)/5548-51 dated 17.03.2026. The allegation that the basis of deduction was not identified is, therefore, factually incorrect and legally misconceived.

For ready reference, the criterion-wise breakup is reproduced below:

Criteria	Maximum Marks	Marks Awarded after Evaluation	Marks Awarded after Re-Evaluation
Experience	10	8	9/10/10
Performance	10	10	10/10/10
Economy (Demurrage Charges)	20	17	17/17/17
Manpower	5	5	5/5/5
Business Spread	5	5	5/5/5
Membership/Affiliation	5	5	5/5/5
Firm Status	5	5	5/5/5
Financial Health	7	7	7/7/7
Income Tax and Sales Tax Return	3	3	3/3/3
TOTAL	70	65	66/67/67

Accordingly, the marks awarded to the Appellant are supported by the record and are in conformity with the stated evaluation criteria.

32. The representative of the Respondents (WAPDA) contended that another bidder, namely M/s Muhammad Amin Muhammad Moqeem (Pvt) Ltd., also obtained 69 marks, however, the Appellant raised no objection against that bidder. During the tendering process, it was clearly understood that, for evaluation purposes, only such demurrage amount would be considered which was attributable to the fault of the clearing

agent and had been formally intimated by the client / importer through official correspondence, such as a demurrage decision. Mere production of demurrage bills does not establish the cause of demurrage, nor does it prove that the demurrage was paid due to fault, negligence, or default of M/s Daco International Transport (Pvt) Ltd. in its capacity as clearing agent.

33. The representative of the Respondents (WAPDA) submitted that the Appellant has not produced any official correspondence from the respective clients establishing that M/s Daco International Transport (Pvt) Ltd. was held responsible for the alleged demurrage payments. Since demurrage liability is determined after examining all causes of delay from arrival of shipment onward, the material relied upon by the Appellant cannot be treated as authenticated proof of liability. That container detention is not included in the notified evaluation criterion and was not considered during the evaluation process.

34. The representative of the Respondents (WAPDA) submitted that EPADS V.2.0 does not provide any separate mandatory field requiring the Procuring Agency to upload detailed reasons for each deduction in the Technical Evaluation Report. However, this office, in response to GRC Letter No. GM(M&S)W/647-49 dated 16.03.2026, provided the breakup of awarded marks and a detailed explanation for deduction of marks through Letter No. CRRK/TENDER(2026-28)/5548-51 dated 17.03.2026. The relevant record was, therefore, placed before the competent forum, and the allegation that the basis of marks was not provided is not sustainable.

35. The representative of the Respondents (WAPDA) further submitted that the detailed reply has already been furnished. Further submitted that, if the same evaluation test urged by

the Appellant is applied uniformly, no marks would be admissible to the Appellant under the Economy / Demurrage section on the basis of the available record. It is again clarified that container detention is outside the notified evaluation criterion and was not considered during the evaluation process.

36. Further submitted that in compliance with the GRC decision dated 19.03.2026, the process for re-evaluation was initiated and carried out by the Technical/Procurement Committee in accordance with the bidding documents and the applicable PPRA framework. The Technical Committee complied with the decision and directions of the GRC in letter and spirit. During re-evaluation, the Committee re-examined all relevant documents and reassessed the Appellant's record under the applicable criteria. In the field of Experience, the Committee Members awarded scores of 10, 10 and 9, producing an average score of 9.66. The Economy/Demurrage field was also reassessed. On the basis of the available record, all Committee Members agreed that there was no basis or cushion for awarding further marks in the Economy section. That full marks had already been awarded to the Appellant in all other fields except Economy. The Appellant's concerns were therefore examined and addressed, even though the Appellant's record did not fully satisfy the qualitative requirement in the field of experience. Further submitted that during re-examination / re-evaluation, M/s Abdul Aziz Savul & Co. (Pvt) Ltd. was also awarded two additional marks in the field of experience by the Committee. This demonstrates that the re-evaluation was not a mechanical exercise, but an independent reassessment of the record. Accordingly, the Appellant's statement in this regard is not valid. The revised evaluation was conducted after examination of the relevant record and in compliance with the GRC decision. The Appellant has substantially repeated issues

already considered during the grievance and re-evaluation process.

37. The representative of the Respondents (WAPDA) submitted that The Technical / Procurement Committee agrees with the decision communicated by the GRC. The matter had already been examined by the competent forum and disposed of in accordance with the applicable procurement framework, while preserving the Appellant's right to avail the statutory remedy, if so advised. The re-evaluation of bids was carried out pursuant to the decision of the GRC and in a transparent manner under the PPRA Rules and the notified evaluation criteria. The GRC decision dated 15.06.2026 further substantiates that the matter was duly considered by the competent forum. No prejudice has been caused to the Appellant, rather, the Appellant's submissions were examined in the manner required under the procurement record and applicable rules. The Technical / Procurement Committee submits that the evaluation and re-evaluation have been carried out in accordance with the evaluation criteria contained in the bidding documents and under the Public Procurement Rules, 2004. The allegations of procurement irregularities are denied and no relief is warranted on the basis of the grounds urged by the Appellant.

38. The representative of the Respondents (WAPDA) submitted that without prejudice to the question of maintainability and jurisdiction, the Technical / Procurement Committee submits that the evaluation and re-evaluation were carried out strictly in accordance with the bidding documents and the PPRA Rules. The impugned evaluation does not suffer from any illegality, arbitrariness, or violation of the procurement framework. Further submitted that the communication of the GRC decision through the referred letter is a matter of record.

The Technical / Procurement Committee, however, agrees with the decision of the GRC and denies the substantive allegations raised by the Appellant against the evaluation/re-evaluation process.

39. The representative of the Respondents (WAPDA) submitted that the evaluation of bids was conducted in accordance with the criteria prescribed in the bidding documents. There has been no deviation from the notified criteria; therefore, the stance of the Appellant is untenable. It is clarified that all financial bids were uploaded by the bidders on the EPADS portal, as discussed and agreed during the online Zoom meeting dated 06-Feb-2026 with the PPRA team and same communicated to prospective bidder through email dated 06-Feb-2026. No financial proposal was received through email. Accordingly, the allegation that the prescribed procurement method was violated is factually incorrect.

40. The representative of the Respondents (WAPDA) submitted that the Technical/Procurement Committee conducted the re-evaluation in accordance with the evaluation criteria prescribed in the bidding documents following the GRC decision. The revised evaluation report does not require further review, as the GRC decision dated 19.03.2026 was complied with in letter and spirit. The record provided by the Appellant was not authenticated in the manner required for re-evaluation purposes. The revised evaluation report is fair, transparent, and prepared in accordance with the PPRA Rules. The documents relied upon by the Appellant were not authenticated and not endorsed by any respective importers / departments in a manner establishing liability of M/s Daco International Transport (Pvt) Ltd. as clearing agent. Mere demurrage / detention bills, without an official decision or correspondence fixing responsibility, do not establish that the

charges were incurred due to the fault or negligence of the clearing agent.

41. The representative of the Respondents (WAPDA) submitted that the allegation that re-evaluation was a mere formality is denied. The Technical / Procurement Committee carried out re-evaluation in accordance with the criteria contained in the bidding documents and under the PPRA Rules. The record reflects actual reassessment of relevant fields and bidders' documents. Therefore, the stance of the Appellant is not valid. The evaluation and re-evaluation were conducted in accordance with the criteria prescribed in the bidding documents. It is pertinent that full marks had already been awarded to the Appellant in all fields except Economy, as referred to in the earlier reply. The concerns of the Appellant were considered and addressed, even though the Appellant did not fully satisfy the qualitative requirements in the field of experience. Similarly, during re-examination/re-evaluation, M/s Abdul Aziz Savul & Co. (Pvt) Ltd. was also awarded two additional marks in the field of experience. Thus, the allegation of arbitrary deduction is not valid. Under the relevant criterion, demurrage could be considered only where it was attributable to the fault of the clearing agent and supported by official client/importer correspondence or a demurrage decision. Container detention is not included in the evaluation criteria. Further, in similar cases involving the Appellant, the Demurrage Committee did not impose recovery where demurrage was not attributable to the Appellant in its capacity as clearing agent. If the same test is applied uniformly, the Appellant's reliance on unverified demurrage/detention material cannot dislodge the marks awarded to M/s Daco International Transport (Pvt) Ltd.

42. The representative of the Respondents (WAPDA) submitted that the clarification requests issued to the Appellant were not

punitive or discriminatory; rather, they were part of the verification process undertaken on the basis of the documents submitted by the Appellant itself. During scrutiny, several documents of the Appellant were found to relate to transportation business and certain GDs produced by the Appellant did not correspond with the required client agreements. In these circumstances, the requests for clarification were necessary, reasonable and directly connected with the notified evaluation criteria.

43. The representative of the Respondents (WAPDA) submitted that equal treatment does not mean that identical clarifications must be issued mechanically to every bidder irrespective of the nature of documents submitted. Each bid was examined on its own record and marks were awarded strictly in accordance with the bidding documents. The Appellant has not produced any credible material to show that any competing bidder was exempted from the applicable criteria or given any undue relaxation. Accordingly, the plea of unequal treatment is misconceived and liable to be rejected.

44. The representative of the Respondents (WAPDA) submitted that the procurement proceedings were conducted in a transparent, fair and competitive manner in accordance with the Public Procurement Rules, 2004 and the criteria stated in the bidding documents. The technical evaluation and the subsequent re-evaluation were carried out by the duly constituted Technical / Procurement Committee through EPADS V.2.0, and the Committee members independently assessed the bids on the basis of the documentary record. The re-evaluation was carried out in compliance with the directions of the GRC, and the record shows no violation of Rule 4 or any principle of transparency, fairness, competition, economy or efficiency. The allegation of mala fide, institutional bias and selective scrutiny

is strongly denied. Such allegations cannot be sustained on conjectures, assumptions or comparison with an independent procurement process conducted by another procuring agency under a different tender, different record, different verification exercise, respective qualitative experience and different factual circumstances. The evaluation in Tender No. 9401 is to be judged only on the basis of its own bidding documents, notified criteria and record available before the Technical/Procurement Committee.

45. The representative of the Respondents (WAPDA) submitted that the SNGPL evaluation report, relied upon by the Appellant, does not automatically render M/s Daco International Transport (Pvt) Ltd. non-responsive in the present tender. Any finding in another procurement process, even if accepted at its face value, cannot be imported into Tender No. 9401 unless the same is directly connected with the present bid record and unless the bidder is found non-compliant under the criteria prescribed in the present bidding documents. No such conclusive material has been placed by the Appellant before the competent forum. The Appellant was awarded marks on the basis of its own submitted record, while the demurrage objection against M/s Daco International Transport (Pvt) Ltd. was examined in light of the relevant evaluation criterion. Mere reference to container detention, storage charges or an unrelated third-party evaluation cannot establish mala fide intention or bias.

46. The representative of the Respondents (WAPDA) submitted that only such demurrage was relevant which was attributable to the fault or negligence of the clearing agent and was formally established through official correspondence or a decision of the concerned importer/client. Mere invoices, shipping line bills, container detention charges, storage charges, maintenance

charges or combined unsegregated charges do not, by themselves, prove that the clearing agent was responsible for demurrage. The documents relied upon by the Appellant do not constitute a formal determination by the respective importer or competent authority holding M/s Daco International Transport (Pvt) Ltd. responsible for demurrage due to its fault as clearing agent. A large portion of the material referred to by the Appellant relates to container detention and storage, which were not part of the notified evaluation criterion. Where combined amounts were mentioned, no reliable breakup or authenticated attribution to the clearing agent was produced. In the absence of verified and conclusive evidence, the affidavit of M/s Daco International Transport (Pvt) Ltd. cannot be treated as false merely on the basis of unverified documents produced by the Appellant. Further submitted that similar demurrage bills relating to the Appellant itself, if treated in the manner urged by the Appellant, would adversely affect the Appellant under the Economy section; however, the correct test is attribution of fault to the clearing agent, not the mere existence of charges.

47. The representative of the Respondent No. 3 (M/s Daco International Transport (Pvt) Ltd.) submitted that the instant appeal is not maintainable in its present form and is liable to be dismissed at the very outset, for the reasons set out below:

a. The Appellant's own financial proposal is stated to have been submitted in a password-protected form, precluding its scrutiny by Respondent No. 1 or by Respondent No. 2. A party that withholds its own bid documents from scrutiny is ill-placed to complain of a want of transparency in the evaluation of another bidder's documents.

b. That the personal vendetta of the Appellant is evident from the fact that the entire Appeal has a series of baseless allegations and claims without any evidentiary proof.

c. That the Appellant has with mala fide and ill intent initiated frivolous litigation which only serves as a means of maligning the repute of the Respondent No. 3 to satisfy personal grudges that it may hold against the Respondent No. 3, which is patently demonstrated by the fact that another bidder namely "Muhammad Amin Muhammad Moqeem (Pvt) Ltd." was awarded the same marks i.e. 69 out of 70 in the Technical Evaluation and yet not one allegation has been levelled against them.

d. This Honourable Authority undoubtedly has appellate jurisdiction and may interfere where an evaluation is illegal, irrational, mala fide, discriminatory or contrary to the disclosed criteria. It should not, however, substitute the technical committee's assessment merely because the Appellant proposes a different scoring view. The Appellant, in substance, invites a re-marking of a technical evaluation on that footing.

e. The Appellant as part of the instant Appeal has called into question, the manner of submission of the financial bid, which is a challenge to a term or feature of the bidding documents and as per Rule 48(2) of the Rules, must be raised "well before the proposal submission deadline" and failure to do the same, estops the Appellant from raising such grounds and seeking such declaration before this Honourable Authority.

f. That furthermore, the Appellant has tried to shift the burden of proof on the Respondent No.3; whereas, it is a trite principle of law that the party making allegations is always put to strict proof thereof. The Appellant has failed to meet this legal standard and held the Respondent No. 3 accountable for substantiating their claims.

g. That the instant Appeal has been filed by the Appellant without proper application of mind, which is demonstrated by the fact that the Appeal has been shoddily numbered, Grounds demonstrated by have been numbered from Ground I to Ground X, despite the fact that the actual "Ground VI" as has not been marked or presented as part of the Appeal.

h. The Appellant's grievance as to its own marks lies against the procuring agency i.e. the Respondent No.1 and not the

Respondent No. 3. Similarly, the falsified prayers made and allegations floated asking for the disqualification and blacklisting of the Respondent No. 3 are not merely penal but process specific statutory consequences: each requires a specific notice, a reasoned finding of material falsity, and a hearing and cannot be granted in this appeal, still less against a party never heard before the Respondent No. 2 much less on the basis of falsified documents and fabricated evidence.

i. That the Appellant has therefore come before this Honorable Authority with unclean hands and by filing this Appeal has shown disrespect for the paucity of time that the Honorable Authority is faced with which is being wasted because of the Appellant's frivolous instant Appeal. The Appellant has attached fabricated documents and fudged figures in an attempt to make his false allegations have a ground to stand on to present this Appeal. More specifically, the letter purported to be by Pak Matiari-Lahore Transmission Company (Private) Limited ("PMLTC"), stating that there are outstanding demurrages charges attributable to Respondent No. 3 is admitted to be fake by PMLTC itself. The table attached in the Appeal also misrepresent the figures of demurrage charges attributable to Respondent No. 3 while the Appellant hides the fact that it had outstanding demurrage charges within the three (3) year time period under which it falsely represented that it had nil demurrage charges in its undertaking sent to Respondent No. 1 for its technical evaluation.

j. That in view of these Preliminary Objections, the Appeal is liable to be immediately dismissed with costs.

48. Further submitted that WAPDA, who is represented through the Respondent No. 1 and Respondent No.2 in the instant Appeals invited bids for the procurement of clearing and forwarding agency services, the Bidding Data Sheet whereof, under Clause 19, prescribed a total of 100 marks, apportioned as 70 marks for technical evaluation and 30 marks for financial evaluation.

49. Further submitted that the Respondent No. 3 submitted its technical and financial proposals through the e-PAD (e-PAK

Acquisition and Disposal) System, the electronic procurement portal utilized by Respondent No. 1, in compliance with the applicable procedure. That after completion of the revised technical evaluation process, the Appellants were awarded 66.67 Marks out of 70. It needs to, however, be clarified that initially, the Appellants were awarded 65 Marks out of 70 and it was only after a grievance was raised by them before the Respondent No. 2 that their marks were increased. The Appellant throughout the Appeal has shied away from admitting such enhancement of its Marks as part of the revised technical evaluation, in an attempt to discredit the Respondent No. 1. Any and all insinuations of the Marking being based on anything other than clearly provided for and well demonstrated evaluation criteria is a figment of the Appellant's falsified imagination.

50. Further submitted that the allegations levied on the Respondent No. 3 in respect of its demurrage/detention charges exceeding Rs.5,000,000/- are based on a falsified, incorrect and patently illegal representation of the facts and documentation and is merely a demonstration of the incompetence and personal bias that the Appellant holds against the Respondent No. 3 which has clouded their judgment. Without prejudice to the general rebuttal contained herein, the specific rebuttal to the allegation shall be made in reply to Ground II and Ground V respectively.

51. Further submitted that the Appellant, in an attempt to derail the bidding and the procurement proceeded to file a falsified grievance before the Respondent No. 2 under Rule 48(7) of the Public Procurement and Regulatory Authority Rules, 2004 ("Rules") which resulted in the immediate halting of the process. It is also an admitted fact that the Respondent No. 2 despite most of the allegations of the Appellant pertaining to

the Respondent No. 3, proceeded to order a re-evaluation of the technical proposal(s) without affording an opportunity of hearing to the Respondent No. 3.

52. Further submitted that it is also a matter of record that the Respondent No.1 proceeded to make compliance with the Respondent No. 2's Order dated 19.03.2026 and proceeded to re-evaluate the technical proposal, such that the Appellant's marks were increased from 65 to 66.67 out of 70. Since the Respondent No. 3 was never made a party to the proceedings before the grievance committee, the Respondent No. 3 cannot comment on the need for or the rationale for the re-evaluation.

53. Further submitted that the Appellant's entire case is made of wishful thinking, ideas and hopes couched in a falsified wrapping to present them as facts, where in fact they have failed to make specific, pointed and relevant objections. Where such allegations have been made, as will be demonstrated in the response to the Grounds so raised, the same have been based on an incorrect reading of a document, supported by fabricated correspondences and powered by an interpretation of law which the law does not demonstrate.

54. Further submitted that the filing of the instant Appeal is merely to delay and defeat the purpose of the procurement under the garb of appellate remedies, where in fact no case has been or can be demonstrated to exist by the Appellant before this Honourable Authority. It is also submitted that Prayer 11 of the instant Appeal and accompanying factual and legal grounds taken in the Appeal pertain to a challenge in respect of a term or feature of the bidding documents and as per Rule 48(2) of the Rules, must be raised "well before the proposal submission deadline", which has since lapsed and such claim is hopelessly time barred.

55. Further submitted that the Appellant as part of the first technical evaluation was granted 65 Marks out of 70. Thereafter, aggrieved by such marking, the Appellant filed a Grievance Application before the Respondent No. 2 dated 12.03.2026, in respect of which the Respondent No. 2's vide its Order dated 19.03.2026 called for re-evaluation and thereafter the Respondent No. 1 proceeded to re-evaluate the technical proposal, such that the Appellant's marks were increased from 65 to 66.67 out of 70. 5. Further submitted that the Respondent No. 3 was awarded 69 marks, however the later insinuations are wholly and vehemently denied and our responses to Grounds II and V are reiterated herein.

56. Further submitted that from the Respondent No.3's standpoint the procurement and the evaluation mechanism were clearly provided for and adequately followed. Further submitted that the fact that the Respondent No. 2's vide its Order dated 19.03.2026 ordered for re-evaluation, as a consequence of which the Appellant's technical proposal was re-evaluated and the Appellant's marks increased by 1.67 Marks, which stands contrary to the claim by the Appellant that the Respondent No. 2 i.e. GRC's Order was not complied with, where in fact the same was complied with. A testament of such compliance is also the fact that the Respondent No. 2 at the second time of asking of the Appellant i.e., vide its Order dated 15.06.2026, did not budge and expressed satisfaction that the matter had already been closed.

57. Further submitted that the hullabaloo by the Appellant against the Respondent No. 3 is focused primarily on an alleged "independent third-party confirmation" which as per the falsified assertions of the Appellant establishes that demurrage charges were incurred due to deficiencies attributable to the Respondent No. 3 i.e. M/s DACO. At the outset the document

relied upon by the Appellant to found its case on demurrage, purportedly a letter issued by PMLTC is at material variance, both as to date and as to the amount stated. The date of the BL as mentioned in the letter is 30.10.2025, whereas the actual date of the BL is 30.11.2025. In addition to the aforesaid, the letter provides that the total demurrage amount as Rs. 90,193/-, whereas the same was actually the total invoice amount and not the demurrage charges. Now if PMLTC had actually issued such letter, the said details would not be incorrect since they could have easily added the same from the record. To confirm our suspicion, the Respondent No. 3 vide its email dated 14.07.2026 reached out to PMLTC requesting clarity on whether any such letter as has been alleged was issued. PMLTC on their part categorically denied the aforesaid in no uncertain terms vide their email dated 14.07.2026, wherein they expressly provided as under:

Further, I would like to make it clear once again that PMLTC has not issued any letter or authorization to any other department concerning the matter with your agreement.

This proves beyond reasonable doubt that the entirety of the Appellant's case against the Respondent No. 3 before the Honourable Authority is based on a fabricated, incorrect and misleading document which has no semblance in fact or reality. It is submitted that a party that founds its entire case of misrepresentation on a document ought, at the least, to place before the Honourable Authority a real and credible document instead of a fake and fabricated one which is subsequently denied by the purported issuer. It is submitted that falsification of record before this Honourable Authority is fatal to Grounds II and V of the Appeal.

In addition, and without prejudice to the aforesaid, the fact that the Appellant has not only placed on record but relied on a falsified document before this Honourable Authority and previously before the Respondent No. 2, i.e., GRC makes it a fit case for the Honourable Authority to pass strict orders against the Appellant, reprimanding them for such blatant misrepresentation, falsification and lies.

58. That in reply to Objection No. IV (alleged arbitrary deduction of the Appellant's own marks without justification), Respondent No. 3, not being privy to the internal deliberations of the evaluation committee regarding the Appellant's proposal, does not comment on the correctness of marks awarded to the Appellant. Without prejudice to the aforesaid, neither Rule 36 of the Public Procurement Rules, 2004 (hereinafter "Rules, 2004"), nor any other provision of the said Rules or the Redressal of Grievances Regulations, 2021 ("Regulations, 2021") obliges a procuring agency or its evaluation committee to record a criterion-wise justification for marks awarded to a bidder. Rule 36 requires only that bids be evaluated "in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding documents". The Appellant's demands that reasons be recorded for each mark awarded are, with respect, not founded in any express requirement of law and don't, by themselves, constitute a ground of appeal. In addition, and without prejudice to the aforesaid, even if assumed correct, would in any event have no bearing on the marks lawfully awarded to Respondent No. 2.

59. Further submitted that the Evaluation Criteria specifies threshold for demurrage charges and points out a numerical scale to be applied on the basis of such charges. It is also a fact that the said Evaluation Criteria was clarified by the Respondent No. 1, who vide their email dated 19.02.2026 under Clause 7.6 of the Bidding Documents, wherein they requested the parties submitting their technical proposals to submit "an undertaking on Rs. 200/- judicial stamp paper

affirming that no demurrage has been imposed by your clients attributable to you in connection with the customs clearance of their consignments during the last three (03) years i.e. from 01.01.2023 to 31.12.2025". A perusal of the aforesaid clarified that the thresholds for demurrage charges detailed in the Evaluation Criteria were in respect of the demurrage charges "attributable to" the bidders and general demurrage charges on consignments handled by them would not affect the evaluation of the technical proposal, till such time as there existed, real, cogent and verifiable evidence that the same were attributable to the bidders.

60. Further submitted that demurrage charges, as is customary, arise on account of various delays in most cases attributable to the client or customer on account of, inter alia, delayed provision of documents by the client, and the client's own delay in arranging funds for the goods and shipment documentation, etc. As such the mere compilation of the demurrage charges on a particular clearing agent's work is not representative of the same being caused by i.e. "attributable to" the action or inaction of the bidders. The Appellant has opted to place on the record, a table demonstrating a purported compilation of demurrage charges in relation to consignments handled by the Respondent No. 3 along with incomplete supporting documentation, without demonstrating whether or not the same are even "attributable to the Respondent No. 3. At this juncture, the Respondent No. 3 challenges the compilation and the figures detailed in the table detailed under Ground V. The Respondent No. 3 on its part, details a counter table as under:

61. A perusal of the aforesaid table in light of the accompanying documents and invoices annexed hereto, once again demonstrates that the Appellant has tried to fudge figures, present an inaccurate and incorrect representation and has

attempted to derail the procurement process and the technical evaluation by attempting to cite expansive numbers all while conveniently ignoring the fact that demurrage charges would only lead to a penalization where the same is "attributable to" the bidder i.e. Respondent No. 3, of which no proof has been annexed or furnished.

S.#	Consignee	VESSEL	BL NO.	ACTUAL PORT DEMURAGE/ STORAGE	ACTUAL SHIPPING DETENTION
1	NTDC	XIN SHANGHAI	COAU7255838390	1,017,068.00	4,110,855.00
2	Netracon Technologies Pvt Ltd	GROTON	RJK0133059	31,165.00	418,950.00
3	NTDC	ARAYA BHUM	150400111458	888,622.00	963.200.00
4	Nordex Pakistan Pvt. Ltd	SEASPAN BREEZE	BIOF01023600	239,172.00	FREE
5	NTDC	HYUNDAI BRAVE	HDMUSHAA21695300	315,257.00	184,175.00
6	Pak Matian Lahore Transmission	EVER LUCID	HDSKHI85WA221 100	23,317.00	-
7	K-Electric Limited	KOTA LIMA	JHSSHA11250036	Nil	Nil
8	NTDC	ONE REPUTATION	KMTCSHAN468321	429,431.00	506,521.00
9	Nordex Pakistan Pvt. Ltd.	ONE READINESS	OPOF04386600	-	301,736.00
10	NTDC	HMM BANGKOK	VCEA04700	4,156,951.00	-

62. Without prejudice to the aforesaid, if we assume that the mere existence of demurrage charges are a demerit and that the clarification issued by the Respondent No. 1 should be ignored (which would be incorrect). In such a situation, even the

Appellant which has furnished the same "Nil" undertaking as the rest of the bidders would also be found in violation. Below is duly tabulated information demonstrating the demurrage charges on consignments handled by the Appellant, which unsurprisingly are higher than the demurrage charges alleged by the Appellant against the Respondent No. 3.

Sr.#	Consignee	VESSEL	BL NO.	ACTUAL PORT DEMURRAGE / STORAGE	ACTUAL SHIPPING DETENTION
1	NTDC	LILA MUMBAI	GFROE2509163	200,224.00	3,648,832.00
2	NTDC	CSL STAR	BSE0327621	18.615.00	NIL
3	NTDC	OOCL LE HARVE	OOLU4124060250	261,993.00	1,756,231.00
4	NTDC	KMTC MOMBASA	142551990361	1,827,922.00	5,202,880.00
5	NTDC	ELENIT	259876783	224,520.00	NIL
6	NTDC	OOCL JAKARTA	S237028417	158,910.00	959.343.00
7	NTDC	TS KEELUNG	757510675726	17,921.00	NIL
8	NTDC	X-PRESS PYXIS	142504157453	27.311.00	NIL
9	NTDC	XIN SHANGHAI	COAU7263361400	308,950	952,740
10	NTDC	XIN SHANGHAI	COAU7263386260	2,561,601	8,345,718
	Total			5607976.00	20865744.00

63. In addition, and strictly without prejudice to the aforesaid, it is in fact the Appellant who has been guilty of hiding relevant information vis a vis their demurrage charges and has in fact in a document annexed to the Appeal as Annexure H titled "Documents submitted by the Appellant during the GRC meeting" expressly admitted in the "Brief Facts" section, that they were charged for and ultimately paid the demurrage charges amounting to Rs. 64,658 in respect of shipment and Rs.604,106/- in respect of another shipment. Interestingly, the

shipments were vide Goods Declarations dated 27.12.2023 and 29.12.2023 respectively, which was within the three year period for which the Appellant submitted a "Nil" demurrage charges undertaking and hence is a clear, blatant, unequivocal violation of the terms of the undertaking and demonstrates that the Appellant not only mispresented their way into the technical proposal, but has consistently made up fallacies and presented them as facts against the Respondent No. 3, whereas their own conduct goes expressly against each and every claim that they have made Without prejudice to the denials and rebuttals made to Ground X herein, each of the action prayed for therein and allegation made by the Appellant against the Respondent No. 3 in view of the aforesaid falsification of their undertaking is applicable on them and the Respondent No. 3 prays for the application of each such ground and remedy against the Appellant as has been prayed by the Appellant against the Respondent No. 3 in Ground X.

64. Further submitted that attention is drawn to Clause 7.6 of Instruction of Bidders and Rule 31 of the Rules, which specifically permit the procuring agency to ask for clarifications from the bidder or bidders, as the case may be, for better evaluation of their proposals. Without placing reliance, it appears that the Appellant's bid is likely to have had material irregularities, which led to the procuring agency i.e., Respondent No. 1 in having to seek multiple clarifications regarding their bid. In addition to the aforesaid, similar clarifications were also sought from the Respondent No. 3. With respect to the ludicrous allegations in respect of a completely unrelated bidding, with completely unrelated evaluation criteria, mechanisms, etc. the Appellant has placed reliance on a purported SNGPL bid rejection to discredit the Respondent No.3. Such extraneous material cannot form a valid ground for impugning the technical evaluation carried out in the present

procurement. Without prejudice to the aforesaid, with respect to the SNGPL tender, further added that same was rejected on account of SNGPL's inability to have certain Goods Declarations verified through WEBOC, primarily because in most of the cases where such verification was sought the Respondent No. 3 was no longer engaged by the client in question, such that the relevant records were no longer accessible to it through that client's WEBOC profile; the underlying Goods Declarations remain verifiable directly from the Customs authorities, which the SNGPL never bothered to do. Not one to take the same lying down, the Respondent No. 3 had addressed correspondence to the relevant procuring entity explaining this position and raised a grievance at the relevant time. In these circumstances, no inference of bias, mala fide or unequal treatment arises, whether in the instant procurement or otherwise.

65. Further submitted that the Appellant's application seeking suspension of the procurement process, and restraint against opening of financial bids pending disposal of the appeal, is misconceived and ought to be dismissed. Along with that, the Appellant has failed to make out a prima facie case, the balance of convenience lies against the grant of any such relief given the internal inconsistencies in the Appellant's own case set out above, and continued suspension of the procurement process would cause irreparable prejudice to Respondent No. 1 and to Respondent No. 3, who has at all times remained ready and willing to perform its obligations.

66. The Appellate Committee has heard the learned representatives of the Appellant, the Procuring Agency (WAPDA), Respondent No. 3 (M/s Daco International Transport (Pvt) Ltd.), and has carefully examined the pleadings, written submissions, documentary evidence placed on record, the Technical Evaluation Reports, the decision of the Grievance

Redressal Committee (GRC), and the relevant provisions of the Public Procurement Rules, 2004.

67. In terms of Rules 29 & 30 of the Public Procurement Rules, 2004, which is reproduced as under:

29. Evaluation criteria: -

Procuring agencies shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated. Such evaluation criteria shall form an integral part of the bidding documents. Failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.

30. Evaluation of bids. –

(1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed bidding documents. Save as provided for in sub-clause (iv) of clause (c) of rule 36 no evaluation criteria shall be used for evaluation of bids that had not been specified in the bidding documents.

68. It is pertinent to mention that no deviation from the specifications, terms and conditions specified in the bidding documents & evaluation criteria is permissible. The procuring agency shall proceed strictly in accordance with terms and conditions set forth in the bidding documents. All participants in the bidding process are bound by the terms and conditions of tender documents and cannot go beyond the purview and ambit of the tender documents.

69. As per the evaluation criteria prescribed in the bidding documents, the procurement was to be conducted on the basis of the Quality and Cost Based Selection (QCBS) method, with a maximum of 70 technical marks, out of which a bidder was required to secure at least 49 marks to qualify for the financial evaluation. The relevant portions of the prescribed technical evaluation criteria are reproduced below:

Experience of Firm: Qualitative

For less than 5 years (0)

For 5 years (4)

For 6 years (5)

For 7 years (6)

For 8 years (7)

For 9 years (8)

For 10 years (9)

For more than 10 years (10)

Under the evaluation criteria:

- Nil Demurrage → 20 Marks
- Demurrage up to PKR 2,700,000 → 0 Marks

70. The Appellant assailed the GRC decision dated 15.06.2026, the Revised Technical Evaluation Report, and the Technical Evaluation Report issued under Tender No. P9401 relating to the procurement of Clearing & Forwarding Agents for the period 2026–2028. The principal grievance of the Appellant is that although it secured 66.67 marks out of 70, 3.33 marks were deducted without a reasoned explanation, thereby rendering the evaluation arbitrary and lacking transparency. The Appellant further alleged that Respondent No. 3, M/s Daco International Transport (Pvt.) Ltd., was awarded full marks under the "Nil Demurrage" criterion despite documentary material indicating demurrage, detention, and storage charges, and that the Procuring Agency failed to meaningfully implement the directions of the GRC during re-evaluation.

71. The Procuring Agency (WAPDA) denied the allegations and maintained that the evaluation and re-evaluation were conducted strictly in accordance with the bidding documents and the Public Procurement Rules, 2004. It submitted that the Appellant's marks were deducted under the Experience and Economy (Demurrage) criteria based on deficiencies found in

the supporting documents, while the evaluation of Respondent No. 3 under the demurrage criterion was based on the understanding that only demurrage attributable to the fault of the clearing agent, as established through official client correspondence, was relevant.

72. The Respondent No. 3 (M/s DACO) similarly denied the allegations and contended that the appeal was based on unsubstantiated assertions and fabricated evidence. It maintained that its "Nil Demurrage" declaration was valid, that the Appellant had failed to establish that any demurrage was attributable to Respondent No. 3, and that the GRC's directions had been fully complied with through the re-evaluation process.

73. After examining the record, the Appellate Committee observes that while the Procuring Agency has asserted that the Appellant's marks were reduced under the Experience and Economy (Demurrage) criteria, the evaluation record does not disclose a sufficiently reasoned determination explaining the precise basis of the deductions. Public procurement must be conducted in a transparent and objective manner, and where marks are deducted in a competitive evaluation, the reasons must be capable of objective verification. The absence of a speaking evaluation on this aspect undermines the transparency of the process.

74. The relevant evaluation criteria prescribed under the Bidding Document/RFP provided, inter alia, 20 marks for "Nil Demurrage", whereas demurrage up to PKR 2,700,000 attracted zero marks. A plain reading of this criterion demonstrates that it does not define the expression "demurrage", specify the documents required to establish the existence or absence of demurrage, nor does it prescribe any mechanism for verification or determination of responsibility

for such demurrage. Consequently, the criterion necessarily leaves the Procuring Agency with a measure of discretion in assessing the documents produced by the bidders for determining whether the requirement of "Nil Demurrage" has been fulfilled. Such discretion, however, must always be exercised fairly, reasonably, uniformly, and in accordance with the principles of transparency and equal treatment.

75. The Appellate Committee further observes that the Appellant placed on record documentary material questioning the award of maximum marks to Respondent No. 3 under the "Nil Demurrage" criterion. Regardless of the ultimate correctness of such material, the record does not demonstrate that the Procuring Agency undertook an independent verification of the competing bidder's declaration or recorded a reasoned finding addressing the objections raised. The GRC had directed reconsideration of the grievances; however, the revised evaluation does not adequately reflect meaningful examination of the Appellant's objections regarding the demurrage criterion.

76. The Appellate Committee is of the considered view that the integrity of a procurement process depends not only upon adherence to the prescribed criteria but also upon a transparent and reasoned application of those criteria. Where deductions in marks remain insufficiently explained and material objections concerning evaluation of a competing bidder are not properly examined, the evaluation process cannot be said to have fully satisfied the requirements of fairness, transparency, and equal treatment envisaged under the Public Procurement Rules, 2004. The Committee further finds merit in the Appellant's grievance that the evaluation process lacks adequate reasoning. The evaluation reports themselves do not sufficiently record the reasons for deduction of marks from the Appellant or the basis for awarding full

marks to Respondent No. 3 under the "Nil Demurrage" criterion. The Appellate Committee is satisfied that the evaluation suffers from lack of adequate reasoning and transparency in the allocation and deduction of technical marks, particularly under the Experience and Economy (Demurrage) criteria. Consequently, the evaluation process cannot be sustained in its present form.

77. Accordingly, for the foregoing reasons, the instant appeal is ***allowed***, and the Revised Technical Evaluation Report is hereby set aside. In order to ensure transparency, fairness, and strict adherence to the mandate of Rules 29 and 30 of the Public Procurement Rules, 2004, the Procuring Agency (WAPDA) is directed to undertake a fresh technical evaluation strictly in accordance with the evaluation criteria contained in the bidding documents and the applicable provisions of the Public Procurement Rules, 2004. The Evaluation Committee shall evaluate all bids objectively and uniformly, assigning or deducting marks solely on the basis of the prescribed evaluation criteria, and shall record clear, cogent, and criterion-wise reasons for the award or deduction of marks, particularly those assigned to the Appellant and the Respondent No. 03. The Committee shall also independently scrutinize and verify the declarations and supporting documentary evidence relating to the "Nil Demurrage" criterion, including the material placed on record concerning Respondent No. 3, and shall record a reasoned finding with respect thereto before assigning marks under the said criterion. Upon completion of the exercise, the Procuring Agency shall issue a comprehensive and speaking Technical Evaluation Report reflecting the basis of the evaluation of each bidder. Until the completion of the aforesaid exercise and finalization of the fresh technical evaluation, no further proceedings in the procurement process, including the opening

or evaluation of the financial proposals, shall be undertaken, and all consequential actions shall remain subject to the outcome of the fresh technical evaluation and the report so issued.

78. The Appeal stands *disposed of* in the above terms.

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

(Abdul Majeed)
Sr. Specialist (M&E)
(Member)

(Hasnat Ahmed Qureshi)
Managing Director (PPRA)
(Chairman of the Committee)

Dated: 5th August, 2026

Each page of the order has been signed by all members of the Committee. The order comprises forty-two (42) pages.