



F. No. PPRA/AP-44/2026
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 Matracon-Kangjie (Joint Venture)

...the "Appellant"

Vs.

Capital Development Authority & Another

...the "Respondents"

<u>Date of Hearing</u>	Mr. Hamza Siddiqui (Advocate), Mr. Faisal Jamad (Director)
03.09.2026	(On behalf of Appellant) Mr. Wasim Abid (ASC), Mr. Irfan Azim Khan (DG Envt.), Mr. Miskeen Shah Kazmi (Dir. Proc.), Mr. Arshad Mahmood (DD Proc. / Secy. GRC) (On behalf of Respondent i.e., CDA) Hafiz Arfat Ahmed Ch. (ASC), Mr. Muhammad Haider Ali (CEO) (On behalf of Respondent i.e., NJC - MMC & NCS (JV))

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The Authority received the titled Appeal on 14.07.2026, 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 03.09.2026 before the Appellate Committee in the Committee Room of this Authority.

2. On the said date of hearing (03.09.2026), 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 learned counsel for the Appellant submitted that the impugned Order was passed by the Grievance Redressal Committee (GRC) on 16.03.2026. The said order was assailed before the Honourable Islamabad High Court on 30.03.2026, by way of W.P No. 1470 of 2026. The petition was dismissed by the Honourable High Court vide Order dated 29.06.2026 (announced and certified copy provided on 07.07.2026).
4. Further submitted that in view of Sec. 14 of the Limitation Act, 1908 the time spent before the wrong forum (Islamabad High Court) ought to be condoned as the remedy against the GRC's order was pursued bona fide. The Appellant had performed due diligence and, by way of W.P. No. 1470/2026 in addition to assailing the GRC's Order dated 16.03.2026, had further sought directions for disqualification and blacklisting of the Respondent No. 2 and logical conclusion of the bidding process and Order to prohibit the Respondent No. 1 from scrapping the process. The Appellant reserves the right to assail the Order dated 29.06.2026.
5. Further submitted that through the instant Appeal, the Appellant seeks setting aside of the impugned Decision dated 16.03.2026 as passed by the GRC of the Respondent on the Complaint of the Appellant. The Appellant is a duly constituted Joint Venture (JV), acting through its authorized representative Mr. Jehanzeb Saulat, by virtue of a resolution dated 13.07.2026, who is competent to institute the present petition and is conversant with the facts of the case. The Respondent No.1 is the local municipal authority responsible for, inter alia, planning, regulation, and execution of solid waste management services within Islamabad, including primary collection, secondary collection, transportation, and

disposal. The subject matter of the present Appeal pertains to an essential public function directly impacting public health, sanitation, and environmental standards.

6. Further submitted that historically, Respondent No.1 has engaged multiple contractors simultaneously for Solid Waste Management services through fragmented and, at times, direct contracting arrangements, resulting in operational inefficiencies, duplication of costs, and a significant and continuing burden on the public exchequer.
7. Further submitted that to transition towards a transparent, integrated, and competitive procurement framework, Respondent No.1 initiated a procurement process in the year 2019 titled "Contract for Smart and Integrated Solid Waste Management System", in accordance with the Public Procurement Rules 2004. However, the said procurement process could not be finalised due to administrative and local government restructuring issues and was ultimately abandoned without being concluded. That thereafter, in January 2025, Respondent No. 1 issued a fresh Invitation to Bid titled "Outsourcing of Solid Waste Management Services of Islamabad Including Primary, Secondary Collection and Transportation to the Landfill Sites (Urban & Rural)", involving an estimated cost of Rs. 24,162.34 million. Owing to the scale, financial magnitude, and complexities involved, the said procurement process was also cancelled prior to award. That subsequently, in September 2025, Respondent No.1 once again initiated procurement through issuance of an Invitation to Bid for "Outsourcing of Solid Waste Management Services of Islamabad", structured into two (2) distinct packages, involving expenditure of several billions of rupees, thereby directly engaging substantial public funds and requiring strict adherence to transparency, competitiveness, and fairness under the applicable procurement regime.

8. Further submitted that pursuant thereto, the Appellant, Respondent No. 2, and another bidder participated in the bidding process by submitting their respective technical and financial proposals. The technical proposals were formally opened on 12.11.2025 in accordance with prescribed procedure. That upon completion of the technical evaluation, the third (3) bidder was declared non-responsive, whereas the Appellant and Respondent No. 2 were declared technically responsive, having secured scores of 95.2 and 93, respectively, thereby qualifying for the next stage of the procurement process i.e. opening of the Financial Bids. That after the technical evaluation, the Appellant received credible and verifiable information indicating that Respondent No. 2 had relied upon forged, fabricated, and non-genuine experience certificates in support of its technical qualification. The Appellant, acting promptly and in accordance with law, invoked the grievance redressal mechanism and filed a formal grievance petition before the Grievance Redressal Committee (GRC) of Respondent No.1.

9. Further submitted that the grievance petition was first taken up for hearing by the GRC on 16.01.2026, whereupon the procurement process was suspended vide order of even date. The matter was subsequently heard on 21.01.2026 and 23.01.2026, during which Respondent No. 2 participated, submitted its reply dated 22.01.2026, and relevant record was produced and examined.

10. Further submitted that in view of the nature of allegations and the origin of the documents in question, the GRC deemed it appropriate to seek independent verification through official diplomatic channels, including the Ministry of Foreign Affairs, Government of Pakistan, for onward verification from the competent authorities in the People's Republic of China. That pursuant thereto, a "Review Decision" document bearing No.4

ZJ YZJ (2026) dated 05.02.2026, issued by the Notary Public Office, Chongqing, was transmitted through official channels. The Embassy of Pakistan in Beijing, upon due verification, confirmed the authenticity of the said document vide its communication dated 12.02.2026, which was thereafter forwarded by the Ministry of Foreign Affairs to Respondent No. 1 vide letter dated 09.03.2026. That the said Review Decision conclusively establishes that the documents submitted by the Joint Venture partner of Respondent No. 2, namely Kangjie Technology Group Co. Ltd., purportedly issued by (i) Chongqing Banan District Urban Administration Bureau, (ii) Chongqing Banan Solid Waste Transportation Company Limited, and (iii) Dali Comprehensive Administrative Law Enforcement Bureau, were in fact not issued by the said authorities and that the contents thereof were untrue.

11. Further submitted that the Notary Public Office, Chongqing, upon conducting notarial review proceedings, categorically held that the notarial certificates obtained on 14.02.2025, 24.03.2025, and 16.09.2025 were based on false material, and accordingly revoked the same, declaring them "null and void from the beginning", thereby rendering the underlying documents legally non-existent. That the aforesaid findings, having been verified through official diplomatic channels, conclusively discredit the experience credentials relied upon by Respondent No. 2 for the purposes of technical qualification, thereby vitiating the technical evaluation to the extent it is based on such fabricated and void material. That thereafter, the GRC rendered the impugned decision dated 16.03.2026, whereby it, inter alia, directed revisiting of the technical evaluation process in light of the material on record. However, while doing so, the GRC, in Para No. 3 of its decision, proceeded to record certain observations and render advice regarding the continuation or possible scrapping of the bidding process.

12. Further submitted that the said observation and advice, though not forming part of the adjudicatory determination, introduce an extraneous and non-statutory consideration into the procurement process, which is not envisaged under the governing legal framework and has the effect of influencing the independent decision-making domain of Respondent No. 1. That in the presence of conclusive and independently verified material establishing submission of fabricated documents by Respondent No. 2, the procurement process is required, in accordance with law, to proceed based on valid and lawful bids alone. However, the impugned observation gave rise to a real and substantial apprehension that, instead of proceeding to its lawful conclusion, the entire bidding process may be arbitrarily scrapped or abandoned in exercise of power under Rule 33 of the Public Procurement Rules, 2004.

13. Further submitted that feeling aggrieved of the Decision dated 16.03.2026 of the GRC and foresaw Respondent No.1's decision to scrap the bidding process in view of the GRC's Decision dated 16.03.2026, the Appellant partially assailed it through Writ Petition (W.P.) No.1470 of 2026 before the Honourable Islamabad High Court. That the Appellant submitted that the subject procurement involves expenditure of substantial public funds running into billions of rupees and pertains to an essential public service. Any unlawful disruption, delay, or abandonment of the process could not only prejudice the Appellant as a compliant bidder but would also perpetuate inefficient interim arrangements, and cause continued financial loss to the public exchequer and in view of the foregoing the Appellant bona fide made the following prayers in the W.P.:

a) Observation and Advice contained in Para No. 3 of the GRC decision dated 16.03.2026 to the extent of scrapping

the bidding process be declared without lawful authority, ultra vires and void;

b) Direct the Respondent No.1 to disqualify Respondent No. 2 from the bidding process and initiate blacklisting process against it;

c) Direct the Respondent No. 1 to logically conclude the bidding process and award the contract to the Petitioner;

d) Prohibit the Respondent No. 1 from unlawfully scrapping the bidding process in exercise of power under Rule 33 of the PPRA Rules, 2004 and in furtherance of GRC's decision dated 16.03.2026.

14. Further submitted that it was further categorically pleaded in the W.P. No. 1470/2026 that in view of the above verification and in receipt thereof, the GRC had no option but to allow the Appellant's grievance petition as prayed for and refer the Respondent No. 2 for blacklisting and debarment, without rendering any further observation and/or advice to Respondent No.1 qua scrapping the contract. That the petition was taken up for hearing on 31.03.2026 and vide Order of even date, while issuing notices, the parties were directed to maintain status quo. However, the Respondent in wilful disregard of the Honourable Court's order, placed the matter before its Board on 09.04.2026, which decided to scrap the bidding process and initiate a fresh one.

15. Further submitted that the ITB for the new procurement process was issued on 23.04.2026, pre-bid meeting was scheduled and held on 05.05.2026 and bid submission and opening date was advertised to be 14.05.2026. The Appellant moved C.M. No. 3 of 2026 seeking suspension of procurement process and the Honourable High Court thereon passed Order dated 05.05.2026. The bid submission and opening date was extended once to 18.05.2026 vide Corrigendum dated 13.05.2026 and the Respondent No.1 in blatant disregard of

the Honourable Court's Order directing status quo, opened the Bids on 18.05.2026.

16. Further submitted that only after opening the bids on 18.05.2026, did the Respondent enter appearance in the W.P. No.1470/2026 through its counsel on 19.05.2026, who informed the Honourable High Court of the progress made in the latest procurement process and sought time to file Vakala Nama. In view of the actions and the haste by the Respondent No. 1, the Honourable High Court again passed an Order of even date that progress in the latest procurement process is to remain halted; therefore, the financial bids were kept sealed.
17. Further submitted that the W.P. was ultimately taken up for hearing on 29.06.2026 and judgment was reserved. The judgment was made available on 07.07.2026, whereby the W.P. has been dismissed on grounds that Appellant has a remedy of appeal available against the decision of the GRC which has not been availed, hence, this Appeal.
18. Further submitted that feeling aggrieved of the impugned decision dated 16.03.2026 and the conduct of the Respondent No. 1, the Appellant seeks setting aside of the same inter alia on the following grounds:

A. That the decision dated 16.03.2026, to the limited extent of the observation and advice contained in Para No. 3 regarding continuation or scrapping of the bidding process, is wholly without lawful authority. The Public Procurement Rules 2004, particularly Rule 48, delineate the scope of the Grievance Redressal Committee as investigative and adjudicatory in nature, confined to examination of grievances and issuance of determinations thereon. The said framework neither contemplates nor permits the GRC to render advisory opinions on the fate of the procurement process itself. The impugned observation, therefore, travels beyond jurisdiction and is liable to be declared ultra vires.

B. That the impugned observation and advice is not merely superfluous but has materially influenced and distorted

the independent decision-making domain of Respondent No.1. The introduction of an extra-statutory advisory element by the GRC creates a jurisdictional bias within the procurement process, thereby vitiating the neutrality required under the procurement regime and rendering the process susceptible to arbitrary exercise of discretion. The cancellation of the process by the Respondent No.1's Board is attributable to the GRC's observations.

C. That the record, including the verified Decision dated 05.02.2026 issued by the Notary Public Office in Chongqing, conclusively establishes that the documents submitted by Respondent No. 2 in support of its technical qualification were not issued by the purported authorities and were untrue, fabricated, and declared null and void ab initio. Such material misrepresentation strikes at the root of the bidding process and renders the Respondent No. 1's bid invalid and non-responsive.

D. That once the foundational documents submitted by Respondent No. 2 stand discredited and void, the continued participation of Respondent No. 2 in the bidding process becomes legally impermissible. The procurement framework mandates fair, transparent, and competitive bidding, which stands irreparably compromised by the inclusion of a bidder whose qualification is founded on fabricated material. Continuation of the process without excluding such bidder became violative of law and principles of fairness.

E. That the impugned decision, while acknowledging and acting upon the grievance to the extent of revisiting the technical evaluation, is conspicuously silent on the necessary and consequential actions arising from submission of false and fabricated documents, including initiation of proceedings for blacklisting and debarment. Such omission reflects a failure to exercise jurisdiction vested in Respondent No. 1 in accordance with law, thereby perpetuating illegality within the procurement process.

F. That under the procurement regime, the contract is required to be awarded to the bidder offering the most advantageous bid in accordance with law. Upon exclusion of Respondent No. 2 on account of disqualification arising from submission of fabricated documents, the process is required to proceed to its logical conclusion strictly within the parameters of the applicable rules, specifically, Rule 32(b) of Public Procurement Rules, 2004 without being derailed or rendered infructuous on extraneous considerations.

G. That any decision on the part of Respondent No. 1 to scrap or abandon the bidding process, particularly in reliance upon or influenced by the impugned ultra vires observation of the GRC, would amount to arbitrary exercise of power, lacking lawful justification, and aimed at defeating a lawful and transparent procurement process. Such action would be mala fide in law and liable to be set aside.

H. That the reliance placed in the impugned decision upon Rule 33 of the Public Procurement Rules 2004 is misconceived. The said provision pertains to rejection of bids and does not confer an unfettered or unstructured discretion upon the procuring agency to scrap an entire procurement process in the absence of lawful justification. The interpretation reflected in the impugned observation amounts to a misreading of the statutory framework and results in conferral of a power not envisaged by law.

I. That the impugned observation and advice, being without jurisdiction, having the effect of distorting the procurement process, and being contrary to the governing statutory framework, is liable to be declared void, with consequential directions to ensure that the procurement process proceeds strictly in accordance with law.

J. That the subject procurement pertains to large-scale public works of significant financial magnitude, involving billions of rupees, directly impacting the public exchequer and delivery of essential municipal services. In such circumstances, the procurement process cannot be treated as a routine commercial transaction, and any decision to scrap or abandon the same, particularly based on an ultra vires or extraneous consideration, has serious adverse fiscal and administrative consequences. The law, therefore, mandates heightened adherence to transparency, fairness, and continuity of process, and does not permit arbitrary disruption of a duly initiated and substantially progressed procurement exercise.

K. That the continued consideration of Respondent No. 2, despite its qualification being founded upon fabricated and void documents, constitutes a patent violation of the principle of equal treatment and level playing field amongst bidders, which is a foundational requirement of public procurement. The Appellant, having participated based on genuine and verifiable credentials, cannot be subjected to a distorted competitive process where a non-compliant bidder is permitted to remain in contention.

L. That the decision to scrap the process in circumstances where illegality is attributable solely to a competing bidder amounts to an arbitrary exercise of authority, falling foul of settled principles governing public action, which mandate that discretion must be exercised reasonably, fairly, and in furtherance of lawful objectives.

M. That the decision dated 16.03.2026 is severable in nature, and while the findings and directions pertaining to examination of fabricated documents and revisiting of technical evaluation are lawful and within jurisdiction, the observation and advice contained in Para No. 3 is independent, ultra vires, and liable to be struck down without affecting the remainder of the decision.

N. That the impugned observation, though couched as advisory and passive, provided a pretext and legal cover for Respondent No. 1 to exercise power in a manner not contemplated by the statutory framework, thereby amounting to a colourable exercise of authority, where the form of discretion masks an unlawful objective.

O. That once a lawful procurement process has been initiated and substantially undertaken, the procuring agency is under a corresponding obligation to carry the same to its logical conclusion in accordance with law and cannot abandon or frustrate the process on grounds extraneous to the statutory framework, particularly where such abandonment would defeat transparency, competition, and public interest embedded in the procurement regime.

P. That the Appellant, having successfully qualified the technical evaluation based on lawful and genuine documentation, has a legitimate expectation that the procurement process shall be conducted fairly, transparently, and strictly in accordance with the governing rules, and shall not be derailed on account of unlawful considerations or actions attributable to competing bidders, especially where the law recognises the specific situation.

Q. That the failure of the decision-making process to address the necessary consequences arising from submission of fabricated documents, including disqualification and initiation of proceedings in accordance with law, constitutes a failure to exercise jurisdiction vested in the procuring authority, thereby rendering the process legally infirm.

19. Further submitted that the parties were not present at the time when the decision of the Grievance Redressal Committee (GRC), dated 16-03-2026, was rendered. It was further contended that, despite the matter being sub judice before the Honourable Islamabad High Court, the CDA Board proceeded to take a decision in respect of the procurement process. Thereafter, on 23-04-2026, a fresh tender was floated by the Respondent. In support of the aforesaid contention, reliance was placed upon the judgment reported as 2015 CLC 478, titled "Crescent Steel and Allied Products Ltd. Versus Sui Southern Gas Co. Limited," wherein the Honourable Court, inter alia, held that:

9. In the meanwhile, the defendant, again of its own volition, floated the tender for the coating of the pipes, i.e., Tender 4537. It is not in dispute that the plaintiff was entitled to, and did, participate in the said tender. It is also not in dispute that it was the lowest bidder. Thus, under the 2002 Ordinance and the Rules, prima facie it was entitled to be awarded the contract. If there was any reason why the contract was not to be so awarded, the onus for establishing this lay on the defendant. It could not, in my view, simply brush aside Tender 4537 and cancel it for entirely unspecified "unavoidable circumstances". It was bound, as a public sector entity to which the 2002 Ordinance was applicable, to specify what those circumstances were. It was also not open to the defendant to shelter behind clause 12 of the "Instructions to Bidders" and claim that the tender could be cancelled without assigning any reason. There is of course a difference between "assigning" a reason and "having" a reason. The word "assign" in this context means to "give" or to "make known". In other words, there is difference between giving a reason for an action (here the cancellation of the tender) and having a reason for taking that action. A private entity calling for bids under a tender for its own purposes may well have the legal right to cancel the tender without assigning any reason or (arguably) even without having one. This option is however not open to a public sector entity which is a procuring agency within the meaning of 2002 Ordinance. All public sector actions (and here, for present purposes, the relevant acts of the defendant

must be regarded as such) must be taken for a valid, legally defensible reason. The concerned entity or authority must have a lawful reason for the action that it takes (or refuses to take, as the case may be). Even if it may be able to assert a right not to make that reason public (i.e., to "assign" it), the fundamental obligation of having a lawful reason is not thereby annulled. And, in appropriate circumstances, a Court of Law can insist that the reason be given, i.e., disclosed, so that it can satisfy itself as to the lawfulness of the same.

20. The learned counsel for the Respondent No. 1 (CDA) submitted that the present Appeal has been instituted by ostensibly a joint venture named Matracon Kangjie JV (Appellant). The Appeal is barred by time. This is elaborated more fully below:

(i) Rule 48(7) of the Public Procurement Rules, 2004 (the "PPRA Rules") confines the right of appeal to a period of thirty days from the communication of the decision of the Grievance Redressal Committee ("GRC"). The GRC decision impugned is dated 16.03.2026. The Appeal has been instituted on 14.07.2026. The Appeal is therefore barred by time.

(ii) The Appellant seeks condonation of delay in filing of the Appeal citing Section 14 of the Limitation Act 1908 (Limitation Act). This ground is misconceived for reasons stated below:

(a) Section 14 of the Limitation Act operates, by its own terms, in respect of suits and applications. It does not extend to appeals. The relief the Appellant seeks, i.e. exclusion of time in computing the period of limitation for an appeal, is not one that Section 14 envisages.

(b) The Limitation Act regulates proceedings before Courts. The Public Procurement Regulatory Authority (PPRA) is not a Court. Rather, it is a regulator exercising a limited appellate jurisdiction. The period of thirty days in Rule 48 (7) of PPRA Rules is a condition attached to the very existence of the right of appeal, and neither Rule 48(7) nor the procedure and regulations issued by the PPRA

thereunder confer upon the PPRA any power to condone delay or to extend that period.

(c) Section 14 requires that the earlier proceeding must have failed because the Court was unable to entertain it from (i) defect of jurisdiction or (ii) other cause of a like nature. Furthermore, Section 14 envisages that the proceedings before other forum must have been pursued in good faith. The Appellant is unable to meet the threshold prescribed under Section 14 of the Limitation Act. This is because WP 1470 of 2026 (WP 1470) in terms of the Order dated 29.06.2026, observes in Para 8 that the Petition is "bereft of any merits" and hence dismissed. Furthermore, the Islamabad High Court vide Para 7 in Order dated 29.06.2026 noted that the Petitioner "had an efficacious and adequate statutory remedy of appeal available under Rule 48(7)... but consciously elected to bypass the forum specifically created by the legislature for redressal of such grievances". Therefore, as per findings of the Islamabad High Court, the Appellant did not approach High Court in good faith, rather being conscious of the remedy of Appeal under PPRA Rules, elected to bypass the remedy and approached the High Court in its constitutional jurisdiction. The Appellant therefore, in terms of this finding of the High Court, fails to satisfy the test of good faith as prescribed under Section 14 of the Limitation Act, and hence is not liable to any condonation of delay.

(d) Without prejudice to the above, the Petition before the High Court was instituted by a different juristic person i.e. Matracon Pakistan Private Limited, whereas the present Appeal is being instituted by "Matracon-Kangjie Joint Venture". Therefore, the Joint Venture, the present Appellant never spent any time in pursuing any remedy before the High Court, and hence cannot seek condonation of delay citing Section 14 of the Limitation Act.

(iii) For reasons stated above, the Appeal is barred by time. There is no sufficient or good cause shown by the Appellant to seek condonation. Even otherwise, this Honourable Authority is not vested with the power to condone delay

under PPRA Rules. And in view of categorical finding of the Islamabad High Court that the remedy of appeal was consciously bypassed by the Appellant, the Appellant cannot seek recourse to seeking condonation on the grounds that it had pursued remedy in good faith before High Court, and hence time sought in pursuing proceedings before High Court be discounted from limitation period.

21. That without prejudice to any other ground taken herein, the present Appeal is not maintainable for the reason that it has been instituted by a joint venture, which is not cloth with a legal or juristic personality to sue or be sued.

22. That without prejudice to any other ground taken herein, the Appellant through the present Appeal seeks two reliefs: (i) opinion of the GRC contained in Para 3, and not its decision contained in Para 4, be declared as ultra vires, and (ii) declare annulment of the procurement process by CDA Board vide its CDA Board Decision as violation of PPRA Rules. It is submitted that the relief sought cannot be granted by the PPRA for reasons submitted below:

(i) With respect to the first relief, the Appellant's submission is totally misconceived. Para 3 of the GRC Decision simply produces contention of the procurement committee. It is neither an opinion of GRC nor a decision. The decision of the GRC is provided in Para 4, of which the Appellant is not aggrieved. So, in effect there is no decision of the GRC which is impugned herein, of which the PPRA can take cognizance as an appellate authority.

(ii) With respect to the relief sought in the Appeal vis-à-vis declaring the annulment of the procurement process as void, it is submitted that the same is outside the jurisdiction of the PPRA. This is because Rule 48(7) PPRA confines the appellate jurisdiction to "the decision of the GRC". The relief sought by the Appellant to the effect that a declaration be issued that cancellation of the procurement process by CDA is arbitrary and a colourable exercise of discretion, is directed not against any decision

of the GRC but against an administrative decision of the CDA Board dated 09.04.2026 (CDA Board Decision).

(iii) The CDA Board Decision was taken by CDA Board in exercise of the power conferred by Rule 33 of the PPRA Rules. Therefore, the CDA Board Decision was subsequent to GRC Decision, an independent act of CDA, which was not part of the GRC Decision. Furthermore, the CDA Board Decision has not been the subject of any complaint under Rule 48. Therefore, the CDA Board Decision cannot be taken cognizance of by the PPRA in its appellate jurisdiction, which is limited to GRC decision only. It is settled law, that where jurisdiction is conferred by statute on a body, the conferring provisions are to be strictly construed, and such a body can neither assume jurisdiction by inference nor declare general rights and liabilities.

(iv) Without prejudice to the above, even otherwise, the relief to the extent of declaration against CDA Board Decision is outside the jurisdiction of PPRA. This is because in terms of settled law, the grievance redressal machinery of Rule 48 of PPRA Rules cannot be invoked against the exercise of the power of annulment under Rule 33 of PPRA Rules.

23. Further submitted that this Authority in exercise of its appellate jurisdiction under the Public Procurement Rules, 2004 is not vested with any authority under the law to revive a procurement process which has already been annulled by the procuring agency under Rule 33 of PPRA Rules. The Appeal is therefore infructuous.

24. That without prejudice to any other ground taken herein, the Appeal does not appear to be accompanied by proof of deposit of the fee prescribed under Rule 48(7). Deposit of the prescribed fee is a statutory condition precedent to the competence of the Appeal. The Appeal is therefore not maintainable on this score as well.

25. Further submitted that the Appeal is:

- 1) Time barred;
- 2) Instituted by a non-juristic person;
- 3) Not accompanied by proper fees for appeal;
- 4) Seeking reliefs not within jurisdiction of PPRA;
- 5) Infructuous in view of CDA Board Decision to scrap the previous procurement process and initiate a fresh procurement process.

26. Further submitted that there is no adverse determination in the decision dated 16.03.2026 (GRC Decision) capable of being set aside. The operative decision (Para 4) directed a revisiting of the technical evaluation. However, in view CDA Board Decision, the procurement process has been annulled, and the GRC Decision has become infructuous.

27. Further submitted that the Appellant is not a juristic person being an unincorporated joint venture under the laws of Pakistan. The contracting arrangements of the answering Respondent were made from time to time in accordance with the applicable rules and the exigencies of uninterrupted sanitation services. Further submitted that hiring of machinery and transportation of solid waste tender was awarded in December 2024 for one year and still intact on extension for collection and transportation of solid waste from Islamabad. It is denied that technical qualification at an intermediate stage confers any right whatsoever. The financial proposals were never opened and no bid was ever accepted. Admitted only to the extent that correspondence was received from the Ministry of Foreign Affairs, forwarded vide letter dated 09.03.2026. The contents and effect of that correspondence are a matter of record. It is specifically pointed out that the record of the GRC dated 16.03.2026 shows that the material received was accompanied by only partial information, that the Procurement Committee recorded that "further clarification is required to reach the final conclusion", and that the report "created doubts regarding the authenticity/validity of the documents". With respect to the Para 14, it is stated that in view of the status

forwarded by the ministry of foreign affairs, GRC pronounced its GRC Decision. The GRC by its decision dated 16.03.2026 directed that the technical evaluation be revisited. However, it is denied that the GRC rendered any advice regarding continuation or scrapping of the bidding process. The entire submission of the Appellant is premised on a fallacious assumption.

28. The counsel for the Respondent, CDA, further submitted that the Appeal preferred under Rule 48 of the Public Procurement Rules, 2004 is administrative in nature; therefore, this Authority lacks jurisdiction to interfere in the matter. It was further submitted that all concerned parties were afforded due opportunity of hearing before the Grievance Redressal Committee (GRC), and that the counsel representing Metracon was also present during the proceedings.

29. It was further contended that the Honourable High Court, vide its final order dated 29-06-2026, has conclusively adjudicated the matter. Being a final order, the said judgment is binding upon the parties and shall prevail over all previous interim orders, which, upon passing of the final order, cease to have any operative effect.

30. The learned counsel further submitted that the doctrine of contributory negligence constitutes a distinct legal concept and has no application to the facts and circumstances of the present case. It was argued that the Appellant consciously pursued the matter despite being fully aware that an alternative and efficacious remedy was available under the applicable legal framework.

31. It was further submitted that the Competent Board of the CDA, in exercise of its lawful authority, annulled the procurement process on 09-04-2026. Subsequent to the decision of the

Board, Rule 33 of the Public Procurement Rules, 2004 was duly invoked. The Respondent maintained that the decision of the Competent Board was taken within the scope and ambit of the applicable law and rules and, therefore, does not warrant interference.

32. Further submitted that Rule 33(1) of PPRA Rules permits rejection of all bids at any time prior to acceptance of a bid, without any caveat. The Appellant is reading into the law something which is even impliedly not present in the PPRA Rules. Admitted only to the extent that W.P. No. 1470 of 2026 was filed on 30.03.2026 and was dismissed on 29.06.2026. It is pointed out that the petition was instituted in the name of Matracon Pakistan (Pvt.) Limited, and not by the present Appellant. It is denied that the CDA disregarded orders of the Honorable High Court. Without prejudice, it is submitted that the WP 1470 has been dismissed. It is submitted that the WP 1470 has been dismissed by the High Court. Therefore, any adverse inference being drawn by the Appellant is denied. Admitted only to the extent that the answering Respondent entered appearance on 19.05.2026 and that, pursuant to the order of even date, the financial bids under the fresh process were kept sealed and have not been opened. That conduct evidences compliance, not defiance. The W.P. No. 1470 of 2026 was dismissed on 29.06.2026. It is denied that the dismissal of a petition, which the High Court held to be a conscious bypassing of the statutory forum, furnishes any lawful basis for the institution of a grossly time-barred appeal.

33. Further submitted that there are no "observation and advice" of the GRC regarding continuation or scrapping. Para 3 reproduces the stance of the Procurement Committee. The operative decision in Para 4 remits the administrative question to the Competent Authority. The GRC therefore did not assume the jurisdiction it is accused of usurping. Rather, it expressly

declined it. No jurisdictional bias, distortion or vitiation of neutrality is made out. The CDA Board Decision was in accordance with scope of Rule 33 of PPRA Rules. Upon annulment of the procurement process, no bid of any bidder remained under consideration. The question of the "continued participation" of any bidder in a process which no longer exists is entirely academic. Blacklisting and debarment are regulated exclusively by Rule 19 of the Rules, which prescribes a distinct mechanism, mandates an adequate opportunity of hearing, and provides its own remedy of review before the PPRA under Rule 19(3). GRC was not mandated to make any observation with this regard. The procurement process has already been scrapped pursuant to CDA Board Decision. Therefore, there is no continued consideration of Respondent No. 2, as the process is no longer ongoing, rather has been scrapped

34. Legitimate expectation cannot be pleaded against an express statutory power, nor can it convert a technically qualified bidder into the holder of a vested right. No concluded contract came into existence; no letter of acceptance or letter of intent was issued; and even the most advantageous bid confers no title to the award.

35. The learned counsel for the Respondent No. 2 (M/S NJC - MMC & NCS Group-Joint Venture (Pvt.) Ltd & Chongqing Endurance Environmental Technology) submitted that at the very outset, the present appeal is hopelessly barred by limitation. Rule 48(7) of the Public Procurement Rules, 2004 prescribes a period of thirty days for filing an appeal against the decision of the Grievance Redressal Committee from the date of its communication. The Respondent, M/s NJC, MMC & NCS Group—Joint Venture (Pvt.) Ltd. & Chongqing Endurance Environmental Technology, submitted that Section 14 of the Limitation Act, 1908, by its express terms, pertains to the exclusion of time spent in prosecuting a "suit" or proceeding of

a civil nature before a court lacking jurisdiction. It was contended that the proceedings in question do not constitute a civil suit and, therefore, the benefit of Section 14 of the Limitation Act is not attracted to the facts and circumstances of the present case.

36. Further submitted that the statutory remedy available to the Appellant was to prefer an appeal before the competent authority, i.e., the Pakistan Public Procurement Regulatory Authority (PPRA), in accordance with the applicable provisions of the Public Procurement Rules, 2004. However, instead of availing the prescribed statutory remedy within the stipulated period, the Appellant approached the Honourable Islamabad High Court by invoking a different legal jurisdiction and remedy. Consequently, the period spent in pursuing such proceedings cannot, in the absence of strict fulfillment of the statutory requirements, be excluded or condoned for the purpose of limitation before the competent procurement authority. The GRC decision is dated 16.03.2026 whereas the present appeal was instituted on 14.07.2026, i.e. after approximately four months. The captioned appeal is thus liable to be dismissed forthwith without touching merits of the case.

THAT SECTION 14 OF THE LIMITATION ACT CANNOT BE INVOKED BY THE PRESENT APPELLANT:

37. That the appellant's reliance upon Section 14 of the Limitation Act, 1908 ("Limitation Act") is misconceived and legally untenable. The mere invocation of Section 14 does not, by itself, operate to automatically exclude the period spent before another forum. The benefit of exclusion is subject to strict fulfilment of the statutory requirements, including prosecution of the earlier proceeding by the very party seeking such exclusion, due diligence and good faith. Further submitted that a legal entity seeking to avail a statutory remedy is under a corresponding legal obligation to act with due diligence,

vigilance and promptitude in pursuing the remedy prescribed by law. A mere assertion that a wrong forum was approached cannot, in itself, constitute a lawful or legally sufficient justification for seeking exclusion of the period so spent or condonation of the resulting delay, particularly where the competent judicial forum has expressly found that the statutory remedy had been consciously bypassed.

38. That the appeal fails at the very threshold because the present appellant was not the petitioner in W.P. No. 1470/2026. The said writ petition was instituted by Matracon Pakistan Private Limited, whereas the present appeal has been instituted by Matraco Kangjie Joint Venture, the present appellant, therefore, neither instituted nor prosecuted the said writ petition and cannot claim, as its own, the period during which an altogether different juristic person pursued proceedings before the Honourable Islamabad High Court.

39. That the distinction is substantive and not merely technical. The benefit of exclusion of time, wherever legally available, is a benefit to be established by the party seeking it on the basis of its own conduct and prosecution of the earlier proceeding. A party cannot borrow the litigation period of another party for purposes of limitation merely because the proceedings arose out of the same procurement.

40. That, besides the above, the appellant cannot establish the requisite good faith and due diligence in circumstances where the Honourable Islamabad High Court, vide judgment dated 29.06.2026 in W.P. No. 1470/2026, expressly observed that the petitioner had an efficacious and adequate statutory remedy of appeal available under Rule 48(7) but had consciously elected to bypass the forum specifically created by law for redressal of the grievance. The Hon'ble High Court neither directed exclusion of the period spent before it nor

extended, condoned or suspended the limitation prescribed under Rule 48(7).

**THAT EVEN ON THE APPELLANT'S OWN ASSUMPTION,
THE APPEAL REMAINS SUBSTANTIALLY DELAYED:**

41. That without prejudice to the objection that the present appellant was not the writ petitioner, and purely for the sake of argument, even if the appellant were treated as having instituted W.P. No. 1470/2026, the present appeal would nevertheless remain substantially delayed. The GRC decision was rendered on 16.03.2026, the writ petition was disposed of on 29.06.2026, and the present appeal was filed only on 14.07.2026. The entire period spent before the High Court cannot automatically be excluded merely because the writ petition was ultimately dismissed on the ground of availability of an alternate remedy.

42. That the judgment dated 29.06.2026 did not confer a fresh period of thirty days, condone any delay or direct this Honourable Authority to entertain a time-barred appeal. The appellant was required to establish, independently and strictly in accordance with law, its entitlement to exclusion of time. Having failed to do so, the appeal remains barred by limitation.

**THAT THE APPELLATE JURISDICTION UNDER RULE 48(7)
IS LIMITED TO THE DECISION OF THE GRC:**

43. That without prejudice to the objection of limitation, the appeal is also not maintainable insofar as it seeks to enlarge the limited appellate jurisdiction conferred by Rule 48(7). The jurisdiction of this Honourable Authority is confined to examining the decision of the GRC and cannot be converted into original or supervisory jurisdiction over every administrative decision of the procuring agency.

44. That the appellant seeks, inter alia, to challenge the decision of the CDA Board dated 09.04.2026 whereby the procurement process was annulled/cancelled. The said decision was taken independently under Rule 33 of the PPRA Rules, subsequent to and separately from the GRC decision dated 16.03.2026. It was neither a decision of the GRC nor the subject matter of the GRC proceedings and, therefore, cannot be brought within the appellate jurisdiction under Rule 48(7) merely by incorporating a challenge thereto in the present appeal.
45. That paragraph 3 of the GRC decision, which the appellant seeks to challenge as an "opinion", merely records the observation of the Procurement Committee and does not constitute an operative adjudication of the GRC. The operative decision appears in paragraph 4. The appellant cannot convert a recital of the Procurement Committee's position into an independent appealable decision of the GRC.
46. That consequently, the relief seeking annulment of or declaration against, the CDA Board's decision dated 09.04.2026 is outside the limited appellate jurisdiction of this Honourable Authority. A statutory authority vested with limited appellate jurisdiction cannot assume original jurisdiction over an independent administrative decision by implication or through the manner in which the relief is framed.

THAT THE ANNULLED PROCUREMENT PROCESS CANNOT BE REVIVED THROUGH THE PRESENT APPEAL:

47. That the subject procurement has already been annulled/cancelled by the competent authority under Rule 33; no contract was awarded thereunder and the bid securities were returned. The procurement process, therefore, no longer survives as a live process capable of being compulsorily continued through the present appeal.

48. That the appellant has no vested or indefeasible right to award of the contract merely because it was declared technically responsive. Technical responsiveness does not extinguish the statutory power of the procuring agency under Rule 33 to reject all bids or otherwise act in accordance with the PPRA Rules. The appellant consequently cannot seek, through an appeal under Rule 48(7), revival of an already annulled procurement or compulsory award of the contract.

THAT THE APPELLANT CANNOT SEEK BLACKLISTING OR DEBARMENT OF THE ANSWERING RESPONDENT THROUGH THE PRESENT APPEAL:

49. That the appellant's attempt to obtain disqualification, blacklisting or debarment of the answering respondent through the present appeal is equally misconceived. Disqualification under Rule 18 and blacklisting/debarment under Rule 19 are distinct statutory consequences, subject to their respective legal requirements and procedural safeguards. Rule 48(7) appeal cannot be converted into original proceedings for imposing punitive consequences upon the answering respondent.
50. That significantly, the GRC did not record any final finding that the answering respondent had committed fraud, forgery, fabrication or corrupt practice. The direction for verification/re-evaluation in light of material received through official channels cannot be elevated into a final adjudication of guilt. Any adverse or punitive consequence must be founded upon established statutory ingredients, authenticated material, proper attribution and due process.
51. That, moreover, no act or state of knowledge attributable to one constituent or foreign participant can automatically be imputed to every constituent of a joint venture. Any question of responsibility necessarily requires examination of the joint

venture arrangement, the allocation of responsibility for preparation and submission of the bid, the source of the disputed documents and the knowledge attributable to the particular entity against whom an adverse finding is sought.

52. Further submitted that the answering respondent, in response to the notice issued by this Honourable Authority, respectfully places on record the following factual and legal submissions. The contents of the appeal, insofar as they are inconsistent with or contrary to the official record and the position taken herein, are controverted and denied. The objections as to limitation, maintainability and the scope of the appellate jurisdiction of this Honourable Authority, already urged hereinabove, are maintained in their entirety. The present submissions are accordingly confined to the relevant factual circumstances, the nature and effect of the GRC decision, the subsequent action taken by the competent authority and the legal consequences arising therefrom, without prejudice to any of the preliminary or substantive objections available to the answering respondent. Preliminary objections are reiterated.

NATURE AND EFFECT OF THE GRC DECISION:

53. That the GRC, vide its decision dated 16.03.2026, considered the grievance relating to the technical evaluation of the subject procurement and, in paragraph 4 thereof, directed that the technical evaluation be revisited/reconsidered in light of the report received through the Ministry of Foreign Affairs. The GRC simultaneously distinguished the question of continuation or scrapping of the procurement process, recording that the same was administrative in nature and was to be processed separately by the procuring agency for consideration and decision by the competent authority. Thus, the GRC neither directed. compulsory continuation of the procurement nor ordered award of the contract to the

appellant. Equally importantly, the GRC did not record any final finding that answering respondent had committed fraud, forgery, fabrication or corrupt practice; the direction for verification/re-evaluation could not legally be treated as a final determination of culpability. Preliminary objections are reiterated.

INDEPENDENT DECISION OF THE CDA BOARD:

54. That subsequent to the GRC proceedings, the competent authority/CDA Board independently exercised the statutory power available under Rule 33 of the PPRA Rules and, vide decision dated 09.04.2026, annulled/cancelled the subject procurement. The said decision was distinct from and subsequent to the GRC decision and was not rendered by the GRC or under Rule 48(7). Rule 33(1) expressly empowers the procuring agency to reject all bids or proposals at any time prior to acceptance, while Rule 34 recognizes the possibility of re-bidding following such rejection. The subsequent annulment was, therefore, an independent administrative decision within the statutory framework and cannot be treated as an extension or implementation of the GRC's decision for purposes of the limited appellate jurisdiction under Rule 48(7). Preliminary objections are reiterated.

CONSEQUENCES OF ANNULMENT AND ABSENCE OF VESTED RIGHT:

55. That the procurement having been annulled/cancelled, no contract was awarded thereunder and the bid securities were returned, as reflected from the official record. The procurement process consequently ceased to subsist as a live process capable of being compulsorily continued or revived through the present appeal. The appellant, merely by having been declared technically responsive, acquired no vested or indefeasible right to the award of the contract. Technical responsiveness

constitutes only one stage of procurement and does not curtail the procuring agency's statutory power under Rule 33. Accordingly, any relief seeking revival of the annulled procurement, compulsory award of the contract or exclusion of answering respondent from that process is legally misconceived and incapable of effective implementation. Preliminary objections are reiterated.

ATTEMPT TO SECURE PUNITIVE CONSEQUENCES AGAINST ANSWERING RE-SPONDENT:

56. That the appeal also seeks, expressly or in substance, adverse consequences against the answering respondent, including disqualification, blacklisting/debarment and exclusion from the procurement. Such relief cannot be granted merely on the basis of allegations or disputed material in proceedings under Rule 48(7). Disqualification under Rule 18 and blacklisting/debarment under Rule 19 are distinct statutory consequences governed by their respective requirements and procedural safeguards. The GRC did not record any final finding of fraud, forgery, fabrication or corrupt practice against answering respondent; rather, it contemplated further verification and re-evaluation. Any punitive consequence must, therefore, be founded upon authenticated material, satisfaction of the relevant statutory ingredients, proper attribution and due process. Preliminary objections are reiterated.

TECHNICAL EVALUATION AND ANSWERING RESPONDENT'S POSITION:

57. That the technical evaluation was undertaken by the duly constituted procurement/evaluation machinery in accordance with the bidding documents. The Technical Evaluation Report recorded scores of 95.2 for the appellant and 93 for answering respondent and treated both bidders as technically responsive, subject to the subsequent GRC proceedings. The Answering

respondent participated in the GRC proceedings and submitted its written reply dated 22.01.2026, supporting verification through proper official channels. The foreign documents had, at the relevant time, been presented as notarized/apostilled documents. Any subsequent dispute concerning their status or validity cannot automatically establish fraud, misrepresentation or corrupt practice on the part of the answering respondent. Preliminary objections are reiterated.

MATERIALITY AND ENTITY-SPECIFIC RESPONSIBILITY:

58. That the alleged defect in any document must further be examined in terms of its materiality and actual effect upon the technical evaluation.
59. The marks awarded against each disputed credential, the basis thereof and the recalculated technical score, if any, are matters capable of objective verification from the procurement record. The answering respondent had maintained before the GRC that it could qualify even without the disputed marks. Moreover, no act, omission, knowledge or intention attributable to one constituent or foreign participant can automatically be imputed to every constituent of a joint venture. Responsibility must be determined with reference to the Joint Venture Agreement, allocation of responsibility for preparation and submission of the bid, source of the documents and the knowledge attributable to the particular entity concerned. Preliminary objections are reiterated.

HIGH COURT PROCEEDINGS-THE APPELLANT WAS NOT THE WRIT PETITIONER:

60. That the appellant seeks reliance upon W.P. No. 1470/2026 instituted before the Honourable Islamabad High Court; however, it is of fundamental significance that the present appellant was not the petitioner in those proceedings. The said

writ petition was instituted by Matracon Pakistan Private Limited whereas the present appeal has been instituted by Matraco Kangjie Joint Venture. The present appellant, therefore, neither instituted nor prosecuted the said writ petition and cannot, merely because the proceedings related to the same procurement, claim the period spent by an altogether different juristic person as time spent by itself. The distinction is substantive and directly relevant to the appellant's attempt to invoke Section 14 of the Limitation Act. Preliminary objections are reiterated.

EFFECT OF THE HIGH COURT JUDGMENT:

61. That vide judgment dated 29.06.2026, the Honourable Islamabad High Court dismissed the said writ petition on account of the availability of the efficacious and adequate statutory remedy under Rule 48(7). The Court neither adjudicated the answering respondent's guilty of fraud, forgery or corrupt practice nor directed its blacklisting, debarment or exclusion from the procurement. Equally, the judgment did not extend, suspend or condone the limitation prescribed under Rule 48(7). Rather, the Court specifically observed that the statutory remedy had been consciously bypassed. The said proceedings, therefore, cannot constitute an adjudication of the substantive allegations against answering respondent or, particularly in favour of the present appellant, create any automatic entitlement to exclusion of time. Preliminary objections are reiterated.

62. That in view of the foregoing and without prejudice to the objections already raised, the appeal is fundamentally misconceived and not maintainable. The appellant was not the writ petitioner in W.P. No. 1470/2026; the GRC did not record any final finding of fraud or corrupt practice against answering respondent; the annulment of the procurement was an

independent exercise of statutory power under Rule 33; and the reliefs sought seek, beyond the limited scope of Rule 48(7), to challenge that independent decision, revive an already annulled procurement and secure punitive consequences against the answering respondent. The answering respondent accordingly reiterates its preliminary objections and reserves its right to respond specifically to the individual grounds of the appeal upon their consideration. The appeal is, therefore, liable to be dismissed, with costs and all consequential reliefs sought by the appellant being declined. Preliminary objections are reiterated.

63. Further submitted that the contents of all the grounds raised in the appeal, insofar as they are contrary to or inconsistent with the facts, record and legal position stated herein, are denied in toto. The appellant has proceeded on a fundamentally erroneous premise that the decision of the GRC dated 16.03.2026 conferred upon it an enforceable right to continuation of the procurement process and eventual award of the contract whereas the GRC merely directed reconsideration/re-evaluation of the technical evaluation in light of the material received through official channels and expressly left the question of continuation or scrapping of the procurement to the competent procuring authority as an administrative matter. The subsequent decision of the CDA Board dated 09.04.2026 to annul/cancel the procurement was an independent exercise of statutory power under Rule 33 of the PPRA Rules and cannot be converted into a subject matter of the present appeal by questioning it collaterally or by attributing the same to the GRC. The appellant, merely because it was declared technically responsive, acquired no vested or indefeasible right to the award of the public contract, nor can the present appeal be employed to revive a

procurement process which has already been lawfully annulled. Preliminary objections are reiterated.

64. Further submitted that the allegations advanced against the answering respondent and the prayers for its disqualification, blacklisting, debarment or exclusion are equally misconceived, unsupported by any final finding of the GRC and beyond the proper scope of an appeal under Rule 48(7). The GRC did not adjudicate upon the fact regarding the answering respondent's guilty of fraud, forgery, fabrication or corrupt practice; rather, it contemplated further verification and reconsideration of the relevant material. Any adverse or punitive consequence must independently satisfy the statutory requirements of Rules 18 and 19, be founded upon authenticated and material evidence, and be attributable to the particular entity concerned after observance of due process. The appellant cannot presume that any alleged irregularity attributable to one constituent or foreign participant of a joint venture is automatically attributable to every other constituent. The technical evaluation, the materiality of the disputed credentials, the circumstances in which the documents were obtained and submitted and the knowledge attributable to the answering respondent are matters requiring objective determination from the complete record and cannot be established merely through assertions made in the appeal. Preliminary objections are reiterated.

65. Further submitted that all the grounds are, therefore, misconceived both on facts and in law and disclose no basis for interference with the position of answering respondent. The appellant has further sought to derive advantage from W.P. No. 1470/2026 despite the admitted and material fact that the present appellant was not the petitioner in those proceedings, the writ petition having been instituted by Matracon Pakistan Private Limited. The judgment dated 29.06.2026 neither

adjudicated answering respondent's guilty of any misconduct nor directed continuation or award of the procurement, and expressly recognized the statutory remedy available under Rule 48(7). The appellant cannot, therefore, rely upon proceedings instituted by an altogether different juristic person to overcome the statutory bar of limitation or to enlarge the jurisdiction of this Honourable Authority. Accordingly, all the grounds raised in the appeal, individually and collectively, are denied and, being devoid of merit, are liable to be rejected and the appeal dismissed in limine. Preliminary objections are reiterated.

66. Reliance has been placed upon the judgment reported as 2013 PTD 651 (Balochistan High Court), titled "Inspector General, Frontier Corps Balochistan through Collector of Customs, Sales Tax and Federal Excise, Quetta versus Messrs Allauddin and another," wherein the Honourable Court, inter alia, was pleased to hold that:

"We have considered the arguments advanced by the learned Standing Counsel and perused the record. From the perusal of record, it shows that this Reference was presented in the office on 19th September, 2006 and the copy of the approval is not available on record. The first legal question as to whether the limitation provided by section 196 of the Customs Act, 1969 will govern the proceedings or the limitation provided by section 5 of the Limitation Act, 1980. Period of limitation for filing of Reference has been prescribed in section 196 of Customs Act, 1969, which is ninety days of the date on which the aggrieved person or Collector, as the case may be was served with the order of the Appellate Tribunal under subsection (3) of section 194-B. We are of the considered view that where limitation is provided by any special enactment, other than the Limitation Act, section 5 of the Limitation Act is not applicable for condonation of delay if considered in filing such lis. Thus, the submissions made by the learned Standing Counsel for condonation of delay have no force".

67. Reliance has been placed upon the judgment reported as 2020 PLC (C.S.) 1558 (Islamabad High Court): titled Altaf Hussain

versus Federal Public Service Commission through Chairman and another, wherein, it is held that:

I shall now address the contention of the learned counsel for appellant that the appellant's application under Section 5 of the Limitation Act may be treated as an application under Section 14 of the said Act and the time consumed in prosecuting Writ Petitions Nos. 1783/2011 and I.C.A. No. 163/2016 before this Court and Civil Appeal No. 160/2018 before the Hon'ble Supreme Court, should be excluded while computing the limitation period for filing the instant appeal. This contention cannot be accepted for the simple reason that Section 14 of the Limitation Act provides for then exclusion of time for computing the limitation period prescribed for any suit or an application. Section 2(10) of the Limitation Act provides that a "suit" does not include an appeal or an application. Section 14 of the Limitation Act does not come to the aid of an appellant who had been prosecuting his remedy against an appealable order before a wrong forum. In holding that the appellant cannot derive any benefit from Section 14 of the said Act, reliance is placed on the following judgments:

In the case of Sherein vs. Fazal Muhammad (1995 SCMR 584), it has been held inter alia that the criterion of "due diligence" for enlargement of time is prescribed by Section 14 of the Limitation Act which upon its terms applies only to the suits and applications and not to the appeals.

68. In the case of Sibtain Raza v. Hydorcarbon Development (2012 SCMR 377), it was held as follows:

"11. On reading Section 14 of the Act along with section 2(10), it appears that legislature specifically excluded the appeal or an application from the purview of "Suit". We left no doubt in our mind that benefit of Section 14 of the Act cannot be extended to exclude the time consumed in prosecuting an appeal before wrong forum having no jurisdiction, for the purpose s of filing an appeal before a forum having jurisdiction."

69. In the case of Khushi Muhammad v. Fazal Bibi (PLD 2016 SC 872), the Hon'ble Supreme Court, after making reference to Section 2(10) and 14 of the Limitations Act, held as follows:

"Thus, from a plain reading there is no ambiguity that Section 14 is exclusively and solely restricted to suits and suits alone. If it is taken to apply to appeals also, this would be tantamount to reading into the section the word "appeal" which does not appear in the said section and such a reading would be contrary to the definition of the word "suit" in the statute."

35. Since for the reason mentioned above, I find the appellant's application under Section 5 of the Limitation Act for condoning the delay in filing the appeal under Section 7(3)(d) of the 1977 Ordinance not to be maintainable; and since the delay in filing appeals cannot be condoned under Section 14 of the said Act, this Court does not have the jurisdiction to condone the six-year delay with which this appeal has been filed. The application for condonation of delay is dismissed and as a result so is the appellant's appeal. There shall be no order as to costs.

70. The instant Appeal has been preferred by the Appellant under Rule 48(7) of the Public Procurement Rules, 2004, calling in question the decision of the Grievance Redressal Committee ("GRC") dated 16.03.2026, relating to the procurement process initiated by Respondent No. 1, Capital Development Authority, for "Solid Waste Management Services of Islamabad".

71. The Appellate Committee has heard the learned counsels and representatives of the Appellant, Respondent No. 1 (CDA), and Respondent No. 2, and has carefully examined and considered the Memorandum of Appeal, written replies/submissions, documents and material placed on record, the impugned decision of the Grievance Redressal Committee (GRC), the decision of the CDA Board, the Technical Evaluation Report, the relevant provisions of the bidding documents, and the applicable provisions of the Public Procurement Rules, 2004 and the Limitation Act, 1908.

72. 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.

73. 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.

74. In terms of Rule 33 "Rejection of Bids" of the Public Procurement Rules, 2004, which states:

(1) The procuring agency may reject all bids or proposals at any time prior to the acceptance of a bid or proposal. The procuring agency shall upon request communicate to any supplier or contractor who submitted a bid or proposal, the grounds for its rejection of all bids or proposals but is not required to justify those grounds.

75. In terms of Rule 34 "Re-bidding" of the Public Procurement Rules, 2004, which states:

(1) If the procuring agency has rejected all bids under rule 33 it may call for a re-bidding.

(2) The procuring agency before invitation for re-bidding shall assess the reasons for rejection and may revise specifications, evaluation criteria or any other condition for bidders as it may deem necessary.

76. In terms of Rule 48 (7) of the Public Procurement Rules, 2004, which states:

Any bidder or party not satisfied with the decision of the GRC, may file an appeal before the Authority within thirty days of communication of the decision subject to depositing the prescribed fee and in accordance with the procedure issued by the Authority. The decision of the Authority shall be considered as final.

77. In terms of Section 2 (10) of the Limitation Act, 1908, "suit" does not include an appeal or an application.

78. In terms of Section 5 of the Limitation Act, 1908, which states:

Extension of period in certain case. --Any appeal or application for [a revision or] a review of judgment or for leave to appeal or any other application to which this section may be made applicable [by or under any enactment] for the time being in force may be admitted after the period of limitation prescribed therefore, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation. ---The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

79. In terms of Section 14 of the Limitation Act, 1908, which states:

Exclusion of time of proceeding bona fide in Court without jurisdiction.- --(1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where

the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I. In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.---For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.---For the purposes of this section misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

80. In the present case, the GRC rendered its decision on 16.03.2026. The Appellant did not invoke the statutory appellate jurisdiction of this Authority within the prescribed period. Instead, it approached the Honourable Islamabad High Court through W.P. No.1470 of 2026. The instant Appeal was eventually instituted on 14.07.2026. Thus, even on the admitted dates, the statutory period of thirty days prescribed by Rule 48(7) had long expired.

81. The Appellate Committee observed that the Appellant seeks to overcome this statutory bar by invoking Section 14 of the Limitation Act, 1908, contending that the period spent before the Honourable High Court should be excluded. This contention, however, cannot be accepted.

82. Section 14 of the Limitation Act, 1908, in terms, provides for exclusion of time spent in prosecuting, with due diligence and in good faith, another civil proceeding in respect of a suit or application before a Court which is unable to entertain such proceeding by reason of defect of jurisdiction or other cause of a like nature. Section 2(10) of the said Act defines "suit" in a manner which does not include an appeal or an application.

83. The aforesaid principle has also been considered and affirmed by the superior Courts in a number of authorities. Reliance has, inter alia, been placed upon the judgment reported as 2013 PTD 651 (Balochistan High Court), titled *Inspector General, Frontier Corps Balochistan through Collector of Customs, Sales Tax and Federal Excise, Quetta versus Messrs Allauddin and another*, wherein the Honourable Court, while considering the applicability of Section 5 of the Limitation Act, 1908 where a special statute prescribes a specific period of limitation, held that where limitation is prescribed under a special enactment, the provisions of Section 5 of the Limitation Act cannot be invoked for condonation of delay unless the special law itself permits such application. The Court, therefore, declined the request for condonation of delay and observed that the period prescribed under Section 196 of the Customs Act, 1969 would govern the filing of the Reference.

84. The same principle, concerning the scope and applicability of the provisions of the Limitation Act, has further been examined by the Islamabad High Court in 2020 PLC (C.S.) 1558, titled *Altaf Hussain versus Federal Public Service Commission through Chairman and another*. The Honourable Court, while considering the plea that the time spent in prosecuting proceedings before a forum lacking jurisdiction could be excluded under Section 14 of the Limitation Act, declined to extend such benefit to an appeal. It was observed that Section

14, by its express terms, provides for exclusion of time spent in prosecuting a suit or an application with due diligence and in good faith before a Court which is unable to entertain the same due to a defect of jurisdiction or other cause of a like nature. In view of Section 2(10) of the Limitation Act, the expression "suit" does not include an appeal or an application. Consequently, the benefit of Section 14 cannot be extended to the time spent in prosecuting an appeal before an incompetent or wrong forum.

85. The aforesaid proposition finds further support from the judgment of the Honourable Supreme Court in Sherein versus Fazal Muhammad (1995 SCMR 584), wherein it was held, inter alia, that the requirement of "due diligence" contemplated under Section 14 of the Limitation Act operates in relation to suits and applications and does not extend to appeals.

86. Likewise, in Sibtain Raza versus Hydrocarbon Development (2012 SCMR 377), the Honourable Supreme Court, upon examining Sections 2(10) and 14 of the Limitation Act, categorically held that the legislature had consciously excluded an appeal or an application from the definition of "suit". It was, therefore, held that the benefit of Section 14 could not be invoked for excluding the period spent in prosecuting an appeal before a forum lacking jurisdiction, for the purpose of subsequently filing an appeal before the competent forum.

87. The same position was reiterated by the Honourable Supreme Court in Khushi Muhammad versus Fazal Bibi (PLD 2016 SC 872). After examining the language of Sections 2(10) and 14 of the Limitation Act, the Honourable Court held that Section 14 is confined exclusively to suits and cannot be extended to appeals. The Court observed that extending its operation to appeals would amount to introducing the word "appeal" into

the statutory provision, which the legislature had deliberately omitted.

88. Thus, the consistent view emerging from the above authorities is that the provisions relating to limitation and exclusion or condonation of delay must be applied strictly in accordance with the language and scheme of the relevant statutory provision. Where a special enactment prescribes a specific period of limitation, the general power of condonation under Section 5 of the Limitation Act cannot be invoked unless expressly or impliedly made applicable by the special law. Likewise, the benefit of Section 14 cannot be extended beyond the categories expressly contemplated by the statute, particularly so as to exclude the period spent in pursuing an appeal before a forum lacking jurisdiction.

89. More importantly, in the present case, the Honourable Islamabad High Court, vide its order/judgment dated 29.06.2026, specifically took note of the statutory remedy of appeal available to the Appellant under Rule 48(7) of the Public Procurement Rules, 2004, and observed that the said remedy had not been availed. In such circumstances, the Appellant cannot claim, as a matter of right, exclusion of the period spent in prosecuting proceedings before the Honourable High Court merely on the assertion that such proceedings were pursued bona fide. The mere institution or prosecution of proceedings before another forum does not, in the absence of statutory sanction, operate to suspend, enlarge, or otherwise extend the period of limitation prescribed by law.

90. The Appellate Committee observed that there is an additional circumstance which assumes significance. The writ petition before the Honourable Islamabad High Court was instituted in the name of Matracon Pakistan (Pvt.) Limited, whereas the instant Appeal has been instituted by the Matracon-Kangjie

Joint Venture. The Appellant has, therefore, failed to satisfactorily establish its entitlement to claim the entire period spent in proceedings instituted by a different entity as a period spent by the present Appellant in prosecuting its statutory remedy. Accordingly, the benefit of Section 14 of the Limitation Act cannot be extended to the Appellant in the circumstances of the present case.

91. The period prescribed under Rule 48(7) of the Public Procurement Rules, 2004 is a specific period governing the exercise of appellate jurisdiction of the Authority. The Authority is required to exercise the jurisdiction conferred upon it strictly within the parameters of the statutory framework. The Appellant has failed to demonstrate any legally sustainable basis for overcoming the express bar of limitation. The Appeal, having been instituted beyond the period prescribed under Rule 48(7) of the Public Procurement Rules, 2004, is consequently not maintainable on the ground of limitation alone.

92. In view of this finding, it is not necessary for the Appellate Committee to adjudicate upon the remaining grounds raised by the Appellant touching upon the validity of the annulment of the procurement process, the alleged advisory observations of the GRC, or the alleged right of the Appellant to continuation and conclusion of the procurement process.

93. Notwithstanding the dismissal of the Appeal on the ground of limitation, the Appellate Committee cannot remain oblivious to the serious issue which emerged during the hearing concerning the authenticity and genuineness of the experience certificates relied upon by Respondent No. 2 in support of its technical qualification.

94. At the same time, the record placed before the Appellate Committee indicates that the matter has not yet attained

finality. The documents and communications received through the Ministry of Foreign Affairs were subjected to consideration during the GRC proceedings; however, the material available on record does not demonstrate that the competent authorities on the Chinese side have furnished a final and conclusive determination resolving all aspects of the controversy. The record further reflects that the material received through official channels had generated serious doubts regarding the authenticity and validity of the documents and that further clarification/verification is considered necessary before reaching a final conclusion.

95. The Appellate Committee, therefore, considers it inappropriate at this stage to record a final finding that Respondent No. 2 has committed forgery, fraud or submission of fabricated documents, particularly when the verification process has not yet been brought to its logical conclusion and the matter remains under scrutiny. At the same time, the allegation is of a nature that cannot be left unresolved. The authenticity of documents relied upon for establishing technical qualification goes to the very foundation of the procurement process and requires determination strictly in accordance with the applicable Regulatory Procurement Framework.

96. Rules 18 and 19 of the Public Procurement Rules, 2004 prescribe the relevant legal framework concerning qualification/disqualification and the consequences arising from conduct warranting debarment or blacklisting. The procuring agency (Respondent CDA) is under an obligation to ensure that the procurement process is conducted transparently, fairly and strictly in accordance with the bidding documents and the PPRA Regulatory Framework. Where material questions arise concerning the authenticity of documents relied upon by a bidder for establishing its eligibility

or qualification, the procuring agency cannot permit such issue to remain indeterminate indefinitely.

97. The Appellate Committee is, therefore, of the considered view that the issue relating to the disputed experience certificates must be conclusively determined on the basis of the official material received through the Ministry of Foreign Affairs and any further verification deemed necessary from the competent authorities in the People's Republic of China, rather than on the basis of competing assertions of the parties.

98. The determination shall be made independently and strictly in accordance with Rules 18 and 19 of the Public Procurement Rules, 2004, after affording the concerned party/parties' due opportunity of hearing and observing all applicable procedural safeguards.

99. For the foregoing reasons, the Appellate Committee holds that that the instant Appeal, having been instituted beyond the period of limitation prescribed under Rule 48(7) of the Public Procurement Rules, 2004, is barred by limitation and, consequently, is not maintainable. The plea seeking exclusion of the period spent in prosecuting proceedings before the Honourable Islamabad High Court under Section 14 of the Limitation Act, 1908, is legally untenable, having regard to the statutory scheme, the applicable legal principles, and the consistent view taken by the superior Courts in a number of authoritative pronouncements, as discussed hereinabove. Furthermore, in the facts and circumstances of the present case, the Appellant is not entitled to the benefit of Section 14

100. Accordingly, the Appeal is hereby *dismissed* as barred by limitation.

101. However, dismissal of the Appeal on the ground of limitation shall not absolve the Respondent No.1/CDA of its statutory

obligation to determine the issue relating to the authenticity and genuineness of the experience certificates relied upon by the Respondent No. 2.

102. The above directions are confined to ensure that the unresolved issue concerning the authenticity of the documents relied upon for technical qualification is brought to its lawful conclusion.

103. With the above observations and directions, the Appeal stands *dismissed* as barred by limitation under Rule 48(7) of the Public Procurement Rules, 2004.



(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: 9th September, 2026

Each page of the order has been signed by all members of the Committee. The order comprises forty-five (45) pages.

