F. No. PPRA/AP-67/2026
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 Elite Engineering (Pvt) Limited - Orient Water Technologies (JV)

...the "Appellant"

Vs.

Capital Development Authority & Others

...the "Respondent"

Date of Hearing **19.11.2026**	Hafiz Arfat Ahmad Ch. (ASC), Mr. Hassan Tariq, Mr. Hassan Khalid ***(On behalf of Appellant)*** Mr. Wasim Abid (ASC), Qazi M. Omar (PD), Mr. Miskeen Shah Kazmi (Dir. CDA), Mr. Nisar Khan (DD CDA), Mr. Javed Zehri, Mr. Arshad Mehmood, Mr. Taimoor Aslam Khan (ASC) Mr. Mudassar Abbas (Advocate), Mr. Aziz Ullah (OCL), ***(On behalf of Respondents)***

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

The Authority received the titled Appeal on 09.10.2026, filed by M/s Elite Engineering (Pvt) Limited - Orient Water Technologies (JV) (the "Appellant") under Rule 48(7) of the Public Procurement Rules, 2004 (the "PP Rules, 2004"). On the date fixed for hearing, the learned counsel(s) and representatives of the Appellant as well as the

Respondents appeared before the Appellate Committee (the "Committee") and furnished their arguments at length.

2. At the outset, learned counsel of the **Appellant i.e., M/s Elite Engineering (Pvt) Limited - Orient Water Technologies (JV)** submitted that they preferred the instant appeal against the consolidated decision of the Grievance Redressal Committee (GRC) of the Capital Development Authority (CDA), whereby the three Grievance Petitions filed by the Appellant in respect of STP-01, STP-02 and STP-03 were dismissed and the evaluation conducted by the Procurement Committee was upheld. The appeal has been filed through its authorized representative, Mr. Hassan Khalid, Assistant Manager Business Development, M/s Elite Engineering (Pvt.) Limited. The Appellant contended that its grievance had been misconstrued, as it neither sought preferential treatment nor disclosure of proprietary designs, trade secrets or commercially sensitive information of competing bidders. Rather, it sought disclosure of the basis of technical acceptance of competing bids in terms of Clause 10 of the prescribed Technical Evaluation Report Form, which required disclosure of the "Rules /Regulations /SBD /Policy /Basis for Technical Rejection/Acceptance as per Rule 35 of the Public Procurement Rules, 2004 ("*PP Rules, 2004*"). It was argued that disclosure of aggregate marks alone does not establish how the prescribed evaluation criteria were applied.

3. The counsel of the Appellant also submitted that the Respondent i.e., Capital Development Authority (CDA) advertised the procurement for Design and Construction of Waste Water Treatment Plants on Engineering, Procurement and Construction (EPC) Mode, initially for STP-03 (Madina Town/Shahdara, Islamabad), having a capacity of 4.00 MGD, on 22.01.2026, and subsequently for STP-01 (Bari Imam/Muslim Town), having a capacity of 3.65 MGD, and

STP-02 (Dhok Chaudrian/Bun Simly Road, Islamabad), having a capacity of 1.97 MGD, on 30.01.2026. All procurements were advertised under the Single Stage-Two Envelope Procedure of the Public Procurement Rules, 2004. A pre-bid meeting was held on 16.02.2026, followed by Addendum No. 1 dated 26.02.2026, while various corrigenda were issued, ultimately extending the bid submission deadline to 21.05.2026 through Corrigendum No. IV.

4. The counsel of the Appellant further submitted that they participated in all three procurements. The bidders reaching the technical evaluation stage in STP-01 and STP-03 included: (i) Elite Engineering–Orient Water Technologies JV; (ii) ZKB Beihang, 3W Systems & Alfajr JV; (iii) KAPEC, Matracon & PK Environment Corp. JV; and (iv) Astral/Lingzhi JV. In STP-02, the participating bidders were: (i) Elite Engineering–Orient Water Technologies JV; (ii) KAPEC, Matracon & PK Environment Corp. JV; and (iii) Astral/Lingzhi JV.

5. The counsel of the Appellant also added that the Respondent (CDA) published the Technical Evaluation Reports on 17.08.2026, declaring all participating bidders technically qualified with varying aggregate scores. The Appellant secured 89 marks in each procurement. However, the reports disclosed neither criterion-wise assessments nor the basis for technical acceptance of competing bidders and bore the signature/stamp of only the Deputy Director (E&M), P&CA-II, CDA, instead of reflecting the authenticated assessment of the Procurement Committee.

6. The counsel of the Appellant also submitted that, on 17.08.2026, the Appellant addressed a letter to the Deputy Director (E&M), P&CA-II, CDA, seeking sufficient evaluation particulars to verify uniform and objective application of the

RFP requirements, expressly excluding any request for confidential or proprietary information. The letter was uploaded on EPADS on 20.08.2026 and was merely a request for information, not a statutory grievance petition. Nevertheless, the GRC *suo motu* treated it as a grievance and dismissed it on 21.08.2026, subsequently incorporating the same as the impugned decision, which the Appellant challenged as legally misconceived.

7. The counsel of the Appellant further argued that the Appellant filed independently three formal Grievance Petitions under Rule 48 of the PP Rules, 2004, on 20.08.2026, concerning STP-01, STP-02 and STP-03, which were uploaded on EPADS on 22.08.2026. Since the notification constituting the GRC had not been made publicly available, the petitions were addressed to the Deputy Director (E&M), P&CA-II, CDA. The Appellant maintained that its own technical qualification did not deprive it of locus standi, as wrongful technical acceptance or relaxation in favour of competing bidders directly affected the financial competition under the Least Cost Based procurement procedure.

8. The counsel of the Appellant also added that they specifically questioned the absence of criterion-wise evaluation details, uniform application of mandatory technical and documentary requirements, permissible limits of post-opening clarifications, treatment of deviations and alternative technical solutions, and reliance upon the original time stamped EPADS record for determining responsiveness. It also sought independent verification of its own technical score of 89 marks and requested the GRC to examine the complete technical evaluation record to ascertain whether all bidders had been assessed against identical requirements and standards. Moreover, during the GRC proceedings held on 27.08.2026, the Committee directed that its constitution

notification be uploaded on the PPRA website forthwith and that CDA provide the detailed Technical Evaluation Report/Marks Sheet concerning the Appellant. Regarding disclosure of evaluation particulars of other bidders, the GRC directed the Project Director to obtain clarification from the PPRA Legal Wing and to place the matter before it again upon receipt of such clarification and/or completion of necessary proceedings. Accordingly, CDA provided the Appellant's own evaluation details, whereupon the Appellant submitted detailed objections on 09.09.2026, emphasizing that bids must be evaluated on the basis of documents available at the closing date and that subsequent clarifications could not introduce new commitments, replace documents or cure material deficiencies. It further sought verification of uniform application of qualification thresholds, documentary standards, responsiveness requirements and scoring criteria.

9. The counsel of the Appellant also submitted that the GRC, through its consolidated decision, dismissed the three Grievance Petitions and upheld the Procurement Committee's evaluation, observing that the Appellant's submissions were "mostly subjunctive nature" and that the relevant provisions of Rules 35, 41 and 38(3) of the PP Rules, 2004 had been presented from its own perspective. The GRC further observed that the procurement was conducted through EPADS and that the record remained in the system's custody. The Appellant contended that the GRC failed to address the actual grievances and merely endorsed the Procurement Committee's evaluation without independent examination or reasoned findings.

10. The counsel of the Appellant further submitted that, Clause 10 of the prescribed Technical Evaluation Report Form expressly requires disclosure of the basis for both technical rejection and acceptance. Therefore, disclosure of aggregate

marks alone was insufficient, and CDA was required to provide adequate criterion-wise/sub-criterion-wise assessments and reasons demonstrating how the predetermined RFP requirements were applied. The GRC also failed to determine whether identical mandatory requirements were enforced uniformly or whether post-opening material had impermissibly supplemented, replaced or cured deficiencies in competing bids. The Appellant maintained that the original time stamped EPADS record was essential for determining the actual contents and responsiveness of each bid at the closing date.

11. The counsel of the Appellant further added and pointed out that the GRC had itself acknowledged the importance of the disclosure issue on 27.08.2026 by directing the Project Director to seek clarification from the PPRA Legal Wing. However, the impugned decision did not disclose whether such clarification was obtained or how the same was considered. The Appellant also reiterated that its letter dated 17.08.2026 was merely a request for information and could not lawfully be converted into a statutory grievance. Furthermore, despite the GRC's direction dated 27.08.2026, its constitution notification had not been made publicly available. The Appellant also raised an apprehension of conflict of interest, alleging that the Deputy Director (P&CA-II), who was connected with the procurement process, subsequently formed part of the grievance mechanism, thereby compromising the independence of the review proceedings.

12. The counsel of the Appellant also submitted that they specifically challenged the technical acceptance of M/s Astral-Lingzhi JV, alleging that the said bidder had submitted two separate and independent proposals, each comprising its own Technical Proposal and Financial Proposal, as expressly

admitted in its clarification dated 02.07.2026. The Appellant contended that, after submission of bids, Astral-Lingzhi JV sought to interchange the status of its Primary and Alternative Proposals by requesting CDA to treat the originally submitted Alternative Proposal as its Primary Proposal and vice versa. Such post-submission re-designation, according to the Appellant, went beyond permissible clarification and was contrary to the advertised Single Stage-Two Envelope procedure. It was further argued that Clause IB-41 could not be interpreted to permit two independent competing offers or confer an undue advantage upon one bidder.

13. The counsel of the Appellant also submitted that the GRC's decision was uploaded on EPADS at approximately 4:00 p.m. on 29.09.2026, whereafter CDA opened the financial proposals shortly thereafter, and the Appellant's representative attended the opening proceedings upon receiving a telephonic call from CDA. The financial opening allegedly demonstrated the discriminatory advantage extended to Astral-Lingzhi JV, which had submitted two different financial figures for each procurement, whereas all other bidders, including the Appellant, had submitted only one financial bid, as under:

(i) **STP-01:** PKR 4,700.403 million and PKR 2,883.761 million;

(ii) **STP-02:** PKR 3,471.103 million and PKR 1,674.656 million; and

(iii) **STP-03:** PKR 4,754.040 million and PKR 3,307.855 million.

14. The counsel of the Appellant further argued and highlighted that it had quoted PKR 3,218.590 million in STP-01 against Astral-Lingzhi JV's two figures of PKR 4,700.403 million and PKR 2,883.761 million, whereas in STP-02 the Appellant quoted PKR 2,582.849 million against Astral-

Lingzhi JV's figures of PKR 3,471.103 million and PKR 1,674.656 million. It was argued that the substantial price differences materially altered Astral-Lingzhi JV's competitive position and afforded it two opportunities to compete against the single offer of every other bidder, thereby compromising bid comparability, transparency and equal treatment.

15. The counsel of the Appellant also submitted that, whether Astral-Lingzhi JV's substantially cheaper alternative prices were based on modified, reduced or diluted design specifications, rendering them incomparable with the bids of other participants. It was also pointed out that the Technical Evaluation Report reflected only one technical score for Astral-Lingzhi JV, without identifying which of its two proposals had been evaluated or whether both had independently satisfied the prescribed criteria. The Appellant sought clarification as to whether two complete independent bids, each comprising separate technical and financial proposals and requisite bid security/bond, had been submitted, or whether only one technical bid/envelope and one financial envelope containing two different prices existed. It maintained that, without examination of the complete bid record, the validity, responsiveness and comparability of the alternative proposal could not be established.

16. The counsel of the Appellant further contended that the GRC had failed to independently examine the grievances and that its observation regarding the custody of the record in EPADS did not absolve CDA or the GRC of their responsibility to access and examine the original electronic record. It also reiterated that the Technical Evaluation Reports bore the signature/stamp of only the Deputy Director (E&M), P&CA-II, CDA, whereas the underlying evaluation sheets, duly authenticated by the members of the Procurement Committee, were necessary to establish the collective assessment and its

actual basis. The Appellant maintained that its technical qualification did not extinguish its right to challenge the wrongful admission of competing bidders to the financial stage.

17. At the last, the counsel of the Appellant also submitted that the impugned decision suffered from misreading and non-reading of material facts, failure to determine the actual controversy, absence of independent examination and lack of cogent reasons. It argued that Rule 48 of the PP Rules, 2004 provides an effective statutory remedy which cannot be reduced to a mere formality by withholding the basis of technical acceptance and subsequently endorsing the evaluation without examining the underlying record. The Appellant maintained that it sought no preferential treatment but only uniform application of the prescribed procurement requirements in the public interest.

18. At the very last, the counsel of the Appellant prayed that the consolidated GRC decision concerning STP-01, STP-02 and STP-03 be set aside and all three Grievance Petitions be allowed. They further sought directions to CDA to furnish complete evaluation details of all participating and technically accepted bidders, including the basis of technical acceptance under Clause 10 of the Technical Evaluation Report Form, criterion-wise and sub-criterion-wise assessments, score sheets and reasons. *Reliance was placed upon 2022 CLC 1206, para 70, Reliance IT Solution Pvt. Ltd. Vs. FoP*). They also requested production of the original time-stamped EPADS technical bids, evaluation record and any post-opening clarifications before the Appellate Committee to verify uniform application of the prescribed requirements. Furthermore, the Appellant prayed that the proposals submitted by M/s Astral-Lingzhi JV be declared liable to rejection for being contrary to

the advertised procurement procedure and CDA's advertisements dated 22.01.2026 and 30.01.2026.

19. On the other side, learned counsel of the **Respondent No. 1 i.e., Capital Development Authority (CDA)** submitted that the instant Appeal had been preferred against the consolidated decision of the Grievance Redressal Committee (GRC) dated 22.09.2026, which pertained to three separate grievances arising out of three independent procurements. It was contended that the Appellant was required to file three separate appeals, notwithstanding the consolidated nature of the GRC decision. However, the counsel for the Respondent clarified on the last date of hearing i.e., 02.11.2026 and as well as of today i.e., 20.11.2026, the procurement process initiated to the extent of STP-1 and STP-2 have been scraped / recalled by the CDA due to administrative reasons.

20. The counsel of the Respondent (CDA) also submitted and objected to the maintainability of the instant Appeal on the grounds that the grievance concerning financial bids was premature, as the impugned GRC decision related exclusively to the technical evaluation; the Appeal had been instituted by a Joint Venture, which lacked independent juristic personality and the capacity to sue or be sued; and the Appellant could not be treated as an aggrieved person under Rule 48 of the PP Rules, 2004, having already been declared technically qualified. Since the procurement was based on the least-cost method, the technical marks obtained by the Appellant had no bearing on its eligibility at the financial evaluation stage.

21. The counsel of the Respondent (CDA) further submitted that the Appellant's request for disclosure of other bidders' records amounted to a fishing expedition, as no specific irregularity or violation had been identified in its

grievance petition. It further submitted that Clause IB-41 of the bidding documents expressly permitted submission of alternate proposals, a provision known to the Appellant through the pre-bid meeting held on 16.02.2026, Addendum No. 1 dated 26.02.2026 and Corrigendum No. IV. Any objection against the eligibility parameters, evaluation criteria or other bidding conditions was required to be raised before submission of bids under Rule 48(2) of the PP Rules, 2004. However, the Appellant neither challenged the provision at the relevant stage nor submitted an alternate proposal and, therefore, could not question it after opening of the financial proposals. CDA also denied that any post-bid changes had been permitted.

22. The counsel of the Respondent (CDA) also added that the Appellant's grievance before the GRC and in the instant Appeal primarily concerned access to the bids and evaluation records of other bidders to ascertain the basis of its own technical evaluation and verify uniform application of the RFP requirements. However, the Appellant had neither identified any specific error in the evaluation process nor alleged that incorrect information furnished by any bidder had been overlooked by the Procurement Committee. Rather, it sought to investigate and audit the procurement process through disclosure of other bidders' records, without identifying any supporting evidence or specific irregularity.

23. The counsel of the Respondent (CDA) further argued and relied upon the findings of the GRC, which observed that the representations of M/s Elite Engineering (Pvt.) Ltd. – Orient Water Technologies (JV) were largely subjective and unsupported by documentary evidence. The GRC had considered Rules 35, 41 and 48(3) of the PP Rules, 2004, as well as Clause 1.9 of the FIDIC Conditions of Contract for EPC/Turnkey Projects concerning copyright and intellectual

property rights in contractors' documents and designs. It was further observed that the Technical Evaluation Report had been published on EPADS in the prescribed format under Rule 35 and, since the procurement was conducted electronically without receipt of hard copies, the record remained in the custody of the system.

24. The counsel of the Respondent (CDA) also submitted that the GRC had observed that the evaluation was conducted in accordance with the criteria prescribed in the bidding documents and that concerns regarding disclosure of detailed evaluation material had already been addressed, to the extent permissible, during earlier meetings. Accordingly, the GRC permitted disclosure of the Appellant's own Technical Evaluation, allowed sharing of detailed mark sheets of other bidders to the extent permissible under the applicable rules and regulations, and upheld the evaluation conducted by the Procurement Committee. CDA maintained that the impugned decision was a reasoned and speaking order, warranting no interference.

25. The counsel of the Respondent (CDA) also added and referred to Rule 48(2), (3) and (4) of the PP Rules, 2004, CDA contended that a grievance must identify specific grounds of objection, including any violation of the bidding conditions or particular act or omission of the Procuring Agency. However, the Appellant had failed to identify any such violation and merely sought information to satisfy itself about the procurement process and subsequently discover possible grounds for a complaint. Such an exercise, according to CDA, was neither envisaged under Rule 48 nor constituted a valid grievance warranting adjudication by the GRC.

26. The counsel of the Respondent (CDA) also submitted and relied upon Rule 41 of PP Rules, 2004, regarding

confidentiality of technical and final evaluation information until announcement of the respective evaluation reports, and Rule 47, which provides for public disclosure of evaluation and contract-award documents after award of the contract, subject to the prescribed exceptions concerning proprietary information and public interest, with prior approval of the Authority. It contended that these provisions did not impose any mandatory obligation upon the Procuring Agency to disclose detailed evaluation records or confidential information to individual bidders merely upon announcement of the evaluation reports.

27. The counsel of the Respondent (CDA) further submitted that, statutory provisions must be read as a whole and no obligation could be implied where none had been expressly prescribed. CDA maintained that the bids contained sensitive and proprietary information protected under intellectual property laws, and disclosure without the concerned parties consent could expose the Procuring Agency to legal proceedings for infringement of intellectual property rights. Consequently, the interpretation advanced by the Appellant amounted to reading an additional disclosure obligation into the PP Rules and compromising protected information.

28. The counsel of the Respondent further added and reiterated that the procurement evaluation had been conducted strictly in accordance with the bidding documents and the prescribed criteria, on the basis of the respective bids submitted by all participating bidders. Since the Appellant had failed to identify any specific irregularity, its demand for disclosure merely to search for possible grounds of challenge was not consistent with the scheme and spirit of the PP Rules, 2004.

29. At the last, the counsel of the Respondent (CDA) also submitted that the Appellant's insistence upon disclosure of the basis for awarding it 89 marks was immaterial to the final outcome, as it had already been declared technically qualified and retained an equal opportunity at the financial evaluation stage, which was to be determined on the least-cost basis. Accordingly, it prayed for dismissal of the instant appeal.

30. On the other hand, learned **representative of Respondent No. 03, i.e., M/s Astral-Linghzai (JV)**, submitted that its bid for CDA Sewage Treatment Projects STP-02 and STP-03 comprised one consolidated proposal containing two technology options, each with a separate financial quotation, and not two independently submitted bids. The first option comprised Lingzhi's advanced wastewater treatment technology, intended as the primary and more economical solution, whereas the second was based on CDA's conventional technical requirements to demonstrate its capability to execute the projects under either technology.

31. The representative of the Respondent No. 3 also submitted that the discrepancy in the original proposal was merely typographical and related to the labeling of the two technology options. Both technical solutions and their respective prices were already included in the original submission, and the subsequent clarification neither introduced any new solution or price nor altered any commercial condition. Accordingly, Respondent No. 3 requested that the matter be examined under Clause IB 41, the Bid Data Sheet and the original bidding requirements, and that the discrepancy be treated as a clarification rather than a substantive amendment.

32. The Representative of the Respondent No. 3 further submitted that the labeling discrepancy had been

communicated to CDA's Project Director and electronically through the PPRA portal before opening of the financial bids. The relevant correspondence and electronic timestamps were stated to establish that the clarification was submitted before Respondent No. 03 had knowledge of competing bidders' financial quotations and was not intended to modify the original bid. It was emphasized that no new bid, technical offering, price or commercial condition had been introduced.

33. The representative of the Respondent No. 3 also added and highlighted Lingzhi's credentials as a specialist manufacturer of sewage and wastewater treatment technology, possessing relevant manufacturing and engineering capabilities and reportedly holding more than 418 proprietary patents in the relevant field. Regarding financial competitiveness, it was submitted that both technology options carried separate financial quotations which, according to Respondent No. 03, were the lowest in their respective comparisons, while the advanced technology option was substantially cheaper than the conventional option. It was, however, acknowledged that price alone could not establish the acceptability of an otherwise non-compliant bid.

34. The representative of the Respondent No. 3 further submitted that, with regard to the allegations of impermissible alternative bidding, preferential treatment, manipulation and irregular evaluation raised by M/s Elite Engineering (Pvt.) Limited – Orient Water Technologies (JV), Respondent No. 03 submitted that such allegations must be substantiated through the procurement record. It maintained that its original proposal and the clarification submitted before financial opening were material contemporaneous documents and requested that the complaint be decided objectively in accordance with the bidding documents and applicable procurement rules, without attributing unsupported motives

to any party. It further emphasized that the projects served important environmental and public health objectives and that unnecessary delay could adversely affect their implementation.

35. At the conclusion, Respondent No. 03 prayed that the complete technical and financial evaluation record, its original consolidated proposal comprising both technology options and their respective prices, and the timely clarification communicated to CDA's Project Director and through the PPRA portal before financial opening be duly examined. It further requested rejection of unsupported allegations, upholding of the technical and financial evaluation to the extent found compliant with the tender requirements and applicable law, dismissal of the unsupported grounds of complaint, and continuation of the lawful procurement and award process by CDA.

36. On the other side, **learned counsel and representative of the Respondent No. 4 i.e., M/s Osmani Company Pvt. Ltd.** submitted that it was engaged by Respondent No. 1, Capital Development Authority (CDA), as Consulting Engineer for the three EPC/Turnkey procurements, namely CDA-STP-01 (Bari Imam), CDA-STP-02 (Dhok Chaudrian) and CDA-STP-03 (Madina Town, Shahdra and Dhok Jillani). In this capacity, it prepared the Bidding Documents, assisted the Procurement Committee in technical and financial evaluation of bids and prepared the evaluation reports. It adopted the reply of Respondents Nos. 1 and 2 to the extent consistent with its submissions and confined its response to matters falling within its professional and technical responsibilities.

37. The counsel of the Respondent No. 4 also submitted that the procurements were initiated under the Public

Procurement Rules, 2004, through the Single Stage-Two Envelope procedure, and continued to be governed by the said Rules notwithstanding promulgation of the Public Procurement Rules, 2026, in view of Rule 68 thereof and Section 6 of the General Clauses Act, 1897. It further submitted that the Appellant, having been declared technically qualified in all three packages, had failed to identify any adverse act of the Procuring Agency giving rise to a grievance under Rule 48(3). Its demand for competitors' evaluation particulars was merely speculative and did not constitute a legally enforceable grievance. Reliance was placed upon Appeal No. PPRA/AP-16/2026, *Ramna Pipe & General Mills (Pvt.) Ltd. v. Sui Northern Gas Pipelines Ltd.* (2004 SCMR 1274) and *Abdul Haq Indhar v. Province of Sindh* (2000 SCMR 907).

38. The counsel of the Respondent No. 4 further submitted that the appeal had become academic and infructuous after the public opening of financial proposals on 29.09.2026. As per the prices disclosed by the Appellant itself, KAPEC-Matracon-PKE JV emerged as the lowest bidder in all three packages, the Appellant stood second, whereas Respondent No. 3's base bids were the highest. The Appellant's aggregate bid of PKR 9,269,754,564 exceeded the lowest aggregate bid of PKR 8,268,610,510 by PKR 1,001,144,054 (12.11%). Thus, even if the reliefs sought against Respondent No. 3 were granted, the Appellant's competitive position would remain unchanged. Respondent No. 4 characterised the appeal as a fishing expedition intended to secure the elimination of competing bidders and obtain contracts at an additional cost to the public exchequer.

39. The counsel of the Respondent No. 4 also added that, any grievance relating to the financial evaluation was required to be raised separately under Rule 48(3), subject to Rule 48(5).

It further submitted that the Appellant had abandoned its original specific grievances concerning award of nil marks under sub-criterion 1.1 (Most Feasible Technology with Minimum Operational Cost) and non-acceptance of its PHED Khyber Pakhtunkhwa (Matta) reference project under sub-criterion 2-A-2, as the GRC had adjudicated both matters and the Appellant had not challenged those findings in the instant appeal.

40. The counsel of the Respondent No. 4 also submitted that the Appellant was barred under Rule 48(2) from challenging Clause IB.41 of the Bidding Documents, which permitted alternate proposals, as no objection had been raised during the pre-bid meeting dated 16.02.2026, issuance of Addendum No. I dated 26.02.2026 or before the bid submission deadline of 21.05.2026. Having participated in the procurement on the prescribed terms, the Appellant could not subsequently challenge their application. Reliance was placed upon *Dossani Travels (Pvt.) Ltd. v. Travels Shop (Pvt.) Ltd.* (PLD 2014 SC 1). It was also submitted that the Appellant had acquiesced in the constitution of the GRC by participating in its proceedings on 27.08.2026, obtaining interim directions and its detailed evaluation sheets, and submitting written comments without objection.

41. The counsel of the Respondent No. 4 further submitted that, on the issue of disclosure, the demand for complete criterion-wise evaluation particulars, score sheets and time stamped EPADS records of competing bidders was contrary to Rules 41 and 47 and Clause IB.28 of the Bidding Documents. It explained that the technical evaluation was conducted under Clause IB.13 against 100 marks, comprising Design of Plant (40), Similar-Nature Work Experience (40), Personnel Capability (10) and Financial Capability (10), with a minimum qualifying score of 70 overall and 50% in each

section. The marks and qualification threshold were duly announced under Rule 35. Respondent No. 4 maintained that disclosure of competitors' detailed evaluation records before award was not permissible, but expressed no objection to the complete record being examined by the Appellate Committee *in camera*.

42. The counsel of the Respondent No. 4 also submitted that the Technical Evaluation Reports were announced on 17.08.2026 in the prescribed format and that detailed Firm Qualification Comparison Sheets were prepared with its assistance and adopted by the Procurement Committee. The same criteria, thresholds and documentary requirements were uniformly applied to all bidders. Clarifications, wherever required, were sought under Clause IB.23.1 without permitting any change in the price or substance of bids. The Appellant itself had responded to clarifications concerning Total Phosphorus in its guaranteed effluent quality and confirmation of Schedule F-1. Reliance was placed upon Clauses IB.23.1 and IB.24.4, Rules 31 and 36(b)(vi), *National Institutional Facilitation Technologies (Pvt.) Ltd. v. Federal Board of Revenue* (PLD 2020 Islamabad 378), *Muhammad Ramzan & Co. v. Federation of Pakistan* (2024 CLC 1394) and Appeal No. PPRA/AP-12/2025.

43. The counsel of the Respondent No. 4 further argued that, regarding Respondent No. 3's alternate proposal, it clarified that Clause IB.41.1 permitted submission of an alternate proposal along with the base bid, whereas Clause IB.41.2 allowed its consideration only where the bidder was already the lowest evaluated responsive bidder. Respondent No. 3 had submitted one bid comprising one Letter of Technical Bid, one bid security of PKR 40 million, one technical envelope and one financial envelope containing its Main Plan and Alternative Plan. Accordingly, there was no

violation of the one-bid-per-bidder requirement under Clauses IB.39 and IB.24.1(c)(ii), or the procedure prescribed under Rule 36(b).

44. The counsel of the Respondent No. 4 also submitted that, Respondent No. 3, through its letter dated 02.07.2026, requested interchange of its Main and Alternative Plans, however, the Employer declined the request as it would have constituted an impermissible post-opening modification. Consequently, only the Main Plan, comprising an activated-sludge process with an additional membrane stage for enhanced effluent quality, was technically evaluated and scored. The deviation declared in Schedule F-1 was assessed under Clauses IB.14.4 and IB.24.3 as substantially equivalent or superior and non-material. The Alternative Plan was neither evaluated nor compared. Since Respondent No. 3's base bid was the highest in all three packages, the condition under Clause IB.41.2 was not fulfilled and its alternate proposal was neither considered nor recommended for award.

45. The counsel of the Respondent No. 4 further contented and denied the allegations concerning the GRC proceedings and submitted that the Appellant was heard on 27.08.2026, interim directions were issued in its favour, its detailed evaluation sheets were supplied, and its written comments dated 04.09.2026 and 09.09.2026 were considered. The GRC also sought guidance from the Authority's Legal Wing regarding disclosure of competitors' evaluation particulars before deciding the matter through its consolidated decision dated 22.09.2026. It was further maintained that EPADS ensured the integrity and immutability of time stamped bid submissions, no physical submissions were received and no bidder was permitted to introduce documents after the closing date. Accordingly, the principles of natural justice and *audi alteram partem* were

duly observed. Reliance was placed upon *Dragon Security Services (Pvt.) Ltd. v. Federation of Pakistan* (W.P. No. 1069/2021), *Gemalto Middle East FZ-LLC v. Federation of Pakistan* (2020 CLD 151) and *KAC-RMS (Joint Venture) v. National Highway Authority* (PLD 2024 Islamabad 21).

46. The counsel of the Respondent No. 4 also added that the financial proposals were publicly opened on 29.09.2026 in accordance with Rules 28 and 36(b)(viii), after completion of the suspension required under Rule 48(4). Neither Rule 48 nor the relevant Regulations provided for automatic suspension during an appeal under Rule 48(7), while Clause IB.28.2 expressly provided that filing of a complaint would not, by itself, warrant suspension. No stay order had been sought or granted. It was emphasized that the procurement concerned sewage treatment plants intended to prevent untreated sewage from entering Korang River and Rawal Lake, and unnecessary delay would adversely affect the public interest and environmental objectives of the project.

47. At the last, the counsel of the Respondent No. 4 also submitted and prayed that the appeal be dismissed as not maintainable and devoid of merit, the consolidated GRC decision dated 22.09.2026 be upheld, the treatment of Respondent No. 3's alternate proposal under Clause IB.41 be declared lawful and disclosure of competitors' confidential evaluation particulars to the Appellant be declined.

48. It is pertinent to note that, as per the statement made by the Respondent (CDA), the procurement processes in respect of STP-01 and STP-02 had been cancelled/recalled by the CDA for administrative reasons. In view thereof, learned counsel for the Appellant submitted that the instant appeal may be treated as confined to STP-03, rendering redundant the Respondent's objection regarding the challenge to three

separate tenders through a single appeal. Accordingly, the Appellate Committee ("*the Committee*") decided to proceed with the instant appeal solely to the extent of STP-03.

49. At the outset, the Committee noted of the statement made by the Respondent (CDA) that the procurement processes in respect of STP-01 and STP-02 have been cancelled/recalled for administrative reasons. Accordingly, in view of the submission of the Appellant, the instant appeal shall be examined only to the extent of STP-03 (Madina Town/Shahdara, Islamabad).

50. After perusal of all available record and arguments rendered by all the parties the Committee Observed that the principal grievance of the Appellant concerns non-disclosure of the complete technical evaluation particulars and the basis of technical acceptance of participating bidders, particularly under Clause 10 of the prescribed Technical Evaluation Report Form, namely, *"Rules/Regulations/SBD*/Policy/Basis for Technical Rejection/Acceptance as per Rule 35 of PP Rules, 2004."

51. The Committee also observed that, Rule 35 of the PP Rules, 2004 requires the Procuring Agency to announce the technical evaluation results through a report containing justification for acceptance or rejection of bids. Therefore, disclosure of aggregate marks and technical qualification status, without adequately indicating the basis of acceptance or rejection against the prescribed evaluation criteria, does not sufficiently demonstrate compliance with the aforesaid requirement. The Respondent (CDA) was required to provide an intelligible and verifiable basis of evaluation demonstrating uniform application of the predetermined criteria. Reliance is placed upon ***2022 CLC 1206, para 70, Reliance IT Solution Pvt. Ltd. Vs. FoP***).

52. The Committee is not persuaded by the Respondent's objection that disclosure of the evaluation particulars of competing bidders is prohibited under Rules 41 and 47 of the PP Rules, 2004. Rule 41 primarily protects the confidentiality of evaluation information until announcement of the evaluation report, whereas such confidentiality cannot be invoked as an absolute bar against disclosure of the evaluation basis required under Rule 35. Nevertheless, proprietary designs, trade secrets, intellectual property and genuinely commercially sensitive information of competing bidders shall remain protected.

53. The Committee further observed that the Technical Evaluation Report dated 17.08.2026 disclosed aggregate scores and qualification status without adequately reflecting the basis of technical acceptance under Clause 10 of the prescribed form. The mere publication of the report on EPADS does not absolve the Procuring Agency of its obligation to ensure compliance with the prescribed reporting requirements.

54. The Committee also noted that, during the GRC proceedings dated 27.08.2026, the GRC directed the Project Director to obtain clarification from the PPRA Legal Wing regarding the disclosure of competing bidders' evaluation particulars. In this regard, the Committee observed that the practice of seeking clarification from PPRA at the grievance redressal stage should be discontinued. The members of the GRC are under an obligation to decide complaints independently and in accordance with the applicable PPRA legal framework. Moreover, it was emphasized that the Procuring Agency shall ensure the appointment of members of the GRC who are well conversant with the PPRA legal framework. The GRC, therefore, failed to record a clear and reasoned finding on this material grievance.

55. The Committee is also not persuaded by the objection that the Appellant lacked locus standi merely because it had been declared technically qualified. A bidder's technical qualification does not extinguish its right to question whether the prescribed evaluation criteria have been uniformly and objectively applied to all participating bidders. Accordingly, the Appellant's grievance warranted independent consideration.

56. The Committee also observed that, if the Appellant considered Clause IB-41, permitting alternative proposals, contrary to the procurement framework or capable of allowing unequal treatment, it ought to have challenged that provision before the bid-submission deadline under Rule 48(2). Having participated in the procurement without timely challenging the relevant bidding condition, it could not ordinarily seek to question the validity of that condition for the first time in appeal. Moreover, the same was not agitated before the GRC.

57. Furthermore, the Appellant ought to have specifically pleaded before the GRC that the said JV had submitted two technical proposals / options, identified the allegedly inconsistent documents, and explained how the evaluation of one option or substitution of another violated the bidding documents. A general request for evaluation particulars would not, by itself, amount to a specific grievance challenging the alleged submission or substitution of proposals.

58. The Committee also examined the objections raised by the Respondents regarding the Appellant's attempt to agitate certain grounds before the Appellate Committee which were neither specifically raised in its original Grievance Petitions nor duly pursued before the GRC. In this regard, the Committee observed that the appellate jurisdiction under Rule 48(7) of the PP Rules, 2004 is intended to examine the decision

of the GRC and the grievances adjudicated by it. Accordingly, an appellant cannot ordinarily introduce entirely new grounds at the appellate stage which were not brought before the GRC and on which the GRC had no occasion to examine or record its findings.

59. The Committee further observed that, despite the Appellant's request dated 17.08.2026, uploaded on EPADS on 20.08.2026, seeking clarification of the technical evaluation particulars, CDA did not furnish the requisite information. Rather, the matter was treated by the GRC as a grievance and dismissed on 21.08.2026, without adequately addressing the substance of the Appellant's request. Such treatment resulted in avoidable procedural complications and failed to resolve the disclosure issue at the appropriate stage.

60. The Committee also noted the Appellant's contention that, despite the GRC's direction dated 27.08.2026 to upload its constitution notification on the PPRA website forthwith, the same was not made publicly available. The Committee observed that transparency regarding the constitution of the grievance redressal mechanism is essential to ensuring confidence in the independence and impartiality of grievance proceedings. The failure to demonstrate compliance with the aforesaid direction constitutes a procedural deficiency.

61. In view of the foregoing, the Committee finds that the Respondent (CDA) failed to adequately demonstrate compliance with Rule 35 of the PP Rules, 2004, read with Clause 10 of the prescribed Technical Evaluation Report Form. Furthermore, the GRC failed to record a satisfactory and reasoned determination regarding the disclosure issue despite having considered the matter during its proceedings. Such omission constitutes a procedural deficiency warranting

interference to the limited extent of the relief sought by the Appellant.

62. For what the reasons, observations and findings made above, the Appellate Committee has ***allowed*** **the instant Appeal to the extent of the Appellant's prayer concerning STP-03 (Madina Town / Shahdara, Islamabad)** and directs the Respondent No. 1 (CDA) to provide complete bidder-wise technical evaluation particulars of all participating and technically accepted bidders and the basis of technical acceptance under Clause 10 of the Technical Evaluation Report Form, in accordance with Rule 35 of the PP Rules, 2004.

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

(Engr. Lt. Col. (R) Haq Nawaz)
Member (External)

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

Dated: 24th November, 2026

Each page of the order has been signed by all members of the Committee. The order comprises twenty-six (26) pages.