



F. No. PPRA/AP-59/2026
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 AM Group of Companies

...the “Appellant”

Vs.

Lahore Electric Supply Company (LESCO) *through its CEO*, etc.

...the “Respondent”

<u>Date of Hearing</u>	Barrister Raza M. Ali Raza Abbas (Advocate)
21.09.2026	(On behalf of Appellant)
	Mr. Abdul Wahid Qureshi (ASC), Mr. Saqib Munir (Dy. Manager), Mr. M. Abdur Rehman (CSC MO)
	(On behalf of Respondent i.e., LESCO)

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

The abovementioned learned counsel(s) and representative of the Appellant and the Respondents tendered appearance before the Appellate Committee (“the Committee”) on the date of hearing fixed and furnished their arguments at length.

2. At the very outset, learned counsel of the Appellant i.e., M/s AM Group of Companies submitted that they preferred the instant Appeal under Rule 48(7) of the Public Procurement Rules, 2004, against the decision of the Grievance Redressal Committee (GRC), whereby its grievance concerning Tender Nos. 4337 was rejected. The Respondent i.e., Lahore Electric Supply Company (LESCO), invited bids through E-PADS Version 2.0 for procurement of various electrical

materials, and the Appellant, being an established supplier and fulfilling the prescribed eligibility requirements, participated in the said tenders and submitted its bids in accordance with the bidding documents.

3. The counsel of the Appellant also submitted that the Bid Data Sheet, Instructions to Bidders, Price Schedule, Technical Specifications, Schedule of Requirements, Contract Forms and undertakings expressly required prices to be quoted on FCS basis, exclusive of Sales Tax, with Sales Tax to be quoted separately. However, contrary to the bidding documents, the E-PADS Version 2.0 "Bid Quotation" tab required bidders to enter prices inclusive of Sales Tax. No provision in the bidding documents required GST-inclusive prices to be entered on E-PADS, nor was any corrigendum, amendment or clarification issued before bid submission to reconcile the contradictory directions.

4. The counsel of the Appellant further submitted that, faced with the aforesaid contradiction created by the Respondent itself, the Appellant followed the approved bidding documents, being the governing procurement instrument, and entered on E-PADS exactly the same figures as contained in its signed Price Schedule, i.e. prices exclusive of Sales Tax. Thereafter, the Respondent issued the Evaluation Report dated 06.05.2026, but failed to disclose whether the Appellant's quoted prices had been evaluated as exclusive of Sales Tax in accordance with the bidding documents or as inclusive of Sales Tax in accordance with the E-PADS instruction. The Evaluation Reports did not disclose the methodology or basis of financial evaluation, thereby creating ambiguity and depriving the Appellant of a meaningful opportunity to understand and challenge the evaluation.

5. The counsel of the Appellant also submitted that upon discovering the said ambiguity, the Appellant submitted a detailed representation dated 01.06.2026, pointing out the contradiction between the bidding documents and E-PADS and seeking clarification regarding the basis of evaluation, but no response was received. The Appellant thereafter submitted another representation dated 11.06.2026, to which the Respondent replied vide letter dated 16.06.2026, stating that the E-PADS system did not permit post-bid modification of entries. The Appellant submits that it had never sought any post-bid modification; rather, it consistently maintained that the figures entered on E-PADS were identical to those contained in the uploaded Price Schedule prepared in accordance with the bidding documents.

6. The counsel of the Appellant further submitted that, as the Evaluation Reports remained ambiguous, the Appellant formally invoked the Grievance Redressal Mechanism under Rule 48 on 16.06.2026. During pendency of the grievance, the Respondent proceeded to issue Letters of Intent through E-PADS on 24.06.2026, without first resolving the Appellant's grievance. The Appellant supplemented its grievance on 29.06.2026, specifically pointing out that under the "Item & Lot Specification Validation" section of E-PADS itself, the tender condition stated that Sales Tax was to be quoted separately, thereby reinforcing that the procurement contemplated Ex-GST pricing.

7. The counsel of the Appellant also submitted that despite the detailed grievance supported by documentary evidence, statutory provisions and previous procurement precedents of the Respondent itself, the GRC rejected the grievance vide letter dated 08.07.2026. The impugned decision merely reiterated that E-PADS entries could not be modified after submission and concluded that the Appellant's request

could not be entertained. The Appellant contends that the GRC failed to determine the actual controversy, namely whether the bid could lawfully be evaluated on the basis of an E-PADS instruction contradicting the approved bidding documents, and wrongly treated the grievance as a request for post-bid modification, although no alteration of the quoted figures had ever been sought.

8. The counsel of the Appellant also added that the bidding documents repeatedly required prices to be quoted exclusive of Sales Tax, whereas no clause required GST-inclusive prices on E-PADS. Rules 22 and 23 of the Public Procurement Rules, 2004 require the manner of bid submission to be unambiguous and the bidding documents to be precise and clear, while additional information necessary for bidding or evaluation is required to be communicated through formal notification. No such clarification, amendment or corrigendum was issued. Rule 30 further requires evaluation strictly in accordance with the evaluation criteria and terms contained in the bidding documents; therefore, the Respondent could not rely upon a contradictory portal instruction to override the approved procurement conditions.

9. The counsel of the Appellant further argued that the Evaluation Reports themselves failed to disclose whether the Appellant's prices were treated as inclusive or exclusive of Sales Tax, thereby depriving the Appellant of a meaningful opportunity to understand the evaluation methodology. If the E-PADS entries were treated as GST-inclusive, the uploaded Price Schedule and electronic entries would become mathematically inconsistent; in such circumstances, the Respondent ought either to have sought permissible clarification or recorded reasons for declaring the bid non-responsive, but neither course was adopted. Moreover, the E-PADS "Item & Lot Specification Validation" section itself

reproduced the condition that Sales Tax was to be quoted separately.

10. The counsel of the Appellant further submitted that the Appellant also relied upon the Respondent's previous procurement practice whereby, in cases involving discrepancies between E-PADS and bidding documents concerning bid security, the bidding documents were treated as the governing instrument. The Respondent was required to act consistently, fairly and transparently, but adopted an inconsistent standard in the present case without assigning lawful justification. The impugned decision further suffers from non-application of mind as it neither addressed the statutory provisions relied upon by the Appellant nor framed and determined the material issues raised in the grievance.

11. At the last, the counsel of the Appellant also submitted that the impugned decision is a non-speaking decision, as it neither records findings on the Appellant's contentions nor assigns reasons for rejecting the grievance, and that the GRC failed to exercise the jurisdiction vested in it under Rule 48 by merely repeating the earlier administrative response. The Appellant further challenged the response dated 08.07.2026 on the ground that it does not, on its face, demonstrate that the grievance was considered and decided by a duly constituted GRC comprising the prescribed odd number of members or that a collective decision of the Committee was made. The Appellant therefore contends that the impugned response is without lawful authority and is liable to be set aside.

12. At the very last, the counsel of the Appellant prayed that the Appeal in hand be allowed and the GRC decision dated 08.07.2026 be set aside; the Evaluation Reports, Letters of Intent and consequential actions relating to Tender No. 4337,

to the extent inconsistent with the bidding documents, be set aside; and the Respondent be directed to undertake a fresh evaluation of the Appellant's bids strictly in accordance with the approved bidding documents after correctly determining the basis of the quoted prices.

13. On the other side, learned counsel of the Respondent i.e., Lahore Electric Supply Company (LESCO) raised preliminary objections regarding the maintainability of the instant appeal and submitted that the instant Appeal is misconceived, legally untenable and liable to be dismissed, as the Appellant seeks to challenge the outcome of a lawful procurement process on the basis of its own alleged misunderstanding / inadvertent entry while submitting its financial bid through EPADS Version 2.0. The bidding documents were uploaded on EPADS on 30.03.2026, the bids were opened on 14.04.2026, and the Final Evaluation Report was issued / published on 06.05.2026. Having voluntarily participated in the electronic bidding process and submitted its financial offer, the Appellant became bound by the financial rates actually entered and submitted through the prescribed electronic system and could not, after opening of bids, seek alteration, correction or a different interpretation of the financial bid so submitted.

14. The counsel of the Respondent also submitted that the grievance raised by the Appellant was hopelessly barred by limitation under Rules 48(2) and 48(3) of the Public Procurement Rules, 2004. The alleged discrepancy between the bidding documents and the EPADS portal was, according to the Appellant itself, apparent at the time of submission of bids and ought to have been raised within the prescribed period and, in any event, before the deadline for submission of bids. Likewise, any grievance against the Final Evaluation Report dated 06.05.2026 was required to be lodged within the statutory

period prescribed under Rule 48(3) of the PP Rules, 2004, whereas the Appellant admittedly invoked the grievance mechanism only on 16.06.2026. Accordingly, the grievance was time-barred and no valid cause could subsequently be founded upon such belated proceedings.

15. The counsel of the Respondent further submitted that the Appellant has failed to establish any violation of the Public Procurement Rules, 2004 by the Respondent. There is no allegation supported by record establishing discrimination, favouritism, manipulation of the evaluation process, introduction of any new evaluation criterion or unequal treatment of bidders. The procurement was conducted through the EPADS system, wherein the bidders themselves were required to enter their quoted prices in the prescribed manner. The Appellant, having voluntarily participated in the process, was under a corresponding obligation to exercise due care and diligence while entering its bid figures. The Respondent neither entered nor altered the Appellant's financial figures and cannot be held responsible for any discrepancy subsequently alleged by the Appellant.

16. The counsel of the Respondent also submitted that under the EPADS Version 2.0 framework, the financial rates and bid parameters are entered and submitted directly by the bidder, and the Respondent has neither any role nor authority to enter, modify or alter the figures submitted by a bidder. Once submitted, the electronic financial bid becomes system-generated and locked, and neither the bidder nor the Procuring Agency can manually alter the same after submission / opening. The EPADS portal operates on a GST-inclusive basis, and the relevant notification / instruction was displayed on the portal at the time of submission. Thus, the Appellant was required to enter its financial rates in accordance with the instructions displayed on EPADS. Acceptance of any manually

uploaded document or subsequent interpretation to override the locked electronic entry would compromise the transparency, fairness and integrity of the electronic procurement process.

17. The counsel of the Respondent further submitted that the Appellant cannot characterize its request as a mere "clarification" so as to circumvent the legal effect of its submitted financial bid. Its request was, in substance, for the rates entered on EPADS Version 2.0 in the three tenders to be treated as exclusive of Sales Tax, in accordance with the rates allegedly quoted in its bidding documents. Such request was not entertained by the Respondent and was regretted for the reasons communicated to the Appellant. The financial offer submitted electronically constitutes the bidder's financial submission for purposes of evaluation, and the bidder cannot, after opening of bids, substitute, vary or seek different treatment of that offer by relying upon a subsequent interpretation of the bidding documents.

18. The counsel of the Respondent also added that the Final Evaluation Report dated 06.05.2026 was prepared on the basis of the bids and figures submitted through the prescribed procurement process, and the Appellant has failed to establish that its bid was evaluated through any undisclosed, arbitrary or discriminatory methodology. Rule 29 of the Public Procurement Rules, 2004 requires the Procuring Agency to formulate evaluation criteria as part of the bidding documents, while Rule 30 requires evaluation in accordance with the prescribed criteria and terms and conditions. The Respondent acted in accordance with the applicable bidding documents and did not introduce any new criterion at the evaluation stage. The Appellant's attempt to have its EPADS rates treated differently from the figures actually submitted would, in fact,

result in unequal treatment vis-à-vis other bidders who remained bound by their respective submitted offers.

19. The counsel of the Respondent further argued that the Appellant's correspondence dated 21.05.2026 did not constitute a statutory grievance under Rule 48 merely because it subsequently relied upon the same in support of its Appeal. By its own description, the communication was a request for clarification regarding matters allegedly arising during participation in the electronic procurement process. Such correspondence cannot retrospectively be treated as a formal statutory complaint under Rule 48. The Appellant subsequently filed its grievance on 16.06.2026, whereas the Final Evaluation Report had already been published on 06.05.2026. The grievance mechanism provides a forum for redressal of lawful grievances; it does not confer upon a bidder any right to alter or retrospectively reinterpret its financial offer after submission and opening of bids.

20. The counsel of the Respondent also submitted that the issuance of the Letter of Intent dated 24.06.2026 was lawful and was not barred by the Appellant's belated grievance. The Evaluation Report had been issued prior to the filing of the grievance, and the grievance itself was hopelessly time-barred. No order restraining or suspending the procurement process had been passed in favour of the Appellant; therefore, the grievance did not operate as a legal impediment to the Respondent proceeding with the procurement in accordance with the applicable procedure. The Appellant's representation was duly considered on the basis of the available record and applicable policy, and the Respondent communicated its decision vide letter dated 08.07.2026. The fact that the decision was adverse to the Appellant does not, by itself, render the decision unlawful or demonstrate non-application of mind.



21. At the last, the counsel of the Respondent also submitted that the Appellant's challenge is ultimately an attempt to obtain a different financial treatment of its already submitted electronic bid after opening of bids, which cannot lawfully be permitted. Whether the Appellant describes the relief as "modification", "clarification" or "evaluation in accordance with the bidding documents" is immaterial, as the effect would be to alter the basis upon which its locked financial bid is to be considered. The Respondent has consistently maintained that the rates entered and submitted by the Appellant on EPADS constitute its electronic financial offer and cannot subsequently be replaced, altered or assigned a different financial treatment at the bidder's request. The Respondent, therefore, respectfully submitted that the Appeal in hand is devoid of lawful basis, is barred by limitation, and fails to establish any violation of the Public Procurement Rules, 2004. Accordingly, the Appeal may kindly be dismissed in the interest of justice.

22. At the outset, the Appellate Committee ("the Committee") pointed out that Tender No. 4337 comprises more than one lot and that the Appellant was required to file a separate appeal in respect of each lot. However, the Appellant maintained that it intended to challenge all the lots under Tender No. 4337 through a single appeal. Such a course is not permissible under the applicable legal framework. Accordingly, the present appeal filed by the Appellant in respect of Tender No. 4337 shall be treated and considered only to the extent of Lot-I of the said tender.

23. The Committee heard the learned counsels / representatives of both the parties and examined the available record. Firstly, LESCO uploaded the bidding documents on EPADS Version 2.0 on 30.03.2026 and the bids were opened on 14.04.2026 and the Final Evaluation Report was issued on

06.05.2026. The Appellant raised objections through representations dated 01.06.2026 and 11.06.2026, followed by LESCO's response dated 16.06.2026, and invoked the grievance mechanism on 16.06.2026, supplemented on 29.06.2026. Meanwhile, Letters of Intent had been issued through EPADS on 24.06.2026, and the GRC rejected the grievance vide decision / communication dated 08.07.2026.

24. The principal controversy concerns the basis of quotation and evaluation of financial bids. The Appellant contends that the Bid Data Sheet, Instructions to Bidders, Price Schedule, Technical Specifications, Schedule of Requirements, Contract Forms and undertakings required prices on FCS basis, exclusive of Sales Tax, with Sales Tax quoted separately, whereas the EPADS "Bid Quotation" tab required GST-inclusive prices. The Appellant further relies upon the EPADS "Item & Lot Specification Validation" section, which allegedly required Sales Tax to be quoted separately. No corrigendum, amendment or clarification was issued to reconcile the alleged conflicting requirements. The Respondent i.e., LESCO, however, maintains that EPADS is a locked system, the financial rates were entered by the bidders themselves, the portal operated on a GST-inclusive basis, and the Appellant cannot modify its bid after opening.

25. At this juncture, the Appellate Committee ("the Committee") observed that the issue is not merely one of post-bid modification, but whether the financial bids were invited and evaluated on a clear, consistent and uniformly applicable basis. The Appellant maintains that the figures entered in EPADS were identical to those in its signed / uploaded Price Schedule and that it sought no alteration, but only evaluation in accordance with the bidding documents, whereas LESCO considers the electronic entry to be the binding financial offer. The Final Evaluation Report dated 06.05.2026 does not

sufficiently clarify whether the Appellant's prices were treated as Ex-GST or GST-inclusive or the precise basis of financial comparison. This conflict demonstrates a material ambiguity concerning the approved bidding documents and EPADS quotation field.

26. The Committee also observed and considered the limitation objection. Although the Final Evaluation Report was issued on 06.05.2026 and the formal grievance was invoked on 16.06.2026, Rule 48(3) prescribes the relevant period for grievance against an act of the Procuring Agency after submission of bids, while the record also contains correspondence dated 21.05.2026, whose legal character and effect require consideration. Rule 48(7) provides the appellate remedy against the GRC decision. The GRC, however, principally proceeded on the basis that EPADS entries could not be modified after submission and did not adequately determine whether the bidding documents and EPADS prescribed conflicting tax / pricing requirements or the actual basis of financial evaluation.

27. In view of the foregoing, the Committee is of the considered view that the procurement suffers from a material and consequential ambiguity regarding the basis of quotation and financial evaluation, particularly whether prices were to be Ex-GST or GST-inclusive. Rules 22 and 23 require clear and unambiguous bidding requirements, while Rule 29 requires an unambiguous evaluation criterion. Rule 30 requires strict evaluation in accordance with the prescribed criteria. The ambiguity affects bid comparability and equal treatment of bidders and, therefore, cannot safely be cured through post-bid clarification or selective interpretation of EPADS entries.

28. In view of the foregoing, the Committee finds that the present procurement process cannot appropriately be sustained in its existing form due to the material ambiguity between the bidding documents and the EPADS mechanism regarding the treatment of Sales Tax and, consequently, the basis of financial evaluation. The ambiguity is capable of affecting the financial comparison of bids and undermines the requirement of a clear, transparent and uniformly applicable evaluation basis.

29. Therefore, the Appeal in hand is **partly allowed** to the extent that the impugned GRC decision dated 08.07.2026 is set aside and the subject procurement / tender process is declared unsustainable due to ambiguity in the prescribed evaluation / pricing criteria. The Respondent is directed to scrap / reject the subject procurement in accordance with the applicable provisions of Rules 33 and 34 of the Public Procurement Rules, 2004 and undertake fresh procurement / re-tendering proceedings after clearly and unambiguously prescribing the applicable pricing basis, including the treatment of Sales Tax, in the bidding documents and corresponding EPADS fields.

30. Moreover, before re-tendering, the Respondent shall ensure that the bidding documents and EPADS configuration are fully aligned, the financial evaluation methodology and all applicable taxes are expressly and consistently stated, and no criterion or condition inconsistent with the approved bidding documents is introduced at the evaluation stage; the fresh procurement shall be conducted strictly in accordance with the Public Procurement Rules, 2004, ensuring transparency, equal treatment and fair competition. The Committee further clarifies that the decision does not confer upon the Appellant any right to alteration, substitution or preferential treatment of its previously submitted financial bid, as the defect is

inherent in the procurement framework and affects the clarity and uniformity of the evaluation basis, therefore, fresh bidding is necessary rather than re-evaluation of the existing bids on an uncertain or disputed basis.

31. Accordingly, the instant appeal is *disposed of* in the above terms.



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



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



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

Dated: 23rd September, 2026

Each page of the order has been signed by all members of the Committee. The order comprises fourteen (14) pages.

