



F. No. PPRA/AP-48/2026
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 Shahzad Enterprises

...the “Appellant”

Vs.

Peshawar Electric Supply Company (PESCO) & Another

...the “Respondent(s)”

<u>Date of Hearing</u> 28.09.2026	Mr. Muhammad Hanzala (Advocate), Mr. Imad Saeed (Associate) (On behalf of Appellant) Barrister Ali Mardan Khichi (On behalf of Respondent i.e., PESCO) Mr. Ali Haider (Manager S&M) (On behalf of Respondent i.e., EMCO)
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004, AGAINST THE IMPUGNED REVISED FINAL EVALUATION REPORT DATED 15.06.2026 [Lot-II 132 kV Line Isolator]

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 Shahzad Enterprises submitted that the instant Appeal has been preferred under Rule 48(7) read with Rule 48(6) of the Public Procurement Rules, 2004 (“the Rules”), ITB Clauses 48.5 and 48.6 of the PESCO Bidding Documents and Regulation 3 of the Redressal of Grievances Regulations, 2021 (“the Regulations”). The Appellant’s GRC Complaint dated 17.06.2026 was not

decided by the GRC, PESCO, within the mandatory ten-day period, which expired on 27.06.2026. Moreover, the Appeal filed within thirty days from expiry of the said period and is therefore within limitation.

3. The counsel of the Appellant also submitted that the Respondent i.e., Peshawar Electric Supply Company (PESCO) floated Tender Inquiry No. PMU-13/2025-26 (PPRA Rec. No. TS639371E) for procurement of 132 kV Bus Isolator (Lot-I) and 132 kV Line Isolator (Lot-II) through Single Stage Two Envelope Procedure on NCB basis through EPADS. The present Appeal is confined to Lot-II. The Bidding Documents expressly described the procurement as National Competitive Bidding and no international bidder was invited or participated.

4. The counsel of the Appellant further submitted that the bid was submitted and technical envelope opened on 10.10.2025. The financial opening, earlier scheduled for 23.12.2025, was postponed due to technical issues on EPADS and ultimately took place on 07.01.2026. Thereafter, the Original Final Evaluation Report bearing E/No. 1821-25 dated 03.03.2026 was uploaded, declaring the Appellant as 1st Lowest Responsive Bidder for Lot-I at PKR 99,000,000, followed by M/s EMCO Industries Limited at PKR 105,948,000 and M/s Siddique Sons Engineering, Lahore, at PKR 107,604,000.

5. The counsel of the Appellant also submitted that, BDS Clause 35, corresponding to ITB Clause 34.1, provided that domestic preference would be allowed in accordance with Federal Government policies and/or PPRA regulations. BDS Clause 42 identified the Manager (MM), PESCO Headquarters, Peshawar, as Convener of the GRC and provided for communication of grievances to the Appellate Committee, PPRA.

6. The counsel of the Appellant further submitted that Respondent No. 5, being dissatisfied with its 2nd position,

approached the PESCO GRC. The Appellant was neither notified nor associated in those proceedings. The GRC allegedly directed re-evaluation with application of domestic preference, pursuant to which PESCO issued the Revised Final Evaluation Report E/No. 3695-99 dated 15.06.2026, applying a 25% preference in favour of Respondent No. 5 with reference to SRO-827(I)/2001. Further, despite requests, PESCO did not provide copies of Respondent No. 5's complaint, the GRC proceedings or the GRC decision/order. Thus, the Appellant first became aware of the adverse proceedings and resulting displacement upon publication of the Revised Final Evaluation Report on 15.06.2026. Under the revised evaluation, Respondent No. 5 was shown as 1st Lowest at PKR 105,948,000, while the Appellant was placed 2nd Lowest at PKR 123,750,000 after application of the 25% preference.

7. The counsel of the Appellant also added that they were never made a party to, served with notice of, or afforded an opportunity of hearing in the earlier GRC proceedings initiated by Respondent No. 5, M/s EMCO Industries Limited, against the Original Final Evaluation Report. As the Appellant was the 1st Lowest Responsive Bidder and the party directly affected by the subsequent re-evaluation, the ex parte proceedings deprived it of a fair opportunity to defend its position and independently constitute a ground for entertaining the present Appeal.

8. The counsel of the Appellant also submitted and emphasized that the Appellant's actual quoted price was PKR 99,000,000, which was lower than Respondent No. 5 actual price of PKR 105,948,000. The Appellant contended that it was displaced solely through the impugned 25% preference and that the revised methodology consequently favoured a higher-priced bidder over the Appellant. Further added that they attempted to lodge their GRC Complaint through EPADS Version 2.0, but the system displayed the message: "*The File is Published and Step has*

been completed. You can not raise GRC now." The Appellant contacted PPRA and, upon being directed to PESCO, also approached the procuring agency; however, the GRC facility could not be reopened. Consequently, the Appellant submitted its GRC Complaint and covering letter dated 17.06.2026 through post/courier, email at pmupesco@gmail.com and WhatsApp to the concerned PESCO officials, with copies to the Chief Engineer (Dev.), PMU, PESCO.

9. The counsel of the Appellant further submitted, they also sent a reminder to PESCO dated 23.06.2026, but no decision, order or communication was received from the GRC by expiry of the mandatory ten-day period on 27.06.2026. It was therefore contended that the Appellant's right to approach the Appellate Committee accrued under Rule 48(6) read with Regulation 3 and that any subsequent action by the GRC after filing of the Appeal would be without jurisdiction, *functus officio* and *coram non iudice*.

10. The counsel of the Appellant also submitted that as per Rule 24(2) permits domestic preference to be allowed "while competing with the international bidders" in accordance with Federal Government policies or PPRA regulations. According to the Appellant, the said phrase constitutes a condition for application of the preference. Since the subject procurement was exclusively NCB, with no international bidder invited or participating, the condition for application of Rule 24(2) was absent and the 25% preference granted to Respondent No. 5 was unlawful. Further submitted that, BDS Clause 35 did not itself provide an unconditional 25% preference or expressly incorporate SRO-827(I)/2001. Rather, it subjected any preference to the applicable Federal Government policy and PPRA regulatory framework. Therefore, according to the Appellant, the said clause could not authorize a preference beyond the scope of Rule 24(2).

11. The counsel of the Appellant further submitted that, Rules 29 and 30 of the PP Rules, 2004 require bids to be evaluated strictly in accordance with the evaluation criteria and terms specified in the bidding documents and prohibit application of an evaluation criterion not so specified. The Appellant contended that, if PESCO intended to apply a 25% preference under SRO-827(I)/2001, an explicit and unambiguous provision ought to have been incorporated in the bidding documents, with appropriate corrigendum, if required, before bid opening. Having failed to do so, PESCO could not introduce such preference after opening of bids and thereby alter the ranking. Further added that, the SRO-827(I)/2001 could not override or operate independently of the PP Rules, 2004, which constitute the later and specific framework governing public procurement. It was contended that the bidding documents, being subordinate to the Rules, likewise could not prevail over Rule 24(2). Accordingly, the impugned application of 25% preference in a purely NCB procurement was alleged to constitute a deviation from the applicable legal and bidding framework and amount to misprocurement.

12. The counsel of the Appellant further argued and submitted that they also challenged the earlier GRC proceedings on the ground that it was denied notice, hearing and access to the relevant record. It was submitted that the GRC decision directing re-evaluation was therefore passed in violation of *audi alteram partem*, natural justice and the requirements of fairness under Section 24-A of the General Clauses Act, 1897. Consequently, the Appellant contended that the said ex-parte decision could not lawfully bind it or sustain the Revised Final Evaluation Report. Moreover, the closure of the GRC facility on EPADS was a technical impediment beyond its control and that it had made all reasonable efforts to invoke the prescribed grievance mechanism. Having attempted electronic filing, contacted PPRA and PESCO, and thereafter submitted the complaint through post/courier and

electronic means on 17.06.2026, the Appellant contended that its grievance could not be rejected merely on the basis of the portal's technical failure.

13. At the last, the counsel of the Appellant also submitted that the impugned evaluation caused direct prejudice to it and potential financial loss to the public exchequer, as its actual quoted price of PKR 99,000,000 was lower than Respondent No. 5 PKR 105,948,000, yet Respondent No. 5 was declared 1st Lowest after application of the disputed preference. The Appellant therefore requested that the Revised Final Evaluation Report dated 15.06.2026 and the underlying GRC decision/order, insofar as relating to Lot-I, be set aside.

14. On the other side, learned counsel of the Respondent i.e., Peshawar Electric Supply Company (PESCO) raised preliminary objection regarding the maintainability of the instant appeal and submitted that the Appellant's grievance was barred by limitation. Under Rule 48(3) of the Public Procurement Rules, 2004 ("PP Rules, 2004"), read with ITB Clause 48.2, a grievance against the Final Evaluation Report was required to be lodged within five (05) days. The Revised Final Evaluation Report was uploaded on EPADS and communicated to the Appellant on 15.06.2026, whereas the Appellant's grievance, though dated 17.06.2026, was received by PESCO on 22.06.2026 vide Diary No. 2219, i.e. on the seventh day. Reliance was placed upon *M/s Stallions (Pvt.) Ltd. v. Capital Development Authority*, reported as 2026 SCP 186, wherein limitation was recognized as mandatory and founded upon public policy, certainty and finality. Accordingly, no valid grievance arose before the GRC and the present Appeal under Rule 48(7) was incompetent.

15. The counsel of the Respondent (PESCO) also submitted that EPADS was the prescribed channel for lodging grievances under ITB Clause 48.2. Although the Appellant admitted that its

attempt to upload the grievance on EPADS was declined, it neither immediately approached PESCO nor the Authority and instead allowed a further five days to lapse before sending the grievance through ordinary dak/post. Such non-prescribed mode could not cure the delay or extend the mandatory limitation period.

16. The counsel of the Respondent (PESCO) further submitted that Tender No. PMU-13/2025-26 (Lot-I & Lot-II) was published on 17.09.2025 under the Single Stage Two Envelope procedure and opened on EPADS on 10.10.2025, with three bidders in Lot-I and two in Lot-II. All bidders were declared technically responsive vide Technical Evaluation Reports dated 16.12.2025, and financial bids were opened on 07.01.2026. The Appellant was initially declared the first lowest responsive bidder before application of domestic price preference vide Evaluation Report No. 1821-25 dated 03.03.2026. The other Respondent i.e., M/s EMCO Industries Limited had already raised the issue of domestic price preference before PESCO vide letter dated 08.01.2026 and lodged a grievance on 04.03.2026 against the Evaluation Report dated 03.03.2026. The GRC, PESCO, accepted the grievance vide report dated 11.05.2026 and directed re-examination of price preference under Rule 24(2) of the PPRA Rules, 2004, SRO 827(1)/2001 and EDB letter dated 15.09.2025. The said decision was never challenged by the Appellant and attained finality. The Revised Final Evaluation Report dated 15.06.2026 consequently implemented the said decision, supported by the opinion of PESCO's Chief Law Officer and EDB certification dated 17.02.2025 declaring M/s EMCO Industries Limited a bona fide local manufacturer entitled to price preference.

17. The counsel of the Respondent (PESCO) further added that the application of 25% domestic price preference was lawful under Rule 24(2) of the PP Rules, 2004, read with SRO

827(1)/2001 and the applicable EDB guidelines. The isolators offered by the Appellant were of confirmed foreign origin; therefore, its initial position as first lowest responsive bidder remained subject to the statutory preference in favour of a certified domestic manufacturer. The preference was only a notional comparative factor and did not impose any monetary burden on PESCO. The EDB had clarified the same through its letter dated 15.09.2025 and earlier Office Order dated 04.12.2014. Further submitted that the NCB classification of the tender did not preclude application of domestic price preference, as Rule 24(2) read with SRO 827(1)/2001 relates to the origin of the competing goods rather than the nomenclature of the procurement procedure. The preference was already reflected in BDS Clause 35/ITB Clause 34.1 and therefore, required no separate corrigendum. Its application through the Revised Final Evaluation Report merely implemented the GRC decision dated 11.05.2026 and did not constitute mis-procurement.

18. The counsel of the Respondent (PESCO) also added and denied that the Appellant was entitled to notice in the grievance proceedings initiated by M/s EMCO Industries Limited, as those proceedings were inter parties between EMCO and PESCO. In any event, the Appellant subsequently availed its own grievance remedy against the Revised Final Evaluation Report, which was rejected by the GRC firstly as time-barred and, without prejudice, on merits. The Respondent therefore denied any violation of natural justice or procedural default. Moreover, the Appellant's objections regarding EPADS, limitation, domestic price preference, NCB classification, absence of corrigendum, alleged conflict between Rule 24(2) and SRO 827(1)/2001, and alleged vested right as first lowest bidder were factually and legally misconceived. The Appellant's interim ranking conferred no vested right contrary to the applicable statutory preference, while resort to dak/post, e-mail or WhatsApp after expiry of the

prescribed period could not cure the limitation or substitute the mandatory EPADS mechanism.

19. At the last, the counsel of the Respondent (PESCO) also submitted that the Revised Final Evaluation Report dated 15.06.2026 was lawfully issued pursuant to the final GRC decision dated 11.05.2026 and in accordance with the PP Rules, 2004, SRO 827(1)/2001, applicable EDB guidelines and the bidding documents. It was therefore prayed that the instant Appeal be dismissed as time-barred and otherwise incompetent for want of a valid and timely grievance before the GRC.

20. On the other hand, learned counsel of the Respondent No. 5 i.e., M/s EMCO Industries Limited ("EMCO") submitted that, EMCO is a public limited company established in 1954 and engaged in manufacturing / supply of disconnecting and isolating switches since 1972. Since 2006, it has supplied more than 1,500 sets of 132/145 kV disconnect switches / isolators to various DISCOs and NTDC, with satisfactory performance. EMCO has its own manufacturing facilities, approximately 55% indigenous value addition, and EDB certification of more than 30% value addition, entitling it to the applicable price preference under SRO 827(I)/2001 dated 03.12.2001, as amended.

21. The counsel of the Respondent (EMCO) also submitted that the instant Appeal is not maintainable as the Appellant has no vested right merely by participating in the procurement. The subject tender comprised Lot-I for 36 sets of 132 kV Bus Isolators and Lot-II for 10 sets of 132 kV Line Isolators. The technical bids were opened on 10.10.2025 and, for Lot-II, only the Appellant and EMCO were technically responsive. Financial bids were opened on 07.01.2026, where after EMCO submitted the requisite local-manufacturer / value-addition documents and sought application of the notified preference. Further submitted that the Original Final Evaluation Report dated 03.03.2026 did not apply

the domestic preference. EMCO accordingly filed its grievance on 04.03.2026; hearing notice was issued on 25.03.2026 and reminder followed on 08.05.2026. Pursuant to the GRC proceedings, the Revised Final Evaluation Report dated 15.06.2026 was issued. Thus, the re-evaluation was undertaken in accordance with the bidding documents and the GRC decision.

22. The counsel of the Respondent (EMCO) further submitted that, Clause 35 of the BDS expressly provides domestic preference "in accordance with policies of the Federal Government and / or in accordance with regulations issued by the Authority." The Appellant's attempt to read "and / or" as "and" is misconceived. Rule 24(2) of the Public Procurement Rules, 2004 recognizes Federal Government policies as well as PPRA regulations; SRO 827(I)/2001 is a Federal Government policy instrument and is therefore applicable. It is not a PPRA regulation, nor has PPRA framed any separate domestic-preference regulation replacing it. Moreover, SRO 827 and Rule 24(2) operate in distinct but complementary fields. The preference under SRO 827 concerns engineering goods produced in Pakistan against foreign-origin goods and is dependent upon the origin and indigenous value addition of the goods, not the nationality of the bidder. The fact that a Pakistani trading concern imports finished goods does not convert such goods into locally manufactured goods. Clause 3 of SRO 827 applies to Government / public-sector procurements, while Clause 4A separately addresses international tenders.

23. The counsel of the Respondent (EMCO) also added that the procurement documents incorporated the preference criterion and the bids were required to be evaluated according to the published criteria. Rules 23, 29 and 30 require clear evaluation criteria and evaluation strictly in accordance therewith. The Original Report, by disregarding Clause 35, departed from the tender conditions; the Revised Report merely rectified that

omission. Any objection to the inclusion of the criterion ought to have been raised before submission of bids. Further submitted that the Appellate Committee, in its order dated 25.03.2026 in PPRA/AP-06/2026, AP-07/2026 and AP-08/2026, concerning EMCO, had already held that where the procuring agency incorporated SRO 827 but subsequently refused to apply it on the ground that the procurement was ICB, such departure violated Rules 24, 29 and 30 and amounted to mis-procurement. The Appellant, having participated in those proceedings, cannot re-agitate the same issue contrary to the said determination.

24. The counsel of the Respondent (EMCO) further argued that the application of SRO 827 is also consistent with procurement practice of various DISCOs, including HESCO, GEPCO and QESCO, where EMCO was evaluated after application of the prescribed domestic preference. The Ministry of Energy / PPMP directive dated 30.03.2022 and subsequent EDB communications also required DISCOs to incorporate SRO 827, including the applicable price preference and landed-cost methodology. Moreover, the objections regarding GRC proceedings are misconceived. Rule 48 provides for submission of a written grievance and its investigation / decision by the GRC; there is no requirement that every other bidder be separately notified where the grievance concerns application of a legal / evaluation criterion. EMCO pursued its grievance bona fide and remained excluded from the procurement pending resolution thereof.

25. The counsel of the Respondent (EMCO) also submitted that the Appeal is further defective on maintainability, limitation and suppression. The Appellant has not properly annexed or identified the impugned GRC decision, has sought to create a fresh cause of action from the Revised Report, and has not filed any application for condonation of delay. The Appellant also failed to disclose the earlier order dated 25.03.2026 concerning the

same issue and the foreign origin of its offered goods, while describing itself as a bidder / supplier rather than a manufacturer. Further added that, the challenge to the validity or operation of SRO 827 is beyond the jurisdiction of the Appellate Committee. Even otherwise, if the Appellant's contention regarding the evaluation criterion were accepted, the consequence could only be a finding of mis-procurement and appropriate re-tendering, and not an automatic award in favour of the Appellant. Upon application of the notified preference, EMCO ranked first in Lot-II at PKR 29,490,000, whereas the Appellant ranked second at PKR 35,000,000. The allegation of manipulation is therefore denied.

26. The counsel of the Respondent (EMCO) also submitted that, the remaining grounds concerning Rule 24, Rules 29 and 30, Section 24-A of the General Clauses Act, limitation, EPADS communications, alleged prejudice and loss to the exchequer are denied. The domestic preference was lawfully applied; it does not alter the Appellant's quoted price, and the policy itself is intended, inter alia, to protect foreign exchange and promote indigenous manufacturing. The Appellant has shown neither a vested right nor legal prejudice. Moreover, EMCO's entitlement under the Revised Evaluation Report stood determined, while EMCO had remained excluded from the procurement since March 2026. W.P. No. 31142/2026 filed by EMCO before the Lahore High Court concerns separate FESCO procurements and does not relate to the subject tender.

27. While concluding the arguments, the counsel of the Respondent (EMCO) also added and submitted that the instant Appeal is barred by limitation. EMCO lodged its grievance on 04.03.2026 against the Final Evaluation Report, dated 03.03.2026, which was decided by the Grievance Redressal Committee ("GRC") on 11.05.2026. Pursuant thereto, the Revised Final Evaluation Report was uploaded on EPADS on 15.06.2026.

Although the Appellant admittedly approached the GRC outside EPADS on 17.06.2026, the instant Appeal was filed before the Authority on 23.07.2026, i.e. after expiry of the thirty-day period prescribed under Rule 48(7) of the Public Procurement Rules, 2004. The said provision permits any bidder or party dissatisfied with a GRC decision to appeal within thirty days of its communication, while Regulation 2(1)(b) of the Redressal of Grievances Regulations, 2021 also recognizes an affected party as an Appellant.

28. The counsel of the Respondent (EMCO) also added that Rule 48 contemplates one grievance proceeding before the GRC followed by an appeal before PPRA and does not confer any review jurisdiction upon the GRC. Upon its decision dated 11.05.2026, the GRC became functus officio, and the Appellant's subsequent correspondence dated 17.06.2026, concerning domestic preference in the Revised Report, could not revive or constitute a fresh grievance. Permitting such a course would defeat the finality contemplated by Rule 48(7) and the requirement of efficient and economical procurement under Rule 4. The prescribed remedy was an appeal within thirty days, and not a second grievance before the GRC, in accordance with the principle that where law prescribes a particular manner, the act must be done in that manner, as recognized in *Secretary, Ministry of Finance v. Muhammad Anwar* (2025 SCMR 153) and *Khalid Saeed v. Shamim Rizvan* (2003 SCMR 1505). Upon expiry of limitation, a valuable right accrued in favour of EMCO; limitation is not a mere technicality, as held in *SKB-KNK Joint Venture v. WAPDA* (2022 SCMR 1615), *Lal Khan v. Muhammad Yousof* (PLD 2011 SC 657) and *Shahid Pervaiz v. Muhammad Ahmad Ameen* (2006 SCMR 631). No application for condonation was filed and no power to extend limitation has been shown under Rule 48 or the Regulations.

29. The counsel of the Respondent (EMCO) further added that, without prejudice to the objection of limitation, the Appeal is also without merit. Rule 23(2)(j) requires the evaluation criteria to be specified in the bidding documents, Rule 29 makes such documents an integral part of the procurement, and Rule 30(1) requires bids to be evaluated accordingly. Clause 35 of the Bid Data Sheet, read with ITB Clause 34.1, expressly provided for domestic preference in accordance with Federal Government policies and / or PPRA regulations. SRO 827(1)/2001 prescribes domestic price preference for engineering goods. The technical bids were opened on 10.10.2025 and financial bids on 07.01.2026; EMCO's financial offer dated 08.10.2025 expressly claimed the preference under SRO 827, and no corrigendum was issued altering the published criteria.

30. At the last, the counsel of the Respondent also submitted that, there is no conflict between Rule 24(2) and SRO 827. Rule 24(2) concerns preference to domestic suppliers or contractors while competing with international bidders, whereas Paragraph 3 of SRO 827 concerns engineering goods produced in Pakistan against the lowest quoted landed cost of goods of foreign origin. Thus, their respective triggers are different, namely bidder nationality and origin of goods. The Appellant itself admitted offering foreign-origin goods under authorization of a Chinese manufacturer. Rule 24(2) contains no exclusionary words such as "only" or "no preference shall be allowed except", unlike Rule 24(1). Rule 51 applies only in case of conflict, which does not arise here. Moreover, Section 2(h) of the PPRA Ordinance, 2002 recognizes contravention of other applicable laws as mis-procurement, Section 21 recognizes other laws regulating public procurement, and Rule 38 requires compliance with other applicable laws, rules, regulations and Federal Government policies. SRO 827 remains operative unless rescinded by the Federal Government or set aside by a competent court.

31. At the very last, the counsel of the Respondent (EMCO) also submitted that the Authority's functions under Sections 4 and 5(2) of the PPRA Ordinance include monitoring procurement-related laws and recommending their revision to the Federal Government; however, the Committee's jurisdiction under Rule 48(7) does not extend to declaring a Federal Government SRO issued under another statute illegal or inoperative. Any subsequent policy change could only operate prospectively, particularly in view of Rule 30(3) concerning bids already opened. Accordingly, the Revised Final Evaluation Report correctly applied the domestic preference in terms of Clause 35 of the Bid Data Sheet and SRO 827. Therefore, the instant Appeal may be dismissed as time-barred and incompetent, or alternatively on merits, with any other appropriate relief granted in favour of EMCO.

32. After perusal of all available record and arguments furnished by all the parties, the Appellate Committee ("the Committee") pointed out that both Respondents, i.e., PESCO and EMCO, have raised an objection regarding limitation. Accordingly, the question of limitation is required to be determined as a preliminary issue before entering into the merits of the Appeal.

33. The Committee observed that the record established that Respondent No. 5 i.e., EMCO lodged its grievance on 04.03.2026, which was decided by the GRC on 11.05.2026. The Revised Final Evaluation Report dated 15.06.2026 expressly recorded the application of domestic preference pursuant to the said GRC decision. The Appellant admittedly became aware thereof on 15.06.2026 and, at that stage, was aware that its earlier first position had been displaced, Respondent No. 5 had been placed first in Lot-II, domestic preference had been applied and the Revised Final Evaluation Report had been issued in implementation of the prior GRC decision. The Appellant,

therefore, had an ascertainable cause of action to invoke Rule 48(7). The subsequent communication dated 17.06.2026 before the GRC could not suspend, revive or extend the statutory period for filing an appeal against the earlier GRC determination.

34. The Committee also observed that, Rule 48 of the Public Procurement Rules, 2004 ("PP Rules, 2004") does not contemplate successive or parallel grievance proceedings whereby a party may approach the same GRC afresh in respect of a matter already adjudicated and thereby generate a new limitation period. Permitting such a course would defeat the finality expressly contemplated under Rule 48(7). The principle that where the law prescribes a particular mode for doing an act, it must be done in that manner, as recognized in *Secretary, Ministry of Finance, Finance Division, Government of Pakistan v. Muhammad Anwar* (2025 SCMR 153) and *Khalid Saeed v. Shamim Rizvan* (2003 SCMR 1505), also supports this conclusion. The Appellant's own case proceeds on the basis that the Revised Final Evaluation Report implemented the earlier GRC decision; hence, its grievance was, in substance, against the consequence of that determination rather than against an independent and wholly new cause arising on 15.06.2026.

35. The Committee further observed that the Appellant claims not to have been a party to the earlier GRC proceedings does not create a second grievance cycle, particularly when Rule 48(7) expressly extends the appellate remedy to "any bidder or party" dissatisfied with the GRC decision. Even assuming, without deciding, that the Appellant was not required to be impleaded before the GRC, its remedy, upon becoming aware of the decision and its implementation, was to invoke the appellate jurisdiction of the Authority within the prescribed period. The subsequent complaint dated 17.06.2026, being directed in substance against implementation of the GRC decision dated 11.05.2026, could neither operate as a review of that decision nor create a fresh

statutory right of appeal, no power of review having been shown under Rule 48 of the PP Rules, 2004.

36. The Committee also observed that Rule 48(3) of the PP Rules, 2004, read with Clause 48.2 of the Instructions to Bidders, requires a grievance against the Final Evaluation Report to be lodged within the prescribed period of five days. Although the Appellant contends that it attempted to lodge its grievance through EPADS but received the message, "*The File is Published and Step has been completed. You cannot raise GRC now,*" and thereafter resorted to physical delivery, email and WhatsApp, the Committee considers it unnecessary to finally determine whether the alleged EPADS difficulty could justify an alternative mode of filing. Even if the physical grievance dated 17.06.2026 is treated as validly instituted, it could not overcome the fundamental defect that the Appellant sought thereby to reopen a matter already adjudicated by the GRC and could not generate a fresh appellate limitation period. Moreover, Respondent No. 1's record shows that the physical grievance was received by PESCO on 22.06.2026, and the Appellant has not satisfactorily demonstrated compliance with the prescribed period and mode of filing.

37. The Supreme Court of Pakistan has consistently treated limitation as having substantive legal consequences and recognized that, upon expiry of the prescribed period, finality and valuable rights accrue in favour of the opposite party. The Committee has, inter alia, considered *M/s Stallions (Pvt.) Ltd. v. Capital Development Authority* (2026 SCP 186), *SKB-KNK Joint Venture v. Water & Power Development Authority* (2022 SCMR 1615), *Lal Khan v. Muhammad Yousof* (PLD 2011 SC 657) and *Shahid Pervaiz v. Muhammad Ahmad Ameen* (2006 SCMR 631). In the circumstances of the present case, limitation could not be circumvented by changing the form of the proceedings or by

initiating a subsequent grievance concerning the same determination.

38. In view of the foregoing, the Committee is of the view that the grievance regarding the application of domestic preference had already been adjudicated by the GRC vide its decision dated 11.05.2026, and the Revised Final Evaluation Report dated 15.06.2026 was issued merely in implementation thereof. The Appellant, at the latest, acquired knowledge of the said GRC decision on 15.06.2026, when the Revised Final Evaluation Report resulted in a change of its ranking from first to second position. Accordingly, the period of limitation commenced from 15.06.2026, and the appropriate statutory remedy was to challenge the GRC decision itself under Rule 48(7) of the Public Procurement Rules, 2004, within the prescribed period of thirty days.

39. The Appellant, however, instead of availing the aforesaid statutory remedy within the prescribed limitation, filed the instant Appeal on 23.07.2026 against the Revised Final Evaluation Report. The subsequent grievance dated 17.06.2026 could neither create a fresh cause of action nor revive, extend or otherwise enlarge the prescribed period of limitation, and the alleged non-decision thereon could not confer a fresh right of appeal against the already adjudicated grievance. Consequently, the Appellant failed to challenge the GRC decision dated 11.05.2026 within the prescribed period, whereby the said decision attained finality and became binding. The instant Appeal, having been filed on 23.07.2026 beyond thirty days from the date of knowledge thereof, is therefore barred by limitation and, consequently, not maintainable.

40. Since the Appeal fails on the question of limitation and maintainability, the Committee considers it unnecessary to

adjudicate upon the merits. Accordingly, the instant Appeal is hereby **dismissed** as barred by limitation and not maintainable.



(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: 30th September, 2026

Each page of the order has been signed by all members of the Committee. The order comprises nineteen (19) pages.

