



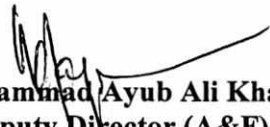
No. DD (A&F)/SPPRA/Review Committee/17-18/ 2765
**SINDH PUBLIC PROCUREMENT REGULATORY
AUTHORITY
GOVERNMENT OF SINDH**
Karachi, dated the 2nd May, 2018

1. The Executive Engineer,
Building Division,
Larkana.
2. M/s Ali Nawaz alias Hakim Ali
Government Contractor,
Larkana.

**SUBJECT: MINUTES OF THE MEETING OF REVIEW COMMITTEE OF SINDH
PUBLIC PROCUREMENT REGULATORY AUTHORITY**

I am directed to refer to the appeal submitted by M/s Ali Nawaz alias Hakim Ali dated 29th March, 2018 against the orders of Executive Engineer, Building Division, Larkana dated 27th May, 2016 and to enclose herewith minutes of the meeting of Review Committee of Sindh Public Procurement Regulatory Authority (SPPRA) held on 16th April, 2018, for your kind information and necessary action, please.

2. It may also be noted that the decision of the Review Committee shall be final and binding upon the procuring agency in terms of Rule-32 (11) of SPP Rules, 2010.


(Muhammad Ayub Ali Khan)
Deputy Director (A&F)

CC to:

1. The Secretary, Works & Services Department, GoS, Karachi.
2. The PS to Chief Secretary Sindh, Karachi.
3. The PS to Minister for Food & Parliamentary Affairs / Chairman, SPPRA Board.
4. The members of Review Committee, SPPRA (all). M. D. SPPRA



No.Dir (A&F)/ SPPRA/RC/17-18 /2729
GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
Karachi, dated the 30th April, 2018

**BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT
REGULATORY AUTHORITY**

(Appeal)

M/s Ali Nawaz alias Hakim Ali

versus

Executive Engineer Building division, Larkana

Mr. Ali Nawaz alias Hakim Ali presented an application on 29-03-2018 enclosing copy of appeal dated 20-06-2016 and application dated 20-02-2018 requesting therein for disposal of his appeal according to law for rederrsal of grievances. The Appellant Ali Nawaz alias Hakim Ali stated in the appeal that he was working as a contractor for many years. Mr Salim Ali Khowaja Executive Engineer Building Division Larkana at the dictation of Mr. Fayyaz Ahmed Qureshi DAO Building Division Larkana issued the notification for black listing him. Mr. Fayyaz Ahmed Qureshi demanded illegal gratification from appellant for the start of work of Veterinary Dispensary At Village Mahota Taluka Larkana which was awarded to him vide work order no. TC/EE/645 of 2014 dated 30-04-2014. Since he did not satisfy their illegal demand therefore technical hindrances were created by the department in the start of above said work which could not be started up till now. The executive engineer had issued notification No.TC/EE/621 dated 27-05-2016 and black listed him with malafide intentions and ulterior motives in order to prevent him from participating in the public works. No any investigation was carried out by the procuring agency, hence requested for setting aside / cancellation of notification blacklisting appallnt.

2. Accordingly notices were issued to the parties and 16-04-2018 was fixed the date for hearing the appeal of appellant Ali Nawaz alias Hakim Ali Abro. Mr. Aftab Hussian Narejo Executive Engineer Building Division Larkana and contractor Ali Nawaz alias Hakim ali Abro appeared before the review committee. Mr Ali Nawaz alias Hakim Ali Abro while defending his case presented his version before the members of the Review Committee that he was government contractor and on 30-04-2014 he was awarded the work order of Construction of Veterinary Dispensary Mahota. He was asked to remain present at the site for handing over the possession

of the plot and demarcation. But when he reached at the site he was stopped to carry out the work and no demarcation was made He requested time & again to the department for handing him over the plot and allowing him to carry out the work although respondents told him that the plot belonged to Livestock Department. The department was deliberately making delay in handing over the possession of the plot in this regard so appellant also visited the office of Superintending Engineer, who assured him for resolving his issue. Subsequently he was black listed by Executive Engineer. Not a single penny was released in instant work. He was not at fault in delaying the start of Construction Work at Veterinary Dispensary. Executive Engineer Building Division Larkana blacklisted him on the dictation of Divisional Account Officer Mr. Fayyaz Ahmed Qureshi who was asking for illegal gratification. He had neither received any show-cause notice nor called by the Executive Engineer Building Division Larkana regarding declaring appellant black listed. He also produced documents in his support.

3. Mr. Aftab Hussain Narejo Executive Engineer Building Division Larkana submitted Letter enclosing order of honorable II Senior Civil Judge Larkana in FC Suit No. 151 / 2016 filed by Ali Nawaz alias Hakim Ali and Civil Appeal No. 11 filed by Ali Nawaz alias Hakim Ali in the court of Honorable District Judge Larkana. He informed the members of the committee that no record regarding the black listing of contractor was available in the office and he was not aware of holding of any inquiry in this regard. He apprised members of the committee that Second Senior Civil Judge had dismissed the suit appellant on ground to seek remedy from the competent forum i-e Sindh Public Procurement Regulatory Authority against the order of Procuring agency and his appeal was lying in the court of District & Session judge Larkana.

Decision

4. After hearing the parties at length and examining the documents produced by both the parties the Review Committee is of the opinion that the II Senior Civil Judge dismissed the suit of the of Mr. Ali Nawaz on ground to seek remedy from the competent forum i-e Sindh Public Procurement Regulatory Authority against the order of Procuring agency. From the Perusal of record and hearing the versions of both parties it is transpired that no due course of law was adopted in this instant matter. The procuring agency has neither issued show cause notice nor given the chance of hearing to the contractor. No cogent reason or evidences are found for declaring the contractor Black Listed. Further more on perusing website it is found that the name of the contractor is not enlisted in the list of black listed contractors which shows that the



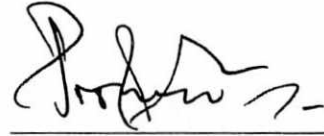
department has not sent the copy of the order to the authority for enlisting his name in the list of black listed contractors.

6. Hence the Review Committee unanimously declare process of blacklisting null and void and set-aside the notification no. TC/EE/621 dated 27-05-2016 issued by Executive Engineer Building Division Larkana and declare him eligible to participate in all procurement related activities.



(Member)
Saad Rashid

Member Transparency International – Pakistan
Private Member represented on SPPRA Board



(Member)
Asadullah Soomro

Private Member represented on SPPRA Board

N.P.

(Member)

Nominee of Director General Audit Sindh



(Member)

Naveed Channa
Procurement & Contract Management
Specialist,

(Independent Professional from relevant field)



(Chairman)

Muhammad Aslam Ghauri
Managing Director
Sindh Public Procurement Regulatory Authority