



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2961/2021-22/ 0875

Karachi, dated the 04<sup>th</sup> March, 2022

To,

The Executive Engineer,  
Irrigation West Division,  
**KHAIRPUR MIR'S**

**Subject: DECISION OF THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY.**

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the Authority's Review Committee decision (M/s Ghulam Murtaza Enterprises, v/s Executive Engineer, Irrigation West Division Khairpur Mir's, held on 16.02.2022, for information & necessary action.

  
ASSISTANT DIRECTOR (Legal-II)

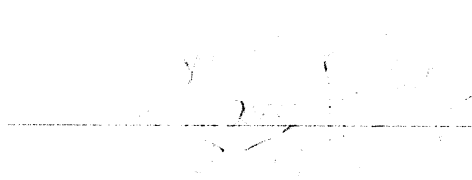
**A copy is forwarded for information and necessary action to:**

1. The Secretary to Government of Sindh, Irrigation & Power Department.
2. The Superintending Engineer, Khairpur Irrigation Circle Sukkur.
3. Assistant director (I.T), SPPRA (with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010)
4. The Staff Officer to the Chairman / Members Review Committee.
5. The Appellant.

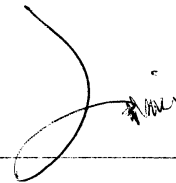
submission of his documents causing harassment to the procuring agency by filing such fake and false complaints, affected the execution of the contract and deliberately concealed the facts before the Review Committee. These all evidence are sufficient to prove the appellant is involved in Fraudulent and Obstructive practices and filed this frivolous appeal for ulterior motives by misusing the Complaint Redressal mechanism.

Decision of the Review Committee


7. Given the proceedings findings/observations and after due deliberation, the Review Committee, in exercise of powers conferred upon it under Rule 32(7) of SPP Rules declares the instant review appeals frivolous and misleading the Review Committee therefore is of the unanimous opinion that the appellant has filed this review appeal to misuse the forum of the Review Committee for ulterior motives. The committee decided to impose a penalty, equivalent to five times of the amount submitted as the Review Appeal fees, on the appellant. The appellant shall submit penalty of Rs.150, 000, (one lac fifty Thousand) to the Authority in the same manner as the Review Appeal fees is submitted and his appeal shall not be entertained by the Review Committee hence forth until he has fully paid the penalty amount.
8. The Review Committee also decided to direct the procuring agency "The Executive Engineer IRRIGATION WEST DIVISION KHAIRPUR (23-Irrigation & Power Department)" to initiate the blacklisting process against the appellant in terms of the Rule 35 of the SPP Rules



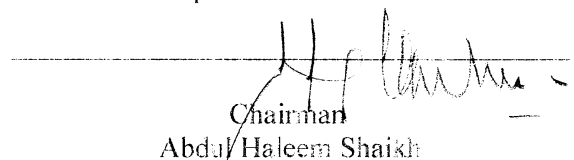
(Member)  
Manzoor Ahmed Manon  
(Member SPPRA Board)



(Member)  
Munir Ahmed Shaikh  
Independent Professional



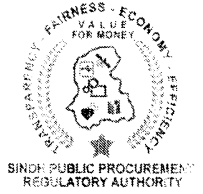
(Member)  
Ghulam Iqbal Asim  
Representative of P & D Board, P & D  
Department Karachi



Chairman  
Abdul Haleem Shaikh  
Managing Director  
(Sindh Public Procurement Regulatory  
Authority)



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD(L-II)SPPRA/CMS- /2020-21

Karachi, dated 3<sup>rd</sup> March ,2022

**Decision of the Review Committee held on 16<sup>th</sup> February 2022**

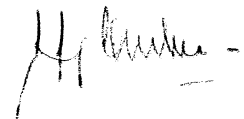
Name of Appellant	M/S Ghulam Murtaza Enterprises
Procuring Agency	Executive Engineer IRRIGATION WEST DIVISION KHAIRPUR (23-Irrigation & Power Department)
PPMS ID #	T00895-21-0001
Reference No.	TC/G-55/6487 OF 2021, KHAIRPUR DATED: 15.12.2021
Appeal Received in Authority Dated	27.1.2022
Complaint of the Appellant Addressed to the Superintendent Engineer Irrigation Khairpur Circle Sukkur (Chairman Complaint Redressal Committee)	Dated:10-01-2022
Dated of Posting Notice Inviting Tender	0 = 18-12-2021
Date of Opening (First Opening)	06.1.2022
Date of Opening (Second Opening )	04.01.2022
Date of Posting Bid Evaluation Report	18.01.2022
Date of Posting Contract Documents	Not posted up-to 4.2.2022
SPPRA Observations communicated on	19.1.2022
Estimated Cost of NIT Total	About 388 Million
Total works in NIT	2 Works
Appellant Related work	Not mentioned in Appeal
Issue involved	Non-opening of bids
Complaint of the Appellant Addressed to the The Superintendent Engineer Irrigation Khairpur Circle Sukkur.(Chairman Complaint Redressal Committee)	Dated:10-1-2022
CRC Decision	No any

### The Appellant's Version

1. The appellant submitted that the Executive Engineer Irrigation West Division invited the bids on Single Stage One Envelope Bidding Procedure vide its advertisement NO.TC/G-55/6487 dated 15-12-2021 and bids were opened on 06.01.2022.
2. The appellant further submitted that he downloaded bidding documents and attached Original Call Deposit for Bid Security and Pay Orders for D.R/ Tenders fees.it was also informed that he had sent his bid via courier service and the same was received by Imran Ali Tracking ID (2007031769).
3. The appellant also informed that on 06.1.2022, he had visited the Office of the Executive Engineer West Division Khairpur but the offices were locked and the Procurement Committee was absent. Hence, bids were not opened in a transparent manner which the appellant considered the clear violation of SFP Rules.
4. The appellant also complained that the procuring agency intends to award the works on higher rates to the favored contractors.
5. The appellant claimed that the procuring agency had uploaded Bid Evaluation Report but the bid of the appellant was shown in Bid Evaluation Report by the procuring agency.
6. The appellant was asked about the Call Deposit for Bid Security whether the Call deposits had been refunded by him or not. The appellant submitted that he had sent the Call Deposits amounting to Rs 10,812,000.00 & 2,560,000.00 along with bidding documents and the same were in the possession of the procuring agency.

### The procuring Agency's Version

1. The procuring agency submitted that the appellant had sent his bid via Courier Service and the same was received by the procuring agency.
2. The procuring agency submitted that the appellant had sent incomplete documents. He just sent some pages wherein no documents were attached with nor bid security was attached.
3. It was also contended by the procuring agency that the bids were opened publicly before all the bidders or their representatives who wished to be present there.
4. The procuring agency also informed that the work was awarded to the successful bidders on the recommendation of Procurement Committee.
5. It was also contended that the appellant was not interested bidder as he had neither sent mandatory Bid Security nor submitted required documents.
6. The procuring agency also claimed that the appellant was using obstructive, fraudulent and corrupt practices in order to influence the normal working of the procuring agency.
7. The procuring agency contended that the appellant is a habitual complainant and tries to hinder the procurement process.
8. It was submitted by the procuring agency that the appellant's bid security call deposits were not in the possession of the procuring agency.



Observations of the Review Committee

1. The Review Committee observed that the main contention between the procuring agency and the appellant related to the non-inclusion of the bid of the appellant in the bidding process. The appellant claimed that he had sent his bid along with all documents including original CDRs, whereas, the procuring agency submitted that the appellant had sent incomplete documents without bid security Call Deposits and other necessary documents. In order to resolve this controversy the Review committee decided to get the status of the bid security of the appellant verified as to whether he had withdrawn his bid security from bank or not.
2. A letter was written to the manager, Summit Bank and he was requested to communicate the status of CDRs of the appellant for the perusal of the review committee. Reply to the letter was received from the manager, Summit Bank Qasimabad Hyderabad. For the sake of convenience and easiness the said reply is pasted below:

SINOH PUBLIC DEPOSIT REGULATORY AUTHORITY

Subject: SERVICE OF PROCESS, REVIEW APPEAL TO NYT 10085-0001

SAPRA INWARD DTAR  
2022/01/07

With reference to the letter no. ACPT-03/SPP/0/CMS-1061/2020-21/0777 (KARACHI), Dated February, 2022, regarding status of CDR/PO have been encashed/refunded. We confirm that the CDR/PO issued date 04-Jan-2022 and refund date 07-Jan-2022 Summit Bank Qasimabad Branch Hyderabad detail is given below.

S.N	CDR/PO #	AMOUNT	ACCOUNT OF	DATE OF ISSUANCE	DATE OF REFUND
01	CDR 8965	56,817,000.00	GHRUJAM MUHTAZA ENTERPRISES	04-Jan-2022	07-Jan-2022
02	CDR 8967	1,190,000.00	GHRUJAM MUHTAZA ENTERPRISES	04-Jan-2022	07-Jan-2022
03	PO 9644	3,000.00	GHRUJAM MUHTAZA ENTERPRISES	04-Jan-2022	07-Jan-2022

*[Signature]*  
 Operation Manager  
 Summit Bank Limited  
 Qasimabad Branch  
 Hyderabad



*[Signature]*  
 Branch Manager  
 Summit Bank Limited  
 Qasimabad Branch  
 Hyderabad

*[Handwritten signatures and initials]*

3. The self-explanatory letter received from the manager makes clear that the appellant had not attached the Bid Security call deposits with the bidding documents and he had retained the CDRs with himself. In order to understand the matter easily the details of the complaint are given chronologically below:

Date of issuance of CDRs	4 <sup>th</sup> January 2022
Date of Opening of Bids	6 <sup>th</sup> January 2022
Date of encashment/retaining of CDRs	7 <sup>th</sup> January 2022
Date of filing of complaint	10 <sup>th</sup> January 2022
Appeal received in Authority	27 <sup>th</sup> January 2022
Date of meeting(s) of the review committee	9 <sup>th</sup> & 16 <sup>th</sup> February 2022

4. It may be noticed that the appellant got issued the CDRs on 4<sup>th</sup> January 2022 and got encashed the same on 7<sup>th</sup> January 2022 one day after the opening of bids. However, he filed the complaint at the Complaint Redressal Committee and subsequent appeal to the Review Committee and accused the procuring agency of favoritism, corruption and violation of the SPP Rules. Such misrepresentation of facts tantamounts to grave injustice, blatant blackmailing, and misuse of Complaint Redressal mechanism, corruption, fraud and obstructive measures.
5. The Review Committee observed that the appellant used obstructive and fraudulent practices for ulterior motives. The fraudulent and obstructive practices are defined in the SPP Rules, as reproduced below:

"Fraudulent Practices" means any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;

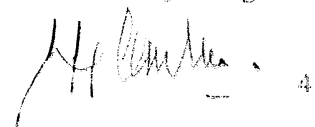
"Obstructive Practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of inspection and audit rights provided for under the Rules.

6. In the instant matter, the appellant deliberately omitted the fact about the encashment of his Call Deposits, thus attempted to mislead the Review Committee regarding the

Signature  
Date





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