



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-3151/2021-22/ 0956

Karachi, dated 24<sup>th</sup> March 2022

TO,

The Section Officer (PM & I),  
Cell Health Department,  
Government of Sindh,  
**KARACHI.**

**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 namely **M/s Searle Private Limited V/s Section Officer PM & I Cell Health Department Karachi** held on 16.3.2022, for information & necessary action.

  
**ASSISTANT DIRECTOR (LEGAL-II)**

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

1. The Secretary to the Government of Sindh, Health Department Karachi.
2. The Additional Secretary PM&I Cell Health Department.
3. The PS to Chairman / Members of the Review Committee.
4. Assistant Director I.T. SPPRA (**with advice to post the decision on authority website in terms of Rule-32(11) of SPP Rules, 2010**).
5. The Appellant.



GOVERNMENT OF SINDH  
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-3151/2021-22

Karachi, dated, 22<sup>nd</sup> March, 2022

BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY  
UNDER RULE-32 OF SPP RULES 2010.

Decision of the Review Committee held on 16.03.2022

Date(s) of meeting(s)	17.03.2022
Appellant	The Searle Company Private Limited
Procuring Agency	The Section Officer (PM&I) Cell Health Department Karachi.
Appeal received on	14.3.2022
CRC filed on	04.02.2022
PPMS NIT ID #	T00911-21-0002
Bid opening date	17.9.2021 Technical Opening 20.10,2021 Financial Opening
Bid Evaluation Report	Various BER's were hoisted First 12.10.2021 Last 13.12.201
Contract documents	Various CER's were hoisted 23.11.2021 & 11.1.2022

The Appellant's Version:-

1. This appeal has been preferred by the appellant **THE SEARLE COMPANY LIMITED** hereinafter referred as "Appellant" in terms of Rule 31(5) read with Rule 32 against the procuring agency "**The Section Officer (PM&I) Cell Health Department Karachi.**" hereinafter referred as the "procuring agency". The appellant was called by the Review Committee for ascertaining the maintainability of appeal. The appellant appeared before the Review Committee and informed that he filed his complaint to the Complaint Redressal Committee **on 4.02.2022** and the meeting of the Complaint Redressal Committee called on **03.03.2022** but the decision had not been communicated with him within three days.

Therefore, he approached the Review committee to adjudicate the matter. In the nutshell, it is as follow:

The appellant Filed complaint to CRC	4.02.2022
CRC meeting	03.03.2022
The appellant Filed Appeal to RC	14.03.2022

**Findings of the Review Committee:-**

1. The basic question involved is the maintainability of the instant appeal, whether the appeal is time barred or not under SPP rules?
2. The Rule 31(5) & 32(1) provide the time limit for any bidder to approach the Review Committee.

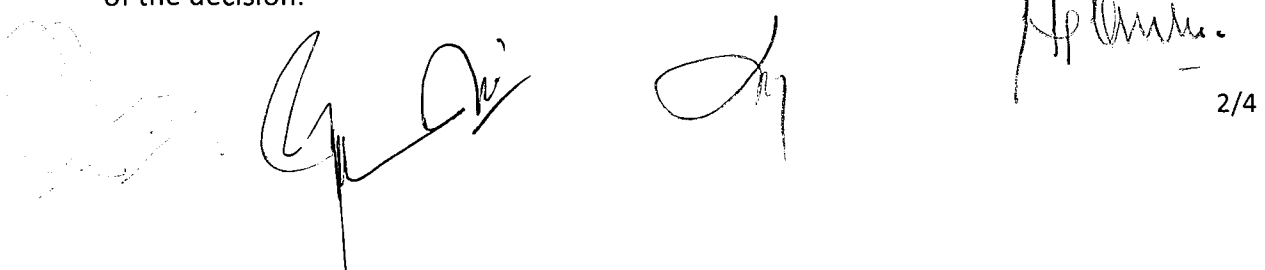
**Rule 31(5)**

**The complaint redressal committee shall announce its decision within seven days and intimate the same to the bidder and the Authority within three working days. If the committee fails to arrive at the decision within seven days, the complaint shall stand transferred to the Review Committee which shall dispose of the complaint in accordance with the procedure laid down in rule 32,]2 [ if the aggrieved bidder files the review appeal within ten (10) days of such transfer;]3**

**Rule 32(1)**

**A bidder not satisfied with decision of the procuring agency's complaints redressal committee may lodge an appeal to the Review Committee [within ten (10) days of announcement of the decision]' provided that he has not withdrawn the bid security, if any, deposited by him.**

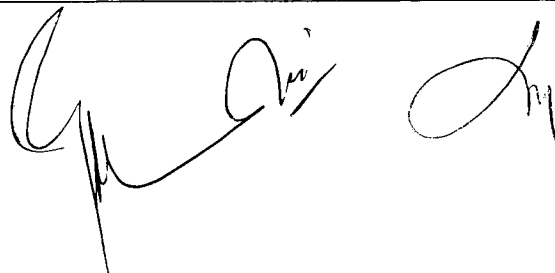
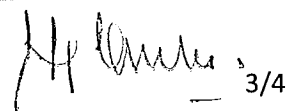
3. From perusal and analysis of the Rules mentioned supra, it is evident that there are two ways to approach the Review Committee-by transfer or dissatisfaction from CRC decision. One of the way-approaching by transfer-is to approach the Review Committee in case the Complaint Redressal Committee fails to arrive at the decision within 7 of the receipt of the complaint. In this case, the appeal stands transferred to the Review Committee which is authorized to dispose of the complaint provided that the aggrieved bidder files the review appeal within **ten (10) days of such transfer.**
4. Another way to approach the Review Committee is after the announcement of the decision of Complaint Redressal Committee. In this case also the complainant is required to approach the Review Committee within ten (10) days of the announcement of the decision.



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5. It is noted that in either of the cases whether failure of CRC to decide the matter or dissatisfaction of the bidder from CRC decision, the bidder was required to approach the Review Committee within 10 days. In accordance with the rules, any appeal received after 10 days' time shall not be maintainable. In the instant matter, the bidder was not successful to approach the Right forum at Right time. He approached the Compliant Redressal Committee on 04.02.2022 but the compliant Redressal Committee failed to arrive at the decision within seven (7) days. Resultantly, the appellant approached to the review Committee on 14.03.2022 which is not maintainable as per SPP Rules.
6. The above discussion is summarized in table below.

Way of Approaching the Review Committee	Condition	Time limitation	In Appellant's case
By Transfer Rule 31(5)	<p>If the CRC fails to arrive at the decision</p> <p>If the aggrieved bidder files the Review Appeal within ten days of such transfer</p>	Within 10 days of the transfer of appeal	<p>The complainant filed complaint on 04.02.2022</p> <p>The CRC failed to arrive at the decision within seven days(7).</p> <p>The complaint transferred to the Review Committee on 11.2.2022.</p> <p>Appeal period expired on 21.2.2022</p> <p>The appellant filed appeal on 14.03.2022 after 31days of the transfer of complaint.</p>
Dissatisfaction from the Decision of the Complaint Redressal	If CRC announces its decision and the complaint is		

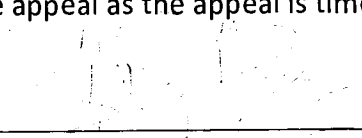



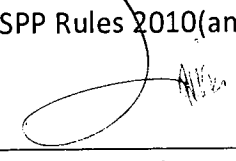
	If the complainant lodges appeal within ten days of the announcement of decision.		
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7. The appellant submitted that he could approach the Review Committee because he was not called CRC timely. The Review Committee noted that the appellant was required to approach the Review Committee timely after the transfer of complaint under Rule 31(5) but the appellant could not do so.
8. It is well settled principle of law that **Vigilance is required for the claim and infringement of rights.** Vigilance requires that those who wish to seek assistance of law must move with speed and time limits to do so.
9. The above discussion is sufficient to prove that the **appeal is time barred under SPP Rule 31(5).**

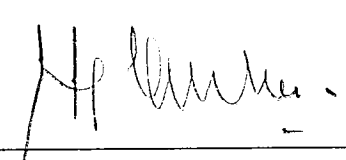
**Decision of the Review Committee:-**

Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(a) of the SPP Rules, the Review Committee rejects the appeal as the appeal is time barred under the SPP Rules 2010(amended up-to-date).

  
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 Member  
 (Manzoor Ahmed Memon)  
 Member SPPRA Board

  
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 Member  
 (Munir Ahmed Shaikh)  
 Independent Professional

  
 \_\_\_\_\_  
 Member  
 (G. Mohiuddin Asim)  
 Representative of P & D Board ,P&  
 Development Department Karachi

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