



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2961/2021-22/ 034

Karachi, dated 20th July, 2022

TO,

The Secretary,
Irrigation & Power Department,
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 Ghulam Murtaza Enterprises v/s Executive Engineer, Irrigation West Division Khairpurmir's** held on 29.06.2022, for information.

(ABDUL SATTAR SOOMRO)
ASSISTANT DIRECTOR (LEGAL-II)

A copy is forwarded for necessary action to:

1. The Superintending Engineer, Irrigation West Division Khairpurmir's.
2. The Executive Engineer, Irrigation West Division Khairpurmir's.
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.



**SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
GOVERNMENT OF SINDH**



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

Karachi, dated 4th July ,2022

M/S Ghulam Murtaza Enterprises” The Appellant”

VS

The Executive Engineer IRRIGATION WEST DIVISION KHAIRPUR (23-Irrigation &Power Department)”The Procuring Agency”

Decision of the Review Committee held on 29th June 2022

Background

1. The Appellant participated in the tender called by the Executive Engineer West Divison Khairpur. As per the Appellant, he sent his bid along with other documents via Courier Service but he maintained that the Procuring Agency did not open his bids.
2. The Appellant filed a complaint before the Complaint Redressal Committee and later on he approached to the Review Committee. During the meeting the Executive Engineer informed that the Appellant sent an incomplete bid that was rejected by the Procurement Committee. The Appellant kept pleading that he sent a complete bid along with Bid Security Pay Orders.
3. When Bid Security was verified, it was transpired that the Appellant misrepresented the facts before the Review Committee and the Review Committee decided as it follows:


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 entrained 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 appellants in terms of the Rule 35 of the SPP Rules.

Blacklisting Notification;

4. In pursuance of the decision of the Review Committee, the Procuring Agency notified the blacklisting of the Appellant. The Copy of the blacklisting Notification is pasted as under:



OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION WEST DIVISION KHAIRPUR
 No. TC/G-55/ 2243 of 2022
 Khairpur, dated 06/04/2022

NOTIFICATION

SUBJECT:- BLACK LISTING OF M/S GHULAM MURTAZA ENTERPRISES GOVERNMENT CONTRACTOR UNDER RULE 35 (1) (a) (b) OF SPPRA RULES 2010 (AMENDED 2019).

In pursuance of the decision of Review Committee of Sindh Public Procurement Regulatory Authority Karachi conveyed by the Assistant Director (Legal-II), Government of Sindh, Sindh Public Procurement Regulatory Authority Karachi vide letter No. AD(L-II)/SPPRA/CMS-2961/2021-22/0875 dated 04-03-2022 and as per directions of the Secretary to Government of Sindh Irrigation Department Karachi vide letter No. 5(03)/SO (IRC) (Misc)/ 2022/ 5845 dated 29-03-2022, M/s Ghulam Murtaza Enterprises Government Contractor is hereby Black-listed in Irrigation Department for participating in any procurement proceedings under Rule-35(1)(a) (b) of Sindh Public Procurement Rules 2010 (Amended 2019) with immediate effect in the interest of government work. The particulars of the contractor as detailed below are circulated for the information of all concerned accordingly:-

i) Name of Firm:	M/S Ghulam Murtaza Enterprises.
ii) CNIC No:	41308-8800317-9
iii) Address as per PEC Licence:	B# C-337/3 Phase-I Qasimabad Hyderabad
iv) PEC Registration No:	C-3/ 6069
v) NTN No. /FBR Reg: No.	4130888003179
vi) SRB Registration Licence No:	1765115-8

**EXECUTIVE ENGINEER
IRRIGATION WEST DIVISION
KHAIRPUR.**

Copy forwarded with compliments for favour of information and necessary action to :-

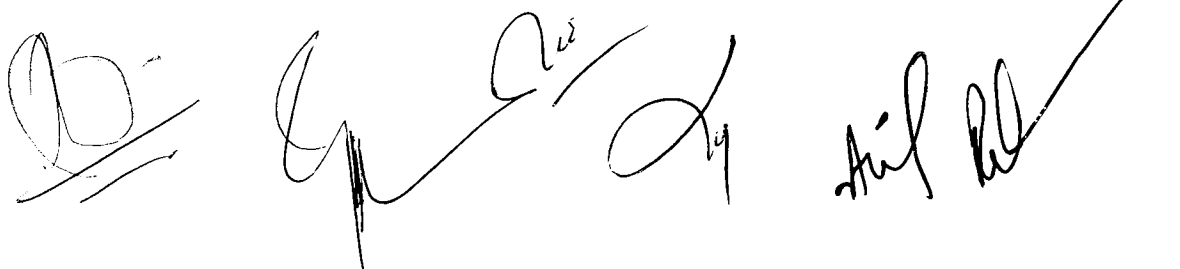
1. The Secretary to Government of Sindh Irrigation Department Karachi.
2. The Commissioner Sukkur/ Larkana/ Shaheed Benazirabad/ Hyderabad / Mirpurkhas.
3. The Pakistan Engineering Council Islamabad.
4. The Director Sindh Public Procurement Regulatory Authority Karachi.
5. The Chief Engineers (all) Irrigation Department Sindh.
6. The Chief Engineer Public Health Engineering Department Government of Sindh Hyderabad.
7. The Chief Engineer Provincial Building Department, Government of Sindh Sukkur.
8. The Chief Engineer Provincial Highways Department, Government of Sindh Sukkur.
9. The Superintending Engineers (all) Irrigation Department Sindh.
10. The Superintending Engineer Public Health Engineering Circle Sukkur/ Larkana.
11. The Executive Engineers (all) Irrigation Department Sindh.
12. The Executive Engineers (all) Irrigation Department Sindh for favour of information and hoisting on their own website.
13. M/S Ghulam Murtaza Enterprises, B# C-337/3 Phase-I Qasimabad Hyderabad for information.

SPPRA INWARD DIARY
NO. 4619
DATED: 11-05-22

Shirsham
**EXECUTIVE ENGINEER
IRRIGATION WEST DIVISION
KHAIRPUR.**

Review Appeal

5. Being dissatisfied with the blacklisting listing Notification, the Appellant filed this instant Review Appeal wherein he maintained that during the meeting of the Review Committee he could not understand the question regarding bid security pay order during the proceedings of the Review Committee. Therefore, the misrepresentation of facts happened unintentionally and in the haste such statement was given by him.
6. The Appellant apologized to the Review Committee of his unintentional misrepresentation of facts and pleaded that he had already submitted the penalty amounting to 150,000 (one

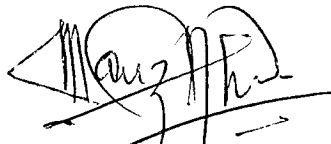


lac fifty Thousand) to the Authority and requested that direction for blacklisting of the Appellant may be vacated.

7. The Appellant assured to the Committee that he would observe due diligence and care during the presentation of facts and would take utmost care in the matters of Procurement related complaints.

Decision of the Review Committee:


8. The Review Committee after deliberation and discussion decided to accept the apology of the Appellant. Resultantly, the Para 8 of the decision NO. No. AD(L-II)SPPRA/CMS-/2020-22 Karachi, dated 3rd March ,2022 stands omitted with effect from the date of the announcement of decision of the Review Committee. Subsequently, the blacklisting Notification issued by the Procuring Agency, in pursuance of the decision, is also set aside ab-initio. Therefore, Procuring Agency is directed to withdraw order of Blacklisting of M/s Ghulam Murtaza Enterprises dated 26.04.2022. Before parting with the decision, the Appellant is warned of making any mis-representation of facts in future.



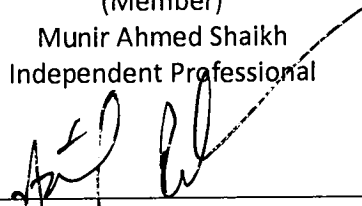
(Member)
Manzoor Ahmed Memon
(Member SPPRA Board)



(Member)
Munir Ahmed Shaikh
Independent Professional



(Member)
G. Muhiuddin Asim
Representative of DG, UP&SP, P&DD Board
, Planning & Development Department
Karachi



Chairman
(Atif Rehman)
Managing Director
(Sindh Public Procurement Regulatory Authority)