



Appeal No. PPRA/AP-45/2024
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 Sirius Gemstone E.S Drilling Fluids

...the "Appellant"

Vs.

Oil & Gas Development Company Limited etc.

...the "Respondent"

Date of Hearing 08.10.2024	Mr. Usman Ahmad Ranjha, Advocate High Court, Mian Haseeb Ali, Advocate High Court (On behalf of Appellant) Mr. M. Saqib Bhatti, Advocate Supreme Court (On behalf of Respondent)
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APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The above mentioned learned counsel(s) of the parties tendered appearance before the Appellate Committee and furnished their preliminary arguments.

2. At the outset of the hearing, the learned counsel of the appellant i.e., M/s Sirius Gemstone E.S Drilling Fluids submitted that they provides a range of oilfield services and supplies including Drilling Waste Management, Solid Waste Management, Drilling Fluids and allied engineering services.

3. The counsel of the appellant also submitted that the Respondent No.1 (Oil & Gas Development Company Limited) published a tender dated 12.03.2024 on SAP Ariba portal for

the project "Hiring of Waste Management Services for Water Base Mud". The appellant along with other competitor participated in bid and were deemed technically responsive as per technical evaluation report. According to the said technical evaluation report, the Respondent No.2 (M/s Branic Engineering Services) one of the competitor bidders, was also declared technically responsive despite the fact that it did not meet the mandatory requirements of TORs.

4. The counsel of the appellant further submitted that, on 24.05.2024, the appellant filed a grievance application highlighting the major issues not complying the mandatory TORs of the bidding documents before the Bidders Grievance Redressal Committee ("BGRC") constituted by the Respondent No.1.

5. The counsel of the appellant further added that the said grievance application was turned down by the Respondent No.1 on 05.07.2024 in whimsical manners, without taking into consideration the documents / record relied upon by the appellant, through a one liner non-speaking order which is not tenable in the eyes of law, hence, the same is liable to be set aside.

6. On the other hand, the Appellate Committee ("the Committee") inquired from the counsel of the respondent i.e., Oil & Gas Development Company Limited, about the current status of the subject tender which was published on 12.03.2024. Upon this, the counsel of the respondent apprised the Committee that the said tender has been cancelled / scrapped.

7. After that, before entering into detailed arguments, the counsel of the respondent raised preliminary objection regarding the maintainability of the instant appeal because the




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said tender has already been cancelled and in the current scenario, the appellant's cause of action does not exist in the field, hence requested for dismissal of the instant appeal being infructuous.

8. In view of the above, the Committee is of the considered opinion that since the tender called in question has already been cancelled / scrapped by the procuring agency (OGDCL), hence, the preliminary objection raised by the counsel of the respondent regarding the maintainability of appeal carries weightage.

9. Therefore, the appeal in hand is hereby **dismissed being infructuous** and disposed of accordingly.


(Dr. Muhammad Aslam Waseem)
Director General (Legal)
(Member)


(Sheikh Afzaal Raza)
Director (M&E)
(Member)


(Hasnat Ahmad Qureshi)
Managing Director (PPRA)
(Chairman of the Committee)

Each page of the order has been signed by all members of the Appellate Committee. The order comprises of three (03) pages.

