



No. PPRA/AP-17/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
<><><>

ORDER

M/s Aqib Trading Company

...the "Appellant"

Vs.

Federal Government Polyclinic (PGMI), etc.

...the "Respondents"

Date of Hearing	Mr. Zeeshan Ali (Advocate), Mr. Jafar Shah (On behalf of Appellant)
06.05.2026	Dr. Farrukh Iqbal, Dr. Rizwan Ahmed, Mr. Hashim Ali Khan (On behalf of Respondent)

APPEAL UNDER RULE 48(7) OF PPRA RULES 2004 AGAINST THE ORDER DATED 26-02-2026 PASSED BY GRIEVANCE REDRESSAL COMMITTEE (RESPONDENT NO. 2) IN TENDER NO. F-25/2025-A REGARDING TECHNICAL DISQUALIFICATION OF THE APPELLANT

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

2. At the outset, the learned counsel for the Appellant, M/s Aqib Trading Company (ATC), submitted that it participated in Tender No. F 2-5/2025-A issued by Respondent No. 1 for the annual supply of surgical disposable and suture items to the Federal Government Polyclinic (PGMI), Islamabad (Respondent No. 1) for the financial year 2025-26. The tender was submitted electronically via E-Pak (EPADS) before the closing date of 22 September 2025, 11:30 AM, and all required/relevant

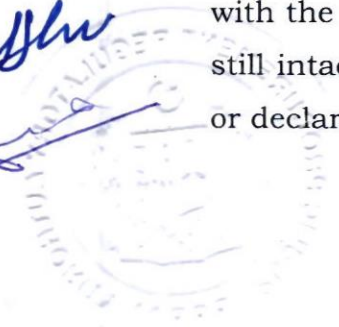
5

documents were submitted with the bid. On 21 February 2026, the Petitioner's bid was disqualified on technical grounds by the Respondent No. 3, citing that the firm was blacklisted, as per the KPPRA website. The Appellant/Petitioner filed a grievance petition before the Grievance Redressal Committee (GRC), PGMI on 25 February 2026, submitting crucial documents including:

- Order of KPPRA dated 10 June 2025, confirming removal of ATC from the blacklist.
- Letter from KPPRA dated 26 June 2025, confirming removal of ATC from blacklisting.
- Copies of Grievance Application along with Order Sheet of KPPRA Decision.

3. The representative of the Appellant further submitted that the GRC convened on 26 February 2026 at 09:30 AM in the PGMI auditorium, Islamabad. The Petitioner's authorized representative attended and presented the document. That despite the submissions, the GRC upheld the disqualification, stating that ATC remained blacklisted until the date of finalization of technical evaluation. The Petitioner contends that the decision of disqualification is wrongful and unlawful, as ATC was officially removed from the blacklist prior to the tender evaluation, and therefore the technical disqualification violates PPR rules and principles of fair procurement. The Petitioner had also participated in a previous tender floated by Respondent No. 1 (Federal Government Polyclinic, PGMI, Islamabad) during the preceding financial year. The Petitioner was declared successful and was awarded the contract for supply of surgical disposable/suture items. The Petitioner duly performed the said contract and supplied the required items strictly in accordance with the terms and conditions of the tender. The said contract is still intact, operational, and has not been terminated, cancelled, or declared defective by Respondent No. 1 at any stage.

Amir Khan



4. The representative of the Appellant further submitted that the conduct of Respondent No. 1 in awarding the previous contract to the Petitioner and allowing its continuation clearly establishes that the Petitioner was considered an eligible and qualified supplier. The sudden technical disqualification in the present tender on the alleged ground of blacklisting is self-contradictory, discriminatory, and arbitrary. The Respondent No. 2 (GRC) and Respondent No. 3 (Technical Evaluation Committee) objected that the Petitioner is blacklisted, however, it is a matter of record that the Petitioner is actively supplying surgical disposable and suture items to various other government and semi-government hospitals situated in and around Islamabad, including Institutions located in proximity to Respondent No. 1. Further submitted that no complaint, penalty, termination, or adverse report has ever been issued against the Petitioner by any of the said hospitals regarding quality, delivery, or performance. The continued acceptance of supplies by multiple public sector hospitals demonstrates that the Petitioner is neither blacklisted in practical effect nor considered ineligible by other procuring agencies. The objection raised by Respondents No. 2 and 3 is therefore baseless, discriminatory, and contrary to ground realities, and reflects selective and arbitrary treatment of the Petitioner.

5. The representative of the Appellant further submitted that the technical evaluation and disqualification were made in disregard of official KPPRA orders removing ATC from the blacklist. The Respondents improperly relied on out dated information regarding the Petitioner's blacklisting, contrary to official orders. The GRC's decision ignored submitted evidence, violating the Petitioner's right to fair evaluation under PPRA procurement regulations. The impugned order of Respondent No. 2 is violative of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973, which guarantees that every citizen shall be dealt with in accordance with law. The Appellant was disqualified

5
despite official removal from blacklist, which amounts to arbitrary and unlawful treatment. The wrongful disqualification has infringed the Appellant's fundamental right under Article 18 of the Constitution, which guarantees the right to enter into lawful trade and business. The Appellant has been prevented from competing in a lawful procurement process without lawful justification. The Respondents failed to properly consider documentary evidence (KPPRA Order dated 10.06.2015 and letter dated 26.06.2025), thereby violating the settled principles of natural justice, particularly:

- a) Audi Alteram Partem (right to be heard meaningfully)
- b) Fair and transparent evaluation
- c) The hearing before GRC was merely a formality, and material evidence was ignored.

6. The representative of the Appellant further submitted that the impugned decision reflects arbitrary exercise of authority, as reliance was placed on outdated blacklisting information despite official de-blacklisting orders, Such conduct defeats transparency in public procurement. The Appellant is a registered supplier engaged in lawful trade, and wrongful disqualification has caused:

- 1) Severe financial loss
- 2) Damage to reputation and goodwill
- 3) Loss of fair opportunity to compete

If the impugned order is not set aside, the Appellant shall suffer irreparable loss not compensable in monetary terms. After issuance of de-blacklisting orders by KPPRA, the Appellant had legitimate expectation to be treated as an eligible bidder. The Respondents' action has frustrated this legitimate expectation

7. The representative of the Respondents (Federal Government Polyclinic (PGMI), Islamabad) submitted that **the Appellant was rightly declared technically non-responsive**

due to its blacklisting status on official PPRA KPK website at the time of technical evaluation. Regardless of claimed letters or orders, the official KPPRA website reflected the firm as blacklisted even till date. The procuring agency is bound to rely on official public record and cannot override such status. **The firm is claiming any change in status then why such change has not been made on this official website of the KPPRA.** Even till date status of the firm is blacklisted on the KPPRA website. The GRC provided full opportunity of hearing and decided the matter objectively and lawfully based on available record.

8. The representative of the Respondent (Federal Government Polyclinic (PGMI), Islamabad) further submitted that the appellant was rightly declared technically non-responsive due to its blacklisting status on official PPRA KPK website at the time of technical evaluation as well as on the date of GRC held the status of the firm was black listed on KPPRA website even on 18-03-2026 when notice of PPRA received that status was again checked and found the same status. The previous contract was awarded prior to blacklisting and is legally valid. However, new procurement must consider current status of the firm. The clarification of this was obtained from PPRA, when the blacklisting of the firm came into the knowledge of this hospital in 2025. The PPRA replied the clarification vide its letter dated 09-05-2025. Consequently, based upon clarification of PPRA contract was continued. However, the decision of blacklisting is implemented prospectively and cannot be used retrospectively.

9. Further submitted that each procuring agency operates independently and must follow its own procurement process and applicable PPRA rules as per TOR's prescribed in their respective bidding documents. All bidders were treated equally and the disqualification was based on objective regulatory status. Regardless of claimed letters or orders, the official KPPRA website reflected the firm as blacklisted. The procuring agency is



21

bound to rely on official public record and cannot override such status. The GRC provided full opportunity of hearing and decided the matter objectively and lawfully based on available record. All bidders were treated equally and the disqualification was based on objective regulatory status readily available on the KPPRA website. The tendering process was conducted strictly in accordance with PPRA Rules and was transparent.

10. This Appeal has been preferred by the Appellant under Rule 48(7) of the Public Procurement Rules, 2004, assailing the decision of the Grievance Redressal Committee (GRC) of the Respondent No. 1, whereby the grievance petition filed by the Appellant against its technical disqualification in Tender No. F 2-5/2025-A was dismissed.

11. The Appellate Committee has heard the learned representatives of the parties at length and has meticulously examined the available record, including the bidding documents, the impugned decision of the GRC, and the written submissions placed on record.

12. In terms of Rules 29 & 30 of the Public Procurement Rules, 2004, which is reproduced as under:

29. Evaluation criteria: -

Procuring agencies shall formulate an appropriate evaluation criterion listing all the relevant information against which a bid is to be evaluated. Such evaluation criteria shall form an integral part of the bidding documents. Failure to provide for an unambiguous evaluation criteria in the bidding documents shall amount to mis-procurement.

30. Evaluation of bids. -

(1) All bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set

Imfluc

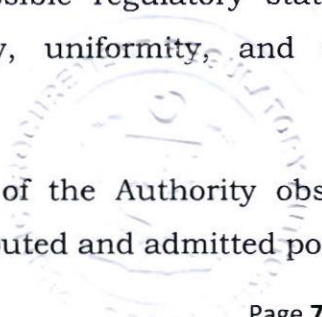
forth in the prescribed bidding documents. Save as provided for in sub-clause (iv) of clause (c) of rule 36 no evaluation criteria shall be used for evaluation of bids that had not been specified in the bidding documents.

13. It is pertinent to mention that no deviation from the specifications, terms and conditions specified in the bidding documents & evaluation criteria is permissible. The procuring agency shall proceed strictly in accordance with terms and conditions set forth in the bidding documents. All participants in the bidding process are bound by the terms and conditions of tender documents and cannot go beyond the purview and ambit of the tender documents.

14. The Respondents have consistently maintained that the procuring agency is bound to rely upon the official and publicly available regulatory record, including the status displayed on the KPPRA website, and cannot independently adjudicate upon or override such status in the absence of its formal rectification on the concerned regulatory platform. The record further establishes that the said status remained unchanged even on subsequent verification dates, including 18.03.2026.

15. The Appellant has placed reliance upon certain communications purportedly issued by KPPRA regarding de-blacklisting; however, the same do not find corroboration in the official public domain record maintained by the competent regulatory authority. In procurement matters, reliance on officially notified and publicly accessible regulatory status is paramount to ensure transparency, uniformity, and equal treatment of all bidders.

16. The Appellate Committee of the Authority observes that, at the very outset, it is an undisputed and admitted position



2
on record that, both at the time of technical evaluation of the bids and at the time of adjudication of the grievance petition by the GRC, the name of the Appellant firm, M/s Aqib Trading Company (ATC), stood reflected as blacklisted on the official website of the Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA).

17. In terms of Rules 29 and 30 of the Public Procurement Rules, 2004, all bids are required to be evaluated strictly in accordance with the evaluation criteria and terms set forth in the bidding documents. No deviation therefrom is permissible; eligibility and responsiveness of a bidder must be determined on the basis of record available at the time of evaluation.


18. In the present case, the Appellate Committee observes that a firm reflected as blacklisted on an official website of KPPRA cannot be treated as an eligible bidder unless such status is formally rectified and updated in the public record. The contention of the Appellant regarding prior or parallel contractual engagements with other procuring agencies does not confer any vested right to participate in subsequent procurements, particularly where the regulatory status reflects otherwise at the relevant time.


19. Similarly, the plea of legitimate expectation and alleged violation of fundamental rights is misconceived in the facts and circumstances of the case, as the procuring agency acted strictly in accordance with applicable rules, evaluation criteria, and publicly available regulatory information. No arbitrariness or discrimination has been established.


20. In view of the foregoing, the Appellate Committee is of the view that the reliance placed upon the KPPRA website status is lawful, justified, and consistent with principles of transparency, fairness and equal treatment. The decision of the GRC does not suffer from any legal infirmity, procedural irregularity, or

jurisdictional defect warranting interference by this Appellate Forum.

21. Therefore, the Appeal filed by M/s Aqib Trading Company (ATC) is hereby **dismissed**, being devoid of merit. The impugned decision of the Grievance Redressal Committee is upheld.


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


(Abdul Majeed)
Sr. Specialist (M&E)
(Member)


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

Dated: 6th May, 2026

Each page of the order has been signed by all members of the Committee. The order comprises nine (09) pages.

