



No. PPRA/AP-36/2025
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad
<><><>

ORDER

M/s Cardiac Family (Pvt.) Limited

...the "Appellant"

Vs.

Cantonment Board Peshawar & Others

...the "Respondent(s)"

Date of Hearing	Mr. Shumail Ahmad Butt (ASC), Mr. Sheraz Butt (Advocate), Mr. Noor Ullah (Advocate), Mr. M. Faheem (On behalf of Appellant)
04.05.2026	Mr. Ihsan Ullah (ASC) (On behalf of Respondent No. 1 & 2)
	Mr. Amir Javed (Advocate) (On behalf of Respondent No. 5)

APPEAL UNDER RULE 48(7) OF THE PUBLIC PROCUREMENT RULES, 2004

The Authority received an Appeal filed by M/s Cardiac Family (Pvt.) Limited *through its authorized representative* Mr. Kamran Khan, "the Appellant" on 23.09.2025 under Rule 48(7) of the Public Procurement Rules, 2004. The Authority on receipt of the Appeal issued notices to M/s Cardiac Family (Pvt.) Limited, *through its authorized representative* Mr. Kamran Khan; Cantonment Board Peshawar (CBP), *through its Cantonment Executive Officer*; Cantonment Executive Officer, Peshawar Cantt.; Military Lands & Cantonments Department, *through its Director General*, Rawalpindi; Cantonment Board Peshawar (CBP), *through*

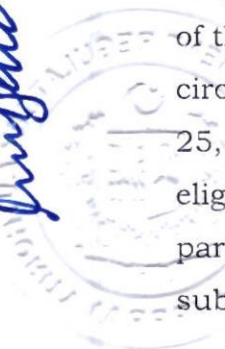
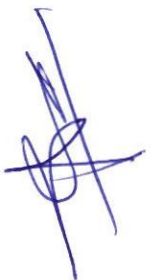


its Technical Evaluation Committee (TEC) for Outsourcing of CGH; and International Metabolic and Bariatric Center, through its Executive Officer, Peshawar (the "Respondents"), wherein it was directed to appear in person or through their nominated representatives or Counsel before the Authority on 04.05.2026 before the Appellate Committee in the Committee Room of Public Procurement Regulatory Authority (PPRA).

2. On the said date of hearing (04.05.2026), the learned counsel(s) and representatives of the parties appeared before the Committee and presented their arguments at length. The Respondents provided written arguments to the Committee and the subject Appeal was heard at length.

3. The counsel for the appellant submitted that the Cantonment Board Peshawar (CBP) previously invited proposals from reputable firms and companies for the project through a public advertisement in widely circulated newspaper. All proposals including the Appellant (which was later found to be only successful), were turned down by the CBP after a period of twelve months without solid reasons. The CBP, despite finding the Appellant as successful bidder, still announced for rebidding later on, which caused unnecessary delay resulting in a loss of PKR 84 million to government exchequer.

4. The counsel for the appellant further submitted that in pursuance to the decision to initiate a rebidding process, the Cantonment Executive Officer, Cantonment Board Peshawar (CBP), once again issued a fresh invitation for Request for Proposals (RFP) for the renting out of operations and management of the Cantonment General Hospital, Peshawar, through a widely circulated advertisement published in various newspaper on April 25, 2025. Further added that after fulfilling all the requisite eligibility criteria and meeting the prescribed conditions for participation in the outsourcing process, the Appellant duly submitted its proposal along with all mandatory documents,



including verifiable proof of its financial soundness. The Appellant submitted its bid in accordance with the time-line so provided and complied with the requisite criteria and other formalities. Further argued that the Appellant also submitted the required call deposit amounting to Rs. 50,000,000/- in compliance with the terms set forth in the advertisement and bidding documents.

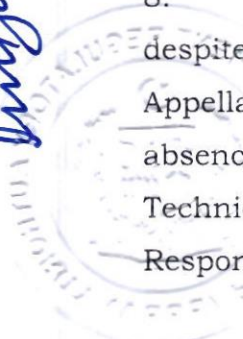
5. The counsel for the appellant further averred that after conducting a preliminary scrutiny of the proposals submitted by the four participating entities, including the Appellant, the Technical Evaluation Committee observed certain deficiencies and shortcomings in relation to the mandatory requirements stipulated in the bidding documents. Further added that in order to provide a fair opportunity to all participants, the Committee issued a formal communication dated 22-05-2025, whereby, all the bidders were requested to furnish necessary clarifications and to rectify or complete the deficiencies in their submissions in accordance with the terms and conditions of the bidding process. Further submitted that although the Appellant had already complied with all codal formalities as required under the bidding process, it nevertheless, in the spirit of cooperation and in compliance with the aforesaid letter dated 22-05-2025, resubmitted the revised and previously deficient documents to further clarify its position through a formal communication dated 26-05-2025.

6. The counsel for the appellant further submitted that the bidding documents explicitly laid down the parameters and criteria for technical evaluations, including the allocation of weightage and the minimum qualifying marks required to proceed to the next stage of the bidding process. As per the specified criteria, a bidder was required to secure a minimum of 50 marks in total to be deemed technically qualified. The evaluation parameters included, financial soundness, past experience, Human Resources and execution methodology. Further added

that under the criterion of Financial Soundness, a weightage of 20 marks was allocated, and bidders were required to obtain the full 20 marks in this category to be deemed technically sound, whereas, for all other parameters, obtaining at least 10 out of the 30 allocated marks in each, amounting to a minimum aggregate 50 marks, was prescribed as the qualifying threshold for participation in the second stage, namely open competitive bidding for rent auction.

7. The counsel for the appellant further submitted that in continuation of the earlier correspondence and proceedings, a meeting was convened with the Technical Evaluation Committee, during which the Appellant brought to the Committees attention several observations regarding the failure of other bidders to fulfil the mandatory requirements as prescribed in the bidding documents, particularly with reference to Respondent No. 5, who was deficient in valid registrations, lacked the requisite experience, and failed to demonstrate financial soundness, as categorically required under the bidding document. Further highlighted that no formal or comprehensive technical evaluation report was provided to the Appellant, the Appellant, being aware of specific deficiencies in the proposals submitted by other bidders, particularly concerning the methodology requirements necessary for passing the technical evaluation, promptly brought these issues to the attention of the authorities by submitting detailed letter dated 11-07-2025, addressed to the Executive Officer, wherein, the said deficiencies were duly highlighted and formally reported for appropriate consideration.

8. The counsel for the appellant further averred that despite the specific and well-founded objections raised by the Appellant regarding the ineligibility of other bidders, and in the absence of any formal decision or duly issued report by the Technical Evaluation Committee addressing these concerns, Respondent No. 1 unlawfully proceeded towards the next phase



and issued a letter dated 25-07-2025 about the scheduling of the open competitive bidding for the outsourcing of Cantonment General Hospital, Peshawar, on 01-08-2025. As per this letter, the said bidding process was to be conducted among the Appellant and two other bidders who, in fact, had failed to meet the mandatory technical evaluation criteria and had not secured the requisite passing marks under all the critical parameters expressly provided in the bidding document. Further added that all bidding process undertaken by the Respondents No. 1 to 4 are required to be conducted in accordance with the Public Procurement Rules, 2004. Rule 35 of the said Rules explicitly mandates that the financial bids of technically qualified bidders may only be opened after the conclusion and formalization of the technical evaluation process. In the present case, without any formal or documented decision of the Technical Evaluation Committee finalizing the technical evaluation, the Respondents proceeded to unlawfully schedule the second stage of the bidding process, i.e., the financial auction. The relevant rule is reproduced as under:

Rule 35: Announcement of evaluation reports. -

Based on the procedure adopted for the respective procurement, the procuring agency shall announce the result of bid evaluation, in the form of final evaluation report giving justification for acceptance or rejection of bids at least fifteen days prior to the award of procurement contract:

Provided that in case where technical proposal is to be evaluated separately, prior to opening of financial proposal, the technical evaluation report shall be announced before opening of the financial proposal.

9. The counsel for the appellant further submitted that upon receiving intimation regarding the scheduling of the financial bidding (auction), the Petitioner, having being effectively



denied its right to raise objections and seek redressal concerning the eligibility of competing bidders, promptly approached Respondents No. 1 and 2 to formally record its objections against the continuation of the said proceedings. The Appellant once again reiterated its concerns regarding the ineligibility of other bidders, highlighting that they had failed to meet the mandatory requirements necessary to qualify under the technical evaluation criteria as prescribed in the bidding document. Further added that on the same day, the Appellant also reported this illegality to the Secretary Defense, highlighting that the Respondents were proceeding with the auction process in clear violation of the governing legal framework and applicable procurement rules. The Appellant specifically brought to the attention of the high-ups that financial bidding was being conducted without finalizing the technical evaluation stage, as required under the Public Procurement Rules, 2004.

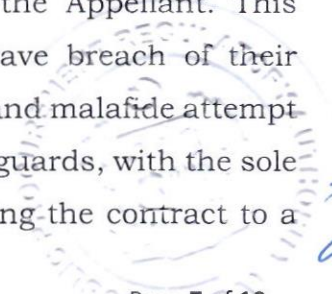
10. The counsel for the appellant further submitted that instead of addressing and redressing the legitimate grievances raised by the Appellant, the Respondents chose to persist in their unlawful course of action. In response to the Appellant's objections, the Respondents dismissively rejected the concerns and, without providing any transparent or reasoned justification, claimed to have acted in accordance with the law. They further asserted that the eligibility of the other two competing bidders, whose disqualification had been rightly pointed out by the Appellant, had been determined as technically qualified, alongside the Appellant. Further added that upon receipt of the letter dated 30-07-2025, whereby, the Appellant was formally informed of the so-called qualification of the other two competing bidders, the Appellant promptly responded and raised strong objections. It was specifically pointed out that the said letter failed to disclose the basis or details of the technical evaluation process, particularly how the scoring was conducted. No scoring results or evaluation report had been shared or made public up to that point, thereby,



depriving the Petitioner of its rights to transparency and undermining the integrity of the procurement process.

11. The counsel for the appellant further contended that in complete disregard of the applicable legal framework and procurement rules, appeared determined to proceed with the financial bid auction in order to extend undue favour to a preferred bidder, who otherwise lacked the requisite qualifications to participate in the financial bidding stage. In the absence of any restraining order from the Honourable Peshawar High Court, in Writ Petition No. 5003-P of 2025, the Respondents went ahead with the auction proceedings. The Appellant, while expressly reserving all its legal rights and without waiving any objections, participated in the said proceedings strictly under protest. The Respondents, acting in a manifestly biased and non-transparent manner, unlawfully approved the financial offer of an unqualified bidder (Respondent No. 5), thereby, compromising the integrity and fairness of the entire process.

12. The counsel for the appellant further submitted that the applicable law and procurement regulations expressly provide safeguards, as Rule 48 of the Public Procurement Rules, 2004 establishes a comprehensive grievance redressal mechanism. The said Rule categorically mandates that the procuring agency shall constitute a Grievance Redressal Committee (GRC) to address complaints submitted by the aggrieved bidders. Further added that the Respondents, in utter disregard and stark violation of the applicable laws and regulations, particularly Rule 48 of the Public Procurement Rules, 2004, failed to constitute any Grievance Redressal committee (GRC) for examining and deciding the objections and complaints duly raised by the Appellant. This blatant omission not only constituted a grave breach of their statutory duty but also reflected a deliberate and malafide attempt to circumvent the mandatory procedural safeguards, with the sole objective of unlawfully favouring and awarding the contract to a



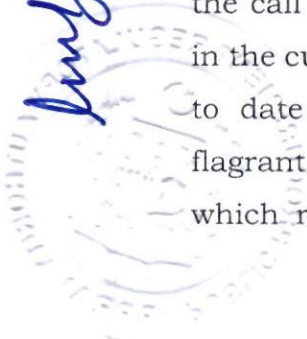


preferred blue-eyed bidder. Further averred that the Appellant, being left with no alternate remedy and aggrieved by the illegal and unlawful actions and inactions of the Respondents, was compelled once again to invoke the constitutional jurisdiction of the Honourable Peshawar High Court by filing Writ Petition No. 5183-P of 2025, seeking enforcement of the mandatory provisions of law and to restrain the Respondents from proceeding with the patently illegal award of the contract in favour of the Respondent No. 5.

13. The counsel for the appellant further submitted that the Respondents have failed to formally announce the outcome of the bid evaluation process through a Final Evaluation Report, as mandatorily required under Rule 35 of the Public Procurement Rules, 2004. This report must contain detailed justifications for the acceptance or rejection of all bids, a safeguard essential for transparency and accountability. Further added that the Respondents, in furtherance of their unlawful design and in blatant violation of applicable statutory provisions, have taken consequential steps to illegally award the contract to Respondent No. 5. This act constitutes a conscious and deliberate subversion of the procurement process and reflects a total disregard for the rule of law and principle of transparency. It is emphasized that the Respondents have deliberately concealed material information regarding the current status of the contract finalization. They have refrained from making any formal disclosure or official communication concerning the signing or execution of the Contract.



14. The counsel for the appellant further submitted that the call deposit submitted by the Appellant continues to remain in the custody of the Procuring Agency and has not been returned to date. Further added that the Respondents have acted in flagrant violation of Rule 4 of the Public Procurement Rules, 2004, which requires that all procurements shall be conducted in a



manner that promotes transparency, economy, efficiency, and fair treatment of all participants without discrimination. Further submitted that the Respondents have acted in violation of Rules 29 and 30 of the Public Procurement Rules, 2004, which categorically mandate that bids must be evaluated strictly in accordance with the evaluation criteria and other terms and conditions expressly laid down in prescribed bidding documents, and that no criteria, terms, or considerations outside those documents may be applied. Further submitted that the Respondents have committed grave illegalities throughout the bidding process by failing to announce the results of the bid evaluation in the form of a final evaluation report, duly supported with reasons for acceptance or rejection of the bids. Further added that the Respondents deliberately refrained from constituting any Grievance Redressal Committee to examine and decide upon the complaint as mandated under the law. They proceeded to unlawfully approve the bid of a technically unqualified bidder through the impugned letter dated 20-08-2025.

15. The counsel for the appellant further submitted that under the terms and conditions of the bidding document, particularly at serial no. 8, it is expressly provided that the Technical Evaluation Committee shall scrutinise each proposal, assign marks to every bidder, and that only those bidders who are technically qualified in accordance with the prescribed criteria shall be permitted to participate in the open competitive bidding stage. Further added that in blatant disregard of this mandatory requirement, no marks were assigned while scrutinising the proposals of the bidders.

16. The learned counsel for the Respondents No. 1 & 2 i.e., Cantonment Board Peshawar (CBP) submitted that the present Appellant was the only successful party. However, the rent offered by the Appellant at the rate of 3.5 million Rupees per month was very low as such the same was rejected and the Cantonment

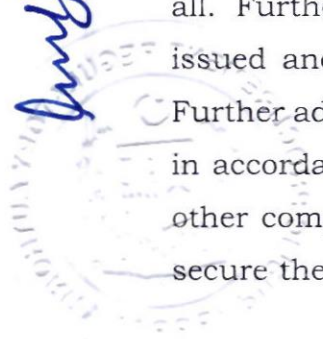


Board Peshawar was saved from a huge loss of more than 1 billion as by now the Hospital has been rented out / outsourced on payment of monthly rent at the rate of 7.5 million. Further added that as per law, the Cantonment Board can cancel all the bids at any stage before award of contract. Further submitted that the Appellant and all other participants were given an opportunity to clarify / complete the short comings in their respective bidding documents.

17. The counsel for the Respondents (CBP) further submitted that the marking was for technical bids since the Appellant did not approach the Grievance Redressal Committee (GRC) or this Authority in accordance with Law rather chose to file a Writ Petition in the Honourable Peshawar High Court, Peshawar which was turned down by the Honourable Court vide Order dated 31-07-2025. Further contended that the Financial Bids/open competitive bids were held on 01-08-2025. The Appellant instead of approaching this Authority again filed a second Writ Petition which is still pending in the Peshawar High Court, Peshawar. Further added that the Technical Evaluation Committee considered the objections raised by the Appellant and settled the same as mentioned in the letter dated 25-07-2025.

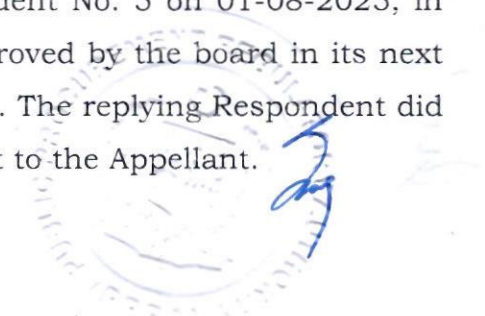


18. The counsel for the Respondents (CBP) further submitted that the Technical Evaluation Report was not only shared with all the competitors but the same was displayed on the notice board in the office of Cantonment Board Peshawar. Further added that after financial bidding and its approval by the Cantonment Board, such like objections are not maintainable at all. Further submitted that the letter dated 25-07-2025 was issued and open competitive bidding was held on 01-08-2025. Further added that the whole proceedings were carried out strictly in accordance with law. The appellant was trying to exclude the other competitors from open competitive financial bidding and to secure the tenancy rights of the Hospital at a lower rate as it did



in the previous Auction proceedings and proper opportunity of being heard was given to the Appellant time and again. The Appellant was trying to knock-out other competitive bidders and to be the only bidder at financial stage so as to get the tenancy rights of the hospital on much lower rate.

19. The counsel for the Respondents (CBP) further submitted that instead of approaching the grievance redressal committee first and then instead of approaching this Honourable forum the Appellant opted to file the said writ petition before Honourable Peshawar High Court Peshawar which was dismissed vide order dated 31-07-2025. The Appellant participated in open competitive financial bids with free consent where in Respondent No. 5 offered the highest bid of monthly rent at the rate of Rs. 7.5 million per month. The Appellant filed the second Writ Petition on the same subject matter which is still pending. The Respondent proceeded strictly in accordance with law. The Appellant participated in open competitive financial bids with free consent will, wherein, Respondent No. 5 offered the highest bid of 7.5 million rent per month which was approved by the replying Respondent. The objections raised by the Appellant were considered by the technical evaluation committee, but the Appellant did not approach to the Grievance Redressal Committee. The Grievance Redressal Committee was constituted after completing all the codal formalities. The Appellant had ample knowledge of the same the Appellant remained associated with proceedings of the technical evaluation committee. The reports of the technical evaluation committee as well as final evaluation report were shared with all the bidders. Further submitted that the highest bid offered by Respondent No. 5 on 01-08-2025, in presence of the Appellant was approved by the board in its next board meeting held on 06-08-2025. The replying Respondent did not refuse to return the call deposit to the Appellant.

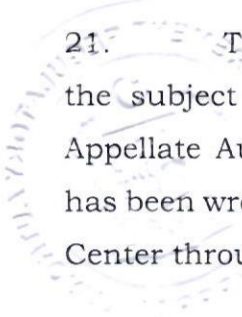




20. The representative of the Respondents (CBP) further submitted that the whole proceedings were conducted in accordance with law. It is pertinent to mention here that pursuant to the highest bid the replying respondent has already awarded contract after execution of rent agreement. **The Appeal is not maintainable, ill founded, based on malafide and hopelessly barred by time.** The Appellant is trying to get the premises of Hospital on payment of much lessor rent to get financial benefit at the cost of great loss to the Cantonment Fund. The respondent No. 5 was declared technically qualified according to Law. The earlier writ petition filed by the appellant was dismissed in limine on 31-07-2025 while there was no stay order passed by the Honorable High Court in the second writ petition filed by the appellants. The board has already approved Vide: CBR No. 07, Dated: 06-08-2025 the highest bid offered by respondent No. 5 which was conveyed to him according to Law. As the third competitor M/S Jinnah Medical College received their called deposit the Appellant could always receive it's called deposit. Further added that that replying respondent has acted with Bonafide intentions and in the best interest of the Board in Good Faith. During the whole process replying respondent did violate any provision of the Constitution. The grievance redressal committee was already constituted. Instead of approaching GRC or this honorable authority appellant filed two incompetent writ petitions. Now the appellant has filed the instant time barred appeal. The appellant could not compete with the other competitors in process of financial bid competition as such the instant time barred appeal has been filed with malafide intentions.



21. The counsel for the Respondent No. 5 submitted that the subject untenable Appeal is pending disposal before this Appellate Authority wherein the Applicant Dr. Mushtaq Ahmad has been wrongly arrayed as International Metabolic and Bariatric Center through Dr. Mushtaq Ahmad/ Respondent No. 5. That the



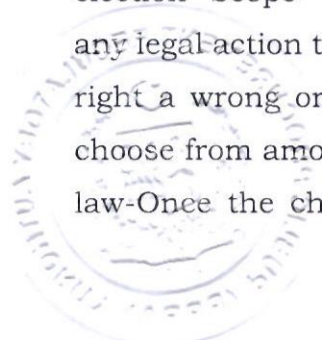
Applicant Dr. Mushtaq Ahmad appeared before this Appellate Authority through counsel on 16-10-2025 along with other Respondents. That without prejudice to the fact that applicant being the most advantageous bidder in the procurement in issue pertaining to the outsourcing a portion of Cantonment General Hospital, Peshawar, award under Rule 38 of the Public Procurement Rules, 2004 was issued in favour of Applicant on 20-8-2025 followed by the execution of contract under Rule 44(b) of the Public Procurement Rules, 2004. It is submitted that subject appeal is bad in law and facts both and is liable to be summarily dismissed on following: That despite communication of the technical evaluation vide letter dated 25-07-2025, the Appellant never filed complaint to GRC under Rule 48(3) of the Public Procurement Rules, 2004 but instead filed a Writ Petition in Peshawar High Court, Peshawar which was dismissed on 31-07-2025 hence having not approached the GRC in 7 days. Appellant is debarred to approaching this Appellate Authority and that too at a much belated stage. That Appellant duly participated in the financial bidding on 01-08-2025 however his Bid was lower than the Applicant's Respondent No. 5), i.e., most Advantageous bid of Rs. 75 lac per month. Again, the Appellant did not approach to GRC in 5 days as per Rule 48(3) of the Public Procurement Rules, 2004 against the financial bid. Again, instead of approaching the GRC yet again the Appellant filed another Writ Petition in PHC where in no Interim Order was passed in his favour. The said Writ Petition is still pending.

22. The counsel for the Respondent No. 5 further submitted that having not preferred any complaint before GRC both against Technical and Financial Bids the Appellant during pendency of Writ Petition approached this Appellate Forum which on one hand is untenable in eyes of law while on other hand is hopelessly time barred as well. That after availing one remedy, the other becomes barred. During the pendency of the Writ Petition, the Appellant approached this Appellate Authority and that too

directly and without exhausting the first tier of GRC, that under such action is illegal and liable to be dismissed. That under Rule 48(7) of the Public Procurement Rules, 2004 this Appellate Forum will only entertain an appeal which arises out of the decision of GRC, where as in instant case neither the Appellant approached GRC nor there is any decision of GRC. That simple perusal of instant Appeal will confirm that objections are raised much after the financial opening and much after the award of Contract which is not permissible under Rule 48(5) of the Public Procurement Rules, 2004.

23. Further submitted that it is settled law that any Appeal files after prescribed limitation is liable to be out rightly rejected. In 2023 CLC 155 it was held that: "S.35-Khyber Pakhtunkhwa Public procurement Grievance Redressal Rules, 2017, R.6-Grievance petition-limitation-Petitioner company was aggrieved of bidding process and order passed by Grievance Redressal Committee dismissing the complaint-Validity-If a procuring entity failed to decide complaint within the stipulated time period, which was eight days as envisaged in R.6 of Khyber Pakhtunkhwa Public procurement Grievance Redressal Rules, 2017, an aggrieved bidder could file appeal with the Authority-Petitioner filed appeal after more than 3 months and 23 days, which appeal was rejected by Competent Authority--- Appeal filed by petitioner was barred by time without any cogent and convincing reason for condonation of delay-High Court declined to was dismissed, in interfere in the matter-Constitutional petition circumstances."

24. In 2024 SCMR 518 it was held that: "Doctrine of election- Scope- When an aggrieved person intends to commence any legal action to enforce any right and or invoke a remedy to set right a wrong or to vindicate an injury, he has to elect and or choose from amongst the actions or remedies available under the law-Once the choice is exercised and the election is made the



aggrieved person is prohibited from launching another proceeding."

25. In PLD 2023 Lah 458 it was held that: "Mandate of law is to nip the evil in the bud - Civil Procedure Code also bestows power upon the Civil Court to reject the plaint summarily in terms of O. VII, R. 11, if it suffers with the flaw mentioned in the provision-Election Tribunal, thus, can proceed on same pari material and reject the election petition at any stage."

26. In PLJ 2025 Lah 1011 it was held that: "Appeal Dismissal-Limitation-Question of limitation was of significance importance-Every court was bound to consider despite been raised by parties to lis Question of limitation was as important as jurisdiction of Court."

27. In 2020 CLC 1999 [Baluchistan] it was held that: work order had been issued and work on the schemes had also been communicated - At such stage, it would not be appropriate to make orders for re-initiation of the process which had already been completed in all respects. Petition having been filed without obtaining result of Grievance Redressal Committee and Procurement Review Committee was maintainable.

28. In 2020 CLC 1338 [Sindh(Hyderabad Bench)], it was held that: Petitioner challenged such action by sending a letter to the Managing Director of the Public Procurement Regulatory Authority but it was not responded to, therefore, constitutional petition under Article 199 of the Constitution was filed, soliciting similar relief --- Validity --- Petitioner had preferred his complaint before the Managing Director and not before the Complaint Redressal Committee --- Grievance Petition should have been filed under Rule 30(3) of the Sindh Public Procurement Rules, 2010 -- - Complete mechanism was provided under the Sindh Public Procurement Rules, 2010 with a hierarchy for dealing with such petition / application and even an opportunity of appeal / review



was also provided under Rule 32 of the Sindh Public Procurement Rules, 2010.

29. This Appeal has been preferred by the Appellant challenging the procurement proceedings conducted by the Respondents in respect of outsourcing of operations and management of Cantonment General Hospital, Peshawar, culminating in the award of contract in favour of Respondent No. 5.

30. The Appellate Committee of the Authority has heard the learned representatives of the parties at length and has also perused the record furnished by the Parties to the subject Appeal.

31. 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 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.



32. It is pertinent to mention that no deviation from the specifications, terms and conditions specified in the bidding

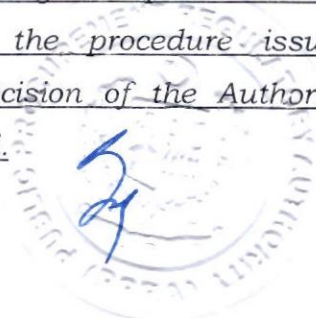
documents & evaluation criteria is permissible. The procuring agency shall proceed strictly in accordance with terms and conditions set forth in the bidding documents. All participants in the bidding process are bound by the terms and conditions of tender documents and cannot go beyond the purview and ambit of the tender documents.

33. In terms of Rule 48 “Redressal of grievances by the procuring agency” of the Public Procurement Rules, 2004, which states:

(2) Any party may file its written complaint against the eligibility parameters, evaluation criteria or any other terms and conditions prescribed in the bidding documents if found contrary to the provisions of the procurement regulatory framework, and the same shall be addressed by the grievance redressal committee (GRC) well before the proposal submission deadline.

(3) Any bidder feeling aggrieved by any act of the procuring agency after the submission of his bid may lodge a written complaint concerning his grievances within seven days of announcement of the technical evaluation report and five days after issuance of final evaluation report.

(7) Any bidder or party not satisfied with the decision of the GRC, may file an appeal before the Authority within thirty days of communication of the decision subject to depositing the prescribed fee and in accordance with the procedure issued by the Authority. The decision of the Authority shall be considered as final.



34

34. The Appellant has primarily contended that the Respondents (CBP) violated Rules 4, 29, 30, 35 and 48 of the Public Procurement Rules, 2004. No formal technical evaluation report was shared prior to financial bidding and Ineligible bidders, particularly Respondent No. 5, were unlawfully declared technically qualified.

35. On the other hand, the Respondents (CBP) have submitted that the earlier bid of the Appellant was rejected lawfully due to low financial offer, thereby saving public funds. All bidders, including the Appellant, were given equal opportunity to rectify deficiencies. The Technical evaluation was duly conducted and communicated and the Appellant failed to approach the GRC within prescribed timelines. Further contended that the Respondent No. 5 emerged as the highest bidder offering substantially higher rent and the procurement process was conducted strictly in accordance with law and the contract has already been executed and acted upon.

36

36. The Appellate Committee observed that at the outset, the Respondents have raised a preliminary objection regarding maintainability of the instant appeal on the ground that the same is barred by time and not competent in view of non-exhaustion of the statutory remedy provided under Rule 48 of the Public Procurement Rules, 2004.

37


37. It is an admitted position that the technical evaluation was communicated vide letter dated 25-07-2025; the financial bidding was conducted on 01-08-2025; the highest bid offered by Respondent No. 5 was approved on 06-08-2025; the contract was awarded on 20-08-2025.


38. The Appellate Committee further observed that the Appellant neither approached the Grievance Redressal Committee (GRC) within the prescribed period under Rule 48(3) nor filed the present appeal within the limitation period prescribed under Rule


48(7) of the Public Procurement Rules, 2004. Instead, the Appellant chose to file constitutional petitions before the Honourable Peshawar High Court, one of which was dismissed on 31-07-2025, while the other remains pending. This conduct attracts the doctrine of election, whereby once a remedy has been elected, parallel or subsequent remedies cannot be invoked. Rule 48(7) of the Public Procurement Rules, 2004 clearly stipulates that an appeal before this Authority is maintainable only against a decision of the Grievance Redressal Committee. In the present case, admittedly no such decision exists.

39. The Appellate Committee further noted that that the law relating to limitation is settled that it goes to the root of jurisdiction and must be strictly adhered to. The Appeal filed beyond the prescribed period, without cogent reasons for condonation of delay, is liable to be dismissed in limine.

40. Foregoing in view the above, the Appellate Committee holds that the instant appeal is not maintainable, being time barred, and filed without exhausting the mandatory remedy before Grievance Redressal Committee (GRC) of the Procuring Agency, hence, the Appeal in hand is hereby **dismissed** being time barred and disposed of accordingly.


(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 nineteen (19) pages.