



Review Petition No. PPRA/RP-04/2026
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 Open Testing Service

...the "Appellant"

Vs.

Water and Power Development Authority (WAPDA)

...the "Respondent"

Date of Hearing 18.06.2026	<i>Khawaja Manzoor Ahmed (ASC), Khawaja Farrukh Mehmood (AHC)</i> (On behalf of the Appellant) <i>Syed Hassan Ali Raza (ASC), Mr. Farhan Zafar (DD HR)</i> (On behalf of the Respondent)
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REVIEW PETITION UNDER RULE 19(3) OF THE PUBLIC PROCUREMENT RULES, 2004 AGAINST THE BLACKLISTING ORDER DATED 29.04.2026

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

2. At the outset of hearing, the learned counsel for the Petitioner submitted that the subject matter of the review petition falls within the Jurisdiction of this Authority and the Petitioner further declare that the review petition is within the limitation period as prescribed in rule 19 (3) of PPRA Rules, 2004. Further submitted that the instant petition is being filed

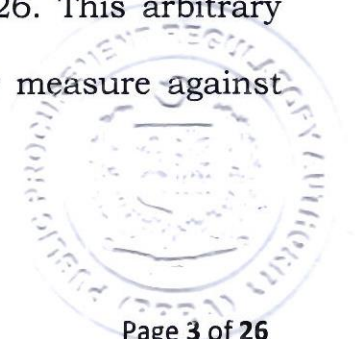
through its Chief Executive Officer Muhammad Faheem Khan who is fully conversant with the facts of the case. The Petitioner is a private limited company established in the year 2012 providing leading and cost-effective solutions in testing and training in Pakistan.

3. The counsel for the petitioner further submitted that the Respondents invited bids through Advertisement/Tender No. PRD (L)/WAPDA/418 (2024-2025), published in the newspaper dated 06.04.2025, for procurement through Request for Proposal (RFP) for hiring the services of firms/testing agencies to conduct screening tests (CBT & PBT), with the proposal submission deadline fixed for 21.04.2025. It is pertinent to mention here that the Respondent no. 1 failed to upload the bidding documents on EPADS in a timely manner. The respondent no. 1 has violated rules/regulations of PPRA, subsequently published an impugned corrigendum in the newspaper on 23.04.2025 (after the 2 days of expiry of original tender date) extending the submission date to 09.05.2025. The Respondent no. 1 failed to upload the bidding documents on EPADS in a timely manner. It is pertinent to mention here that there is no criteria mentioned in the bidding documents regarding blacklisting.

4. The counsel for the petitioner further submitted that the Petitioner submitted its proposal along with required documents within stipulated period. The technical evaluation

report of the tender was uploaded on 01-09-2025 after the expiry of bid validity by respondent No. 1 in which the Petitioner was declared as Not Qualified by securing 66 marks. The Petitioner filed a Grievance. The respondent no.1 has also violated rules/regulations of PPRA, extend the Bid Validity again and again in an illegal manner and altered the scope of work from CBT (computer base test) to PBT (paper base test).

5. The counsel for the petitioner further submitted that the Petitioner filed a complaint with the PPRA Authority regarding Rule Violations and Mis-Procurement in the above-mentioned Tendering Process. The Authority subsequently flagged these violations against Respondent No. 1 in its Letter No. 161-1/complaints/2025 dated 16.12.2025. Follow-up hearings (OTS vs. WAPDA) were held before the PPRA Committee on February 26, March 18, and April 1, 2026. The Committee has since reserved the case for final judgment. That following a six-month lapse, Respondents initiated blacklisting proceedings through an impugned Show-Cause Notice dated February 24, 2026. The notice was dispatched via courier on February 27, 2026, directly after the OTS vs. WAPDA Hearing before the PPRA Authority on February 26, 2026, and was received by the Petitioner on March 3, 2026. This arbitrary issuance constitutes an obvious retaliatory measure against the Petitioner.



6. The counsel for the petitioner further submitted that against the said Show Cause Notice, the Petitioner submitted its reply on 16.03.2026 by raising serious objections and violations of PPRA Rules 2004 and Regulations, 2024. That in pursuance of Show Cause Notice, the Respondent No. 2 issued an impugned Hearing Notice dated 23.04.2026 received by the office of the Petitioner on 24.04.2026 (Friday as holiday) for hearing fixed on 27.04.2026. That against the said Hearing Notice, the Petitioner submitted its Letter dated 25.04.2026 by recording its strong reservations/ objections against the initiation of these illegal, procedurally flawed and issued in manifest violations of the Public Procurement Regulatory Framework. That on 27.04.2026, the Petitioner submitted an application for grant of adjournment as prayed for, and provide the mandatory documents before next date of hearing, in the interest of natural justice. i.e.,:-

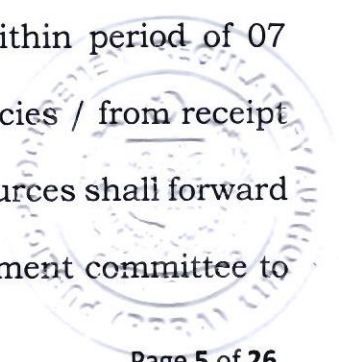
- a. Original Complaint based on Show Cause Notice.
- b. Formulated and notified Comprehensive Mechanism for Blacklisting and Debarment of Bidders or Contractors as per Regulations, 2004.
- c. Notification of the formation of Blacklisting Committee along with its term of reference.

The Petitioner took plea that without provision of said documents, no meaningful defense or arguments can be advanced.



7. The counsel for the petitioner further submitted that instead of entertaining the request and provision of above said documents, the Blacklisting Committee illegally, unlawfully and with malafide intentions blacklisted the Petitioner on 29.04.2026 after 02 days of Hearing and reported the matter to Authority. That against the said illegal blacklisting order, the Petitioner submitted an application before Authority for examination/ scrutiny of record as per PPRA Rule 19(2) of 2004, Regulations, 2024 & Ordinance 2002 regarding the unlawful blacklisting of Petitioner Company but the same blacklisting order was published on its official website on 04.05.2026.

8. The counsel for the petitioner further submitted that the Show-Cause Notice on which the blacklisting order passed has been issued after a lapse of approx. 06 months from the evaluation stage, which is contrary to the spirit and intent of Rule 19 of the PPRA Rules, 2004 and Regulation 3 of Regulations, 2024 of PPRA without formulation and notification for "Mechanism of blacklisting and debarment of bidders or contractors regulation, 2024". That the relevant Regulation 6 of Regulations, 2024 of PPRA mandate that blacklisting procedure must be initiated within period of 07 days from the date of discovery of discrepancies / from receipt of complaint from the internal or external sources shall forward the complaint to the blacklisting and debarment committee to



proceed further in accordance with these regulations. That Regulation 7 of Regulations, 2024 mandate the blacklisting and debarment committee that within a period of 10 days after receiving the complaint of blacklisting or Debarment from the respective sources, the Committee shall examine the complaint within 10 days and issue show cause notice. That Show Cause Notice acknowledges that the alleged discrepancy was identified as far back on 04.08.2025. By initiating the action after passing of more than a half year, the respondents have forfeited its right and powers to precede the blacklisting proceedings. The said delay of 06 months is not merely a procedural defect but also a Time-Barred, not maintainable and jurisdictional defect that renders the notice legally redundant and void.

9. The counsel for the petitioner further submitted that it is evident that these proceedings have been initiated with mala fide intent. This action appears to be a retaliatory measure following the applicant firm's identification of various violations committed by WAPDA regarding the extension of bid validity and the issuance of time-barred corrigendum in the subject tender. The use of Rule 2 (f) (iv) & Rule 19 of PPRA Rules, 2004 without formulation and notification of Procuring Agency's "Mechanism for Blacklisting and Debarment of Bidders" as a tool for intimidation rather than regulation is an abuse of process. That under Rule 19 of the Public



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Procurement Rules 2004, the mechanism and procedure for blacklisting are required to be clearly provided in the Standard Bidding Documents; however, no such mechanism or procedure was incorporated in the bidding documents of the instant tender. Furthermore, the applicable SRO regulations S. R. O. No. 460(1)/2024 dated 28.03.2024 regarding the procedure for blacklisting also prescribe a structured process, which the respondents failed to follow and clearly demonstrates mala fide intent.

10. The counsel for the petitioner further submitted that there are no criteria mentioned in the bidding documents regarding blacklisting. Without referring the matter to Blacklisting Committee in a timely manner, the Show Cause Notice has no value in the eyes of law. That in light of the aforementioned illegalities and procedural violations committed by the respondents, the issuance of the impugned blacklisting notice & Hearing Notice on which the blacklisting order passed and publication of the same on official website of Authority is wholly arbitrary, mala fide, and without lawful Authority and liable to be suspended/stayed. The Petitioner cannot be penalized for irregularities and violations committed by the respondents.

11. The counsel for the petitioner further submitted that the respondent no 1 remained silent for 06 months and take no action; and when the Petitioner pointed out many

irregularities and illegalities during the hearing before this Authority dated 26.02.2026 (OTS vs WAPDA), then respondent no. 1 issued Show Cause Notice only to save its skin. That Rule 19 (2) of PPRA Rules, 2004 empower this Authority to examine the record of blacklisting before its publication on website but the same is published without examine whether the procuring agency strictly adhered Rule 19 (1) of PPRA Rules, 2004, read with Regulations, 2024 notified by S.R.O. No. 460 (1) 2024. The PPRA being an Authority did not consider the violations done by procuring agency during the proceedings of blacklisting.

12. The counsel for the petitioner further submitted that the Show Cause Notice for blacklisting and Debarment issued by the respondent no. 2 with the violations of S.R.O. No. 460 (1) 2024, Regulation no. 6 (a & b) of the Regulations, 2024 hence from the initial stage, the proceedings started for blacklisting is illegal after laps of limitation. That the respondents not considered the law references of the superior courts regarding violations of limitation and law. That the impugned order for blacklisting is illegal and based on misreading of records and law even failed to appropriate that the Show Cause Notice is void ab initio as it violates the mandatory mechanism for blacklisting and debarment of bidders or contractors Regulations, 2024 (S.R.O. 460(1)). That the respondents failed to constitute and notify a committee of 03 odd members before initiating the blacklisting proceedings



as such the Show Cause Notice did not mention any such committee and it is issued by an individual officer i.e. Respondent No. 2. That the Petitioner is a prestigious organization that has been operating since 2012 and is handling recruitment processes for several large government organizations, including those in the social and industrial sectors, as well as the highest judiciary up to the Supreme Court of Pakistan. However, this unlawful Blacklisting Order and Show Cause has not only damaged the prestige of the organization but also adversely affected its goodwill and reputation, which may harm its future business prospects.

13. The counsel for the respondent (WAPDA) submitted that the instant Petition is not maintainable in its present form as the same has neither been instituted nor verified by a duly authorized person. The Petitioner has failed to place on record any Board Resolution, Power of Attorney, or other corporate authorization establishing that Mr. Muhammad Fahim Khan is competent and duly authorized to institute, sign, verify and prosecute the instant Petition on behalf of the Petitioner company. In the absence of lawful authorization, the present proceedings are liable to be dismissed.

14. The counsel for the respondent(WAPDA) further submitted that the instant Petition/review petition is further liable to be dismissed for non-payment of the prescribed statutory fee, as the Petitioner has failed to deposit the

requisite fee mandated for institution of a review petition under Rule 19 of the Public Procurement Rules, 2004 ("2004 Rules") and the governing regulatory framework. The failure to comply with a mandatory statutory precondition renders the Petition incompetent and not maintainable. Further submitted that the Petition is liable to be dismissed on account of concealment and suppression of material facts, as the Petitioner has failed to candidly disclose the complete history of litigation and proceedings initiated before multiple forums, including the outcome thereof, particularly where the Petitioner's grievances had already been examined and rejected. It is settled law that a litigant invoking discretionary constitutional jurisdiction must approach the Court with clean hands, full disclosure and utmost bona fides, which the Petitioner has failed to do.

15. The counsel for the respondent further submitted that the Petitioner has not approached this Honorable Authority with clean hands, having admittedly submitted false, materially inaccurate and inconsistent financial statements during the procurement process, which conduct itself culminated in initiation of proceedings under Rule 19 of the 2004 Rules and ultimately the passing of the Blacklisting Order dated 29.04.2026 after due process of law. A party guilty of misrepresentation and fraudulent conduct cannot claim equitable or discretionary relief.



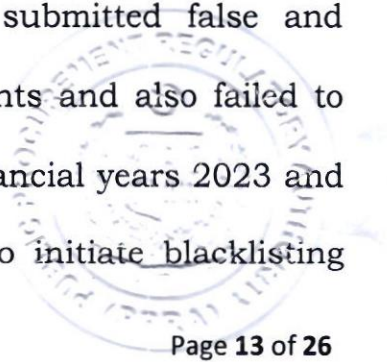
16. Further submitted that the instant Petition discloses no lawful cause of action against the Respondents, particularly when the impugned proceedings were undertaken strictly in accordance with Rule 19 of the 2004 Rules, after issuance of a detailed Show Cause Notice, affording adequate opportunity of hearing, consideration of the Petitioner's reply, and adherence to due process requirements. The Petitioner has failed to establish any jurisdictional defect, mala fide, arbitrariness or violation of law warranting interference by this Tribunal in exercise of its jurisdiction, particularly where the impugned action is founded upon documentary material and taken in accordance with the statutory procurement regime. The instant Petition is misconceived, legally incompetent and not maintainable as the issues sought to be agitated herein have already been adjudicated and/or substantially examined before multiple competent forums, including the Grievance Redressal Committee, PPRA, the learned Civil Court, and the Wafaqi Mohtasib. The Petitioner, having repeatedly failed to secure relief from the aforesaid forums, is now seeking to reagitate substantially the same grievances through the present proceedings, which amounts to abuse of process of law and forum shopping.

17. The representative of the Respondent further submitted that the Petitioner has not filed any document establishing that Mr. Muhammad Fahim Khan is the Chief

Executive of the Petitioner and whether Mr. Khan is duly authorized by the Board of the Petitioner to file the present Petition. The Respondents have engaged with the Petitioner on this front in at least several rounds of adjudication before the Grievance Redressal Committee, PPRA, Civil Court, and the Wafaqi Mohtasib, where the Respondent's position has been duly acknowledged and the Petitioner's frivolous claims have consistently been disregarded. Further stated that the Petitioner did not qualify in the technical evaluation carried out by the Respondent/WAPDA as it received 66 marks which is below the minimum threshold of 70 marks. The main reason for this is that the financial statements for the Year 2022 provided by the Petitioner were false and materially inaccurate in comparison to the existing information submitted by the Petitioner in previous procurements. The Petitioner failed to submit unqualified audit reports for the Financial Years 2023 and 2024. Feeling aggrieved, the Petitioner filed a Grievance Petition dated 08.09.2025, which was disposed of by the Grievance Redressal Committee vide Order dated 17.09.2025 on grounds that the financial statements provided by the Petitioner were false and materially inaccurate. Simultaneously, the Petitioner also filed a complaint with the Authority vide its letter dated 13.09.2025. In response, the Authority vide its Letter dated 15.10.2025 was pleased to direct Respondent/WAPDA to furnish its comments in the matter. Respondent/WAPDA, vide letter dated 20.10.2025 provided its

parawise comments. Further, vide letter dated 07.11.2025, Respondent/WAPDA intimated the Authority regarding the submission of fake financial statements by the Petitioner. In response, the Authority advised Respondent / WAPDA vide its letter dated 18.11.2025 towards the blacklisting/debarment under Rule 19 of the 2004 Rules read with the Mechanism for Black Listing and Debarment of Bidders or Contractors Regulations, 2024. That in pursuance of the same, and upon completion of the procurement process in accordance with law, Respondent WAPDA had issued a Show Cause Notice dated 24.02.2026 to the Petitioner, which ultimately, and after following due process of law, culminated into the Blacklisting Order dated 29.04.2026.

18. The representative of the Respondent contended that this is not the subject matter of this Petition and irrelevant as it has been previously adjudicated by PPRA in the complaint filed by the Petitioner, in which the Respondent No. I submitted its official position in the matter. The Petitioner led complaints, against which the Respondents filed its comprehensive responses. The matter is currently reserved for final orders. However, any insinuation of violation of law by the Respondent is completely denied. The Petitioner submitted false and materially inaccurate financial statements and also failed to submit unqualified audit reports for financial years 2023 and 2024, giving the Respondent a right to initiate blacklisting



proceedings under Rule 19 of the 2004 Rules. Further submitted that it is expressly denied that any serious objections or violations were raised. The reply is barely a one-pager and does not deny the allegations mentioned in the Show Cause Notice dated 24.02.2026 regarding submission of fabricated, false and forged financial statements by the Petitioner or any position vis-a-vis establishing that the Petitioner did not indulge in fraudulent practices under Section 2(f)(iv) of the 2004 Rules.

19. Further submitted that a letter by the Petitioner was submitted however, it is expressly denied that the objections by the Petitioner had any merit in them. The Respondent had provided each and every document to the Petitioner, who was only indulging in delaying tactics to avoid completion of the regulatory proceedings. This is coupled with the fact that the Petitioner also, indulged in filing cases before multiple forums and fraudulently obtaining status quo orders which were ultimately dismissed. Further submitted that there is no provision in the law regarding examination/scrutiny of record by the Petitioner. This argument is beyond legal comprehension and thus denied. Further averred that Respondent No. I has, in full compliance with Regulation 3(1) of the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024 ("2024 Regulations"), duly established and implemented a blacklisting and debarment

mechanism in accordance with the prescribed regulatory framework. Any allegation of non-compliance with the statutory framework is misconceived and denied. Any insinuation that Respondent No. I acted in contravention of Regulation 7 is categorically denied.

20. Further submitted that neither Regulation 6 nor Regulation 7 of the 2024 Regulations prescribes any mandatory or penal consequence for non-observance of the timelines referred to therein. The seven-day period under Regulation 6 for forwarding complaints to the Blacklisting and Debarment Committee and the ten-day period under Regulation 7 for examination thereof are directory in nature and intended to facilitate procedural efficiency, rather than operate as rigid limitation periods extinguishing lawful proceedings. It is a settled principle of law, consistently recognized by the superior courts of Pakistan, that where a statute prescribes a procedural timeline without stipulating adverse consequences for non-compliance, such provision is ordinarily directory and not mandatory. The Petitioner's contention that the blacklisting proceedings stand vitiated or rendered time-barred on account of an alleged delay in initiation is misconceived, self-serving, and emphatically denied.

21. Further submitted that the allegation that the impugned proceedings were retaliatory, mala fide, or actuated

by ulterior motives is wholly baseless, unsupported by any material on record, and therefore denied. The Respondent No. 1, being a statutory public entity, acts strictly in accordance with law, applicable procurement regulations, and documented material available on record. The Respondent No. I has acted in conformity with the Public Procurement Rules, 2004 and the 2024 Regulations at all material times. Further submitted that the blacklisting proceedings were initiated and concluded strictly in accordance with the applicable legal framework, after issuance of a show cause notice, provision of adequate opportunity of hearing, consideration of the Petitioner's response, and observance of due process requirements. Any allegation of procedural impropriety or illegality is denied. The grievances articulated therein pertain to the alleged exercise, or non-exercise, of regulatory powers by PPRA. Accordingly, Respondent No. I leaves the matter to be addressed by the concerned authority in accordance with law. Further submitted that no question of limitation arises in the facts and circumstances of the present matter, particularly where neither the Public Procurement Rules, 2004 nor the 2024 Regulations prescribe any mandatory limitation period for initiation of blacklisting proceedings. The allegations contained therein are bald, vague, unsupported by any documentary material, and therefore liable to be disregarded. Further submitted that the duly issued notification dated 09.02.2026

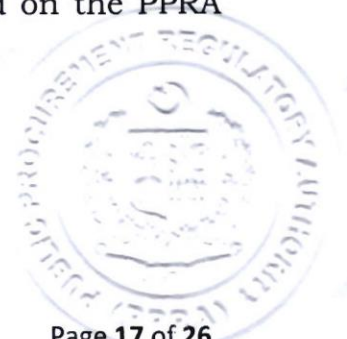


constituting the three-member committee, which sufficiently rebuts the Petitioner's assertions.

22. This Review Petition has been filed under Rule 19 of the Public Procurement Rules, 2004, assailing the Blacklisting Order dated 29.04.2026 passed by Respondent No.1 and the subsequent publication of the said blacklisting order on the official website of PPRA.

23. The Petitioner, a private limited company engaged in testing and recruitment services since 2012, participated in Tender No. PRD (L)/WAPDA/418 (2024-2025) for hiring services of testing agencies. The Petitioner was declared technically non-responsive and subsequently challenged various actions of the procuring agency before different forums, including PPRA.

24. Thereafter, Respondent No.1 initiated blacklisting proceedings against the Petitioner through Show Cause Notice dated 24.02.2026 alleging submission of false and materially inaccurate financial statements and fraudulent practices under the Public Procurement Rules, 2004. Upon conclusion of proceedings, the Petitioner was blacklisted vide order dated 29.04.2026, which was subsequently published on the PPRA website.



25. The Petitioner seeks setting aside of the impugned blacklisting order and its publication, inter alia, on the grounds of procedural illegality, violation of the Public Procurement Rules, 2004, violation of the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024, lack of due process, non-compliance with mandatory procedural requirements and mala fide exercise of authority.

26. The Respondents have contested the petition on maintainability as well as on merits and prayed for dismissal of the petition.

27. The following questions arise for determination:

- i. Whether the blacklisting proceedings were initiated and conducted in accordance with Rule 19 of the Public Procurement Rules, 2004 and the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024?
- ii. Whether the impugned blacklisting order dated 29.04.2026 is sustainable in law?
- iii. Whether the publication of the blacklisting order on the PPRA website is liable to be set aside?

28. In terms of 19 “Blacklisting of suppliers and contractors” of the Public Procurement Rules, 2004, which states:

1. *The procuring agency shall devise a comprehensive mechanism for blacklisting and debarment of bidders for a specified time in accordance with regulations made by the Authority, and the bidder or the bidders shall be declared as-*



- a. *blacklisted and henceforth cross debarred for participation in any public procurement or disposal proceedings for the period of not more than ten years, if corrupt and fraudulent practice as defined in these rules is established against the bidder or the bidders in pursuance of blacklisting proceedings.*

29. In terms of Rule 19 (2) of the Public Procurement Rules, 2004, which states:

2. *Such blacklisting or barring action shall be communicated by the procuring agency to the Authority and respective bidder or bidders in the form of decision containing the grounds for such action. The same shall be publicized by the Authority after examining the record whether the procedure defined in blacklisting and debarment mechanism has been adhered to by the procuring agency.*

30. In terms of Regulation 5 “Reasons for Blacklisting and debarment” of the Regulations on “Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024”, which states:

- a. *Blacklisting & debarment on account of involvement in corrupt & fraudulent practices.-If a procuring agency has sufficient reasons to believe that a bidder or contractor is involved in the corrupt and fraudulent practices as mentioned in Rule-2(f)(i) to (v) of the Public Procurement Rules, 2004, the Procuring agency shall blacklist and henceforth cross debar the bidder or contractor for participation in any public procurement or disposal proceedings for the period of not more than ten (10) years.*

31. In terms of Regulation 6 “Treatment of Complaints” of the Regulations on “Mechanism for Blacklisting and

Debarment of Bidders or Contractors Regulations, 2024”, which states:

(a) *Complaint received from the internal sources: The procuring agency within seven (7) days from the receipt of the complaint from the internal sources, shall forward the complaint to the Blacklisting and Debarment Committee to proceed further in accordance with these regulations.*

(b) *Complaints received from external sources: The procuring agency within seven (7) from the receipt of the any complaint from the external sources, shall forward the complaint to the Blacklisting and Debarment Committee to proceed further in accordance with these regulations.*

32. In terms of Regulation 7 “Initiation of proceedings by the Committee” of the Regulations on "Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024”, which states:

(1) *Within a period of ten (10) days after receiving the complaint of blacklisting or debarment from the respective sources, the Committee shall examine the complaint and issue show cause notice informing the bidder or contractor about the alleged charges and shall provide an opportunity to defend said charges.*

(2) *The show cause notice shall contain: -*

- (a) *precise allegation against the bidder or contractor;*
- (b) *the maximum period for which the procuring agency proposes to debar the bidder or contractor from participating in any public procurement; and*
- (c) *time limit for filing of response against the show cause notice.*

(3) *The Committee shall give minimum of seven (7) days to the bidder or contractor for submission of written reply of the show cause notice.*

(4) *In case the bidder or contractor submits written reply of the show cause notice, the Committee shall decide the matter after providing the opportunity of personal hearing to the bidder or contractor or authorized representative of the bidder or contractor and shall decide the matter accordingly.*

(5) *In case the bidder or contractor fails to submit written reply within the requisite time, the Committee may issue notice for personal hearing to the bidder or contractor or authorized representative of the bidder or contractor and if the bidder fails to attend the personal hearing, the Blacklisting Committee shall decide the matter on the basis of available record.*

(6) *The Committee shall ensure that the show cause notice shall be sent at the mailing / postal address as provided in the contract or any other address provided by way of any subsequent written communication between the procuring agency and the bidder or contractor. In case, the notice is not received due to incorrect or change in mailing address without any written communication, it shall not be attributable to the procuring agency/ committee.*

(7) *In case of non-receipt of any reply from the accused within the stipulated period and failure to appear for personal hearing despite of receipt of notices, the Committee shall have the right to proceed ex-parte.*

33. In terms of Regulation 8 “Order of Blacklisting” of the Regulations on "Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024”, which states:

(1) *The Committee shall issue order of blacklisting by recording the detailed reasons and justifications after perusal of available record. The Committee shall communicate the order of the blacklisting to the Authority for uploading the same on Authority's website. Provided that the blacklisting order shall not take effect unless the same is uploaded on PPRA website.*

(2) The Committee shall also communicate the order of blacklisting to all concerned parties by using all means of communication including courier, email etc.

34. The principal controversy in the instant Review Petition revolves around the legality and procedural validity of the blacklisting proceedings initiated against the Petitioner under Rule 19 of the Public Procurement Rules, 2004 read with the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024.

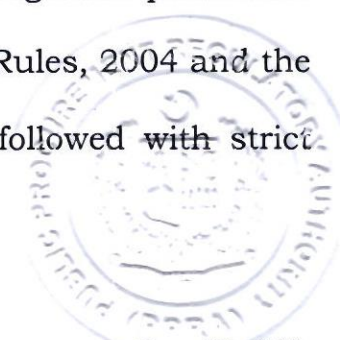
35. A careful examination of the available record reflects that the allegations forming the basis of the Show Cause Notice pertain to the alleged submission of false and materially inaccurate financial statements during the procurement process. It is an admitted position that the alleged discrepancies had come to the knowledge of the Procuring Agency during the technical evaluation process conducted in the year 2025. The record further reveals that despite such knowledge, no blacklisting proceedings were initiated within the time contemplated under Regulations 6 and 7 of the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024.

36. Regulation 6 mandates that upon receipt of a complaint from internal or external sources, the Procuring Agency shall forward the complaint to the Blacklisting and Debarment Committee within seven days, whereas Regulation 7 requires the Committee to examine the complaint and issue

a show cause notice within ten days. Although the Respondents have argued that these timelines are merely directory, it is evident that the regulatory framework has been framed to ensure prompt initiation of proceedings, fairness, certainty and transparency in matters involving civil consequences such as blacklisting.

37. In the present case, the Show Cause Notice dated 24.02.2026 was admittedly issued after a lapse of approximately six months from the alleged discovery of discrepancies. The Respondents have not placed on record any convincing explanation justifying such extraordinary delay nor have they demonstrated that the matter was referred to the Blacklisting and Debarment Committee immediately upon detection of the alleged irregularities as envisaged under the Regulations.

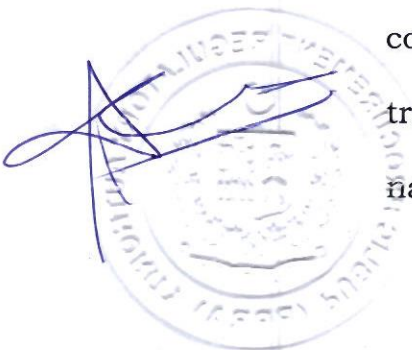
38. The Review Petition Committee further observes that blacklisting is one of the most severe civil consequences that may be imposed upon a bidder as it affects its right to participate in public procurement and has serious repercussions upon its commercial reputation and business prospects. Consequently, the statutory safeguards prescribed under Rule 19 of the Public Procurement Rules, 2004 and the Regulations of 2024 are required to be followed with strict procedural fairness.



39. The record further reveals that the Petitioner had specifically requested the Procuring Agency to provide the complaint forming the basis of the proceedings, the notified mechanism for blacklisting and debarment, and the notification constituting the Blacklisting Committee. These requests were made before conclusion of the proceedings to enable the Petitioner to effectively defend itself. However, there is insufficient material available on record to establish that all such documents were supplied before passing of the impugned order.

40. Rule 19(1) of the Public Procurement Rules, 2004 obligates every Procuring Agency to devise and implement a comprehensive mechanism for blacklisting in accordance with the Regulations framed by the Authority. Likewise, Rule 19(2) further requires that before publication of any blacklisting order on the PPRA website, the Authority shall examine the record to ascertain whether the prescribed procedure has been adhered to by the Procuring Agency.

41. The Review Petition Committee is of the opinion that the procedural safeguards envisaged under Rule 19 and the Regulations of 2024 are not mere empty formalities but constitute essential requirements designed to ensure transparency, fairness and adherence to the principles of natural justice. Any material deviation from such procedure

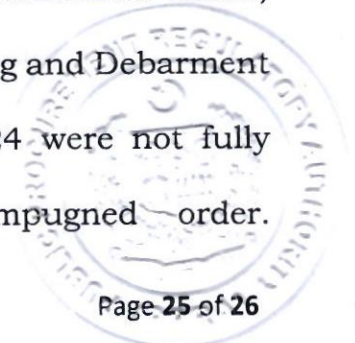
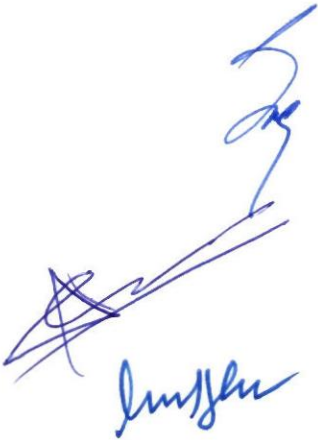


renders the consequential action vulnerable to judicial scrutiny.

42. Although the Respondents have defended the blacklisting proceedings on merits by alleging submission of false financial statements and fraudulent practices, the Review Petition Committee is of the view that irrespective of the seriousness of the allegations, every proceeding resulting in civil consequences must strictly conform to the procedure prescribed by law. Procedural fairness is the foundation of every valid administrative action.


43. The Respondents have also raised objections regarding maintainability of the Review Petition, authorization of the Petitioner, payment of fee and alleged concealment of facts. However, these objections do not go to the root of the procedural legality of the impugned blacklisting proceedings and are insufficient to cure the procedural defects apparent from the record.

44. The Review Petition Committee is therefore satisfied that the impugned Blacklisting Order dated 29.04.2026 cannot be sustained in law, as the mandatory procedural safeguards envisaged under Rule 19 of the Public Procurement Rules, 2004 read with the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024 were not fully adhered to before passing of the impugned order.




Consequently, the publication of the said blacklisting order on the official website of PPRA, being consequential in nature, also cannot legally survive.

45. For the reasons recorded above, the Review Petition is hereby **accepted** and the impugned Blacklisting Order dated 29.04.2026 passed by Respondent No. 1 is hereby **set aside**, being unsustainable in law. However, this order shall not preclude the Procuring Agency from initiating fresh blacklisting proceedings, if so advised, strictly in accordance with Rule 19 of the Public Procurement Rules, 2004 and the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024, after ensuring due compliance with all mandatory procedural requirements and the principles of natural justice.


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


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


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

Dated: 24th June, 2026

Note: A copy of this order is being forwarded to Director-IT, PPRA, Islamabad for implementation of this order and to **de-list the petitioner's company i.e., M/s Open Testing Service** from the list of active blacklisted / debarred firms on PPRA's website.

Each page of the order has been signed by all members of the Appellate Committee. The order comprises of twenty-six (26) pages.