No. PPRA/RP-08/2026
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 Fair Traders

...the "Petitioner"

Vs.

IDSRS – NIH & Another

...the "Respondents"

Date of Hearing	Mr. Shoaib Ahmad (Advocate), Rana Wasim Aslam
03.11.2026	***(On behalf of the Petitioner)***
	Dr. Beenish Altaf, Mr. Rehman Darvesh
	(On behalf of the Respondents)

REVIEW PETITION UNDER RULE 19(3) OF THE PUBIC PROCUREMENT RULES, 2004 READ WITH THE REGULATIONS FOR PROCEDURE OF FILING AND DISPOSAL OF REVIEW PETITION UNDER RULE 19(3), 2021 AND THE REGULATIONS ON MECHANISM FOR BLACKLISTING AND DEBARMENT OF BIDDERS OR CONTRACTORS, 024, AND ALL OTHER ENABLING PROVISIONS OF LAW AGAINST ORDER DATED 04-08-2026

The Authority received a Review Petition dated 02.09.2026, filed by M/s Fair Traders ("the Petitioner"), under Rule 19(3) of the Public Procurement Rules, 2004 against the Blacklisting Order issued by Respondent IDSRS – NIH.

2. At the very outset, learned counsel of the Petitioner i.e., M/s Fair Traders submitted that the Petitioner is a

proprietorship concern engaged in the business of supply and vending, a registered taxpayer and a law-abiding business entity, entitled to the protection guaranteed under Articles 4, 18 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, including the right to conduct lawful trade and business without arbitrary, discriminatory or unlawful interference. Respondent Nos. 1 and 2 (NIH & IDSRS Project) floated Tender Inquiry No. F.1-1/2025-IDSRS-NIH (PPRA Ref. No. TS785810E), titled *"Pre-Qualification of Firms / Vendors for Upgradation and Renovations of Laboratories at AJK, Gilgit-Baltistan, and NIH Islamabad"*, with the closing date of 09.01.2026, against which the Petitioner submitted its bid within the stipulated period.

3. The counsel of the Petitioner also submitted that, in the said procurement, seven (07) bids were received, the Petitioner's bid was declared non-responsive at the preliminary mandatory eligibility stage during the Technical Committee meeting held on 09.01.2026, solely on account of non-submission of a valid Pakistan Engineering Council (PEC) registration certificate. Significantly, the Technical Evaluation Report prepared under Rule 35 of the Public Procurement Rules, 2004 (*PP Rules*), expressly recorded in Paragraph 5(a) that the Petitioner's Technical and Execution Support Document with M/s Sami Associates and Technical Support Agreement with M/s Modular Med Solutions did not create any Joint Venture, Consortium, Partnership or other legally binding relationship. It further clarified that these were merely technical support arrangements and that the experience, credentials, acts, omissions or liabilities of the said entities could neither be attributed to nor treated as those of the Petitioner.

4. The counsel of the Petitioner further submitted that, notwithstanding the Petitioner's already declared non-

responsive status, Respondent No. 1 issued Show Cause Notice No. F.23-2/2025-IDSRS-NIH dated 22.04.2026 to the Petitioner and M/s Modular Med Solutions, alleging that an MoU purportedly executed between Ch. Pervaiz Elahi Institute of Cardiology (CPEIC), Multan, and M/s Modular Med Solutions was fake, false and fabricated. Upon becoming aware of the allegations, the Petitioner's sole proprietor submitted a detailed reply through email dated 03.05.2026, followed by a written explanation dated 04.05.2026 submitted by its counsel, Mr. Rana Wasim Aslam of Rana Law Associates, specifically clarifying that no JV or legal association existed between the Petitioner and M/s Modular Med Solutions, the alleged MoU exclusively concerned CPEIC Multan and M/s Modular Med Solutions and the Show Cause Notice did not allege that the MoU had been executed by or on behalf of the Petitioner.

5. The counsel of the Petitioner also added that the Respondent No. 1, through email dated 05.05.2026, fixed the Petitioner's personal hearing for 07.05.2026. Accordingly, the Petitioner's sole proprietor, accompanied by his consultant, appeared before Respondent No. 3 and the entire Committee. During the said proceedings, the representative of M/s Modular Med Solutions, in the presence of Respondent No. 3 and all Committee members, unequivocally admitted that the alleged MoU was its own act and that the Petitioner had absolutely no knowledge of, involvement in or connection with the alleged fabrication. Thus, the Petitioner's consistent denial of any involvement was expressly corroborated by the very entity alleged to have committed the act in question.

6. The counsel of the Petitioner further argued that, despite the foregoing material facts and admission, Respondent No. 3 issued Notification No. F.23-2/2025-IDSRS-NIH dated 15.07.2026, bearing her sole signature,

whereby the Petitioner was blacklisted for three (03) years from participating in IDSRS/NIH procurement proceedings and its debarment for a period of three (03) years across all Procuring Agencies through PPRA was recommended. The Notification, however, failed to clarify whether it represented an approved decision of the reconstituted Committee or merely reflected Respondent No. 3's proceedings dated 07.05.2026. Being aggrieved, the Petitioner's sole proprietor submitted a representation dated 21.07.2026 to Respondent No. 3, seeking reconsideration of the Notification and written clarification of its legal and factual basis.

7. The counsel of the Petitioner further submitted that, Respondent No. 3, through her reply dated 25.07.2026, enclosed her formal representation dated 17.07.2026 addressed to the Managing Director, PPRA, bearing the subject *"Withdrawal of Letter No. F.23-2/2025-IDSRS-NIH dated 14.07.2026 Regarding Blacklisting / Debarment Proceedings"*, whereby she expressly withdrew her endorsement of the aforesaid communication recommending blacklisting / debarment of the Petitioner. In the said representation, Respondent No. 3 categorically explained that she had been shown a different version of the document when it was presented for her signature and had signed it believing it to be the final communication; however, the version subsequently forwarded to PPRA contained pages which, to her understanding, had been substituted or altered after her signature and did not faithfully reflect the document originally presented to her.

8. The counsel of the also submitted that, notwithstanding the aforesaid express withdrawal and serious procedural objections raised by the signing officer herself, PPRA proceeded to pass the impugned Blacklisting Order dated 04.08.2026, acting upon the reference /

communication dated 15.07.2026. The impugned action is, therefore, founded upon a process whose authenticity and procedural integrity had already been questioned by the very officer whose endorsement was relied upon. Furthermore, the Notification purportedly certified that blacklisting had been undertaken through due process and pursuant to a unanimous Committee decision, whereas Respondent No. 3 had categorically stated that she was excluded from proceedings after 07.05.2026 and had no knowledge of the deliberations or decision of the reconstituted Committee. No satisfactory explanation or clarification regarding these material contradictions has been furnished.

9. The counsel of the Petitioner further argued that the Respondents' own record reflected glaring contradictions, inasmuch as the Show Cause Notice dated 22.04.2026 alleged that the Petitioner had entered into an agreement with M/s Modular Med Solutions, thereby demonstrating active involvement and association, whereas the Technical Evaluation Report expressly negated any Joint Venture or legally binding relationship and specifically excluded attribution of the latter's conduct to the Petitioner. Moreover, neither was the alleged MoU executed by the Petitioner nor did the Show Cause Notice allege its execution on behalf of the Petitioner. On the contrary, the representative of M/s Modular Med Solutions expressly admitted its own responsibility during the hearing dated 07.05.2026. The Respondents cannot simultaneously acknowledge the absence of any legal association and non-attribution of third-party conduct, yet impose liability upon the Petitioner for the same conduct.

10. The counsel of the Petitioner also submitted that the blacklisting is a severe administrative sanction carrying grave civil, commercial and stigmatic consequences and cannot

lawfully be imposed mechanically or vicariously without establishing independent and demonstrable culpability of the entity concerned. In the present case, no material establishes that the Petitioner executed, authorised, facilitated or had knowledge of the alleged fabricated MoU. The impugned action, therefore, amounts to imposing liability upon the Petitioner for an act admittedly committed by an independent third party. The same is arbitrary, disproportionate, based on non-application of mind and violative of the Petitioner's rights under Articles 4, 18 and 25 of the Constitution, particularly its right to lawful business and equal treatment before the law.

11. At the last, the counsel of the Petitioner also submitted that the absence of any disclosed unanimous Committee decision, and the admission of M/s Modular Med Solutions, renders the impugned order procedurally defective and legally unsustainable. The proceedings were further vitiated by material contradictions, absence of independent findings of culpability and mala fide exercise of authority in fact and law. The impugned order has caused grave and irreparable loss to the Petitioner's business, commercial reputation and livelihood by excluding it from public procurement proceedings for three years, with a further three-year countrywide debarment recommendation, for which no adequate remedy in damages is available.

12. At the very last, the counsel of the Petitioner also submitted that the balance of convenience overwhelmingly favours the Petitioner, therefore, the impugned order being without lawful authority, arbitrary, mala fide and void ab initio, is liable to be set aside.

13. On the other side, learned representative of the Respondent No. 1 and 2 i.e., Integrated Disease Surveillance

and Response System, Project-IDSRS and National Institute of Health (NIH) submitted that the IDSRS Project, NIH Islamabad, being the Procuring Agency, had already submitted the blacklisting case against M/s Fair Traders and M/s Modular Med Solutions to PPRA on 14th July, 2026, along with all relevant supporting documents, documentary evidence, findings and proceedings, for appropriate action under the applicable Public Procurement Rules and Regulations.

14. The representative of the Respondent (IDSRS and NIH) also submitted that they reaffirm and maintain their original findings, recommendations and institutional position communicated to PPRA vide the aforesaid submission dated 14th July, 2026. The complete relevant record had already been furnished to PPRA, which subsequently passed orders regarding the blacklisting and cross-debarment of the firms concerned.

15. The representative of the Respondent (IDSRS and NIH) further submitted that, subsequent to the submission of the case to PPRA, the matter was also placed before the Secretary, M/o NHSR&C, following correspondence addressed to PPRA by Dr. Beenish Altaf, Chairperson of the Blacklisting Committee. Moreover, the Secretary, M/o NHSR&C, directed the constitution of a separate committee under the chairmanship of the Joint Executive Director (JED), NIH, for further examination of the matter.

16. The representative of the Respondent (IDSRS and NIH) further added that the Procuring Agency continues to stand by its original findings and recommendations submitted to PPRA on 14th July, 2026, and its institutional position remains unchanged. However, should the Honourable Review Petition Committee consider it legally

appropriate and permissible to refer the matter to the committee constituted under the directions of the Secretary, M/o NHSR&C, the Procuring Agency shall proceed accordingly, subject to the approval and directions of the Competent Authority. Furthermore, any such further examination shall be without prejudice to the original findings, recommendations and supporting evidence already submitted to PPRA and shall not be construed as withdrawal, modification or abandonment of the Respondents' original position, unless otherwise determined by the competent Authority in accordance with the applicable law.

17. The representative of the Respondent (IDSRS and NIH) also submitted that they undertake to abide by and comply with the decision and directions of the Review Petition Committee in accordance with the applicable Public Procurement Rules and Regulations.

18. On the other hand, Respondent No. 03, namely Dr. Beenish Altaf, also appeared in person before the Review Petition Committee and submitted that the earlier decision regarding blacklisting of M/s. Fair Traders, subsequently communicated to PPRA, had been taken without complete information, as she had not been apprised that the firm had already been declared non-responsive during the mandatory preliminary compliance evaluation on the basis of the Memorandum of Understanding (MoU), which was subsequently relied upon as a ground for blacklisting. She further submitted that, had this material information been available, the matter could have been examined in its proper factual and procedural context before taking the decision.

19. Respondent No. 03 further submitted that she was appointed as Chairperson of the Blacklisting Committee in April 2026, which examined the matter and decided to

blacklist M/s. Fair Traders, whereafter a separate Review Committee was constituted, which also upheld the decision. Accordingly, subsequent correspondence to PPRA regarding the outcome of the review proceedings was expected to be issued by the Review Committee or its duly authorised representative, reflecting its collective decision. She further clarified that the letter dated 14.07.2026, addressed to PPRA regarding the recommendation for blacklisting M/s. Fair Traders, was not signed by her. She also apprised the Committee that a separate clarification had already been submitted by her to PPRA, highlighting the incomplete information available at the time of the earlier decision and the subsequent developments in the blacklisting and review proceedings.

20. The Review Petition Committee (hereinafter referred to as the "Committee"), after hearing the learned counsel for the Petitioner, the representatives of Respondent Nos. 1 and 2, as well as Respondent No. 3 in person, and upon careful examination of the available record, submissions advanced by the parties, Show Cause Notice dated 22.04.2026, replies and explanations submitted by the Petitioner, proceedings of the personal hearing held on 07.05.2026, subsequent correspondence with PPRA, and the impugned Blacklisting Order dated 04.08.2026, has independently and objectively examined the matter in the light of the applicable provisions of the Public Procurement Rules, 2004, the Regulations for Procedure of Filing and Disposal of Review Petition under Rule 19(3), 2021, and the Regulations on Mechanism for Blacklisting and Debarment of Bidders or Contractors, 2024.

21. At the outset, it is observed that blacklisting and debarment constitute serious administrative sanctions, entailing substantial civil, commercial and reputational consequences for the affected bidder. Such measures,

therefore, must be founded upon cogent and reliable evidence, a proper determination of the alleged misconduct, and an unequivocal finding of individual culpability of the bidder concerned. The power to blacklist or debar cannot be exercised mechanically, arbitrarily, or merely on the basis of an association, technical support arrangement, or contractual nexus with another independent entity, unless the bidder's own involvement, knowledge, authorisation, facilitation or participation in the alleged misconduct is established on the basis of the material available on record and in accordance with the applicable law.

22. The Committee has particularly taken into consideration the fact that M/s Fair Traders had already been declared non-responsive at the preliminary mandatory eligibility stage during the meeting of the Technical Committee held on 09.01.2026, solely on account of its failure to submit a valid PEC registration certificate. Furthermore, the Technical Evaluation Report prepared in terms of Rule 35 of the Public Procurement Rules, 2004, in respect of Tender No. TS785810E, expressly recorded at Paragraph 5(a) of the minutes that the Technical and Execution Support Document with M/s Sami Associates and the Technical Support Agreement with M/s Modular Med Solutions did not constitute a Joint Venture, Consortium, Partnership or any other legally binding relationship. The said Report further categorically observed that, in accordance with the applicable procurement rules, the experience, technical capacity and credentials of M/s Sami Associates and M/s Modular Med Solutions could neither be considered nor attributed to M/s Fair Traders. The Committee considers the aforesaid findings material to the determination of the present Review Petition, as they demonstrate that the Petitioner was treated as an independent bidder and that the technical support arrangements in question did not confer upon it the experience, capacity or

credentials of the other entities. Consequently, in the absence of any legally sustainable basis establishing the Petitioner's independent involvement, knowledge, authorisation or participation in the alleged misconduct, the acts, omissions or liabilities of M/s Modular Med Solutions cannot be imputed to M/s Fair Traders merely on account of the aforesaid technical support arrangement. The said circumstances, therefore, reinforce the necessity of determining the Petitioner's individual culpability on the basis of cogent and reliable evidence, rather than by way of inference arising from its association with another independent entity.

23. The Committee has further observed that the alleged fabricated Memorandum of Understanding (MoU) was purportedly executed between Ch. Pervaiz Elahi Institute of Cardiology (CPEIC), Multan, and M/s Modular Med Solutions. However, no conclusive or cogent evidence has been brought on record to establish that M/s Fair Traders had executed, prepared, authorised, facilitated or knowingly participated in the alleged fabrication of the said MoU. The Committee has also examined the Petitioner's reply dated 03.05.2026 and written explanation dated 04.05.2026, wherein the Petitioner consistently denied any involvement in the alleged transaction and categorically maintained that no Joint Venture or other legally binding association existed between the two firms. The said explanations, when considered in conjunction with the available documentary record, do not furnish any sufficient basis for attributing the alleged misconduct of M/s Modular Med Solutions to the Petitioner.

24. The Committee has also taken note of the material inconsistencies and discrepancies appearing in the record with regard to the recommendation for blacklisting, its approval, and the subsequent correspondence submitted to PPRA. The withdrawal of endorsement by Respondent No. 3, coupled with

her statement concerning the incomplete information available at the time of the earlier decision, raises serious questions regarding the procedural propriety and evidentiary basis of the impugned action. The Committee is of the considered view that the decision to blacklist the Petitioner ought to have been preceded by an independent, objective and reasoned determination of its individual culpability, supported by sufficient evidence and undertaken in accordance with the applicable statutory and regulatory framework.

25. The Committee further observes that no cogent, credible or reliable evidence has been brought on record to establish that M/s Fair Traders had executed, prepared, authorised, facilitated or knowingly participated in the alleged fabrication of the MoU. On the contrary, the record reflects that the Petitioner has consistently denied any involvement in the alleged transaction, whereas the representative of M/s Modular Med Solutions, during the proceedings held on 07.05.2026, reportedly admitted responsibility for the impugned act. Such admission, to the extent borne out by the record, cannot, by itself, be construed as establishing the culpability of the Petitioner. In the absence of any independent evidence establishing the Petitioner's involvement, or any legally sustainable basis for attributing the alleged misconduct of the other firm to it, the Committee is of the considered view that the impugned Blacklisting Order dated 04.08.2026, insofar as it relates to M/s Fair Traders, is not sustainable in law and is liable to be set aside.

26. For the foregoing reasons, findings and observations, the Committee is of the considered view that the impugned Blacklisting Order dated 04.08.2026 along-with the procuring agency's Order dated 15.07.2026 passed against the Petitioner, namely M/s Fair Traders, is not justified in the facts and circumstances of the case and is, therefore, not

sustainable in law. Accordingly, the captioned Review Petition is hereby **allowed,** and the impugned Blacklisting Order, insofar as it relates to M/s Fair Traders, is hereby **set aside.**

(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: 6th November, 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 Fair Traders*** 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 Review Petition Committee. The order comprises of thirteen (13) pages.

