Review Petition No. PPRA/RP-05/2026
Government of Pakistan
Public Procurement Regulatory Authority
(Appeal & Review Petition Secretariat)
1st Floor, FBC Building, G-5/2, Islamabad

ORDER

M/s Shahzada Brothers & Co.

...the "Petitioner"

Vs.

Deputy Director, Headquarter Logistic Area, Quetta, etc.

...the "Respondents"

Date of Hearing	Mr. Mehtab Abbasi (Advocate) ***(On behalf of the Petitioner)*** Maj. Waseem Akram ***(On behalf of the Respondent i.e., HQ QLA)***
28.10.2026	

REVIEW PETITION UNDER RULE 19(3) OF THE PUBLIC PROCUREMENT RULES 2004 READ WITH MECHANISM FOR BLACKLISTING AND DEBARMENT OF BIDDERS OR CONTRACTORS REGULATIONS, 2024 AGAINST LETTER DATED 01.03.2025.

The Authority received the titled Review Petition on 16.06.2026, filed by M/s Shahzada Brothers & Co. ("the Petitioner"), under Rule 19(3) of the Public Procurement Rules, 2004 against the Blacklisting Order issued by Respondent (Deputy Director, Headquarter Logistic Area, Quetta).

2. At the very outset, learned counsel of the Petitioner i.e., M/s Shahzada Brothers & Co. submitted that they have

an excellent professional reputation, has been supplying goods / services to various procuring agencies, including the Respondent, since 2012, and its qualitative services have been appreciated by the Respondent on different occasions. The Petitioner was informed that an inquiry against Col. Amir Shahzad (OD & SD) was underway and was directed to participate in the proceedings relating to the said officer. Accordingly, the Petitioner joined the inquiry, answered the questions put to it, and categorically denied all allegations of corruption or bribery in relation to Col. Amir Shahzad.

3. The counsel of the Petitioner also submitted that, despite repeated requests, the Respondent neither served any show-cause notice upon the Petitioner nor provided any charge sheet specifying the allegations against the firm. It was further submitted that ten other firms were associated with the inquiry proceedings and were afforded the opportunity to cross-examine the witnesses; however, the Petitioner was discriminatorily denied the same right. The Petitioner also maintained that, during the informal hearings, it was neither permitted to cross-examine the witnesses nor confronted with the incriminating material relied upon against it, and the allegations against the firm were not established during the inquiry.

4. The counsel of the Petitioner further submitted that, notwithstanding the foregoing procedural deficiencies, the Respondent issued the impugned letter dated 01.03.2025, whereby the Petitioner was blacklisted for a period of ten years. It was argued that the impugned action was taken without issuing a show-cause notice, providing a meaningful opportunity of hearing, or establishing the allegations through a lawful process, thereby condemning the Petitioner unheard in violation of the principle of audi alteram partem and the fundamental right to fair trial and due process

guaranteed under Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973.

5. The counsel of the Petitioner further added that the impugned letter is contrary to Articles 4, 10A, 23, 24 and 25 of the Constitution, Rule 19(1) of the Public Procurement Rules, 2004, and Regulation 7 of the Mechanism for Blacklisting and Debarment of Bidders or Contractors Regulations, 2024. It was argued that the Respondent, being a procuring agency, was legally bound to issue a show-cause notice and afford the Petitioner a fair opportunity to defend itself before taking any adverse action. Reliance was placed on the settled principles of law, as enunciated by the Honourable Supreme Court of Pakistan, that issuance of notice and provision of an opportunity of hearing are essential prerequisites before passing an adverse order of blacklisting or debarment.

6. The counsel of the Petitioner further argued and submitted that the legality of the impugned action on the ground that no committee was constituted for blacklisting or debarment in accordance with Regulation 4 of the 2024 Regulations. It was contended that the failure to constitute the prescribed committee, coupled with the denial of a show-cause notice, the right of cross-examination, and an effective opportunity of defence, rendered the impugned letter unlawful and void ab initio. The Petitioner maintained that the Respondent had imposed the maximum penalty of ten years without establishing the allegations or demonstrating circumstances warranting such a severe measure.

7. The counsel of the Petitioner also added that its previous record demonstrates transparency, honesty, and professional dedication, as it had successfully secured several tenders from the Respondent even before the appointment of Col. Amir Shahzad. It was argued that the impugned blacklisting was not only procedurally unlawful but also

disproportionate to the circumstances and had adversely affected the Petitioner's legitimate business interests and freedom to carry on trade, business or profession, as protected under Article 18 of the Constitution.

8. The counsel of the Petitioner further submitted and placed reliance on the decisions of the Authority in Shah Faisal and Company v. Log Area Quetta (Review Petition No. PPRA/RP-11/2026) and Khan Enterprises v. Deputy Director Headquarters Log Area Quetta (Petition No. PPRA/RP-11/2025), asserting that the Authority had emphasized adherence to natural justice and procedural fairness in blacklisting proceedings. It was further submitted that, in a similar matter, the Authority reduced the blacklisting period from ten years to one year on the ground of excessiveness and disproportionality. Accordingly, the Petitioner requested that similar relief be granted in the present case by setting aside the impugned action or, in the alternative, reducing the period of blacklisting to a proportionate duration.

9. At the last, the counsel of the Petitioner also submitted that the impugned letter dated 01.03.2025 was issued in violation of the 2024 Regulations, Rule 19(3) of the Public Procurement Rules, 2004, Article 10A of the Constitution, and the principles of natural justice, fair trial, and due process of law, and was therefore without lawful authority and jurisdiction. It was argued that, where an order is void ab initio, the question of limitation or laches should not operate to defeat the challenge, and the Authority retains jurisdiction to set aside an unlawful action. The Petitioner accordingly prayed that the impugned blacklisting letter of the firm for ten years be declared void ab initio and without lawful authority or jurisdiction, and that any other appropriate relief be granted in its favour.

10. On the other side, learned representative of the Respondent i.e., Deputy Director, Headquarter Logistic Area, Quetta, submitted that the Petitioner i.e., M/s Shahzada Brother & Co. is a registered ASC Contractor, having been registered on 10.11.2009 after fulfilling all prescribed formalities. Since registration, the firm has actively participated in the procurement process. During Financial Year 2023-24, it was awarded contracts namely Gp DP Gwadar and Gp DP Awaran, having a cumulative value of Rs.583.436 million, which were performed satisfactorily. However, previous satisfactory performance does not absolve the firm from liability for subsequent misconduct.

11. The representative of the Respondent also submitted that the blacklisting proceedings were initiated against the firm under Rule 19(a) of the Public Procurement Rules, 2004, read with SRO No.834(I)/2021, Clause (f), Sub-Paragraph (iii), which defines corrupt practices as offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence the act of another party for wrongful gain. Further added that, a detailed internal inquiry was conducted at Quetta by a Board of Officers, which established the firm's involvement in corrupt practices through payment of illegal gratification to individuals involved in the contracting process of the Procuring Agency. All three individuals involved in the matter were terminated from service after confessing to receiving illegal gratification. Accordingly, the Respondent proceeded against the firm to safeguard transparency, accountability and integrity in public procurement.

12. The representative of the Respondent further submitted that the allegations of violation of the Constitution, applicable procurement laws and fundamental rights are denied. The proceedings were administrative and procurement-related in nature and not criminal proceedings. The Respondent considered the available material before

passing the impugned order, and the Petitioner has failed to establish any specific prejudice or miscarriage of justice. The right of cross-examination is not an absolute requirement in every administrative proceeding and depends upon the applicable regulatory framework and circumstances of the case.

13. The representative of the Respondent also added that the allegation of being condemned unheard is denied. The Petitioner was afforded sufficient opportunity to present its position before the competent authority. The principle of *audi alteram partem* requires a reasonable opportunity of hearing commensurate with the nature of proceedings and does not invariably require a full-fledged trial. The Petitioner has neither identified any particular defence it was prevented from raising nor demonstrated any material prejudice. Moreover, the contention regarding mandatory issuance of a show-cause notice is denied as an absolute proposition. The requirement and manner of notice are governed by the applicable regulations and circumstances of each case. The Petitioner has failed to establish any substantive prejudice arising from the alleged procedural omission. Likewise, the judgments of the Honourable Supreme Court relied upon by the Petitioner are distinguishable, as their applicability must be assessed in the context of their respective facts and legal framework.

14. The representative of the Respondent further argued that the allegation of violation of Regulation 7 of the Blacklisting Regulations, 2024, and the objection regarding non-constitution of the requisite committee are denied. The Respondent acted in its capacity as Procuring Agency to maintain procurement discipline and integrity. The Petitioner has failed to establish how the alleged procedural objections render the proceedings or impugned order automatically void or without lawful authority. Furthermore, the allegation that corrupt practices were not established is specifically denied.

The Respondent relied upon the findings of the internal inquiry conducted by the Board of Officers, which established the firm's involvement in illegal gratification, corroborated by the confessions of the three individuals subsequently terminated from service. The demand for cross-examination or confrontation of every person or piece of material does not, by itself, invalidate administrative proceedings in the absence of a demonstrated legal requirement and consequential prejudice.

15. The representative of the Respondent also submitted that the Petitioner's previous successful participation in procurement processes and satisfactory execution of contracts do not constitute immunity against subsequent misconduct. Past contractual performance and the firm's conduct forming the subject matter of the present proceedings are separate considerations. Accordingly, the previous performance record does not create any legal bar to the impugned action. The competent authority considered the available material and circumstances before passing the impugned order. The proportionality of blacklisting is required to be assessed with reference to the nature and seriousness of misconduct and the applicable regulatory framework. The mere adverse consequences of the impugned action do not render it unlawful.

16. The representative of the Respondent further submitted that the allegation of violation of Article 18 of the Constitution is misconceived, as the freedom to conduct trade, business or profession is subject to lawful restrictions in the public interest. It does not confer an unrestricted right to participate in public procurement without complying with applicable procurement and integrity requirements. The Orders cited by the Petitioner, namely, Shah Faisal & Company versus Log Area Quetta and Khan Enterprises versus Deputy Director Headquarters Log Area Quetta, are

distinguishable on facts and circumstances. Each case is required to be determined on its own evidence, applicable regulations and procedural history. Similarly, reduction of the blacklisting period in another matter does not create any vested right in favour of the Petitioner to claim an identical reduction, as the duration of regulatory action depends upon the nature and gravity of the individual misconduct. The question of proportionality and duration may, nevertheless, be determined by the learned Authority in accordance with law.

17. At the last, the representative of the Respondent further argued that the general proposition regarding the limitation of an order alleged to be *void ab initio* is not disputed. However, the Petitioner cannot presume the impugned order to be void merely by describing it as such to avoid the consequences of delay. The impugned order was passed by the competent authority in exercise of its jurisdiction, and its validity is required to be determined under the applicable law and facts. Moreover, the allegations of violation of the Blacklisting and Debarment Regulations, 2024, Rule 19(3) of the Public Procurement Rules, 2004, Article 10A of the Constitution and principles of natural justice are denied. The impugned action was taken in furtherance of the Respondent's responsibility to ensure transparency, integrity and discipline in public procurement. The Petitioner has failed to establish any jurisdictional or constitutional defect or substantial prejudice warranting interference.

18. At the very last, the representative of the Respondent further added and submitted that the Petitioner's confession regarding the payment of Rs. 6 million as illegal gratification to the then officer of the Respondent, for securing contracts through unlawful means, is available on record. Furthermore, the representative furnished the courier details evidencing the

dispatch of the impugned blacklisting order dated 01.03.2025 to the Petitioner through Express Post, Quetta GPO, vide UMS No. 74419338, on 06.03.2025. Accordingly, the representative of the Respondent contended that the instant Review Petition is hopelessly barred by limitation under Rule 19(3) of the Public Procurement Rules, 2004. Therefore, the objection regarding delay, limitation and laches is misconceived. The same is required to be determined in accordance with the applicable legal provisions, procedural requirements and conduct of the parties. Merely characterizing the impugned order as unlawful or void does not, by itself, exclude the consequences of delay, hence request for dismissal of the instant Petition.

19. The Review Petition Committee (the Committee") heard the learned counsel and representative of the parties and examined the record. At the outset, the Committee considers it appropriate to determine the question of maintainability of the Review Petition before examining its merits.

20. Firstly, the Committee observed that the instant Review Petition was filed by M/s Shahzada Brothers & Co. on 16.06.2026 under Rule 19(3) of the Public Procurement Rules, 2004. The Respondent has raised a preliminary objection that the Petition is barred by the prescribed period of 30 days as per Rule 19(3) of the PP Rules, 2004. The Respondent has stated that the impugned blacklisting order dated 01.03.2025 was received by the Petitioner on 07.03.2025. On the other hand, the Petitioner referred to the said blacklisting decision / order, which, according to it, was received on 07.04.2025.

21. The Committee also observed that, notwithstanding the discrepancy in the dates referred to by the parties, the Review Petition filed on 16.06.2026 is beyond the prescribed

period of thirty days even if the Petitioner's own assertion of receipt on 07.04.2025 is accepted. Accordingly, the Petition is ex facie barred by limitation.

22. The Committee also observed that the Petitioner has also challenged the blacklisting on merits, alleging absence of notice, show-cause notice, inquiry and opportunity of hearing, and disputing the allegations of corrupt practice and illegal gratification. The Respondent, in reply, has relied upon the inquiry conducted at Quetta, wherein the Petitioner's involvement was allegedly established, including the statement of its owner regarding payment of Rs. 06 million, and has maintained that the blacklisting was undertaken under the applicable legal and regulatory framework. The Respondent has further stated that the three officials involved were terminated and all eleven contractors found involved were blacklisted.

23. The Committee, however, considers that once the Review Petition itself is found to be barred by limitation, it is not necessary to examine the substantive grounds challenging the blacklisting order. The statutory period has been expired, the Petition cannot be entertained merely by raising grounds on merits or by relying upon subsequent circumstances which do not satisfactorily explain the entire delay.

24. In view of the foregoing, the Committee is of the considered view that the Review Petition dated 16.06.2026 was filed beyond the period prescribed under Rule 19(3) of the Public Procurement Rules, 2004, and the Petitioner has failed to establish any sufficient ground to overcome the delay. The Petition is, therefore, **time-barred and consequently not maintainable**. In consequence thereof, the Committee does not consider it necessary to adjudicate upon the merits of the grounds raised against the impugned blacklisting order.

Consequently, the impugned Blacklisting Order shall remain intact and continue to operate.

25. Accordingly, the Review Petition filed by M/s Shahzada Brothers & Co. is hereby ***dismissed as time-barred and not maintainable***.

(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: 30th October, 2026

Note: A copy of this order is being forwarded to Director-IT, PPRA-Islamabad, for information.

Each page of the order has been signed by all members of the Review Petition Committee. The order comprises of eleven (11) pages.