

IN THE SUPREME COURT OF PAKISTAN

CONSTITUTIONAL BENCH

(Original/Appellate/Advisory/ReviewJurisdiction)

Present

Justice Amin-ud-Din Khan, Senior Judge
Justice Jamal Khan Mandokhail
Justice Muhammad Ali Mazhar
Justice Syed Hasan Azhar Rizvi
Justice Ali Baqar Najafi

Civil Misc Application No.7139/2019 in Constitution Petition No.2/2011, Civil Review Petition No.494/2019 in Constitution Petition No.2/2011, Civil Misc. Application No.7984/2019 in Civil Review Petition Nil/2019 in Constitution Petition No.2/2011, Civil Misc. Application No.11484/2021 in Civil Misc. Application No.7139/2019 in Constitution Petition No.2/2011, Civil Misc. Application No.865/2022 in Civil Misc. Application No.7139/2019 in Constitution Petition No.2/2011 and Civil Misc. Appeal No.116/2022 in Constitution Petition No.2/2011.

Mainland Husnain Pakistan Limited and others

*.....Petitioner/
Appellants*

Versus

Ishaq Khan Khakwani and others

.....Respondents

**For the petitioner/
appellants:**

Syed Ali Zafar, ASC
Mr. Zahid Nawaz Cheema, ASC
(in CRP No.494/2019)
(via video link from Lahore)

Syed Rifaqat Hussain Shah, AOR
(in CMA No.7894/2019)

Ch. Muhammad Tahir, ASC
(in CM Appeal No.116/2022)

For the respondents:

Ch. Aamir Rehman, Addl. AGP
Mr. Zulfiqar Gul, Deputy Chief M/o Planning

For the NAB:

Mr. Shafqat Muneer Malik, Addl. PG
Mr. Zafar Hussain Ahmad, AOR

Date of Hearing:

2 May 2025.

ORDER

Amin-ud-Din Khan, Senior Judge

CM Appeal No.116/2022

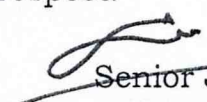
CM Appeal was fixed for hearing in the Chamber. It was ordered that it be fixed for hearing before this Court alongwith the connected

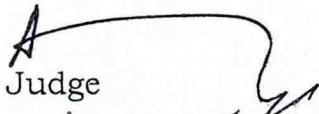
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matter. We have heard learned counsel for the appellant. No case for interference is made out. The objection raised by office is correct. This CM appeal stands dismissed.

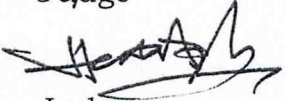
CMA No.7139/2019, etc


Ch. Aamir Rehman, Addl. Attorney General for Pakistan states that he has filed CMA No. 2869 of 2025 to show the progress after the last order passed by this Court. Learned Additional Attorney General has informed that with regard to the approval of bidding mentioned in the last order the technical approval was granted but the financial approval was not granted by the Board, therefore, fresh bidding process has been started in which the filing date of bidding papers is 13.5.2025. The counsel of the bidder who has filed the recent bidding papers i.e. Mr. Ahmad Awais, ASC as well as the counsel for the previous bidder Syed Ali Zafar, ASC state that the respondent(s) debarred them from participating in the next bidding due to the fact that instant litigation between their client and the Railways is pending. In this view, state that it be observed that pendency of litigation is not a bar in their contest for bidding process. When confronted to the learned Additional Attorney General, states that the bar is mentioned in the bidding papers. When asked that whether there is any backing of law upon this bar, states that though there is no bar under any law or the Constitution. In this view of the matter, the parties who are already under litigation or who have earlier filed the bidding documents, cannot be debarred by the Railways when there is no bar contained under any law in participating in the bidding process. On the request of learned Additional Attorney General for Pakistan the matter is adjourned. To be fixed after six weeks so that bidding process is completed in all respect.


Senior Judge


Judge


Judge


Judge


Judge