

ORDER SHEET  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
(JUDICIAL DEPARTMENT)

**Writ petition no. 2327/ 2016**

M/s Suit Southern Gas Company Limited  
SSGCL  
*versus*  
Public Procurement Regulatory Authority and another

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
18	27.06.2022	Mr. Farman Ullah Khan, Advocate for the petitioner. Ch. Muhammad Tahir Mehmood, learned A.A.G. Ms. Sonia Yasmeen, Advocate for respondent no.2.

Having heard the learned counsel’s submissions, it appears that the primary grievance of the petitioner *Sui Southern Gas Company Limited* (SSGCL) is that respondent no.1 *Public Procurement Regulatory Authority* (PPRA) should not have remanded the question of blacklisting of respondent no.2 *M/s M.K. International* (MKI) back to SSGCL “to have another look” after giving MKI an opportunity of being heard.

2 By way of brief background, MKI was blacklisted by SSGCL qua its supplier back in 2014. Learned counsel states that when MKI’s writ petition 4241/2014 against its blacklisting did not meet with success before a Single Bench of this Court, MKI filed writ petition no. 197/ 2015 before the Hon’ble High Court of Sindh which was also dismissed (reported at 2016 CLC 1). MKI then filed another WP no. 698/2015 before this Court without impleading SSGCL, which was also dismissed. In ICA no. 288/ 2015 thereagainst, the appeal was disposed of with the observation that MKI may, if it so wished, file a representation before PPRA qua the regulator of procurement. That application was filed. PPRA held the hearing and vide impugned order dated 17.05.2016 came to the conclusion that the opportunity of being heard ought to be provided to MKI, and referring to *Rule 19 of PPRA Rules, 2004*, the decision on blacklisting was to be taken by SSGCL qua the procuring agency.

3 SSGCL was aggrieved that, despite noting at paragraph no.11 of the impugned order that MKI was provided 3 opportunities of hearing to clarify its position, PPRA ought not have remanded the matter to SSGCL for making a decision afresh by having another look.

4 In a nutshell, SSGCL does not want to have another look. It says it has already taken a deep look and is satisfied with the first look. Learned counsel states that another look will not change the result of the first look. This Court, sitting in its Constitutional jurisdiction, has to see whether the order impugned was an illegal, perverse or irrational one, but if two views are possible, then this Court does not ordinarily substitute its own view. I do not see what harm would occasion SSGCL if it were to respect its procurement regulator's decision to take that second look, even if only to come to the same result as at the first look. There is nothing in the PPRA's impugned order which compels SSGCL for its second look to arrive at a different conclusion, as long as the second look is based on record after hearing MKI. Learned counsel does not oppose with much vehemence if the matter rests there, leaving it for SSGCL to make the decision, but fears another round of litigation by MKI once the second-look decision comes out. His fears may be allayed by observing that if MKI's next round is found frivolous, it would be lumbered with costs in favour of SSGCL if SSGCL claims those costs.

5 With the foregoing observations, this petition is disposed of.

**(Sardar Ejaz Ishaq Khan)**  
**Judge**