

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.1877 of 2020
Muhammad Faizan Javed Paracha
Versus
Federation of Pakistan and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	23.07.2020	Mr. Muhammad Musawar Gill, Advocate for the petitioner/applicant.

C.M. No.1908/2020

This is an application for placement of additional documents on record. Allowed.

C.M. No.1909/2020

Exemption sought for is allowed subject to all just and legal exceptions.

Since this petition is at motion stage, therefore, on the request of the learned counsel for the petitioner, is taken up for hearing today.

Main Case.

Through the instant writ petition, the petitioner, Muhammad Faizan Javed Paracha, has sought multiple reliefs with respect to the invitation for bid issued by Pakistan State Oil Company (“P.S.O.”) for the supply of Group-IV Base Oil under Single Stage - Two Envelop procedure.

2. In order to show that the petitioner has *locus standi* to file the instant petition, learned counsel for the petitioner drew the attention of the Court to letter dated 13.07.2020 from P.S.O. to a person whose name has been blacked out by the petitioner from the said letter. Due to his tempering with the said letter dated 13.07.2020, it is not known as to whom the said letter was addressed to. Learned counsel for the petitioner also referred to certain emails brought on record through C.M.No.1908/2020. The names of the

persons to whom the said emails have been addressed have also been blacked out.

3. Admittedly, the petitioner has not participated in the procurement process under challenge. The learned counsel for the petitioner was reluctant to disclose the name of the entity which the petitioner represents. The petitioner did not even make a representation to the procuring agency/P.S.O. regarding his grievances with the procuring process. In order to seek the issuance of a writ of *mandamus*, it is obligatory for the petitioner to first approach the respondent and seeks the redressal of his grievances. Failure to do so would render a writ petition incompetent. In this regard, reference may be to the judgment in the case of District Magistrate, Lahore Vs. Syed Raza Kazim (PLD 1961 SC 178) wherein it was held as follows:-

"There are other good reasons, too, upon which this application for a writ of mandamus must fail. The accepted conditions for the grant of a writ of this nature are that it must be preceded by a demand of justice and the refusal thereof and that there should be no other equally expeditious, in expensive and efficacious remedy available to the person seeking this extraordinary remedy."

4. Additionally, the Division Bench of this Court in the case of Federation of Pakistan Vs. Asad Javed etc. (PLD 2016 Islamabad 53) held *inter alia* that a demand for the performance of a duty ought to be made and the same had to be met with a refusal by the public officer or authority before the invocation of the jurisdiction of this Court under Article 199 of the Constitution for seeking a writ in the nature of *mandamus*.

5. Moreover, the instant petition was filed on 13.07.2020 whereas the date for the submission of the bids and their opening had been scheduled for 06.07.2020 i.e. prior to the filing of the writ

petition. This delay on the petitioner's part (even if he is assumed to have the *locus standi* for filing this petition) is an additional reason why this petition should be dismissed.

6. In view of the above, the instant petition is dismissed.

(MIANGUL HASSAN AURANGZEB)
JUDGE

*Sultan**