

SYED SAJJAD ALI SHAH & ASSOCIATES

ADVOCATES & CORPORATE LEGAL CONSULTANTS

Advocate Danyal Muzaffar
Trustee/Legal Advisor
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Plot No. 72-F/2. 1st Floor, 9th Street,
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Authority, Karachi

17-12-2024

Subject: Response to Complaint Alleging Violation of SPPRA Rules, 2010 by the Sindh Textbook Board in the Tender for Printing, Binding, and Supply of Textbooks for Public Sector Schools under the School Education & Literacy Department, Government of Sindh

Dear Sir,

This response is being addressed to you under the instructions of our Client, **the Sindh Textbook Board** (hereinafter referred to as "our Client"), with respect to the baseless allegations raised in the complaint received by Transparency International Pakistan (TIP) regarding the tender process for printing, binding, and supply of textbooks. We submit that the allegations are devoid of legal merit, lack factual basis, and demonstrate a misinterpretation of the Sindh Public Procurement Regulatory Authority (SPPRA) Rules, 2010.

1. Non-Compliance with Natural Justice Principles:

Transparency International Pakistan (TIP), in issuing its comments, has failed to hear our Client's explanation and justification prior to forming its opinion. This unilateral approach contradicts the established principle of natural justice (*audi alteram partem* – no one should be condemned unheard) and renders the comments biased and unsustainable in law. It is imperative to ensure impartiality and due process before making any adverse observations.

2. Compliance with SPPRA Rule 37 – Bid Security:

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The complaint raises objections to the 5% bid security, terming it restrictive, which TIP acknowledged in para 1 of its comments as seems correct. This acknowledgment reflects a biased stance and amounts to an admission that the allegations raised by the complainant are valid without conducting a thorough inquiry. However, it must be clarified that the Sindh Textbook Board has acted strictly in accordance with Rule 37 of the SPPRA Rules, 2010, which explicitly provides that:

“Bid security shall not exceed five percent of the bid price.”

Our Client's requirement of 5% bid security complies fully with the above legal provision. TIP's assertion to the contrary is incorrect, unsupported, and fails to appreciate the wording of the rule.

3. Unsubstantiated Allegations of SPPRA Rule Violations:

TIP, in paragraph 2 of its comments, ambiguously claims that the tender criteria appear to violate the SPPRA Rules, 2010, but fails to identify any specific rule or provision allegedly breached. It is a settled principle of law that allegations must be specific, substantiated, and backed by evidence. In the absence of any such particulars, the complaint lacks credibility and fails to sustain legal scrutiny.

4. Commitment to Transparency and Fairness:

Our Client remains committed to ensuring transparency, fairness, and adherence to all procurement rules and regulations. The tender process in question was conducted strictly in accordance with the SPPRA Rules, 2010. Allegations suggesting otherwise are speculative, misleading, and intended to cast unwarranted aspersions on our Client's reputation.

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5. In light of the above, it is evident that the allegations raised against our Client are meritless, vague, and legally unsound. We hereby request Transparency International Pakistan to:

- i. Withdraw its comments and allegations regarding the tender process, and
- ii. Ensure that any future observations are made only after providing our Client with an opportunity to be heard, in line with the principles of fairness and natural justice.

Our Client reserves all legal rights and remedies to protect its interests and reputation. We trust this response will clarify the matter and lead to the withdrawal of unsubstantiated allegations.

Please note that the complaint in question appears to have been filed with malafide intentions to usurp the tender process. Such actions amount to obstructing and delaying the tender process, which will have a direct adverse impact on the timely publication and distribution of textbooks. Consequently, this delay will deprive children of receiving textbooks on time, thus affecting their education and academic progression

Sajjad Ali Shah

For and on Behalf of the Syed Sajjad Ali Shah & Associates

Syed Sajjad Ali Shah & Associates
Advocates & Corporate Legal Consultants

Copy to:

- i. Chief Secretary, Government of Sindh
- ii. PS to Minister for Education and Literacy Department Govt of Sindh
- iii. Secretary School Education and Literacy Department, Government of Sindh
- iv. MD, SPPRA, Karachi
- v. Registrar, High Court of Sindh, Karachi

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