

May 06, 2024,

TL2024/0506/1A

Mr. Musadik Masood Malik
Federal Minister
Ministry of Energy (Petroleum Division)
Islamabad

Subject: Complaint Against Violation of PPRA Rules 2004 in the Functioning of the Grievance Redressal Committee (GRC) by SSGCL

Dear Sir,

Transparency International Pakistan has received a complaint against the violation of PPRA Rules 2004 in the composition Grievance Redressal Committee (GRC) which is constituted to address the complaints of the bidders. (Annex-A).

The complainant has made the following allegations:

That:

1. M/s SSGCL has constituted Grievance Redressal Committee (GRC) to address the complaints of the bidders.
2. The members of the GRC are:

Name	Designation	Status in GRC
1. Mr. Fasihuddin Fawad	ASGM (CS)	Chairman
2. Mr. Abdul Waheed Jumani	ASGM (Dist-Sindh)	Member / Vice Chairman
3. Mr. Jamshed Nisar	ASGM (Transmission)	Member
4. Mr. Ghulam Moeen Butt	ASGM (TS)	Member
5. Mr. Amir Mumtaz Khan	GM (Coord)	Member
6. Mr. Kamran Nagi	ASGM (SBU L/S) E&W	Member
7. Mr. Naushad Siddiqui	DGM (Audit)	Member/ Convener

3. M/s SSGCL, as mentioned on its website, states that the presence of three members shall constitute the quorum for the committee, in violation of PPRA Rules 2004, Rule 48. Rule 48 mandates that all members of the GRC address the complaints and does not mention the term 'quorum'.

Transparency International Pakistan Comments

Transparency International Pakistan has reviewed the allegation of the complaint, prima facie the allegation seem to be correct. Following are TI Pakistan comments:

1. PPRA Rules 2004, Rule 48 defines the composition and the functioning of the redressal committee to address the complaints of the bidders. PPRA Rule 48 is quoted below: According to the Rule 48 of the PPRA Rules 2004,

48. Redressal of grievances by the procuring agency.-

(1) The procuring agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of bidders that may occur prior to the entry into force of the procurement contract.

2. PPRA Rule 48 requires mandatory presence of all the members of the committee to address the complaints of the bidders and the requirement of the quorum of 3 members out of 6 is in contravention with PPRA Rules 2004.
3. The working of the GRC committee of SSGC is in violation of PPRA Rule 48. It appears that SSGCL has amended Rule 48 to choose 3 likeminded members and favor a pre-selected bidder.

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Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Federal Minister, Ministry of Energy (Petroleum Division) to issue directives to rectify the functioning of the Grievance Redressal Committee in line with the PPRA Rules 2004 and ensure mandatory requirement of the presence of all the members of GRC committee to address the complaints of the bidders, in compliance with PPRA Rule 48, to avoid mis-procurement. All previous decisions of the GRC must be investigated to find out as to why Rule 48 was amended, and the resulting loss caused to the exchequer so that those responsible are hold accountable.

Transparency International Pakistan is striving for across-the-board application of Rule of Law, which is the only way to stop corruption, and achieve Zero tolerance against corruption.

With Regards,

(Advocate Daniyal Muzaffar)
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Managing Director, SSGCL, Karachi
2. Chairman, PMIC, Islamabad
3. MD, PPRA, Islamabad
4. Registrar, Supreme Court of Pakistan, Islamabad

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”

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GRIEVANCE REDRESSAL COMMITTEE (GRC)

Under Rule 48 of Public Procurement Regulatory Authority (PPRA) Rules 2004, SSGCL has constituted a Grievance Redressal Committee (GRC) to address the complaints of bidders that may occur prior to entry into force of the procurement contract. However, Grievance Redressal Committee would also entertain complaints that may occur after entry into force of the procurement contract. The committee comprises of the following:

Name	Designation	Status in GRC	Email	Contact No.
Mr. Fasihuddin Fawad	ASGM (CS)	Chairman	syed.fawad@ssgc.com.pk	021-9021000 Ext 1985
Mr. Abdul Waheed Jumani	ASGM (Dist-Sindh)	Member / Vice Chairman	waheed.jumani@ssgc.com.pk	021-9021000 Ext 1767
Mr. Jamshed Nisar	ASGM (Transmission)	Member	jamshaid.nisar@ssgc.com.pk	021-99022000
Mr. Ghulam Moeen Butt	ASGM (TS)	Member	Ghulam.Moeen@ssgc.com.pk	021-9231500 Ext 1801
Mr. Amir Mumtaz Khan	GM (Coord)	Member	amir.mumtaz@ssgc.com.pk	021-9021000 Ext 1918
Mr. Kamran Nagi	ASGM (SBU L/S) E&W	Member	kamran.nagi@ssgc.com.pk	021-9021000 Ext 1980
Mr. Naushad Siddiqui	DGM (Audit)	Member / Convener	naushad.siddiqui@ssgc.com.pk	021-9021000 Ext 1355

The presence of 3 members shall constitute the quorum for committee. In case unavailability of Chairman, the Vice Chairman will chair the meeting.

Clauses No. 48 and 35 of PPRA Rules 2004 are the core rules for constitution and functioning of the Grievance Redressal Committee. Bidders found to have provided false information in their complaints would be debarred from bidding for a period of three years.