

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 2222 of 2015**

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Order with signature of Judge(s)

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- For hearing of objections to Award

**11.09.2018**

Mr. Shahid Iqbal Rana, Advocate holds brief for  
Mr. Muhammad Shoaib Rashid, Advocate for  
Claimant/Objector  
Ms. Farzana Yasmin, Advocate for Defendant

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A brief is held for Mr. Muhammad Shoaib Rashid, counsel for the Claimant/Objector, who is reportedly busy before Hon'ble Supreme Court of Pakistan.

A perusal of the Award suggests that Mr. Justice (Retd.) Nazim Hussain Siddiqui, the Sole Arbitrator reached to the conclusion as under:-

*"I see no merits in the Statement of Claim filed by the Claimant before this Arbitral Tribunal and the reliefs sought therein, which is hereby dismissed. Claimant is not entitled for any compensation/additional cost and Extension of Time for completion of the Works on the alleged ground of not foreseeable hard ground conditions and in consequence thereof Respondent is entitled to recover/deduct liquidated damages from the Claimant, as per the provisions of Sub-clause 47.1 of General Conditions of Contract and Appendix-A to Bid: Special Stipulations, at the pre-fixed rate of 10% of Contract Price Rs.19,288,183,520.00 mentioned in the Letter of Acceptance, calculated to Rs.1,92,88,352.00 on account of delay in completion of Works up to the date of completion i.e. 15-01-2011 or up to 08-06-2011, the time extended on other grounds, not foreseeable hard ground conditions. The cost of Arbitration proceedings in the sum of Rs.16.00 (M) is granted payable by the Claimant to the Respondent.*

Against this Award, objections were filed, as well as reply of those objections has also been provided.

It seems that from the date of filing of the objections, matter has been adjourned and no substantial progress has taken place. The matter has a financial impact of Rs.19.2 + 16 Million and needs to be adjudicated without any further loss of time.

Accordingly by way of last opportunity, the matter is adjourned to 04.10.2018, at which time, if none is present for the Claimant/Objector and the Defendant's counsel has effected appearance, the matter would be heard ex-parte and decided by placing reliance on the material available on the record.

JUDGE

Barkat Ali, PA