

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D-1347 of 2009

Date of hearing	Order with signature of Judge.
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For Directions

For hearing of CMA 7733/23

31-10-2024

Mr. Sohail Ahmed Khoso, Advocate along with petitioner.
Mr. Zulfiqar Ali Naich, Assistant A.G a/w Sarmad Ali Shah, XEN and
Aftab Ahmed, AEN, Provincial Highways Division, Khairpur.

XEN, Provincial Highways Division, Khairpur is present and places reliance on the comprehensive compliance report filed on 09.05.2024 and submits that default is on the part of contractor who has delayed the project. He further submits that on account of escalation, Rs.172.441 million are required to complete the project. He also stated in the report that Rs.425.338 million have already been utilized for this project, however, no details of such utilization have been given, where petitioner's counsel states that in fact very little work has been done at the site, not worth of Rs.425.338 million upto June, 2023 and requests for the appointment of commissioner from this Court to confirm the veracity of the rival claims. In the circumstances, Mr. Ahmad Ali Memon, P.S to Judge of this Court is appointed as commissioner to visit the site and submit his report together with photographs. The fee of commissioner is fixed at Rs.10,000/-to be paid by petitioner directly and convenience also be provided to him by the petitioner.

Today, a letter has also been placed to this Court that reminders have been sent to the contractor M/s Imdad Ali Mangi & Co. resident of Khairpur to complete the work. To us, the letter was merely issued as a paper work, however, no action has been taken against said contractor, who has been engaged in 2017. It appears that there is fault on the part

of executing agency to complete the work rather on account of lack of funds.

In the circumstances, before adverse orders are passed against the contractor and executing agency, let notice be issued to the above named contractor to be served through SHO concerned as well as learned District & Sessions Judge, Khairpur for the said contractor to be present before this Court on the next date of hearing.

Adjourned to **07.11.2024**, when the Chief Engineer, Highways Department, Sukkur also to be present in person along with relevant record. Let a copy of this order be provided to the office of AAG for compliance.

JUDGE

JUDGE

Ahmad