

IN THE SUPREME APPELLATE COURTR GILGIT-  
BALTISTAN,  
GILGIT  
SMC No 21/2011.  
(Metalling of Basin Raod Gilgit)

Advocate General Gilgit-Baltistan

ORDER DATED.14-10-2011.

This direct petition under article 61 of Gilgit-Baltistan (Empowerment and Self Governance) Order, 2009 has been filed for taking notice in respect of dead project of the construction of road with bridges in Basin area, the contract of which was awarded in 2007 to one Mr. Ahmed Saeed Govt Contractor and advance payment of Rs. 1500000/= was made to him and also another payment of about Rs.700000/- was made after start of work but the contractor abandoned the project which is lying in the same condition for the last about five years. The Executive Engineer B&R Division Gilgit vide latter dated 23<sup>rd</sup> September, 2011 has proposed for re-tendering of the contract in terms of the clause 3(c) of the contract. The XEN and the Chief Engineer present in court have stated that the cost of work done by the contractor was about Rs. 6 lac, therefore, an amount of Rs. 16 lac is recoverable from the contractor.

The learned Advocate General has submitted that rescinding of the contractor at this stage would amount to extend undue benefit to the contractor and cost of the contract will also be much more to the original cost due to increase in the prices in the meanwhile. He has proposed

that the leftover work of the project should be completed by the department in terms of clause 3(b) of the contract at the cost and risk of the contractor. The applicants have submitted that the proposal is workable and order may be passed accordingly.

Having considered the matter in the light of facts and figures provided by the department and the reason for abandoning the contract by the contractor, we direct the department while proceeding under clause 3(b) of the contract will complete the project during the current financial year at the cost and risk of the contractor.

The Chief Engineer and the XEN have pointed out that during the winter seasons metalling work cannot be carried out and consequently, we should suggest that remaining work of the road without metalling be completed during winter and completion of metalling work must be ensured before 30<sup>th</sup> June 2012. This is noticeable that in Gilgit-Baltistan there is a common practice that contractors after getting contract either intentionally delay the execution of work with the purpose of escalation claim or for revise of the rates on the ground of increase in prices and also get mobilization advance without any work. This type of delay in the execution of work at the cost of extra burden on public exchequer and inconvenience of the public must be strongly discouraged. The Chief Secretary Gilgit-Baltistan will look into the matter and may also take appropriate action including the back-listing of the contractors who

have abandoned the contracts without any justification. The Secretary Works will revise the list approved contractors and retain the names of only those contractors on the list of approve contracts who have clean record. This petition with above observation/ direction stands disposed of.

Chief Judge

Judge