

ORDER SHEET
ISLAMABAD HIGH COURT
ISLAMABAD

I.C.A.NO.458 of 2019

IFTIKHAR AHMAD.

Versus

**FEDERATION OF PAKISTAN THROUGH SECRETARY, M/O
PLANNING, DEVELOPMENT AND REFORMS, ETC.**

Sr.No. of order/ Proceeding	Date of order/ proceeding	Order with signature of Judge, and that of parties or counsel, where necessary.
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13.01.2020 Mr. Atta-ul-Haq Akhtar, Advocate for Appellant.

Present Intra Court Appeal, under Section 3(2) of the Law Reforms Ordinance, 1972, has been preferred against the order dated 10.12.2019, passed by the Learned Single Judge in Chamber, in Writ Petition 4294 / 2019, holding the petition not maintainable on the ground that the issue agitated in the petition relates to a purely contractual dispute regarding contract executed beyond the territorial jurisdiction of this Court.

2. Relevant facts as narrated in memo of appeal are that the Appellant entered into contract for construction of Federal Tribunals/Courts Complex, at Peshawar, under Access to Justice Program, approved by the Government of Pakistan. The Appellant utilized his own financial as well as other resources for the construction and completed the building in May 2015, however; the bills of the Appellant for the said work were not paid for want of approval of 2nd revised PC-1. The Appellant, due to delay in payment of his dues, filed complaint against the Respondents before the Wafaqi Mohtasib, which was disposed of with directions to both the sides. The Appellant then filed above mentioned writ petition before this Court seeking direction

for the respondents to file revised PC-1 before the appropriate authority.

3. Learned counsel for Appellant submitted that the learned Single Judge in Chamber has failed to consider all the pros and cons of matter and erred in law while passing the impugned order, which as such, suffers from misreading and non-reading of material available on record. Learned counsel further argued that respondents despite specific government instructions regarding time limit for approval of Projects, neither furnished the revised PC-1 nor placed the same before the CDWP in its meetings which resulted into non-payment of dues to the Appellant for the completed projects. Learned counsel prayed for setting aside the impugned order dated 10.12.2019.

3. We have heard the Learned Counsel for the Appellant and have also perused the impugned order as well as available record.

4. It is observed that the issue pertains to payment of outstanding dues of the Appellant on account of construction contracts by the Respondents. Admittedly, the payments are stuck up for want of approval of revised PC-1, through which variations in the building project will be determined before the payments are made to the Appellant. Therefore, we have no doubt in our mind to conclude that the issue of payment of pending bills raised through the Writ Petition No. 4294 / 2019 as well as this ICA is dependent on factual determination of variations in infrastructure of the construction projects and the Learned Single Judge has rightly held that issue agitated by the Appellant/Petitioner is purely a contractual dispute which

cannot be sorted out by invoking the constitutional jurisdiction of this Court.

5. In view of the above, we are of the firm view that the impugned order passed by the learned Single Judge in Chamber is based on sound reasoning which does not call for any interference, hence, instant I.C.A. is hereby dismissed.

(AAMER FAROOQ)
JUDGE

(LUBNA SALEEM PERVEZ)
JUDGE

*Adnan/**