

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

**Review Petition No.02/2014 in
SMC No. 02/2013.**

Before:-

1. Mr. Justice Rana Muhammad Arshad Khan, Chief Judge.
2. Mr. Justice Raja Jalal-ud-Din, Judge.
3. Mr. Justice Muzaffar Ali, Judge.

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. Secretary Food, Government of Gilgit-Baltistan, Gilgit.
3. Director Civil Supplies and Transport, Gilgit-Baltistan, Gilgit.

..... Petitioners.

VERSUS

Haji Fida Hussain Respondent.

Present:-

1. The Advocate General Gilgit-Baltistan.

**PETITION FOR LEAVE TO APPEAL UNDER
ARTICLE 65 OF GILGIT-BALTISTAN
(EMPOWERMENT AND SELF GOVERNANCE)
ORDER, 2009 READ WITH ORDER XXVI OF
SUPREME APPELLATE COURT RULES 2008
AGAINST THE IMPUGNED JUDGMENT DATED
07.05.2014**

DATE OF HEARING: 13.08.2014

JUDGEMENT

Rana Muhammad Arshad Khan, CJ: This review petition has been filed seeking review of the Judgment dated 07.05.2014, passed by this court in SMC 02/2013 whereby, the contract for the wheat carriage awarded to NATCO, for the period from 01.07.2013 to 30.06.2014, was declared illegal, invalid and the same was executed in violation of the mandatory provisions of the Public Procurement

Regulatory Authority Ordinance, 2002 and Public Procurement Rules, 2004.

2. We have heard the learned Advocate General at a considerable length and perused the record very carefully with his able assistance.

3. We have scrutinized the judgment dated 07.05.2014 rendered by this Court and the review petition filed by the learned Advocate General Gilgit-Baltistan has also been examined. We do not feel inclined to exercise the review jurisdiction, as the every aspect of the case was considered in its depth before rendering the judgment. The minute examination of the judgment transpires that every point raised by the respective parties was taken into consideration and conclusion was drawn in accordance with law applicable to the case in hand. The points, legal as well as factual, raised by the parties during the arguments were adhered to and decided.

4. The review jurisdiction can only be exercised on the ground when there is recovery of new and important legal point or any evidence which was not within the knowledge of the petitioner before the final conclusion of the case. It is strange to note that the petitioner has not pointed out anything which was not taken into consideration by the court before the disposal of the case. The review petition in hand is nothing except the repetition of the points which have already been taken into consideration and decided.

5. Under the law, the scope of the review is very limited and the review can be sought in an extraordinary situation. It cannot be taken as a matter of routine. However, the review jurisdiction can be invoked only where discovery of new and important evidence which after exercise of due diligence was not within the knowledge of the party. The learned Advocate General could not point out any legal as well as the factual point which could be taken into consideration while accepting the review petition. No error, glaring mistake or patent illegality of substantial nature has been pointed out during the argument which cannot be kept on the record of this court for all the time and is required to be corrected under the law. It is very essential to point out that points raised by the learned Advocate General have already been discussed and dilated upon in the judgment under review in a very comprehensive manner.

6. The result of above discussion is that the review petition is meritless, misconceived and the same stands dismissed.

Chief Judge.

Judge.

Judge.