

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE MAQBOOL BAQAR
MR. JUSTICE FAISAL ARAB

Const. P. No.38 of 2016, CRP No.14-K & 47-K of 2017, Crl. Org.P No.8-K of 2017, CMAs 182-K, 273-K to 275-K, 517-K, 518-K, 552-K & 3798 of 2017 in Const. P. No.38 of 2016

Shahab Usto	In Const. P.38/16 & Crl.O.P 8-K/17
Govt. of Sindh thr: Chief Secy. Sindh & others	In CRP 14-K/17
Mirza Naeem Ahmed Mughal	In CRP 47-K/17
Sukkur Municipal Corporation & others	In CMA 182-K/17
North Sindh Urban Service Corporation (NSUSC)	(in CMA 273-K/17)
Khairpur Municipal Committee & others	(in CMAs 274-K & 275-K/17)
M/s Pak Oasis Industries	(in CMAs 517-K & 518-K/17)
Syed Muhammad Shariq Shirazi	(in CMA 552-K/17)
Lal Muhammad & others	(in CMA 3798/17)

Petitioner(s)/Applicant(s)

VERSUS

Govt. of Sindh thr. Chief Secy. & others	In Const. P.38/16, CRP 47-K/17, CMA 275-K & 3798/17
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Shahab Usto	In CRP 14-K/17, CMAs 273-K & 274/17
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Rizwan Memon & others	Crl.O.P 8-K/17 <i>Respondent(s)</i>
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For the Petitioner In Const. P.38/16 & Crl.O.P 8-K/17)	: Shahab Usto, In person
In CRP 14-K of 2017	: Mr. Zamcer Ghumro, AG Sindh
In CRP 47-K of 2017	: Mr. Farooq H. Nack, Sr. ASC
In CMA 182-K/17	: Mr. Arslan Islam Shaikh, Mayor Sukkur
In CMA 274-K & 275-K/17	Mr. Mr. Abid S. Zubari, ASC
In CMA 273-K/17	: Mr. Adnan Iqbal Ch, ASC
In CMAs 517-K to 518-K/17	: Nemo
In CMA 552-K/17	: In person
In CMA 3798/17	: Mr. Abdul Majceeb Pirzada, Sr. ASC
For the Respondents(s)	: Ms. Abida Parveen, ASC Mr. Abrar Hussain, ASC Mr. M. Iqbal Ch, AoR Mr. K. A Wahab, AOR Mr. Nafees A. Shaikh, Chief Engr. Public Health Mr. Riaz Soomro, Secy. Public Health Mr. Asadullah Khan, DMD, KW & SB

Date of Hearing	: 07.9.2017
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ORDER

Pursuant to order passed by this Court of which review has been sought. Paragraph 42 relates to the direction to continue the work by NSUSC in respect of construction of Sukkur Water Supply Intake Pump Station on Rohri Side of Bakhar Island and Allied Pipe Works. This Court on review petition directed the Government of Sindh to provide detail of stage of such scheme so as to sanction the fund as requested. Report No.77-K of 2017 has been filed today which merely shows that 85% physical progress has been made and 15% remains to be performed.

2. It appears that the pumping station for intake of water was to be installed with allied construction. No physical detail of work executed has been placed on record even the Advocate General Sindh is not clear in categorical terms what is the nature that remains to be performed, let such proper report with certification of concerned Executory Authority and Consultant be placed on record alongwith photographs of executed work before any further sanction of the funds could be made, let the needful be done within fifteen days.

3. As regards to the forensic audit Advocate General Sindh states that one of the Auditors firm AF Ferguson & Co. has shown inability to render the services on 09.06.2017. Only KPMG has shown willingness subject to terms and conditions.

4. Mr. Adnan appearing for NSUSC states that audit has already been carried out by M/s Ernst & Young Ltd. and M/s Deloitte Chartered Accountants and Auditor General of Pakistan as well. It is stated that such facts was not brought to the notice of learned Commission comprised of a judge of High Court on account of some differences with internal auditors whose contract had expired. Mr. Usto learned counsel who is appearing in this pro bono matter states that no such audit reports were placed before



the Commission; therefore, instant order was passed. Since it is claimed that such audit was conducted but on account of lack of assistance by the officers of the Government of Sindh, such audit reports have been filed, Mr. Adnan undertake to provide the copy of CMA alongwith the audit reports, Mr. Usto shall examine the same if there is any deficiency it may be attended to on the next date of hearing.

5. In view of the intricacies involved, this matter needs detail hearing and examining voluminous Commission Reports, which will consume considerable time.

6. It is also stated that unless projects are initiated and completed before June, 2018 the entire exercise would go wastage and resources would be lost. It is, therefore, stated by all the learned counsels that this matter does require urgent hearing day to day on regular basis to resolve the outstanding controversy and the plight of the people of the Sindh. According to them the matter may be fixed at earliest.

7. We are afraid that we cannot order such fixation, such is the domain of the Hon'ble Chief Justice of Pakistan and it is subject to the Hon'ble Chief Justice of Pakistan to designate and detail a Bench to hear this matter. We at the best could direct the office to place this matter before Hon'ble Chief Justice of Pakistan for consideration of request of all the learned counsels for fixation of this case at date as may be deemed expedient for effective resolution and disposal.

8. Office to number all the applications and it is expected that all the counsels who have filed review applications and additional documents may supply the same and exchange *inter se* by the counsels themselves instead filing it in office as invariably on each date of hearing number of counsels complain that they have not received the copy or copies filed in office were short of the number of counsels attending the proceedings.

W.G.

9. Subject to all just exceptions the applications of review filed by the counsels may be numbered by the office to facilitate early decision.

10. All the counsels present in the Court may examine the report of the Commission and file the respective comments/objections if any to be heard on the next date. The report of the Commission may separately be uploaded on the website; those interested may download the same for the purpose of filing objection if any.

Karachi, the
07th September, 2017
Syed Farhan Ali

