

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

Original Petition No.01/2014 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.

Haji Fida Hussain

..... Petitioner.

VERSUS

1. The Director Civil Supply Gilgit-Baltistan.
2. The Secretary Food and Agriculture, Gilgit-Baltistan.
3. Managing Director, Gilgit-Baltistan

..... Respondents.

**“APPLICATION UNDER SECTION 6 OF ORDER
27 OF SUPREME APPELLATE COURT RULES
AGAINST THE RESPONDENTS FOR
VIOLATION OF JUDGMENT/ORDER DATED
07.05.2014”**

Present:-

1. Malik Shafqat Wali, Senior Advocate alongwith Mr. Sharif Ahmed advocate for the petitioner.

Date of hearing: 13.08.2014.

JUDGMENT

Rana Muhammad Arshad Khan, CJ: This contempt of Court petition has been filed in the Court stating therein that this court had rendered a Judgment dated 07.05.2014 declaring that the contract awarded to Northern Areas Transport Company for the carriage of wheat from Islamabad to Gilgit-Baltistan, for the period

from 01.07.2013 to 30.06.2014, was illegal and invalid and the contract was executed in the favour of NATCO in sheer violation of the mandatory provisions of Public Procurement Regulatory Authority Ordinance, 2002 as well as the provisions of Public Procurement Rules, 2004.

2. The learned counsel for the petitioner has vehemently argued that the concerned authorities have not complied with the direction given by this court. He argued further that the respondents/alleged contemnors have not only refused to act upon the direction of this court rather they acted in derogation of the dictum laid down in the judgment.

3. We have heard the leaned counsel for the petitioner at length and perused the judgment dated 07.05.2014 very carefully.

4. During the arguments, it has been noticed that the judgment was rendered on 07.05.2014 and the period of previous contract was to expire on 30.05.2014. The procedure laid down in the Public Procurement Regulatory Authority Ordinance, 2002 and the Public Procurement Rules, 2004, if complied with, had to take a sufficient time. It has also been noticed that the wheat carriage contract for the year 2014-2015 has already been awarded and the work order has reportedly been issued.

5. The petitioner in his petition has not raised any ground regarding any willful disobedience to the judgment/order passed by this court and has not shown, in any paragraph of the petition, any act of the concerned authorities, which is said to be contumacious

conduct of public functionaries to obstruct the course of justice or cause any hindrance in administration of justice. There are many categories of contempt. It is correct that non compliance of the judgment/order of the court in its letter and spirit is tantamount, prima facie, to lower and undermine the authority of the Court and it calls for action against him for contempt of Court under Article 75 of the Gilgit-Baltistan (Empowerment and Self Governance) Order, 2009 read with Section 3/4 of the Contempt of Court Ordinance, 2003. However, we, while exercising restraint, have decided not to proceed against the respondents following the principle that this jurisdiction has to be exercised very sparingly on case to case basis and only in very serious cases. Even on factual aspect, in order to issue the notice of Contempt under Section 3 of the Contempt of Court Ordinance, 2003, it is required that the facts be gone into thoroughly to ascertain as to whether or not the contempt has been committed? The petitioner has not brought on record any material to show that the respondents have acted in derogation of the judgment of this Court or have brought any kind of disrespect to the authority of the court or the administration of justice.

6. In this view of the matter, which formulate prima facie opinion, the court is not required to take into consideration all the facts in depth. The Court has only to satisfy itself whether the petitioner has brought an arguable case before the court or not? The petitioner could not make out any case to proceed against the respondents for contempt of Court.

7. Resultantly, we find no substance in the contempt petition and the same is dismissed.

Chief Judge.

Judge.

Judge.