

IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD

(ORIGINAL JURISDICTION)

Human Right Case No 32686- S/2012

Application by Syed Adil Gilani, 5C, 2nd Floor Khayaban-e-Ittehad, Phase VIII,
DHA, Karachi

The complaint of illegal Amendment Agreement dated April 2009 with KESC and providing KESC illegal benefits over and above terms of Implementation Agreement dated 14th Nov. 2005, and granting concessions of billions of rupees per annum to KESC at the cost of the exchequer.
Bribing offer to Senator

Respectfully Sheweth;

Further to my letter dated 15th February 2013, submitted to the Honorable Supreme Court Of Pakistan on the Senate Standing Committee on Water and Power declaring privatization agreement 2005 as illegal, FBR declaring KESC as Tax defaulter, and Secretary Ministry of Water & Power declaring KESC Amended Agreement 2009 were based on بدیعتی, I submit further violations by KESC which has been attributed in press on 22nd March 2013 to the Chairman Senate Standing Committee on Water and Power, Senator Shahi Syed.

1. The sub-committee of the Senate Standing Committee on Water and Power has directed the officials of Finance to give complete details of billions of rupees wavier given to Karachi Electric Company Limited (KESC) from 2005-08.
2. The committee raised the issue of billions of rupees wavier given to the KESC by the federal government and asked that under whose directions National Bank of Pakistan and United Bank limited gave guarantees for it.
3. Sub-committee asked the officials to give names of members of ECC and minutes of the ECC meetings in which it was decided to amend the agreement of privatization of KESC.
4. KESC is taking electricity at subsidized rates from the National grid and on the other hand it is also taking extra charges from the poor consumers.
5. Humayun Mandokhel said that committee is strongly concerned about amendments done in the agreement through which wavier was given to KESC, adding that it is the basic thing. He said that when Al Jummaiah had defaulted, why KESC was further given to Abraj Company and why privatization commission remained silent spectator of the situation.
6. That Convener of the committee Senator Shahi Syed:
 - Revealed that KESC management has offered him 20% Commission for collecting bills in his area.
 - Directed to give details that from 2005-08 how much payments made to KESC and under which conditions while how much amount is in balance?
 - Said that children of political personalities have been accommodated at salaries between 5 lacs to 25 lacs in the KESC, therefore politicians are silent over it. This situation resulted into loss for the KESC that is beyond our understating. However, now the time has come when we have to stop this loss,
 - Said KESC is collecting TV fee from mosques but they had not deposited the amount to PTV so far.
 - Said that KESC has bought everybody, and PPP and MQM are collecting 20% commission in their areas.
 - Said that with the blessing of politicians such colossal loss has occurred but no official is ready to tell the truth.

Section 9. Corruption and Corrupt Practices

- a. A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices:-
- i. If he accepts or obtains from any person or offers any gratification directly or indirectly, other than legal remuneration, as a motive or reward such as is specified in section 161 of the Pakistan Penal Code (Act XLV of 1860) for doing or for-bearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person; or

Section 10. Punishment for Corruption and Corrupt Practices

- a. A person who commits the offence of corruption and corrupt practices shall be punishable with imprisonment for a term which may extend to 14 years, or with fine, or with both,

The Statement of Senator Shahi Syed on bribing practiced by KESC , specially offer to him is an act of blatant corruption.

An indulgence of the Honorable Court in the matter is prayed for.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

Yours Obediently,



Syed Adil Gilani,
Adviser

25 March 2013

Ecnl; News reports



کے ای ایس سی کی جانب سے 20 فیصد کمیشن کی آفر قبول نہیں کی، شاہی سید

پیشکش زیر اثر علاقوں سے واجبات وصول کرانے سے مشروط تھی، پانی و بجلی کی ذیلی کمیٹی کے اجلاس میں انکشاف

اسلام آباد (طاہر خلیل) جمعرات کو سینیٹ قائمہ کمیٹی برائے پانی و بجلی کی ذیلی کمیٹی میں کمیٹی کنوینر سینیٹر شاہی سید نے انکشاف کیا کہ انہیں کے ای ایس سی کی انتظامیہ نے آفر کی کہ اپنے زیر اثر علاقوں سے بجلی بلوں کے بقایا جات وصول کراؤ تو کے ای ایس سی 20 فیصد کمیشن دے گا مگر نے انکار کر دیا۔ سینیٹر شاہی سید نے مزید بتایا کہ 20 فیصد کمیشن پر پیپلز پارٹی اور ایم کیو ایم والے اپنے اثر و رسوخ والے علاقوں سے بجلی بلوں کے واجبات وصول کرتے ہیں۔ کے ای ایس سی اور حکومت کے مابین ترمیم شدہ معاہدے پر غور کے دوران سینیٹر شاہی سید نے بار بار وزارتوں کے حکام کو تاکید کی کہ تمام برمنگم پیپرز انگریزی کے ساتھ ساتھ اردو میں تحریر کر کے آئندہ اجلاس میں پیش کریں۔ کابینہ ڈویژن حکام نے بتایا کہ اسپیشل سیکرٹری اور ایڈیشنل سیکرٹری علیلیں ہیں، اس لئے نہیں آسکے، یہ سن کر چیئرمین سینیٹر شاہی سید نے سر پکڑ لیا اور کہا کہ ان دو افسران کے بغیر کوئی فیصلہ نہیں کر سکتا۔



بین الاقوامی کمیٹی کے رپورٹ کے مطابق پاکستان کی معاشی ترقی کی رفتار میں کمی ہوئی اور حکومت کو اس کی ترقی کو فروغ دینے کے لیے اقدامات کی ضرورت ہے۔

اضافی بلنگ جاری، سیاسی جماعتوں کو وصولیوں پر کمیشن دیا جا رہا ہے، نئے

معاهدے میں ترمیم سے بڑا نقصان ہوا، شاہی سید

چھ سال میں پیداوار 93 ارب سالانہ سے 4 ارب یونٹ رہ گئی، سینئر شاعر محمد،

معاهدے سے کوئی نقصان نہیں ہوا، ممبر نیپرا

اسلام آباد (نمائندہ دنیا) سینٹ کی قائمہ کمیٹی برائے پانی و بجلی کی ذیلی کمیٹی نے کراچی ایکٹریک سپلائی کمپنی (کے ای ایس سی) کے ساتھ کیے جانے والے عملدرآمد کے معاہدوں کی دستاویزات، اس کی منظوری دینے والے وزراء اور حکام کی تفصیل اور نجکاری کے فوائد اور نقصانات کی تفصیلات دو ہفتوں میں طلب کر لی ہیں، کمیٹی کا اجلاس سینئر شاہی سید کی زیر صدارت ہوا، اجلاس میں خزانہ، کابینہ ڈویژن، پانی و بجلی اور نجکاری کمیشن کے سیکریٹریوں نے شرکت نہیں کی، سینئر شاہی سید نے پوچھا کہ 2009 میں کے ای ایس سی کی فروخت کے نئے ایک طرفہ عملدرآمد معاہدے کی کس طرح منظوری دی گئی، کس نے ای ایس سی سے معاہدے کی منظوری کروائی، ممبر نیپرا خواجہ نعیم نے کہا کہ وزرا کی کمیٹی نے 2009 میں معاہدے میں ترمیم کی منظوری دی، ہمارے نکتہ نظر سے اس معاہدے سے کوئی نقصان نہیں ہوا، شاہی سید نے کہا کہ 2006 سے 2008 تک کے ای ایس سی کو 31 ارب روپے کاریلیف دیا گیا، کے ای ایس سی نے سیاستدانوں کے بیٹوں کو 5 سے 25 لاکھ روپے تنخواہوں پر رکھا ہوا ہے، کے ای ایس سی نے سب کو خرید رکھا ہے، کراچی میں وصولی کے لیے سیاسی جماعتوں کو ٹھیکہ دیا ہوا ہے، پیپلز پارٹی اور ایم کیو ایم اپنے علاقوں میں 20 فیصد کمیشن پر وصولیاں کروا رہی ہیں، غریب لوگوں سے زبردستی زیادہ بل وصول کیے جاتے ہیں، مساجد سے بھی ٹی وی فیس لی جا رہی ہے، سیاستدانوں کی پشت پناہی سے کمپنی کے ساتھ نئے معاہدے میں ترمیم سے ملک کو اتنا بڑا نقصان ہوا لیکن افسران میں سے کوئی سچ بولنے کو تیار نہیں، سینئر شاعر محمد کا کہنا تھا کہ 2006 میں کے ای ایس سی کی سالانہ پیداوار 93 ارب یونٹ تھی، 2012 میں یہ پیداوار 4 ارب یونٹ سالانہ رہ گئی۔

PAKISTAN TODAY

Senate body seeks details of wavier given to KESC

ISLAMABAD - The sub-committee of the Senate Standing Committee on Water and Power has directed the officials of Finance to give complete details of billion of rupees wavier given to Karachi Electric Company Limited (KESC) from 2005-08.

The committee also asked the officials of the ministry of water and power to provide record that why initial agreement of privatization of Karachi Stock Exchange Company (KESC) was amended in 2009 and under which conditions this agreement of 2005 was amended in 2009.

The sub-committee of the Senate Standing Committee on water and power met here on Thursday with Senator Shahi Syed in the chair and annoyed the poor performance of KESC which has been failed to facilitate the consumers. Committee said that on one side KESC is taking electricity at subsidies rates from the national grid and on the other side it is also taking extra charges from the poor consumers. The committee raised the issue of millions of rupees wavier given to the KESC by the federal government and asked that under whose directions National Bank of Pakistan and United Bank limited given guarantees for it. Officials of the Finance remained failed to respond the queries of the senators that was resented the legislative body and directed them to give complete details in next meeting.

Senator Humayun Mandokhel said that in a bid to wave off billion of rupees for KESC the whole agreement was amended and foreign company was given benefit through it.

Officials informed that all this done after directions of economic coordination committee of the cabinet and agreement was in national interests.

Sub-committee asked the officials to give names of members of ECC and minutes of the ECC meetings in which it was decided to amend the agreement of privatization of KESC. They also asked to give details that how much KESC is generating from its own resources and how much it is getting from national grid.

Senator Nisar Muhammad asked that either mechanism has been adopted in power purchase agreement between NTDC and KESC to award penalty to the KESC in case of any violation. NTDC officials informed that no such mechanism has been devised in the agreement.

Humayun Mandokhel said that committee is strongly concerned about amendments done in the agreement through which wavier was given to KESC, adding that it is the basic thing. He said that when Al Jummaiah was defaulted then why KESC was further given to Abraj Company and why privatization commission remained silent spectator of the situation.

Convener of the committee senator Shahi Syed directed to give details that from 2005-08 how much payments made to KESC and under which conditions while how much amount is in balance? He said that children of political personalities have been accommodated at attractive salaries in the KESC therefore politicians are silent over it. this situation resulted into loss for the KESC that is beyond our understating however now time has come when we have to stop this loss, Shahi Syed added. He said KESC is collecting TV fee from mosques but they did not paid the amount to PTV so far.

During the meeting officials of SSGCL informed the committee that Rs 46.6 billion are outstanding till February 2013 by KESC and SSGCL is providing 170mmcf gas to the company.