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CAPITAL DEVELOPMENT AUTHORITY  
( Coordination Directorate )

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MINUTES OF THE MEETING OF  
THE CDA BOARD.

The Board meeting was held on Monday, the 20th February, 1989 at 11.00 AM in the Conference Room of the Capital Development Authority. The following attended :-

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|------------------------------------|----------------------|
| 1. Chairman.                       | - In chair           |
| 2. Commissioner, Rawalpindi        | - Ex-Officio Member. |
| 3. Member (Planning).              |                      |
| 4. Member (Engineering).           |                      |
| 5. F. A / Member.                  |                      |
| 6. Member (Administration).        |                      |
| 7. Secretary, CDA.                 |                      |
| 8. Project Director Faisal Mosque. |                      |

2. Initiating the discussion, Chairman, CDA welcomed the Commissioner, Rawalpindi and thanked him for sparing the time to attend the meeting. He informed the meeting that the Administrator, ICT, Islamabad who was also invited to attend the meeting could not do so due to his other pre-occupations. The Board took up consideration of the working paper regarding the item of the agenda circulated on 19th February, 1989 i.e. the claim of Mr. Gulgee for the manufacturing of crescents for the Faisal Mosque. The background of the case was briefly explained by Member (Engineering). He informed the Board that the original contract amount for the work was Rs.33 lacs against which Rs.29 lacs had already been paid to Mr. Gulgee. He added that the present claim of Mr. Gulgee for Rs.37.12 lacs was over and above the original contract amount of Rs.33 lacs. Since there was a big disparity between the amount being claimed by Mr. Gulgee and the amount worked out by CDA on the basis of actual work done, CDA did not agree to pay the same as it was not considered justified. However, in order to resolve the issue, a High Powered Technical Committee comprising the Secretary, Ministry of Water and Power, Managing Director, Heavy Mechanical complex and the Deputy Accountant General, Office of the Auditor General of Pakistan was constituted by the Cabinet Division. The said

Committee after examining the issue had recommended that payment of Rs.20 lacs over and above the original contract amount be made to Mr. Gulgee by way of a fair settlement.

The issue was then discussed at length by the Board in the light of terms of reference provided to the Committee constituted for the purpose. The Board felt that as the rationale on the basis of which the Committee had arrived at the figure of Rs.20 lacs to be paid to Mr. Gulgee, had not been indicated, it was difficult for the Board to determine precisely the correctness of the settlement amount recommended. However, since the Committee was required to examine the claims put forward by Mr. Gulgee and to suggest a just and equitable compensation with specific reference to terms which inter-alia involved consideration of a) The quantum of work done, b) Its extra ordinary nature, c) The terms of the contract between CDA and Mr. Gulgee, it was reasonable to presume that the High Powered Technical Committee had taken into consideration all the relevant factors in recommending a settlement of Rs.20 lacs. The Board noted that the recommendations of the ~~broad~~ based, High Powered Technical Committee implicitly appeared to have been endorsed by the Cabinet Division also. Mention was also made of the fact that in a structural effort like the Faisal Mosque Crescents which were simultaneously ' Works of Art ' it was difficult to compute the effort in exact monetary terms. The Board believed that acceptance of the recommendations of the Committee would resolve a long outstanding issue on which the CDA and the Contractor (Mr. Gulgee) had not been able to find common ground.

3. The Board agreed that the payment of Rs.20 lacs against his claim of Rs.37.12 lac as recommended by the Committee, be made to Mr. Gulgee. However, Member Planning, CDA (Mr. Shafi M. Sewhani) did not endorse the decision and stated that he was of the opinion that the Committee appointed by the Cabinet Division had acted more as an arbitrator and had arrived at what was essentially a negotiated amount rather than an amount computed on the basis of actual work done. The dissenting opinion was recorded.