

ENERGY SECTOR

CRIMES

OF

NAWAZ SHARIF

& CO.

LOSS TO PAKISTAN:
\$21.23 BILLION
(RS. 2123 BILLION)

NAWAZ SHARIF
CORRUPTIONS &
KICK BACKS:
\$.3.22 BILLION
(RS. 322 BILLIONS)

IRREPUTABLE
EVIDENCES AND
PROCFs SUBMITTED
TO SUPREME COURT
OF PAKISTAN

**PETITION FILED IN SUPREME COURT OF PAKISTAN
VIDE LETTER NO. 27504 DATED 9-11-2016**



Shipper's A/c. No.
Reference / Job

History ID 1116KHIX032069016011911

306019793680

COURIER	
Origin	Destination
KHI	ISB

CP
TCS Headquarters, 101-104, Civil Aviation Club Road, Karachi - 75202, Pakistan.
Tel: (021) 111 123 456, Web: www.tcs.com.pk
TCS (Private) Limited

From (Shipper)

MALIK SHAHID AHMED KHAN UTP

C/O SUPERINTENDENT CENTRAL PRISON, KARACHI

Phone# 02199230882
SMS 03332159923

Email
KARACHI

Shipment Detail	Coupon	Discount
Declared Value		
0.00		

Pieces	Weight
1	4.00
Dimension of Shipment	
0 0 0	
Service Type	
REDBOX 5KG	
Mode of Payment	

To (Consignee)

THE REGISTRAR

HONORABLE SUPREME COURT OF PAKISTAN ISLAMABAD

Phone#

Ref. No

SHIPMENT MIGHT BE DELAYED DUE TO BAD WEATHER

Receiver's Signature

Date 09/11/2016
Time 1:45:37I

CASH	
Charges	Pak. Rupees
Service	796.00
Out of Serv	0.00
Handling	0.00
Others	0.00
GST	104.00
Ins.Chg	0.00
Partner Amt.	0
Total	900

ISLAMABAD Sender's Authorization

I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusions of contract between shipper and TCS (PVT) LTD.

Shipper's Signature

Booking Details

Staff 90160 Hafeez Ur Rehman

Route X03206 Date 09/11/2016 Time 1:45:37PM

Receiver's Signature: JAIL CHOWRANGI Receiving Time

Shipper Copy



A 24/7 courier pickup service allowing you to send your documents & parcels up to 25 kgs right from your doorstep. We promise to reach you in 60 minutes guaranteed, pick and pack your parcel, and forward to your desired destination. Be it a Holiday or 3am in the morning, We are HAZIR!

This service is initially available in Karachi, Lahore, Islamabad & Rawalpindi

Telephone No.021-99230882

OFFICE OF THE SENIOR SUPERINTENDENT CENTRAL PRISON KARACHI

NO.UTB/A&R/Misc.letters 27504

DATED: 09 .11.2016




To,

The Registrar,
Honourable Supreme Court of Pakistan,
Islamabad.

SUBJECT: JAIL PETITION IN RESPECT OF UNDER TRIAL PRISONER MALIK SHAHID AHMED KHAN S/O MALIK ATTA MUHAMMAD KHAN CONFINED IN CENTRAL PRISON KARACHI.

I have the honour to forward herewith Jail Petition (in triplicate)

along with prescribed proforma of above named under trial prisoner, presently confined in Central Prison Karachi, for further necessary action.


 SENIOR SUPERINTENDENT
CENTRAL PRISON KARACHI



PROFORMA

To be filled by the Superintendent Jail Concerned prior to Forwarding the Jail Petition & Power of Attorney / Vakalatnama to the Supreme Court of Pakistan

Malik Shahid Ahmed Khan S/O Malik Atta Muhammad Khan... Versus ... The State

- | | |
|--|--|
| 1. Name of the Convict/Prisoner: | Malik Shahid Ahmed Khan |
| 2. Father's Name: | Malik Atta Muhammad Khan |
| 3. Conviction +Fine / Compensation, if any/under section.: | Under Trial Prisoner in case Nab Reference No 42/2015, U/S 9/10 Nab Ord. |
| 4. Case No./ FIR No. Date and Police Station: | Reference No.42/2015, . |
| 5. Trial Court / Date of Sentence: | Honourable Accountabilty Court No II Karachi |
| 6. Benefit of Section 382-B Cr.P.C(Whether granted or not?): | |
| 7. Appellate Court / Criminal Appeal No.: | |
| 8. Bench of the High Court / Date of Decision.: | |
| 9. Remissions, if any: | -- |
| 10 Date of forwarding of Petition / Vakalatnama (Power of Attorney): | 09.11.2016 |
| 11 Sentence Undergone.: | -- |
| 12 Sentence Remained: | -- |
| 13 Probable Date of Release: | -- |

Seal Senior Superintendent
Central Prison Karachi


9/11/2016
(Signature of Superintendent Jail)

IN THE SUPREME COURT OF PAKISTAN
SWORN AFFIDAVIT

AFFIDAVIT: of Mr. Malik Shahid Ahmed Khan s/o Brig (Retd.) Atta Muhammad Khan Malik S.I(M) having CNIC: 42401-6838836-5 Chief Executive Officer, NORDIC 1 and DMEDIA and ex-CEO NBT Wind Power Pakistan (Pvt.) Ltd. having its registered office at F/8, Hatim Alvi Road, Block No.4, Clifton, Karachi, Pakistan.

I, the above named Deponent, do hereby solemnly affirm and declare as under:

1. I am a citizen of Pakistan, Ex-CEO of NBT Wind Power Pakistan (Pvt.) Ltd and am CEO of NORDIC 1, DMEDIA and Consolidated Power (Pvt.) Ltd.
2. That I have filed accompanying fact sheet with supporting documents before all concerned and the contents of the same may kindly be read as an integral part of this affidavit.
3. That the content of the accompanying fact sheet of wrong doings of the Sharif's government and gross injustice incurred, and all further documentation and/or information to be provided by me in connection with the accompanying fact sheet shall, are true to the best of my knowledge and belief of and according to the information received and held by the Deponent.

Malik

DEPONENT

VERIFICATION

Verified on oath on this day 9th of Nov 2016 that the contents of this affidavit are true to the best of my knowledge and belief.

Malik

DEPONENT

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

CONSTITUTIONAL PETITION No. _____ OF 2016
THROUGH SUPERINTENDENT CENTRAL PRISON KARACHI

1. Malik Shahid Ahmed Khan, son of Atta Muhammad Malik, Muslim,
Adult, presently confined in the custody of NAB Sindh in Central
Prison Karachi.

.... Petitioner

Versus

1. Prime Minister Nawaz Sharif, through Principal Secretary, Prime Minister
Secretariat, Constitution Avenue, Islamabad
2. Chief Minister Shahbaz Sharif, through Chief Secretary, Government of
Punjab, The Mall, Lahore.
3. Minister of Water and Power, Khawaja Asif, Block – A, Main Secretariat
Building, Constitution Avenue, Islamabad
4. Secretary, Minister of Water and Power, YonusDagha, Block A, main
Secretariat, Constitution Avenue, Islamabad
5. Federation of Pakistan, through Secretary Minister of Interior,
Government of Pakistan, Main Secretariat Building, Constitution Avenue,
Islamabad.
6. National Accountability Bureau (NAB) through its Chairman, DG NAB
Sindh and Assistant Director (Investigation), Main Constitution Avenue,
Islamabad and Regional Office at PRCS building 197/5, DrDaudpota
Road, Karachi.

.... Respondents

**PETITION UNDER ARTICLE 184 (3) OF THE CONSTITUTION OF THE
ISLAMIC REPUBLIC OF PAKISTAN, 1973**

The Petitioner aforementioned respectfully submits as follows:

FACTS OF THE CASE

1. THAT **Zeni Wind Power (Private) Limited**, a company owned by NBT AS Norway (ZWPL) applied for developing a 50 MW Wind Farm in Gharo Wind Corridor to the AEDB¹, after completion of all legal formalities, the LOI² was awarded to ZWPL in February 2009. AEDB, NTDC³, GOS⁴, EPA⁵ and all other relevant government bodies approved the project. Furthermore, all other relevant geo physical studies were also conducted.

(Copy of the Letter of Intent along with Bank guarantee dated 02.02.2009, Site Selection Study, Letter from NTDC dated 02.12.2011 and letter from EPA dated 23.10.2012 is filed herewith and the same is marked as annexure 'A', 'B', 'B-1' and 'B-2' respectively for the perusal and kind consideration of this Honorable Court)

2. THAT AEDB has over the years given almost 22,000 Acres of land on lease to many companies, most of which have failed to establish projects, however it denied the lease to ZWPL. As such, ZWPL had to purchase land in the Wind Corridor in district Thatta from private owners. The Land Revenue Department in Thatta issued the NOC for Sale to the sellers and the land was sold as un-surveyed land.

(Copy of the sale agreement dated 26.12.2008, sale deed, copies of form VII are filed herewith and the same is marked as annexure 'C', 'C-1' and 'C-2' respectively for the perusal and kind consideration of this Honorable Court)

3. THAT the possession of the land was not formally given due to land records having been burnt after the demise of Benazir Bhutto. The company was informed that a new record had to be constructed and that once that is done the Survey Commissioner will send a team, paid for by

¹Alternate Energy Development Board

² Letter of Intent

³National Transmission and Dispatch Company Limited

⁴Government of Sindh

⁵Environmental Protection Agency

the company, to do the official demarcation whereafter the possession will be given to the company.

4. THAT in the meanwhile, at the request of the then Prime Minister Mr. Yousuf Raza Gillani, the company decided to increase its exposure in Pakistan and acquired the largest concession in Pakistan of developing additional 500 MW and this was done through acquiring a LOI. The 50MW project could not be implemented either, as company was not given possession of land as the land sold does not exist.

(Copy of the Letter of Intent dated 16.08.2011 and Letter of the Mukhtiarkar dated 18.05.2015 is filed herewith and the same is marked as annexure 'D' and 'E' respectively for the perusal and kind consideration of this Honorable Court.)

5. THAT **NBT WIND POWER (Private) Limited** became the largest foreign investor in the renewable energy sector and paid USD 300,000/- fees in terms of bank guarantees. All studies were undertaken on the land leased by the Sindh Government, five wind masts were put in place and millions of dollars were spent in completing the prerequisites. However, when the PML-N Government was sworn in 2013, they changed policy and cancelled the front-end tariff⁶ and later announced a lower tariff, hence changing all goal posts in the renewable energy sector.

(Copy of news report confirming land allotment to NBT is filed herewith and picture with PM attached attached as annexure 'F' for the perusal and kind consideration of this honorable court)

6. THAT as a result of this, AEDB en-cashed NBT's guarantees for the 550 MW projects. All the money invested by NBT has gone to waste and it has now almost closed its operation in Pakistan. The petitioner left NBT in the end of 2012 and Lt. General (R) Hamid Rab Nawaz became the new CEO. The PML-N Government closed down the largest wind farm project even though it had no fuel/operations costs like thermal units to be prepared as currently pursued by the Sharif Government. These wind farm projects were based on total direct foreign investment and not to be built on taxpayers account. Regardless, 16 of the 50 MW size projects are stalled by the PML-N Government and only sanctioned in Southern

⁶ Standard Tariff to be decided by NEPRA irrespective of the costs incurred in the project. It is different to cost plus tariff

Punjab. Tariff given to its Solar Farm was Rs 17/KwH while denying Rs 14/KwH for wind.

7. THAT after leaving NBT Pakistan in 2012, the petitioner pursued the development of the Thar Coal fields. The Sindh Province is richly endowed with Coal reserves, estimated at 176 Billion Tons. I collaborated with Sino Sindh Resources (Private) Limited which held Thar Coal Block No. 1. We convinced the Provincial Government to offer more blocks in Thar. The Minister of Energy and Finance Sindh accepted our request and offered four new blocks with a new and more stringent bidding framework. We brought in two major Chinese companies; SGCC⁷, through its International EPC⁸ contractors arm, CET and HEI⁹. I invested the money for the bids in order to ensure that CET and HEI will be responsive. I worked with them and TCEB¹⁰ and eventually Block No. 4 was awarded to HEI.

(Copy of the letter from HEI dated 14.06.2014, letter from SGCC dated 23.04.2013 and 25.06.2014, letter of Expression of Interest from HEI dated 27.02.2014, and Proposal Bond dated 28.02.2014 alongwith letter of HEI explaining project to Sindh Coal Authority is filed herewith and attached as annexure 'G', 'G-1', 'G-2' and 'G-3' respectively for the perusal and kind consideration of this honorable court)

8. THAT CET/SGCC had bid for Block No. 8 but they were offered Block No. 10, which was declined. HEI is a large state owned company and we worked together to develop Thar Block No. 4 as an open pit mine with a 1320 MW power plant on site through 2.3 Billion Dollar investment. We secured the exploration rights under the new SPV¹¹ for mining and for power generation incorporated with its office in my office premises. The Agreement was signed, bank guarantees were extended and eventually Exploration License was issued and work on site was initiated in the end of 2014.

⁷State Grid Corporation of China

⁸ Engineering Procurement Contract

⁹Harbin Electric Industries

¹⁰Thar Coal Energy Development Board

¹¹Special Purpose Vehicle

(Copy of the application for Exploration license and Letter to Sindh Coal Authority is filed herewith and attached as annexure 'H-1' and 'H-2' respectively for the perusal and kind consideration of this Honorable Court)

9. THAT the energy crisis by the end of 2013 had become even more acute and the PML-N Government was blundering along with initiatives like approving and inaugurating a 6600 MW imported coal based complex in Gadani costing billions for infrastructure. This was an ill-conceived project on which I wrote a paper explaining that it was doomed to fail. It was inaugurated without proper studies being conducted. Later on the number of plants were reduced from 10 to 4 with the priority being reduced from the “early harvest category under CPEC” to being “promoted actively”.
10. THAT the coal-fired power plant in Punjab had its license cancelled due to lack of viability. Eventually this project was shelved and Shahbaz Sharif led initiatives like Nandipur project, which proved to be an absolute waste of our limited resources, and caused a serious loss to the taxpayers’ money. DONG FANG, the Chinese company abandoned the project eventually as its OEM.
11. THAT although the Gadani Power Park Project was shelved due to no investor response. The PML-N Government sanctioned two imported coal 2600 MW based power plants in Port Qasim and Sahiwal area. These plants take a minimum of 36 months to construct after the financial close is achieved whereas Thar Coal Mines are blessed with endless supply of coal and they can be developed in lesser time. To opt for imported coal instead of our indigenous coal is a crime.
12. THAT as China has been shutting down its mid-sized coal fired plants; numerous units are available at scrap prices. Both plants are being built in a non-transparent manner and the sponsors have shady credentials such as Saif-ur-Rehman of Ehtesaab fame who used to own a sweet shop and now lives like a prince. He structured both deals in which Pakistan shall be stuck to pay capacity factor payments at a tariff to be determined on brand new units while there is neither a secure supply chain nor is there price stability for imported coal. Furthermore, there is the question of environmental impact on Karachi and Sahiwal.

13. THAT the process of the PPIB¹² and international development norms have been violated and we have been bound with deals, which makes no use of our own indigenous coal. Kindly consider that almost 50% of the world electricity generation is coal based.

(Copy of news reports on the coal fired projects and Coal Planning study is filed herewith and attached as annexure 'T' and 'T-1' respectively for the perusal and kind consideration of this Honorable Court)

14. THAT along with the HEI project, the petitioner along with his team convinced APR Energy of USA to work along with His Highness Sheikh Ahmed Bin Dalmouk Al Makhtoum (hereinafter, **HH**) of Dubai to invest in a plan to provide to our grid the 2000MW deficit in a period of 4 months from signing the agreement, hence solving our energy shortage crisis and addressing the immediate demand of electricity.

15. THAT we arranged and brought in HH along with the CEO and CFO of APR Energy and made our case to Nawaz Sharif and his team in November 2014 at the PM house. He appreciated the prospect of this investment as it bore no cost to the national exchequer and it would cure, within four months, the 2000MW deficit of energy at a lower cost than that incurred by producing electricity in the public sector and through IPPs¹³. Nawaz Sharif personally told me what penalty will be paid if the bid for electricity cannot be supplied by April 2015. I informed him that if the contract is concluded by January 2015, the supply will start in the summer and if that does not happen then the Government may invoke a penalty clause as mutually agreed between the parties.

(Copy of photograph taken at the PM house meeting is filed herewith and marked as annexure 'J' for the perusal and kind consideration of this honorable Court)

16. THAT the same evening a meeting was arranged at UAE Ambassador's House and attended by Khawaja Asif and ShahidKhaqanAbbasi, Ministers for Power and Petroleum. It was decided that Government would call bids for 2000MW to be established in 4 months based on RLNG¹⁴ and local gas. Bids were called by HESCO to establish 1000MW based on

¹²Private Power Infrastructure Board

¹³ Independent Power Plant

¹⁴Regasified liquefied Natural Gas

wellhead gas and 1000MW in Hyderabad district based on RLNG in December 2014.

(Copy of letter to and from HESCO dated 10.12.2014, self-explanatory letter from HH to PM dated 12.12.2014, comments on RFP by GOP Ministry of water and power dated 18.12.2014, RFP dated 12.2014, bidding information, bank guarantee and Letter confirming issuance of RFP dated 23.01.2015 are filed herewith and marked as annexure 'K-1' to 'K-7' for the perusal and kind consideration of this Honorable Court)

17. THAT I, on behalf of APR Energy, headed the project and we provided HESCO and the Ministry of Water, Power, Petroleum and Natural Resources our inputs in the pre bid meetings. Eventually APR Energy was the only single bidder for the project.
18. THAT two more meetings were held with Nawaz Sharif at PM House for which HH Shiekh Ahmed Al Makhtoum came personally with us. I took along head of HEI of China to be introduced to PM as our selected EPC contractors. We participated in the bid. Eventually, the Secretary Water and Power YounasDagha asked me personally at what price/KwH we would supply the electricity. I informed him that our quote was net 10.36/KwH and tax can be set by the Government. He told me that they would get back to us after PM's approval.
19. THAT in early March 2015, I, along with GE representative, was called for a meeting with CM Punjab and his energy team. The CM Punjab asked me to request HH Sheikh Ahmed Al Makhtoum to consider shifting all the project from Jamshoro to near Lahore, where he would ensure that no irritant will be in our way and that this is what Federal Govt. also wants, i.e. for us to install 3600MW in Punjab instead of just 2000MW in Sindh.
20. THAT I informed him that Jamshoro was the suitable site as Port Qasim area transmission lines cannot absorb that much energy and Jamshoro had overhead 500, 220 and 110 KVA transmission lines. It is a viable site as it is a hub for gas connectivity and availability but the CM was adamant. I pointed out that Lahore has no gas but he said that they would provide us the LNG via pipeline from Port Qasim area. I told him that a 1000Km pipeline would cost around USD 1 Billion and the cost

will be borne by the taxpayers and future generations. Furthermore, laying down the pipeline would take years and years.

21. THAT I explained to CM Punjab and his team that the transmission capacity in Punjab and Pakistan in general was limited and overburdened and would not be able to evacuate that much electricity. CM Punjab responded that system shall be upgraded. I tried to explain to him again that it would just increase the costs to develop new infrastructure when it already exists in Jamshoro, Sindh and thereby rendered unnecessary. Moreover, one can use “wheeling” to “energize” load centers. (Wheeling is the process whereby Electricity can be produced anywhere and excess power can be taken to other utilities with much demand. Once the CET/SGCC financed 660 KVA DC transmission lines are constructed from Matiari to Lahore/Faislabad, the notion of needing generation near load centers to avoid transmission losses is rendered completely fallacious. He then responded that I should try to convince my principals to invest in Punjab instead of Jamshoro, Sindh. I ended the meeting there and stated that it would be impossible and unprofessional to suggest such an expensive plan of action.

22. THAT I pointed out that we in 2014 had brought CET/SGCC to revamp the entire transmission system but this was scrapped for it did not benefit the PML-N Government Officials. Even though an MOU was agreed upon, when the SGCC delegation came to Islamabad, they were told that new transmission policy is being made and that investors and developers will be invited on BOT¹⁵ and IPP basis.

(Copy of the MOU dated 19.05.2014 alongwith news reports confirming the project are filed herewith and attached as annexure 'L' for the perusal and kind consideration of this Honorable Court along with CET/SGCC letter that acknowledges relationship with Consolidated Power of which petitioner is CEO.)

23. THAT Shabaz Sharif came to the door to see me out and once again asked me to request HH to consider relocating the projects. I humbly responded that it would be impossible because even if the huge cost is borne, it will take many years to complete and would be contrary to our objective of providing an immediate solution to the energy crisis. I

¹⁵ Build Own Transfer

informed him that a cost benefit analysis would reveal the same. Our solution was to end load shedding at no cost to state by mid-2015 as a short-term renewable/thermal solution based on indigenous fuels as a mid-term economic solution. We were even planning on bringing in top of the line low head hydel solutions to deploy on as run of rivers and canals as long-term solutions and replacing our generation capacity with combined cycle units in 3 years.

24. THAT after 2 years of deliberation and in public CET/SGCC has refused to accept NEPRA rate offered at Rs 0.71/Kwh instead of the proposed rate of 0.96/Kwh. Hence Pakistan is back to square one in transmission crisis.

(Copy of News report challenging the tariff for the power line is filed herewith and attached as annexure 'M' for the perusal and kind consideration of this Honorable Court)

25. THAT though Nawaz Sharif and his company (hereinafter, referred to as NS &Co) have privatized all that they could, they have advocated privatizing all state owned corporations. NS&Co has advertised privatizing Generation Companies (GENCOS) + Distribution Companies (DISCOS). In complete contrast to their sworn agenda, they are now building 3600 MW in the public sector on a private sector mode. The failure of state enterprises is well known and so are its reasons. Astonishingly, Federal Government plans to privatize its 2400 MW RLNG plants in Punjab even before they have gone into production.

(Copy of the News report announcing Government plans to privatize the 2,550 MW power projects is filed herewith and attached as annexure 'N' for the perusal and kind consideration of this Honorable Court)

26. THAT the petitioner had introduced HEI top management to PM Sharif, Khawaja Asif and Fawad Hassan Fawad. Shabaz Sharif and Fawad Hassan Fawad offered HEI the two projects near Lahore on the basis that they are similar to the Guddu projects and they will be awarded the EPC contracts which they agreed would be over invoiced as beneficial to both. They were told to keep this matter confidential. We were circumvented and HEI were told to share over invoicing in an account in a Julius Bar (Swiss) nominated bank account in Dubai.

27. THAT at this time, HEI held the Thar Block No. 4 exploration lease and power generation (1320 MW) concession, which they eventually abandoned. Instead they sped up the two RLNG projects in Punjab, which depicts a clear case of criminal bias, neglect and greed. HEI after receiving the two EPC contracts declined to develop the Thar Block No. 4 and opted for the government awarded contracts.
28. THAT RFP's of both Federal and Provincial Government were floated to show that PPRA rules were being upheld. Two projects were awarded to HEI based on GE-Frame 9HA-01 gas turbines (commercially untested) in Balloki by National Power Park Management Co. Ltd (NPPMCL) as 100% owned Special Purpose Vehicle (SPV) by Government of Punjab. This is through the newly created SPV i.e. QATPL¹⁶. The third one was awarded by NPPMCL to Power Construction Corp China and Al-Qavi on a different basis, i.e. tariff of 7.921 cents/KwH. This is another violation of the PPIB procedure with over invoiced costs and commercially untested turbines with no OEM performance guarantees.
- (Copy of the GE-Frame 9HA-01 gas turbines brochure is filed herewith and attached as annexure 'O' for the perusal and kind consideration of this Honorable Court)*
29. THAT the two contracts to HEI together with its local partner, M/s. Rafiq Habib, were awarded at different cost prices, which clearly establish that the entire process was bulldozed for making hay while the sun shines. This is a devious plan to loot the national exchequer of around 600 Million US Dollars in the award of 3600MW RLNG based units as it is constructed near Lahore, not in Sindh from where the gas (RLNG) would come from. Pronouncements and NEPRA approved project cost tariff approval clearly establishes malafide and corruption.
30. THAT another related non-transparent deal is the awarding on a 25 years BOT, with 15% equity of Pakistan and 85% equity of Russian contractor RT Global Services (RTGR) with Russian Government Finance to lay a 1100 Km pipeline with a capacity of 1.24 billion cubic meters/annum to connect LNG terminal(s) in Karachi Port Qasim area with those to be developed near Lahore Plants. The deal signed was worth 2 Billion US

¹⁶Quaid-e-Azam Thermal Power Limited

Dollars, which according to the international thumb rule per Km pipeline development is 1inch/Km= 18,000/ 20,000 USD. Hence costing around a maximum of 1.4 Billion USD plus compressors and other costs. It is even more unlikely for it to conclude in 2017 because the scheme will require gas and work has not even started.

(Copy of the News Report detailing the obstruction in the LNG pipeline project is filed herewith and attached as annexure 'P' for the perusal and kind consideration of this Honorable Court)

31. THAT if the gas is not supplied, the alternative is to use diesel which shall be more expensive as new infrastructure and supply chain is needed, hence making electricity that much more expensive. The existing FSRU RLNG (ENGRO) terminal cannot cater for the needs. Meanwhile the new one was recently awarded to JJVL/Associated group – a company under NAB investigation. The award was at 41 cents/unit tolling price compared to the first award to ENGRO at 66 cents/unit. (Difference establishes malafide of ENGRO). This pipeline has secured a minimum of 0.6 billion dollars for the Sharifs. Furthermore, the project has faced a set back and uncertainty due to sanctions on RTGR by the US Government. Russian Government has replaced RTGR with another company and it will oversee the lay and roll out by a local contractor of Sharif's choice, who will rake in further cash for the Sharif family through an unnecessary pipeline as a pipeline of 1.2 BCF capacity will be fully operational by March 2017, owned by our own utilities i.e. SSGC + SNGC.
32. THAT the three 3600MW units have not complied with the requirements of due diligence in all such projects. A standard PPIB procedure exists, but the same has not been followed. The question is how a financial close can be achieved when all the pre-requisites before development have not been undertaken. How was the taxpayers' money released before the pre-requisites were completed? PPRA rules have been violated.
33. THAT the real project costs as opposed to the stated project costs are as shown below: -
RLNG 3 units of 3600 MW = US\$ 1650 million (stated as US\$ 2760 million)

RLNG Pipeline 1100 Km = US\$ 1400million (stated as US\$2000 million)

Imported Coal Karachi Sahiwal (IPP) = US\$ 2000 million (stated as US\$3600 million)

Total = US\$ 7,360 million

34. THAT the 15-year Government to Government deal to supply 2.25 million tons of LNG ramped up to 3.75 MT/year under a take or pay deal with Qatar on a European benchmark speaks volumes of kickbacks to secure the interest of Qatar Gas for a long term binding contract. The whole energy sector worldwide knows, the dynamics of OPEC driven price dive as a possible step to stunt US push to enter into the export market in 2018, for the Henry Hub, USA rate of gas is around 1 US\$/MMBTU which is currently 5 times less than what the Middle East is selling. The Sharif's have committed Pakistan in an uncalled for long term contract which in reality is an absolute debt trap as it will increase our debt burden manifold and not solve our energy crisis at all. As a developing state Pakistan is still at 20% of the required energy requirement for generally accepted development norms.

(Copy of news reports are filed herewith and attached as annexure 'Q-1' to 'Q-4' for the perusal and kind consideration of this Honorable Court)

35. THAT as a result of these deals, the Sharifs' have managed offshore companies by cultivating a few Arab Princes as front men to launder their proceeds at a fee of 10% equity. This is because the size of loot has increased manifold and the Sheikhs have been dealt through Ishaq Dar's son - son in law of Nawaz Sharif in Dubai for Ishaq Dar has the keys of our national treasury and provided the funding for the 3600 MW units, transmission and pipeline projects unlawfully.

36. THAT the PML-N Government settled the circular debt in the energy sector on a 85:15 ratio where 15% were pocketed by them and 85% was paid to IPP's under mostly capacity factor payments, which meant paying for non-produced electricity.

37. THAT they changed renewable energy policy and extorted from the concession holders by changing goal posts meanwhile refusing to give front end tariff to wind power plants in Sindh and/or arranging

evacuation which is of little cost considered in relation to a load center like Karachi and Hyderabad. Over 16 parties have filed tariff review petitions to NEPRA, but neither have been entertained. Meanwhile, at the same time NEPRA has awarded highest in the world upfront tariff (Rs 17/Kwh) for solar power in Punjab which yields 20% whereas wind yields over 30%.

38. THAT they milked K-Electric which is on perpetual default of terms under which this \$6 billion asset was handed to foreign investors at a song and to date they are not providing Karachi its needed electricity. It is reported that Ali Dar has concluded a deal with Abraaj Capital to sell this vital asset of Karachi life at a song price.
39. THAT in March 2015, during a meeting with Khawaja Asif, he said that the Prime Minister wants us to develop a LNG terminal, like the Floating Storage Re- gasification unit (FSRU) awarded to ENGRO. I enquired about the fate of our APR fast track energy project, to which he said he was not aware. He then called his Joint Secretary Omer Rasool, who informed us that the project was shelved keeping Pakistan in short supply of electricity. This offer was made for to keep us occupied. Meanwhile, direct foreign investment to solve the energy crisis was shelved to pursue dummy projects in the public sector.
40. THAT these developments have ruined our relationship with Dubai, USA and Norway with regard to energy sector projects. Regardless, I kept trying to make the Federal and Provincial Government see that they are following a path doomed for failure but to no avail. All rationality and logic points to LNG based power units to be situated in Sindh, as a means for optimum utilization of our limited resources, not in an area which would require massive investment in laying a pipeline on borrowed expensive debt with Moscow.
41. THAT the following are the crimes committed by The Sharif's Government against Sindh: -
 - a) Pakistan's wind power potential in the wind corridor of Thatta is measured at close to 30,000 MW. Companies, the largest being NBT AS of Norway, from all over the world have shown interest to develop as direct foreign investment. In complete arrogance, NS &Co

have stunted wind power potential by changing objectives, not giving the tariff rates, neither investing in evacuation, nor allowing private sector/Government of Sindh to develop it.

- b) It was not allowed a single Bio-mass project based on agricultural waste or wave/tidal energy. The hydel potential of canals and creeks is totally ignored as the Sharif Government's focus is on developing expensive projects in Punjab on imported fuels and increasing our debt.
- c) Awarding Harbin (HEI) two RLNG based projects as EPC contractors; having no regard to the fact that it was engaged in the development of the most strategically significant integrated development project of mining/power production in Thar Coal Block No. 4 Sindh for which they had acquired an Exploration license. The Sharif Government knew fully well that no other company which was previously allotted Thar coal block(s) has the experience or the finances to extract the Lignite and/or produce electricity, the loss to Pakistan is incalculable (See Annex-13). All studies have ignored the impact of over-burden removal from open mine pits to be developed in Thar can make all Thar cultivatable. India has developed next door a 35 billion dollar industry based on its coal, whereas we have yet to start and are making two imported coal plants; one in Sahiwal, which defies all logic as why not in interior Sindh like KetiBander, or nearer to Port Qasim from where coal is brought through. Besides why opt for imported coal in presence of our indigenous resource.

(Copy of study conducted by Business wire is filed herewith and attached as annexure 'R' for the perusal and kind consideration of this Honorable Court)

- d) It's taken the government of Sindh and ENGRO combined almost a decade to achieve financial close as both neither had the equity nor access to debt. It's EPC contract has been awarded to a company (CMEC) which as a state owned company has capacity to raise as much debt required under Pak China relations. However is a Sindh Government initiative.

- e) The Sharif's contracts with HEI are based on technology that has never been commercially tested nor has it been deployed. These contracts are being pursued instead of the \$2.3 billion commitment made in Sindh. Both contracts are progressing in a non-transparent way and against all procedures of PPRA and other regulators. This is a prime example of criminal favoritism. Agencies like NEPRA have been able to produce a tariff in one week, the same tariff it takes an year to produce and that too it has been given based on an incomplete application with no method to fix the price of the imported coal and RLNG. On an application filed by Gov. of Punjab SPV the project cost is near 920 million USD, whereas in earlier public pronouncements the cost was stated to be 539 million USD. That is what PM and CM Punjab took credit for at the inaugural in Oct 2015 and approved via Cabinet and ECC meetings.

(Copies of News reports regarding Bhikki Power plant and NEPRA approval and Tariff petition dated 15.02.2016 are filed herewith and attached as annexure 'S-1' and 'S-2' for the perusal and kind consideration of this Honorable Court)

- f) By Scraping APR Energy Project which was to end load shedding, denied Sindh role in mitigating the risk and hazards of lack of energy.
- g) Stunted energy supplying potential of Sindh for petty personal gains and discouraging foreign investments.

42. THAT, PPIB and PPRA rules and procedures have clearly been violated. Whereas PPIB processes only private sector and private-public projects, RLNG fired projects are being set up in the public sector under SPV's which are sponsored by Federal and Punjab Government. They have no experience in operating such sophisticated, commercially untested GE Frame 9HA-01 units bought through EPC contractor's warranties and not manufacturers (OEM). Furthermore, the Nandipur project was a disaster as the OEM walked away and should open all shut eyes.

(Copy of the PPIB and is attached as annexure 'T-1' for the perusal and kind consideration of this Honorable Court)

43. THAT Whereas APR Energy projects entailed no tax payer inputs, as all was direct foreign investment. Load shedding would have ended in mid-2015 at no cost to national exchequer. It is downright criminal to circumvent all procedures to award development of 3600MW units based on imported RLNG for which the supply chain does not exist and the existing terminal can't handle the quantum of gas required. The LNG deal with Qatar can cater to 2000MW only. The \$2 billion pipeline has not even been initiated, neither has a Right of Way (ROW) been secured nor has a local contract been awarded. The question of how taxpayer's money to open Letter of Credits of \$223 million for the power plants near Lahore were provided remains unanswered. Another question is how it was provided without achieving a Power Purchase Agreement (PPA) Letter of Support (LOS), Sovereign guarantee (SG), Implementation Agreement (IA), and Gas Supply Agreement (GSA).
44. Furthermore, it is shocking to note that ECNEC + ECC approved such projects PC-1 in a conspicuous manner, releasing billions of rupees to NPPMCL, especially when agreements amongst PSO, ENGRO terminal, SSGC and SNGPL pertaining to import, re-gasification and distribution and its infrastructure were not concluded or executed in absence of Power Purchase Agreements (PPA) and without fulfilling the requisite formalities.
45. THAT in violation of State Bank prudential regulations, the public and private sector banks released debt finance, without a financial close based on standard procedures? The question is how the debt was raised when it is clear that so many loopholes exist in these agreements? Ironically, no alarms have been raised by NEPRA or PPRA or Government officials to stop this plunder?
46. THAT Chairman NAB – Qamar Zaman has sanctified and validated the LNG deal with Qatar, as was required of him. NAB declared satisfaction over the rates and procedures reported widely on March 31, 2016 for over \$ 1 billion annual LNG supply deal from Qatar. The annual contract has been agreed at prorata of 2.25 million tons while the price of each cargo has been agreed at 13.37% of Brent. On 14.01.16, the ECC allowed PSO to sign the LNG SPA with Qatar gas, however Minister of

Petroleum signed it on 10.02.16. This has committed us to a 10-year price fix whereas no other country has even agreed to an annual contract. NAB under the current chairman has not prosecuted or charged any amongst Sharif syndicate. Whereas the JJVL associated group which is under NAB trial and investigation has been awarded a terminal.

(Copy of news report confirming NAB approval of the LNG deal is filed herewith and attached as annexure 'U' for the perusal and kind consideration of this Honorable Court)

47. THAT NAB has not investigated any mega corruption cases and is under the microscope of the SCP via suo moto notice for its illegal appointments and the voluntary return provision.

48. THAT I was threatened by the officials in the PM office and the Minister of Power. DG NAB, Lt. Col SirajUINaem, had me arrested on 31st August for corruption charges on the allegations that in 2010 I, as CEO of NBT Wind Power (Private) Limited, colluded with six government officials and bought land on forged papers for the 50MW project. The subject matter of the case i.e. 1307 acres of land is non-existent hence no motive is made out. There is no loss to the National Exchequer or public. No land was ever given possession off. They have stated in the reference that the I bribed government officials through another accused whereas that accused is one of the seller of the property and there is no other evidence tying me to the commission of the offence. I have been imprisoned for over an year and victimized and persecuted so as to keep me quiet.

(Copy of Reference no. 42/2015 is filed herewith and attached as annexure 'V' for the perusal and kind consideration of this Honorable Court)

49. THAT I was further threatened that more cases will be instituted against me and that shall remain imprisoned for life. I have not benefitted from this sale; neither has the company as we are the ones who have been defrauded. As no loss to the exchequer is established, the case is in total contravention to NAB laws. Furthermore, NAB officials themselves have offered deals for plea bargaining and then backed out on the basis that there is no recovery to be made from me. It is also within the NAB

ordinance that cases have to be concluded in 30 days, however one year has passed and not a single witness has been examined.

50. THAT DG NAB Sindh, Lt. Col SirajUINaem threatened my wife, who is a serving Group Captain/Colonel of Pakistan Army and is currently serving as head of theGynaecology Department in PAF Base Masroor, Karachi. It is pertinent to mention DG NAB Sindh is an ungazetted officer and as such his appointment is illegal.

(Copy of the Gazette of Pakistan S.R.O of 30.04.2015 is filed herewith and attached as annexure 'W' for the perusal and kind consideration of this Honorable Court)

51. THAT all that is contained in this petition is true and been forwarded to seek justice for us as helpless citizens of Pakistan. I have asked my family to go to no one to plead for me and am submitting this sworn testimony to expose the Sharif's doings in the energy sector and save Pakistan from sinking further. For may be someone at the helm of affairs take notice and take corrective measures. The collective loss causes to the National Exchequer is close to over \$21 Billion and the colluding interest of NS3 & Co is around \$3.2 Billion as kickbacks/commissions. *(Summary attached as annexure 'X')*

52. THAT the respondents have been causing cumulative and colossal loss to the economy, state institutions and resources of Pakistan at an unprecedented level in their third time in power. It has no match in history and the losses to the national exchequer are incalculable.

53. THAT the respondents at all times possible engaged in self projection, illegal gains and undue networking; they continue in office and exploit political power for personal gain at the cost of state's very foundation. They have exploited and misled not only their offices but the constitutuional and legal forums like ECC, Cabinet, CCI and others by using their overwhelming influence to misguide for petty personal gains.

54. THAT

CollusioninbetweenNawazSharif,ShabazSharif,IshaqDar,KhawajaAsif,
FawadHassanFawad,YounasDaghaandQamarZaman-Chairman

NABisevidentand

an

independentinvestigationwillrevealroleofothersinvolved ministers and law enforcers.

55. THAT the respondents' actions and claims of ending the energy crisis i.e. load shedding by 2018 is a total farce as the generation capacity addition in their tenure is flawed, insufficient and inadequately pursued by design. The transmission and distribution system as of now will be unable to handle any additional loads. NS + Co are directly responsible for load shedding post June 2015.

FOUNDATIONS

- A. Whereas the Petitioner is self-employed and has 30-years diverse experience of business development. The Petitioner was a resident of UAE and as an expatriate invested his whole life savings, resources and efforts in attracting foreign direct investment in the energy sector of Pakistan so as to overcome the energy crisis and participate and progress along with all here.
- B. Whereas Petitioner was directly engaged as Chief Executive Officer (CEO) of three private limited companies incorporated under the laws of Pakistan to develop the following projects: -
- i. Establish a 550 MW wind farm project owned by NBT AS of Norway in Gharo Sindh as a 1.2-Billion-dollar investment.
 - ii. Establish and develop Block No. 4 in Thar as a coal mine/1320 MW power plant on mine mouth through Harbin Electric Industries Limited, China as a 2.3-Billion-dollar project,
 - iii. Establish revamping, upgrade and install AC/DC transmission lines Matiari- Faisalabad-Lahore through CET/State Grid Corp China as total of 6 Billion-Dollar project.
 - iv. Establish a fast track 2000 MW RLNG based production facility in Jamshoro to end load shedding in Pakistan by mid 2015, through APR Energy USA as a 2 Billion Dollar investment.
- C. Whereas all the above 4 cited projects have been criminally shelved/scrapped by current federal government (NS & Co) for not being in line with their agenda and direct personal gains/benefit.
- D. Whereas NS & Co have caused direct loss to the national exchequer of over 21 Billion dollars and have attained personal gain of 3.2 Billion dollars through the above cited projects including others in the energy sector to which the Petitioner is privy to and has knowledge of. The Petitioner was hands on involved in the energy sector. Further, NS & Co have developed

similar projects from national exchequer and expensive debt causing incalculable loss ongoing and growing in future.

- E. Whereas Petitioner has lost all of his personal and raised investments, resources, time and freedom, as is incarcerated for more than a year (since 01.09.2015 to date) in Central Prison Karachi. NAB unlawfully incriminated the Petitioner in a case regarding land which was purchased to develop a wind farm. However, the land does not exist and as such the location of the land is unknown. Further, there is no loss to the national exchequer neither is there any motive established. The Reference (No. 42 of 2015) itself shows that the Petitioner and his parent company is at loss but in sheer power drunk manner a fake, false and frivolous case was filed to keep Petitioner out of the loop of development and prevent him from exposing the ill deeds of the ruling clique and colluding partners.
- F. Whereas Petitioner's basic fundamental rights are violated as a victim of crimes and abuse of power, they deserve particular attention for the very fact the violations in question have been 'committed' by the state, through its public officials acting in an official capacity.
- G. Whereas Petitioner had given written statements to NAB Karachi regarding the matter in this petition and as a last recourse approaching the Supreme Court of Pakistan as per his right to access to mechanisms of justice and prompt redress. The Honorable Court is requested to consider that such a violation of fundamental rights of an individual and collectively of the hapless Pakistani peoples when committed by or with the acquiescence of State Official(s) can seriously impair the relationship between citizens and the state.
- H. Whereas Law Enforcement Organization (LEOs) must be held accountable for their individual acts, including those that are unlawful and or arbitrary. Neither NAB, FIA, FBR, SBP, SECP and provincial bodies have investigated the gross violations of our laws by the current federal and provincial government of Punjab in the energy sector. Hence, Petitioner has no other recourse but to approach our Supreme Court, so as to seek redress of his and public's fundamental right violations. Where in loss has not been incurred upon Petitioner, but to each and every Pakistani, even the yet to be born Pakistanis shall be stuck with bills and debt raised in the name of ending our

energy crisis. Where in all suffer to cater to NS and Co.'s appetite to accumulate ill begotten wealth.

- I. Whereas, most of the national attention and narrative is focused on past wrong doings aka Panama/Bahama/Dubai leaks which mostly relate to having international assets disproportionate to their declared and known tax returns. It is truly unfortunate that all matter and major issues have to be judged upon by the Supreme Court of Pakistan and it is obviously burdened with all of our peoples as complainants. But, the reality is that all eyes are set on the Supreme Court to put us on the path of legitimacy, which is our biggest crisis and set the shape where no one ever dares to violate the constitutional oath and divine laws. "God commands you to entrust your offices to those who are capable, competent and sincere. They shall rule and judge equitably. Give your trust to whom they belong. The enlightenment from God is a blessing for you. He is Hearer, Seer of all that transpires in the Universe and in your society." (4:58 Al-Quran)
- J. Whereas Pakistan today has massive energy shortage and transmission crisis which is amongst one of the main causes of its under performance and productivity at the global level. Current and past regimes have failed us all, however this regime has clamored and is highlighting as its main agenda. Wherein they have, with malicious and corrupt intent, curtailed and blocked previous regime actions and pursuing projects at taxpayers cost which are nonsensical, designed to benefit them and their vested interest in Punjab. Therefore, stunting Hydel potential of Khyber Pakhtunkhwa, wind and thermal (gas + coal) potential of Sindh and Balochistan by developing and pursuing massive debt on our helpless population.
- K. Whereas misuse and abuse of power, collusion, aiding and abetting, corruption and corrupt practices are clearly established in this petition's facts of the case by NS +Co.
- L. Background and Credentials of the Petitioner as annexure 'Y' for the kind consideration of the Honorable Court to hear in person in Karachi in order to put forward further grounds at the time of hearing this petition.

PRAYER:

By reason of the foregoing, it is most humbly prayed that this Honorable Court may graciously grant the following reliefs:

- a) To convert this petition into a "Suo Moto" proceeding and as it is a matter of public interest, constitute a larger bench.
- b) To, after verification of irrefutable evidences, have criminal proceedings initiated against all colluding parties.
- c) To impose exemplary punishment on the colluders found guilty of abuse of authority, economic terror, heavily increasing debt, reliance on imported fuels, developing nonviable projects, and self-serving interests.
- d) To stay development of 1200 mw R-LNG based IPP proposed in Muzaffargarh, Punjab.
- e) To demand original equipment manufacturer (OEM) guarantees for all equipments bought at tax payers account, performance guarantees of stated efficiencies and production.
- f) To direct NTDC and Ministry of Water and Power to submit a comprehensive actionable plan of action for the new transmission network required to cater to generation capacity being installed which is claimed to be in production by end 2017.
- g) To demand how commercially untested class 9 HA.01 gas turbines of GE power which completed its full speed and full load validation in 2015 were bought for state owned (Federal + Provincial (Punjab) projects.
- h) To take all such measures and steps to set a precedent so that no public officials at the helm of affairs betrays his or her sworn oath.
- i) To grant any other relief as deemed just and appropriate in the best interest of justice.

Drawn by:

Dated:

Filed by: