

Witness: Employer hoping to get more

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KUALA LUMPUR: The accountant of a plaintiff in a RM360mil suit told the High Court here that his employer had been hoping for a higher sum in a contract for a RM12bil railway project.

Khoo Boo Tee, who worked for Newfields Advisors Sdn Bhd's CEO Seow Lun Hoo, said under examination that he had not inserted final figures into drafts for an agreement with MMC-Gamuda Joint Venture Sdn Bhd, as Seow was hoping to get a final price of RM390mil instead of RM360mil.

"I subsequently inserted RM360mil into the final agreement on Sept 19, 2008," Khoo said, adding that he had done so under Seow's orders.

When counsel Rosli Dahlan told Khoo the defendants claimed he had not sent the agreement to them, Khoo denied it, insisting he had sent two copies each to MMC-Gamuda representatives Koek Gim Aik and Hasmafikri Harun.

Seow, SCG Infrastructure Sdn Bhd CEO Mansur Ghazali, Scomi Group CEO Shah Hakim and NR System Sdn Bhd are all plaintiffs in a suit against MMC-Gamuda for its alleged failure to award a contract worth RM360mil to them.

According to their statement of claim, there had been an agreement between NR System and MMC-Gamuda in 2007 to be awarded an employer's representative (ER) contract for the system works for the Northern Double-Track Project.

When cross-examined by counsel Yeoh Cho Keong, Khoo confirmed Northern Rail, the nominee company for the plaintiffs before the formation of NR System, was a "three-dollar company" at the time of its incorporation.

Yeoh asked if the low capital would have made it difficult for them to obtain projects such as the Northern Double-Track Project.

"Yes, if they had still been a three-dollar company at the time," Khoo answered.

Also in court was Mansur, who was re-examined by Rosli.

During cross-examination by counsel Ranjit Singh, the railways expert had made reference to similiar contracts, giving an example of a railway contract in Rawang which was awarded to a contractor company called Opus.

Ranjit had on Thursday used a hypothetical situation to suggest the price the plaintiffs had been asking for was exorbitant.

"Would you agree with me that the contract for the System Integration awarded to NR System is RM60mil; below what was given to Opus?" Rosli asked Mansur yesterday, to which the answer was "yes".

The hearing will resume on April 25.