

## **Proposed tunnel suit: Bring it on, Guan Eng tells Gerakan**

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**By Predeep Nambiar**

**The chief minister says Gerakan has always been keen to sabotage Penang's infrastructure progress and notes that it sued the government in 2013 over SPICE exhibition centre.**

GEORGE TOWN: Penang is waiting for Gerakan's lawsuit to prevent the undersea tunnel and three major roads projects from being built, with the chief minister calling the BN party the "traditional saboteurs" of Penang's progress.

Chief Minister Lim Guan Eng said Gerakan was no stranger to sabotaging state infrastructure projects, noting that it had opposed the construction of a large-scale exhibition centre in Bayan Lepas in 2013.

Although Lim did not specify what suit he was referring to, it is believed to be about a Gerakan leader's plan to file a court injunction to prevent the RM6.3 billion undersea tunnel and three major roads project from taking off.

Gerakan's move came after BN claimed the Penang government had overpaid consultants engaged for the project. The state government has vehemently denied this.

Lim said he was "fed up" as BN had refused to listen despite being given lengthy and repeated explanations on the matter.

"We believe when you have greater connectivity, it promotes economic growth and easier access for the population.

"If BN wants to sabotage that so that our projects fail and people lose out on projects with better connectivity, we will let the people decide.

"We are waiting for the suit because we have nothing to hide. All the projects are done through open competitive tenders, which means the lowest price is chosen. So how can there be any wrongdoing?

"Let them sue, just like what they did with SPICE," Lim told reporters at the Majestic Theatre here today.

The SPICE (Subterranean Penang International Convention and Exhibition Centre) sits on a 10.11ha plot and was previously the Penang International Sports Arena (Pisa).

Lim said the RM300 million project had brought much value to Penang, with international events held at SPICE attracting 20,000 people who snapped up almost all hotel rooms on the island.

On Nov 21, 2011, four ratepayers filed a civil suit seeking a High Court order to declare the SPICE agreement signed between the then-Penang Island Municipal Council (MPPP) and developer Eco-Meridian Sdn Bhd (EMSB) as null and void.

The four plaintiffs in the suit were R Rama Krishnan, Abd Manan Abd Manap, K Sathiasilan and Khoo Yen Her.

Rama and Khoo are Gerakan members, while Manan was the then-Bayan Baru Umno secretary and Sathiasilan was Bayan Baru MIC chief.

The four claimed that the agreement signed on Aug 19, 2011 was ultra vires Section 9(1) of the Local Government Act 1976.

They claimed the state executive council had usurped municipality powers, provided under the Town and Country Planning Act 1976, to force MPPP to sign the contract with EMSB, among others.

However, the High Court struck out the suit against the Penang state executive councillors, MPPP and project developer EMSB on May 18, 2012.

The decision by justice Varghese George Varughese in chambers stated that since the plaintiffs' complaints were within the domain of public law, they should apply for a judicial review, lawyer for the defendant Dominic Pillai was reported as saying in The Star.

Dominic, in defence, had earlier argued that the plaintiffs had no locus standi to submit the claim; the plaintiffs had cited a wrong party when naming the state executive councillors as defendants; and, lastly, that the plaintiffs had used the wrong legal procedure as they should have applied for judicial review instead of a writ of summons under the Rules of the High Court 1980.

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