



Capital Development Authority
(Secretary CDA Board Office)

CONFIDENTIAL

No. CDA-1355/BM-SCB/2019/

Islamabad Dec 02, 2019

Subject: **MINUTES OF 12TH CDA BOARD MEETING FOR THE YEAR 2019.**

12th CDA Board meeting for the year 2019 was held on **December 02, 2019 (Monday) at 09:30 A.M.** in the Conference Room of Executive Block, CDA Headquarter, Islamabad under the Chairmanship of Chairman, CDA.

2. Following attended the meeting:

1. Amer Ali Ahmed, (In Chair)
Chairman, CDA-
(Additional Charge),
Chief Commissioner ICT
2. Mr. Fazal-i- Mabood,
FA/Member ,CDA.
(Look after charge)
3. Mr. Humayun Akhtar,
Member (Engineering), CDA.
(Look after charge)
4. Dr. Shahid Mehmood,
Member (P&D), CDA
(Look after charge)
5. Mr. Nawazish Ali Asim,
Member Administration, CDA
(Look after charge)
6. Syed Safdar Ali,
Secretary CDA Board.
(Temporary charge).

3. Commissioner Rawalpindi as ex-officio member of the Board could not attend the meeting, while Chief Commissioner, ICT in addition to the assignment of Chairman, CDA and Board Members, Director EM-II, Director BC-I, Director MP, Director RP and Director Law attended the meeting.

4. Meeting commenced with the recitation of "Holy Quran" by Mr. Fazal-i- Mabood, FA/Member. Thereafter agenda items were taken up for discussion and made following decisions:-

12.1 **WRIT PETITION NO. 4126/2015 TITLED RAJA ZAHOOB AHMED V/S CDA**
ETC REGARDING PLOT NO.50, STREET# 55, SECTOR G-9/4, ISLAMABAD.
 11101/1355/BM/'19
 02-12-'19/12TH

DECISION

The summary presented by the Director Urban Planning, CDA and discussed that the plot no 50 street no 55, sector G-9/4, Islamabad had been in Non-conforming uses, such as Clinic, Shops, Restaurant etc., against the Residential use since 1992. The commercialization of residential area particularly front liner houses located in front of I&T center in Sector G-9/4 only was authorized on 13.02.1995 and later on, CDA Board withdrawn its earlier decision in Board meeting held on 05.10.1995 and not to allow commercialization of the residential plots. Later on, Board had also decided on 11.09.2015 that no exemption would be allowed against Islamabad Residential Sector Zoning (Building Control) Regulation, 2005. Since there is no CDA Policy / Regulation for permitting conversion of Residential plots into commercial use or change of land use. The instant matter was pending in court was taken up. After due deliberation, the Board decided that under CDA Ordinance, 1960 no land use change can be done, therefore the status of plot will remain as residential.

Action By: Member (P&D)

12.2 **WITHDRAWAL OF CANCELLATION OF PLOT NO.89, SECTOR H-8/1 ON**
THE ORDERS OF ISLAMABAD HIGH COURT.
 11102/1355/BM/'19
 02-12-'19/12TH

DECISION

The summary presented to CDA Board by the Director Estate Management –II, CDA and Board discussed that the Plot No 89, sector H-8/1 was allotted to M/s Silver Oaks School on 19.09.2008. Later on the plot was cancelled on 11.06.2011 in pursuance of Supreme Court Order dated 29.03.2011. Against the cancellation of plot order, M/s Silver Oaks School filed a writ petition in Islamabad High Court, the Honorable IHC ordered 28.01.2015 that

“the instant petition is hereby allowed and that impugned order of respondents whereby the plot was cancelled from the name of petitioners and pay order were returned to the petitioner are hereby set –aside and declared to be null and void. Needless to observe that the respondents may proceed in accordance with law against the petitioner if any fraud or forgery is found to have been committed by him in securing the allotment of the disputed plot in his name , after providing the opportunity of hearing to the petitioner”

Authority filed a CPLA No. 526/2015 dated 03.06.2015 in the Supreme Court of Pakistan against the orders passed by Islamabad High Court. Honorable Supreme Court of Pakistan disposed of the petition with the following directions:-

“ Hafiz Hafiz-ur-Rehman, learned ASC for the petitioner, after making his submission stated that he will be satisfied with the disposal of his petition in case it is observed that the observations contained in Paragraph - 14 of the impugned judgment shall be read along with other observation contained in paragraph – 11 of the same judgement, so as to see whether the allotment of plot was obtained by the respondent in violation of any law, rule or regulations of CDA to this suggestion, the Attorney of respondent No.1 present in court has no objection. We accordingly dispose of this petition in the above terms. Leave refused.”

The Supreme Court of Pakistan did not set aside the orders of Islamabad High Court which are still in filed. However, the Supreme Court of Pakistan authorized the Authority to re visit the allotment in the light of observations in

para-14 of the impugned judgment read with para-11. Accordingly, case of cancellation of school plot was also taken up in pursuance of court orders for disposal on merits.

Apart from the above, CDA devised a draft policy for relocation / shifting of schools, mechanism and criterion regarding allotment of school plots and submitted to IHC in other Case. The Previous Policy was formulated in 2002 but could not achieved desired results, therefore an exercise was carried out for revisions and updation of criteria by making it more transparent and result oriented keeping in consideration the existing requirements. After due deliberation, the Board observed that prima facie cancelled plot cannot be restored as this was allotted in violation of policy. However, the applicant is directed to appear on 30-12-2019 before the Chairman and Member (P&D) so that his point of view can be considered in the light of decision of Islamabad High Court and speaking orders can be presented before the court.

Action By: Director EM- II

12.3 ADOPTION OF RECOMMENDATIONS OF FEDERAL COMMISSION ON REVIEW OF MASTER PLAN OF ISLAMABAD AS APPROVED BY FEDERAL CABINET / DECISION TAKEN IN THE CABINET MEETING HELD ON MONDAY THE 14-10-2019, CASE NO. 846/38/2019 REGARDING REVIEW OF MASTER PLAN OF ISLAMABAD.

11092/1355/BM/'19
02-12-'19/12TH

DECISION

The summary presented by the Director Master Plan and Director BC, CDA. The interim report on Review of Master Plan of Islamabad along with its annexures were presented by the Federal Commission to the Federal Cabinet on 14.10.2019 and Federal Cabinet approved the interim report under case No.847/38/2019 dated 14.10.2019, Minutes and decisions of Cabinet meeting circulated vide No. 38/CM/2019-D(PT) dated 29-11-2019. The Board endorsed the cabinet decision for approval of interim report on Master Plan along with annexures and noted for compliance in accordance with law. The Board further directed the concerned formations to proceed further within the given time line.

- a) TORs for hiring of consultants to be forwarded to Planning Commission for vetting within one week.
- b) Notification of revised Building bye laws / planning parameters be issued within 10 days.
- c) Notification of Modalities and Procedures for development of private housing schemes in Islamabad be issued within ten days.

Action By: Member (P&D)

12.4 DISCUSSION ON USAGE AND PARAMETER OF PLOT NO.26 (MARRIAGE HALL), SECTOR G-6, ISLAMABAD.

11103/1355/BM/'19
02-12-'19/12TH

DECISION

The summary was presented to the CDA Board by the Director Estate Management –II, CDA and Board discussed that Plot No 26 Marriage Hall, Sector G-6 was auctioned on 08.02.1994, later on commercialized was approved by Board in 2012 and 2013. Earlier when Board decided that fresh reports will be sought from Administration and Police, record reveals that no report was sought from Administration. It is further evident that there is no report or recommendation from Islamabad Administration either after or prior to the 6.8.2012 Board meeting that recommends conversion of plot into office or

commercial use. Moreover such decisions are to be based on ICT Zoning Regulations and building bye laws only and not on police reports. Infact irrespective of the merits of Board decision whereby conversion allowed and charges were also levied but the allottee did not completed the formalities, however, execution was pending as no fee was deposited and no formal order regarding conversion of land use was issued. Since, no right had been accrued and status of the plot as well as usage is as per terms & conditions of allotment.

In addition to above, the owner / allottee raised illegal floors without approval of building plans and also used building as non-conforming use in violation of Buildings bye laws and ICT Zoning Regulations. After completion of all codal formality the building has been sealed due to violation of non-conforming use, Buildings bye laws and ICT Zoning Regulations. The Honorable Islamabad High Court recently ordered that Board should pass a speaking order in the matter within 60 days. After due deliberation, the Board decided that since no fee was deposited therefore only original status as per allotment 1994 can continue and the approved plan if any shall remain applicable, failing which the plot is liable to be cancelled after due notice and completion of procedure.

Action By: Director EM-II

12.5
11104/1355/BM/'19
02-12-'19/12TH

DISCUSSION ON CDA BOARD DECISION ON DATED 09-05-2018 PARK VIEW HOUSING SCHEME IN PURSUANCE TO HEARING PROCEEDINGS IN ISLAMABAD HIGHCOURT ON 27-11-2019.

DECISION

Member (P&D) as well as Director Regional Planning briefed the Board in detail. In the light of Honorable Court orders dated 28.11.2019, the earlier decision of the CDA Board was reviewed and after due deliberations it has been decided to put all the facts before the Honorable Islamabad High Court for further directions. It was also discussed that NAB has took cognizance of the matter.

Action By: Member (P&D)

The meeting concluded with a word of thanks to and from the Chair.



12TH CDA BOARD MEETING FOR THE YEAR-2019 HELD ON 02-12-2019

AGENDA ITEMS

S.No	Items	Presenter
1.	Writ Petition No. 4126/2015 titled Raja Zahoor Ahmed v/s CDA etc regarding plot No.50, Street# 55, Sector G-9/4, Islamabad.	Member (P&D) Director (UP)
2.	Withdrawal of cancellation of Plot No.89, Sector H-8/1 on the orders of Islamabad High Court.	Member (Estate) Director EM-II
3.	Adoption of recommendations of Federal Commission on review of Master Plan of Islamabad as approved by Federal Cabinet.	Member (P&D) Director (MP) and Director BC
4.	Discussion on usage and parameter of plot No.26 (Marriage Hall), Sector G-6, Islamabad.	Member (P&D) Director EM-II and Director BC
5.	Discussion on CDA Board decision on Park View Housing Society dated 09-05-2018 in pursuance of IHC directions dated 27-11-2019.	Member (P&D) Director (H.S)