

6th CDABOARD MEETING (SPECIAL) FOR THE YEAR-2024 HELD ON 22-03-2024 at**02:00 P.M.****AGENDA ITEMS**

Sr.#	Items	Presenter
1.	CMA No 939 OF 2020, CRL.O.P NO 200/2019 AND CRL MA NO 480 Of 2020 ETC. CDA VS AITZAZ (BOB) DIN &ANOTHER.	Member (Estate)
Non-Agenda Items		
NA-I	Building CDA Owned Tier 04 Data Center Trough Joint Venture.	Member (T&D)
NA-II	Optimization of vehicle resources at create cost efficiency and utilization at CDA by Resource Wing.	Member (T&D)
NA-III	Transferring of all CDA properties/assets under revenue wing for cataloging, processing and future allocations.	Member (T&D)
NA-IV	Establishment of sdg-11 cell in planning wing, CDA Islamabad.	Member (P&D)
NA-V	Recommendations of Anamoly committee regarding time scale promotion of officers/officials promoted in same scale.	Member (Admin)
NA-VI	Promotion criteria of the post of DDG(Environment), BPS-19.	Member (Admin)



Capital Development Authority
(Secretary CDA Board Office)

CONFIDENTIAL

No. CDA-1429/BM-SCB/2024/

Islamabad March , 2024

Subject: **MINUTES OF 6th CDA BOARD MEETING (SPECIAL) FOR THE YEAR 2024.**

The 6th CDA Board meeting (Special) for the year 2024 was held on **March 22, 2024 (Friday) at 02:00 P.M.**, in the Conference Room of Executive Block, CDA Headquarter, Islamabad under the Chairmanship of Chairman, CDA.

2. Following attended the meeting:

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|-----|---|----------------------|
| 1. | Captain (R) Muhammad Anwar ul Haq
Chairman, CDA and Chief Commissioner ICT | (In Chair) |
| 2. | Mr. Tahir Naeem Akhtar,
FA/Member, CDA | Executive Member |
| 3. | Mr. Tariq Salam,
Member (Estate), CDA | Executive Member |
| 4. | Ms. Sadia Haider,
Member (P&D), CDA | Executive Member |
| 5. | Dr. Muhammad Khalid Hafiz
Member (Engineering), CDA | Executive Member |
| 6. | Mr. Talat Mahmood
Member (Administration), CDA | Executive Member |
| 7. | Mr. Shahzad Khalil
Member (Environment), CDA | Executive Member |
| 8. | Mr. Nauman Khalid
Member (T&D) | Executive Member |
| 9. | Professor Iftikhar Husain Arif (H.I)(N.I) | Non-Executive Member |
| 10. | Prof. Dr. Muhammad Ali (T.I)(S.I) | Non-Executive Member |
| 11. | Syed Safdar Ali, | Secretary CDA Board. |

3. The Chairman, CDA also attended the meeting in capacity of the Chief Commissioner, ICT. The Representative of the Commissioner Rawalpindi Ex-officio Member attended the meeting. Prof. Dr. Muhammad Ali (T.I)(S.I) attended the meeting online, whereas Mr. Nayyar Ali Dada could not attend the meeting. While Mr. Attiazaz Bob Din along with his counsel, Mr. Mohd. Munir Peracha, Advocate, representative of NAB Mr. Zahir Shah, Director (NAB, Rawalpindi) and Ch. Aamin Rehman, Addl Attorney General attended the meeting on Special Invitation.

4. Meeting commenced with the recitation of "Holy Quran" by Captain (R) Muhammad Anwar ul Haq, Chairman, CDA. Thereafter agenda items were taken up for discussion and following decisions were made:-

CMA NO 939 OF 2020, CRL.O.P NO 200/2019 AND CRL MA NO 480 OF 2020 ETC. CDA VS AITZAZ (BOB) DIN & ANOTHER.

11961/1429/BM/24

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DISCUSSION AND DECISION

In compliance of the order of the Honorable Supreme Court of Pakistan order dated 23-02-2024, a summary was presented before the CDA Board. Representative of the Company Mr. Aitzaz (Bob) Din was also invited to participate in the meeting who was heard in detail. Sharing background of the whole case, he stated that he wanted the return of his money in foreign currency initially, after the lease was rescinded on the orders of Honorable Supreme Court of Pakistan. However, he was ready to go ahead with the project of setting up an IT University if a fresh agreement / lease agreement is executed. He further stated that he will not divert the said land to any other use except that of the proposed University and its ancillary services. When confronted with the question of whether the Company had a Federal Charter for establishing a university, Mr. Aitzaz stated that as per the original Agreement, only setting up a technology campus / institute was agreed where different certifications / trainings in latest modules of I.T had to be imparted. He agreed that not only latest courses / certifications relating to I.T will be offered in the said Campus, but it will also be up-graded to the status of a University, by obtaining a Federal Charter, in five years.

Thereafter, the Board discussed the matter in detail in terms of all legal and regulatory points involved and decided to submit the following response with respect to various questions referred by the Honorable Supreme Court of Pakistan.

- (1) The Company had deposited/paid the amount, which was then due to CDA;

The Board observed that the company deposited an initial amount of Rs. 142.213 million (32.4%) with CDA and the remaining amount of Rs. 296.460 million was to be paid in 09 equal yearly installments. The installment plan was re-scheduled twice i.e. firstly in 2010 and thereafter in the year 2012 for the obvious reason of disputes with local villagers and the matter of access road. Till the time, the lease was rescinded, the company had paid Rs. 176.977 million.

- (2) The Company did not receive the possession of the said land;

The Board was informed that possession of the land was handed over to the lessee and that's why the lessee erected boundary wall around the land and deputed their staff at site. However, there were issues relating to access road as the locals whose land fell in the access road to the land allotted to the IT University had filed court cases for compensation against BuP. Subsequently, on a complaint by the Company in 2018, the matter was decided by the Apex Court vide order dated 10.01.2019 in exercise of its jurisdiction under Article 184 (3) of the Constitution and rescinded the contract with the directions to the Authority to refund the amount paid by the Company in foreign currency.

- (3) The amount paid by the Company was deposited in this Court and the Company had neither the use of the said land nor of its money;

The Board observed that in compliance of order of Supreme Court of Pakistan, CDA on 26 January 2019 deposited a cheque of Rs 176,977,000/- (Rupees One Hundred seventy-six million, nine hundred and seventy-seven thousand only) in favour of Registrar Supreme Court of Pakistan on account of refund of payment in subject titled case. Additionally, Rs 212,608,243 /- (Rupees two hundred twelve million six hundred eight thousand two hundred forty-three only) was deposited in favour of the Registrar Supreme Court of Pakistan on account of refund/interest payment. The matter being subjudice before the august Court; money could not have been used by the company. While after rescindment of the lease on the orders of the Honorable Court, the land came back to the CDA.

(4) Consider the benefit of an IT University in Islamabad;

The Board observed that there is an incredible awareness that if the project goes ahead, that will be beneficial both for CDA as well as for the people who will gain from IT skills imparted at the university. The same has been reiterated in the order of the Supreme Court dated 19 June 2023 and 23.02.2024. The project should have seen the light of the day earlier wherein the youth could have benefited from the I.T skills.

(5) Whether on the balance amount that was left unpaid under the earliest agreement between the parties CDA should charge additional charge and additional amount; and

- I. *The Board observed that since the lease of subject land stands cancelled/ rescinded, the only legal mechanism for restoration of the same lease is given in Restoration Policy 2014, which provides for restoration on Market Rates if application for restoration is submitted within one year. As already decided by the CDA Board in its meeting dated 04.09.2023, the matter of restoration of rescinded lease is not permissible under the prevailing policy/regulations. At the same time any fresh lease of the subject land or allotment of alternate land will have to be made on prevailing applicable rates in terms of provisions of Islamabad Land Disposal Regulations-2005.*
- II. *However, the Board further observed that the Supreme Court, in view of the above legal position, may review its earlier decision of allowing rescindment of the lease with the following options for payment:*
 - a. *The lessee will have to pay the remaining payable amount along-with delayed payment charges on the same rates as in original lease and the amount deposited by CDA with the Honorable Supreme Court of Pakistan as difference of exchange rate of currency will have to be returned to CDA. Further, the lessee would establish an IT university within a period of Five years.*
 - b. *The lessee will have to pay the remaining payable amount in US Dollars @ the exchange rate applicable at the time of each installment due as per schedule of payment and the amount deposited by CDA with the Honorable Supreme Court of Pakistan as difference of exchange rate of currency will have to be returned to CDA. Further, the lessee would establish an IT university within a period of Five years.*
 - c. *The lessee will have to pay, the remaining payable amount on prevailing market rates after adjusting the payment of amount already paid.*
- III. *In case the rescindment of lease is not revoked and same land is re-allotted/ leased, the lessee will have to pay the whole amount on prevailing applicable rates in terms of provisions of ILDR 2005. OR alternatively the CDA will put the site for re-auction and the Petitioner will have the opportunity of right of 1st refusal if he agrees.*
- IV. *Pursuant to decision of the Honorable Supreme Court, approval of the Federal Government will have to be sought in terms of Section 7(6) of ILDR 2005 which was missing earlier and because of which the CDA considered the lease as void-ab-initio. Furthermore, the approval of the Federal Government in terms of above provision of ILDR, shall also be a pre-requisite in view of the agreement shown by the Company for upgrading the Technology Campus/ Institute through a Federal Charter in Five years.*

(6) All the relevant matters;

- I. The Board observed that out of 41.25 acres allotted to the IT University, CDA Board, in its meeting dated 15 December 2020, allotted 28 acres of land to the Supreme Court Staff Colony subject to the pre-condition of seeking approval from the Federal Cabinet within four months of the issuance of allotment letter. As per the documents available on record, the matter about the Supreme Court of Pakistan staff colony was put for the consideration of the Federal Cabinet seeking exemption of the Federal Cabinet decision of 13 March 1995. The Cabinet constituted a committee in its decision of 22 June 2021 (Case No. 541/21/2021) wherein a sub-committee was constituted to make recommendations. Recommendations of the Sub-committee were presented to the Federal Cabinet through its report of 13 August 2021. Final decision of the Federal Cabinet, in this regard, has not been conveyed as yet. A decision about this offer of allotment is required to be made if, the same land has to be re-allotted for I.T University.
- II. The matter regarding company which is successor in interest of M/S En-Pointe Technologies, in Pakistan is also to be looked legally, in case order of rescindment of lease is to be recalled by the Honorable Supreme Court.

Action by: Member (Estate)
Member (P&D)
FA/Member

NA-I BUILDING CDA OWNED TIER 04 DATA CENTER TROUGH JOINT VENTURE.

11962/1429/BM/'24

22-03-'24/6th

DECISION

The summary was presented by the Member (T&D), CDA. It was apprised to the board that at present there was not a single Tier-4 Data Centre in Pakistan, however with the introduction of 5G technology in the near future, the need for data Centre /cloud services will increase manifold. It was further informed to the board that the CDA could take building a Tier-4 Data Centre as an alternative revenue generation opportunity through joint ventures.

After due deliberation and information / input on the summary, the board approved in principal to earmark 16 kanals for setting up the Tier-4 Data Centre building (FAR 1:7) in Islamabad along with the option of Joint venture, which will be floated for the interested organization to establish the Tier-4 Data Centre in Islamabad. The board further directed the concerned Wing that before launching the concept a proper consultancy service would also be hired for preparation of EOI of the subjected project encompassing its technical, financial and all other related aspects.

Action by: Member (T&D)

NA-II OPTIMIZATION OF VEHICLE RESOURCES AT CREATE COST EFFICIENCY AND UTILIZATION AT CDA BY RESOURCE WING.

11963/1429/BM/'24

22-03-'24/6th

DECISION

The summary was presented by the Member (T&D), CDA. After due deliberation and information / input on the summary, the board decided the followings:-

- i). Approved the computerization of all kind of vehicles data through Resource Wing.
- ii). Principally approved the auction of all old vehicles (make /model 1970 to 2004) due to its high repair maintenance cost as well as fuel consumption cost.

- iii). Directed the Resource Wing to auction the all kind of old vehicles (make /model 1970 to 2004) in phases, in consultation with Member concerned through prescribed manner as per existing policy for condemnation of vehicles.
- iv). Directed the Resource Wing to constitute the procurement committee in consultation with the Member Administration.
- v). The Resource Wing will prepare a cost-procedure analysis and cost-efficient monetization policy in consultation with Member Administration and the same will be present to the Board, accordingly. However, the policy aims to rationalize the expenses currently incurred on vehicle maintenance and fuel costs.

Action by: Member (T&D)

NA-III TRANSFERRING OF ALL CDA PROPERTIES/ASSETS UNDER REVENUE WING FOR CATALOGING, PROCESSING AND FUTURE ALLOCATIONS.

11964/1429/BM/"24

22-03-'24/6th

DECISION

The summary was presented by the Member (T&D), CDA. After due deliberation and information / input on the summary, the board approved the proposal contained at Para 1 & 2 of the summary subject to the followings:-

- i). All existing assets of Environment will be handed over / transferred to Resource Wing, for the purpose of revenue generation, auction / lease processing only, however, the same resource will be returned back to the concerned environment directorates for administrative set up, after completion of the auction /leasing process etc.
- ii). Resource Wing shall be responsible to draft and to formalize the Expressions of Interest (EOI) for the allocation of properties based on revenue-sharing arrangements, joint ventures, or other suitable modalities as deemed appropriate in accordance with the existing rules/ regulations.
- iii). Resource Wing will conduct the all requisite process in collaboration with a designated committee duly approved by Chairman, CDA, comprising of (1/3rd = One Third) of the officers (BS-18 & above) from relevant formations of the Environment Wing. Representative in procurement committee will be given by concern Member only.
- iv). On finalization of the lease agreements, the same shall be presented to the CDA Board for its approval.
- v). All the existing as well as future lease extensions pertaining to Environment Wing shall also be presented to CDA Board for its approval.
- vi). No formation / directorate of Environment Wing shall exercise or undertake any extension in lease agreements without prior approval of the CDA Board.
- vii). Authorized the resource wing to issue notices and take punitive actions against the owners or entities of the properties annexed hereto, or any other properties that are assigned or may be assigned to the resource wing by the CDA, in accordance with the relevant rules and regulations of the CDA, as deemed fit for addressing violations. Additionally, the resource wing be also authorized to take possession and dispose of properties as necessary. After seeking approval from Chairman CDA and in consultation with concerned Member.

Action by: Member (T&D)
Member (Environment)

NA-IV ESTABLISHMENT OF SDG-11 CELL IN PLANNING WING, CDA ISLAMABAD.

11965/1429/BM/"24

22-03-'24/6th

DECISION

The summary was presented by the Member (P&D), CDA. After due deliberation and information / input on the summary, the board decided the followings

- i). Approved to establish SDG-11 Cell in Planning wing, CDA.
- ii). Approved that newly establish SDG-11 Cell will operate under Directorate of Spatial Planning in Planning wing, CDA.

- iii). Approved the on job technical training of officers in collaboration with the UN-Habitat, UNDP and Planning Commission for capacity building of the Senior Executives and Mid-Level Executive Officers of Planning Wing CDA.
- iv). Approved the shifting / transfer of one post of Deputy Director (Planning) and two posts of Town Planners from existing sanctioned strength of Planning Wing.

Action by: Member (P&D)

NA-V RECOMMENDATIONS OF ANAMOLY COMMITTEE REGARDING TIME SCALE PROMOTION OF OFFICERS/OFFICIALS PROMOTED IN SAME SCALE.

11966/1429/BM/'24

22-03-'24/6th

DECISION

The summary was presented by the Member (Admin), CDA. After due deliberation and information / input on the summary, the board approved the proposal made at Para 5 of the summary.

Action by: Member (Admin)

DG(HRD)

NA-VI PROMOTION CRITERIA OF THE POST OF DDG(ENVIRONMENT), BPS-19.7

11967/1429/BM/'24

22-03-'24/6th

DECISION

The summary was presented by the Member (Admin) and Member (Environment), CDA. it was apprised to the board that the share of direct recruitment quota for the posts of Directors in Environment Cadre has never been filled in the CDA since long and subject quota is not likely to be filled under direct recruitments in future. Resultantly, the work of the directorate is being carried out by giving temporary charges and stop gap arrangement to officers of BS-18. The service structure, hierarchy, requisite skills of supervisory level in Environment Directorates are peculiar in nature requiring promotion of officers from its own ranks instead of filling it through direct recruitment. Therefore, the elimination of the provision of direct recruitment quota for the post of Director (Environment) BS-19 is imperative; and these positions should be filled through promotion quota only.

After due deliberation and information / input on the summary, the board decided the following

- a) The Senior most Directors (BS-19) of Environment Cadre be posted as DDG (Environment) BPS-19.
- b) Approved that both posts of DDG (Environment) (BPS-19) will only be counted for the purpose of promotion to the post of Director (BS-19) in Environment Cadre.
- c) All posts of Director (BS-19) of Environment cadre shall be filled through prescribed method of promotion only, as the quota enhanced with the ratio of 100 percent.
- d) For the future prospective, the prescribed quota of Director (BS-19) of Environment cadre can be amended with the approval CDA Board.

Action by: Member (Admin)

DG(HRD)

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

