

CONFIDENTIAL

CAPITAL DEVELOPMENT AUTHORITY
(Directorate of Coordination)

No.CDA-1237/BM-Coord/2012/ Islamabad August 23 2012.

Subject: - MINUTES OF THE 14TH MEETING OF THE CDA BOARD FOR THE YEAR 2012.

The 14th meeting of 2012 of CDA Board was convened on Monday, the 6th August, 2012 at 11:30 A.M. in Room No. 006, Jinnah Convention Centre, Islamabad presided by the Chairman, CDA.

2. Following attended the meeting:-

- 1). Engr. Farkhand Iqbal, In Chair
 Chairman, CDA.
- 2). Mr. Javaid Jehangir,
 F.A/Member.
- 3). Mr. Shaukat Ali Mohmand,
 Member (Admin).
- 4). Mian Waheed-ud-Din
 Member (Environment)
- 5). Mr. A. Aziz Qureshi,
 Member (P & D).
- 6). Mr. Khalid Mahmood Mirza
 Member Estate
- 7). Mr. Abrar Hussain Shah,
 Member (Engineering).

- 8). Mr. Farooq Sultan Khatak,
Secretary CDA Board.

3 The following officers also participated:-

- 1) Mr. Ghulam Sarwar Sindhu,
DG(Planning), CDA.
- 2) Barrister Masroor Shah,
Chief Legal Advisor.
- 3) Mr. Jabir Khan,
Director BWM, CDA.
- 4) Mr. Khalil Ahmed,
Director BC, CDA.
- 5) Mr. Faisal Cheema,
DFA-I, CDA.
- 6) Mr. Anwar Adrees,
Dy. Director BC, CDA.

4. Chief Commissioner (ICT), Islamabad and Commissioner, Rawalpindi in their capacity as Members of the Board could not attend the meeting.

AGENDA **PRESENTATION BY ARIF MASOOD, ARCHITECT ON KALINGER**
ITEM 01 **VALLEY FOOD PARK PROJECT.**

DECISION.

Deferred.

AGENDA **CONVERSION OF MARRIAGE HALL TO OFFICE/**
ITEM 03 **APARTMENT COMPLEX AT PLOT NO. 26, G-6 MARKAZ**

10155/1237/BM /'12
06-08-'12/14TH

Plot No. 26, Markaz G-6, Islamabad was auctioned in the year 1994 for establishment of Wedding Hall. The building plans were approved in December, 2006 for three basements + ground + 2 storeys thereby the construction of the building

was started and by March, 2010 the structure up to 3 basements + ground floor + first floor had been completed and the further construction was in progress.

Subsequently, the owner of the plot in 2010 requested CDA for increase in the FAR from 1:2 to 1:5 but the request was initially not acceded to by the CDA Board in its meeting held on 05-04-2010, however, CDA Board in its meeting held on 01-02-2011 approved the request for enhancement of FAR and land use change from marriage hall to the office/apartment complex subject to charges to be decided by the Finance Wing, CDA.

Summaries regarding subject matter were presented on the 17th and 21st CDA Board meetings held on 09-08-2011 and 31-10-2011 respectively in which the land use conversion charges were worked out by the Finance Wing of CDA as per criteria determined by the CDA Board dated 22-11-2005 making the following options:

OPTION No.1 Charges On Conversion Of Land Use On The Basis Of Average Auction Results Achieved For G-Series Plots In Year 2011

i.	Rate of wedding hall (March-2009)	Rs. 61,000/-psy
ii.	Updated price (61,000 x 275.13/200.57)	Rs. 83,676/-psy
iii.	Current price for Markaz in G-Series Rs. 132,500/-psy (FAR 1:4).	
iv.	Price adjusted with FAR 1:5 (132,000 x 5/4)	Rs.165,625/-psy
v.	Land use conversion charges (165,625 -83,676)	Rs. 81,949/-psy
vi.	Total land use conversion	Rs.245,847,000/-

OPTION No.2 (ON THE BASIS OF AVERAGE AUCTION PRICE ACHIEVED IN MAUVE AREA.

i.	Rate of wedding hall (March-2009)	Rs. 61,000/-psy
ii.	Updated Price (61,000 x 275.12 / 200.57)	Rs. 83,676/-psy
iii.	Market price for Markaz for Office use (2006-07)	Rs. 62, 286/-psy
iv.	Updated Price	Rs. 117,238/-psy
v.	Land use conversion charges (117,238 - 83,676)	Rs. 33, 562/-psy
vi.	Total land use conversion (3000 x 33,562)	Rs. 100,686,000/-

The land use conversion concept was considered on the request of the ICT Administration & ICT Police stating that the subject site was not suitable for construction of Marriage Hall being in the close proximity to Ex-Madrassa Hifsa & Imam Bargha Zanabia. It was apprehended that both the religious abodes may agitate on the establishment of Marriage / Wedding Hall.

The case for rationalization of conversion charges was considered in 21st CDA Board meeting held on 31-10-2011 which held on abeyance the decision taken in the Board meeting held on 01-02-2011. However, in the 23rd CDA Board meeting held on 02-12-2011 views/comments from ICT Police were invited in the matter. The views of the ICT Police were received on 08-12-2011 which inter-alia pointed out that apparently there is not resentment from Lal Masjid and Imam Bargha Zanabia, however, the situation can be exploited any time due to music and ceremonial bands playing. However, ICT Administration was not asked for their comments.

The Lal Masjid episode occurred in July, 2007, and the construction was undertaken in the year 2008 and subsequently, remained in progress. The different decisions of the Board came into place on the request of the allottee of the plot and different options were considered whether to convert into commercial plaza or adopt a mixed use scenario.

The CDA Board in its 23rd meeting held on 02-12-2011, while discussing on the conversion charges unilaterally decided to seek views/comments from ICT Police after a lapse of 04 years of the incidence of the Lal Masjid. In the course, the construction of the building has almost been completed. In the fitness of events, the following points are for consideration of the CDA Board:

- i) To follow the decision of 21st CDA Board allowing change of land use / enhanced FAR subject to charges as determined by the Finance Wing CDA.
- ii) To take into account the recommendations of the ICT Police advising not to construct the marriage hall thereby offering leverage of charges on account of land use conversion/enhanced FAR in the force majeure scenario on the part of the allottee.

DECISION.

It was observed that the issue was lingering on since 1994 and almost 18 years have passed and no decision had been taken by the CDA during that entire period which was against the norms of justice. Keeping in view the law and order situation based on the

reports of the Islamabad administration and the ICT police, it was evident that construction of Marriage Hall at plot No.26, G-6 Markaz was not advisable. The CDA Board, therefore, endorsed the decision taken in its 21st meeting held on 31-10-2011 that allowed land use conversion from marriage hall to office-cum-residential apartment complex subject to payment of conversion charges to be worked out by the Finance Wing, CDA. It was decided that the conversion charges should be calculated with special dispensation keeping in view the peculiarity of the situation. It was further decided that the decision of the Board shall be exclusive and will not be quoted as precedence for future reference being special in its nature.

**Action by: DFA-I
Director EM-II**

AGENDA **RECTIFICATION ON DECISION TAKEN DURING 11TH**
ITEM 04 **MEETING IN RESPECT OF PLOT NO. 1, EX-MARGALLA**
TOWER, F-10, ISLAMABAD.

10156/1237/BM /'12
06-08-'12/14TH

Back Ground History.

A summary was placed before the CDA Board in its meeting held on 13-06-2012 for acceptance/rejection of bids of commercial plots amongst pre-qualified parties held on 7th and 8th June 2012. CDA Board vide its decision dated 13-6-2012 accepted bids for all plots except bid against Ex-Margalla tower (plot No.01, Markaz F-10) on which following decision was taken:-

” it was decided that before proceeding further the case will be forwarded to Ministry of law & Justice for seeking their opinion on writing off loss of rupees 113 million”.

2. In light of the directions of the CDA Board, Directorate of EM-II initiated the case file for reference to be sent to Ministry of law & Justice for seeking the legal opinion to write off the loss of Rs.113 million. However, the Member(Estate) pointed out 02 errors in the previous summary vide his note dated 25-7-2012 and directed to provide supreme court account adjustment to present the true picture as per auction price. Subsequently, EMO-I (DEM-II) also pointed out the total deposited amount along with re-imbursement with item wise bifurcation and current auction bid amount received as under:-

Comparison of Total Amount deposited & Bid received in Auction

Bifurcation of Amount Deposited.		Bid received in Recent Auction	
Cost of land	Rs. 803.33 (M)	Highest Bid achieved	Rs.141,000/- PSY
Construction cost.	Rs. 822.027(M)	Plot size	11,750 PSY
Rent paid to affectees	<u>Rs.124.100(M)</u>		
Total Amount Paid	<u>Rs. 1750.000 (M)</u>		
Less:- Reimbursed rent	(Rs. 93.135 (M))	Total offered bid in auction.	RS.1656.750 (M)
Actual Total Paid by CDA	Rs. 1656.865 (M)		

**Actual Total Amount Paid By CDA.
amount achieved in Recent Auction.**

**Rs. 1656.865 (M) Total bid
Rs. 1656.750 (M)**

Net Difference.

Rs. 0.115 (M) (Rs.115, 000/-)

DECISION.

The auction of commercial Plot No.1 Ex-Margalla Tower, F-10, Markaz, Islamabad was approved by the Board @ Rs. 141,000/- PSY in favour of the successful bidder. The debris would be removed from the site by the successful bidder within a period of six months. The successful bidder will bear cost of removal of the debris that will be adjusted / paid out from sale proceeds of the debris. The remaining amount of sale of debris will be credited to CDA's account. It was also decided that a grace period for 6 months would be given for making payment.

Action by: DFA-I
Director EM-II

AGENDA **NON ISSUANCE OF COMPLETION CERTIFICATE TO**
ITEM 05 **RESIDENTIAL APARTMENTS BUILDINGS/ECONOMY**
FLATS IN ISLAMABAD.

10157/1237/BM/'12
06-08-'12/14TH

There has been a long standing issue of completion of the residential apartment buildings/towers that remained undecided and has inflicted heavy financial loss to CDA.

There are 18 Economy Flats/Towers in Islamabad where the construction phases probably have been completed during 2004-05. In none of the cases, despite clearance of dues of some cases due to non compliance of certain procedural requirements, completion certificate have not been issued. The non-issuance of the completion is broadly due to the following reasons:

- i) Non-adherence to the approved FAR and illegal construction of additional storeys/penthouse.

- ii) Illegal construction of apartments in the basements against the provision of parking/storage.
- iii) Provision of inadequate car parking against the provisions of the approved plan.
- iv) Improper disposal of sewerage/drainage into CDA mains.
- v) Non acquisition of NOC from the Revenue Directorate, CDA (Property Tax/Water Tax, Conservancy Charges, etc).
- vi) Non acquisition of Soundness and Stability Certificate of buildings in the post earthquake scenario.
- vii) Non acquisition of NOC from Emergency & Disaster Management Directorate in compliance with the Fire and Safety Regulations 2010.
- viii) Non implementation of the provisions of the Building & Zoning Regulations-2005 on the buildings completed after 2004.

Financial recovery in case of 11 towers/economy flats in lieu of different violations like enhanced FAR, charges for additional storeys, etc. were recovered as per the rates decided by the CDA Board in its meeting held on 12-09-2004. The charges payable were determined on the basis of the provisions of the Building and Zoning Regulations, 1993 and 2003. However, in 07 cases recovery of Rs. 231.33 million could not be affected on different pretexts (compoundable violations, litigation in the court of law & unwillingness on the part of the developers). The cases for recovery stand referred to the Senior Special Magistrate/Additional Collector Recovery CDA. The cases for recovery from two towers are in the pipeline. The recovery of

Rs. 231.33 million is pending since 2005; had the recovery been made in the year 2005, the Authority would have generated estimated annual premium of Rs.23 million.

Despite promulgation of Islamabad Building & Zoning Regulations 2005, its implementation was not made to calculate the remittances on account of excess FAR/additional storeys and other charges due to which most of the developers were reluctant to pay the charges/penalties. It was imperative to apply the charges calculation process under the Building & Zoning Regulation 2005.

The CDA Board in its meeting held on 29-06-2010 approved the Islamabad Multi Unit Buildings (Sub-Division) Regulation-2010 which provides that a unit/share can be transferred to the other person(s). The provisions of the MUB Regulations protect the rights and interests of the unit allottees besides providing source of revenue generation to CDA. The implementation of the provisions of the Regulation can only be executed after obtaining completion certificate for the transfer of residential apartments/units which is not being effectively exercised. This situation does not only jeopardize the rights and interests of the unit allottees but also depriving the CDA of transfer fee.

In order to resolve the matter of non issuance of the completion and to recover the dead revenue back in CDA financial basket along with appreciable long term revenue as transfer fee, the following recommendations are made:

- i. Implementation of Islamabad Building & Zoning Regulations 2005 for the calculation of excess covered area.

- ii. The owners/developer/allottees shall be restricted to obtain completion certificates and be informed through electronic and print media to get the completion of their respective buildings in the light of Islamabad Building & Zoning Regulation 2005
- iii. A time frame shall be determined obtaining completion failing which the basic services (electricity/gas/water connections) may be disconnected leading to cancellation of the allotment of the plot.
- iv. The completion certificates of towers/economy flats will be worked out/recommended by Member (P&D) for final approval to Chairman, CDA.

The decision of the Board will not affect the cases where financial recoveries have been finalized/decided/remitted but awaiting completion certificate.

DECISION.

The proposed amendments in the Building & Zoning Regulations, 2005 were considered by the Board at length. The Board observed that an affective surveillance and close watch mechanism and strategy should be developed for checking violations in the new building constructions as it is not a practice of days but it extends over months/years. It was also emphasized that a proper computerized system should be developed to provide progressive physical/financial details of the building constructions periodically to eradicate the chances of theft in revenue collection to root out the mal-practices. The Board approved the implementation of the Islamabad Building & Zoning Regulations (amended) - 2005 forthwith with the following conditions:

- i. The provisions (Annexed-D) of the regulations will be applicable on the economy flats/towers for the

calculation/measurement of the area and the charges. The provisions will not be applicable in the cases where the charges in lieu of excess FAR have already been recovered.

- ii. The construction of flats in the basement of residential apartments shall not be allowed in future.
- iii. The owner/developer/allottee shall be bound to obtain completion certificate and ensure transfer of flat/apartment to the allottees through CDA.
- iv. The completion certificates of towers/economy flats will be issued with the approval of Chairman, CDA on the recommendations of Member (P&D).
- v. Proper campaign of awareness for the general public be carried out through the print media for observing building bye-laws.

**Action by: Director BC-1
DFA-I**

PART-II

ADDITIONAL AGENDA ITEM

ADDL. REQUEST FOR APPROVAL OF LAY OUT PLAN OF NUST **AGENDA CAMPUS AT SECTOR H-12** **ITEM**

10158/1237/BM /'12
06-08-'12/14TH

Request has been received from National University of Science and Technology (NUST) for approval of layout plan of Sector H-12.

Land measuring 706.6 acres was allotted by CDA for establishment of NUST Campus at Sector H-12. layout plan of Sector H-12 prepared by M/s NESPAK and submitted by NUST Management has been scrutinized by CDA and observations on the plan were communicated to the NUST Management for rectification. The rectified plan of Sector H-12 has been submitted by the University Management which provided as under:-

S.No	Land Use	Area in Acres	%Age
1.	Botanical Garden	131.00	18.539
2.	Academic Area	115.391	16.330
3.	Student Hostels	65.00	9.198
4.	Residential Area	35.00	4.953
5.	Medical College & Teaching Hospital	84.535	11.963
6.	Headquarters NUST	17.153	2.427
7.	Sports Complex	48.484	6.861
8.	Technology Park	17.847	2.525
9.	Roads & Parking	141.322	20.00
10.	Community College /School	20.27	2.868
11.	Park/ Open Area	29.608	4.191
12.	Sewerage Treatment Plant	1.00	0.145
	Total	706.61	100.00

The silent features of the plan are as under:-

- a). Minimum road width has been provided as 40'.
- b). Within the sector 150' wide roads have been provided to facilitate the circulation.
- c). Natural water course/nullah in Sector H-12 have been preserved and kept as it is.
- d). Exclusive Sewerage Treatment Plan has been provided.

It is important to mention here that the development and construction in Sector H-12 has been carried out partially by the University Management without getting layout plan and building plan approved from CDA.

The land use plan of Educational Complex at Sector H-12 falls within the Planning parameters and therefore is

recommended for approval of the Board subject to the following conditions:-

- i). plan/design of Infrastructure to be laid in the Sector would be got approved from CDA.
- ii). Building plans of the building would be got approved from Directorate of Building Control, CDA.
- iii). There will not be any direct access from Kashmir Highway other than through the eastern and western Service Roads.
- iv). 1000' wide strip in Sector H-12 along Kashmir Highway is to be kept clear of any construction.

DECISION

The layout plan of NUST University at Sector H-12 was discussed at length and the Board extended approval on following conditions:

- i) Plan/design of infrastructure to be laid in the Sector would be got approved from CDA.
- ii) Building plans of the buildings would be got approved from Directorate of Building Control, CDA.
- iii) There will not be any direct access from Kashmir Highway other than through the eastern and western Service Roads.
- iv) 1000' wide strip in Sector H-12 along Kashmir Highway is to be kept clear of any construction.
- v) The plan of teaching hospital of NUST may be got approved by the Directorate of Building Control, CDA: and

- vi) In future modification in layout plan should not be carried out without seeking prior approval of CDA.

Action by: DG (Planning)
DFA-I

CONFIDENTIAL

CAPITAL DEVELOPMENT AUTHORITY
(SECRETARIAT)

No.CDA-1237/BM-Coord/2012/

Islamabad August: 23, 2012.

Subject:- **MINUTES OF THE 14TH MEETING OF 2012 OF THE CDA BOARD.**

The 14th meeting of 2012 of the CDA Board was convened on Monday, the 6th August, 2012 at 11.30 A.M. in Room No. 006 at Jinnah Convention Centre, Islamabad presided by the Honorable Chairman, CDA. Minutes of the meeting have been prepared and placed below for kind perusal and approval of the Board.

(Farooq Sultan Khattak)
Secretary CDA Board

Member (Administration)

Member (Engineering)

Member (Estate)

F.A / Member

Member (P & D)

Member (Environment)

Chairman

14TH BOARD MEETING FOR THE YEAR-2012

HELD ON 6th AUGUST, 2012

AGENDA ITEMS

Sr. #	Items of Agenda	Presenter	Page No
1	Presentation by Arif Masood, Architect on Kalingar Valley Food Park Project	Arif Masood, Architect	Deferred
2	Adjustment claim of Multi Professional Cooperative Housing society for Plot No. 56-D, Blue Area, G-6/F-6, Islamabad.	FA Member	3-5
3	Conversion of Marriage Hall to Office/Apartment Complex at Plot No. 26, G-6 Markaz	Director BC-I	6-9
4	Rectification on Decision taken during 11 th meeting in respect of Plot No. 1, ex-Margalla Tower, F-10, Islamabad.	DFA-I	9-11
5	Non Issuance of Completion Certificate to Residential Apartment Buildings/Economy Flats In Islamabad	Director BC-I	12-16

ADDITIONAL - AGENDA ITEM

Sr. #	Agenda Item	Presenter	Page No
1.	Request for approval of Lay Out Plan of NUST Campus at Sector H-12	DG (Planning)	17-19



MOST IMMEDIATE
BY SPL MESSENGER
CONFIDENTIAL

Capital Development Authority
(Coordination Directorate)

No.CDA-1237/BM-Coord/2012/

Islamabad September , 2012

Subject: - 14TH BOARD MEETING FOR THE YEAR- 2012.

Kindly find enclosed herewith a copy of minutes of 14TH Board Meeting held on Monday the August 06, 2012 at 11:30 A.M. for perusal and record.

2- Extracts of relevant minutes of the meeting are being sent to the concerned DGs/ Directors separately for implementation/ compliance.

(FAROOQ SULTAN KHATTAK)
Secretary CDA Board

Distribution

1. Chairman CDA.
2. Chief Commissioner, ICT Islamabad.
3. Commissioner, Rawalpindi.
4. FA/ Member, CDA.
5. Member Administration CDA
6. Member Engineering, CDA
7. Member P&D, CDA
8. Member Estate, CDA.
9. Member Environment, CDA

Copy to:

- i. Director Public Relations , CDA
- ii. Director Staff to Chairman, CDA

Secretary CDA Board