



**CAPITAL DEVELOPMENT AUTHORITY  
PLANNING WING  
Directorate of Housing Societies**



No. CDA/PLW-HS(767)/2004/ 5841

Islamabad, 23<sup>rd</sup> December, 2025

1. **Sardar Sabeel Mumtaz**,  
Secretary, Jammu & Kashmir Co-operative Housing Society,  
Community Center, Sector G-15 Markaz, Main G. T. Road, Islamabad
2. **Mr. Muhammad Zaheer**  
Secretary, M/s IBECHS, Head Office, Street No. B-04,  
Business Park, Gulberg Greens, Islamabad

**Subject:** MERGER OF "KHAYABAN-E-KASHMIR-II" HOUSING SCHEME, ZONE-5, ISLAMABAD, SPONSORED BY M/S JAMMU & KASHMIR CO-OPERATIVE HOUSING SOCIETY (J&KCHS)] WITH GULBERG RESIDENCIA HOUSING SCHEME, SPONSORED BY M/S IBECHS.

- Ref:-**
- i. Please refer to this Office Notice of even Number, dated **18-12-2025**, regarding the subject matter.
  - ii. M/s IBECHS letter, in reply, dated **22-12-2025**.

It is informed that the contents of the reply of M/s IBECHS, as referred at Sr. No. ii, are **Not Agreed, on the following Grounds:**

**CDA Ordinance, 1960**

**Section-12(5)** "Preparation of Schemes by Local Bodies or Agencies"

**No planning or development scheme shall be prepared by any person or by any local body or agency except with the concurrence of the Authority**

**Section-15(1)** "Power of the Authority"

**Subject to the other provisions of this Ordinance and the rules, the Authority may take such measures and exercise such powers as may be necessary for the carrying out of the purposes of this Ordinance**

**Section-49-G** "Ordinance to Override other Laws"

**The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force and such law shall, to the extent of any inconsistency, cease to have effect.**

**Section-51** "Power to make Regulations"

**The Authority may make regulations, not inconsistent with the rules, if any, on all matters for which regulations are necessary or expedient; and such regulations shall be published in the official Gazette.**

2. CDA has been Regulating Planning and Development of Private Housing Schemes in said Zones under ICT (Zoning) Regulation, 1992 and the Modalities and Procedures framed there under, till June-2023. Then, Regulation for Planning and Development of Private Housing/Farm Housing, Apartments Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023, framed under ICT Zoning Regulation, 1992", Gazette Notified vide No. S.R.O 886(I)/2023, dated 07-7-2023. Two steps approval of private schemes are granted by CDA. In the First Step, Lay Out Plan (LOP) is approved then on completion of subsequent formalities, No Objection Certificates (NOC) for Development of the scheme is issued. CDA also issues Completion Certificate after completion of

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development in the scheme as per the approved Lay out Plan, design of services and approved specifications.

3. Deputy Commissioner/ Registrar, Co-operative Societies, Islamabad Capital Territory Administration (ICT), Islamabad, is responsible for Registration, Admin. Affairs, Financial Matters, Elections, Holding of Annual General Meetings (AGMs), Allotment/ Auction of Plots, Annual Audit, etc. of Co-operative Housing Societies, under the provisions of Co-operative Societies Act, 1925 & Rules of 1927. The Securities Exchange Commission of Pakistan (SECP) regulates the affairs of Private Limited Companies, under Section-455 of the SECP Act, 2017. CDA, on the other hand, regulates the Planning and Development of the Housing Schemes planned, launched and developed by Co-operative Housing Societies and Private Limited Companies, etc.

4. It is important to mention that CDA was directed and further empowered by the Judgments of the Honorable **Supreme Court of Pakistan** and **Islamabad High Court** to monitor and supervise the Planning and Development of the Private Schemes through effective mechanism. In the light of Judgments of the Islamabad High Court CDA notified "Regulations for Planning and Development of Private Housing/Farm Housing, Apartments Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023, framed under ICT Zoning Regulation, 1992", vide Gazette Notification No. S.R.O 886(I)/2023, dated 07-7-2023. The CDA under Section-51 of CDA Ordinance is competent to make Regulations for the smooth functioning of the matters related to Authority. It is also added that CDA Ordinance is a Special Law which was promulgated as CDA Ordinance 1960 and the same being Special Law and later in time has preference over the other Laws. The Section 49-G of CDA Ordinance also made it clear that any Law in conflict with CDA Ordinance 1960, the CDA Law shall prevail.

5. **Full Bench** of Honorable Islamabad High Court, Islamabad, in its Judgment, in WP 676-2017, titled "Shahzada Sikandar-ul-Mulk vs CDA" dated 09-7-2018, has declared at Para-41 that:

- Construction of houses or buildings of any nature, whether in the "Golra Revenue Estate" or the area comprising "Bani Gala" which have been or are intended to be constructed in Violation of the Master Plan, the Ordinance of 1960, the Zoning Regulations of 1992, the Ordinance of 1966 and the Wildlife Ordinance of 1979, as the case may be, are Illegal, without Lawful Authority and Jurisdiction and thus liable to be Demolished as mandated under the Ordinance of 1960 and the regulations made there under.
- None of the respondents have been able to place on record any document which would establish the legality of their building.
- **The Authority is the Sole and Exclusive Regulator and the Union Councils were not vested with Authority to grant any Approval, Contrary to or in Violation of the Ordinance of 1960 and the Regulations, made there under.**
- We also declare that in case of any violation, the Chairman and each Member of the Authority shall be jointly and severally liable for breach of duties and obligations imposed under the Ordinance of 1960.
- **The Chief Commissioner, Islamabad Capital Territory shall be equally responsible if the legal framework in the un-acquired areas is violated.**
- **We also declare that the Authority is the Exclusive and Sole Regulator and the provisions of the Ordinance of 1960 and the Regulations made there under are attracted in the case of a Private Housing Authority established in any part of the Islamabad Capital Territory.**

The Supreme Court of Pakistan, in Civil Petition 3491/2018 & several others, filed against above Orders of the Full Bench of Honorable Islamabad High Court, Islamabad, dated 09-7-2018, has ordered as under on 17-9-2018:

"Having heard the learned council for the parties, **we do not find that the impugned judgment suffers from any factual or legal errors; rather we concur with the said judgment** that all the construction raised in areas of Mouza Bani Gala and E-11 are without authorization and for this reason the learned High Court has rightly provided mechanism to regularize the un-authorized construction on these properties. Obviously, this mechanism also caters to the grievance of the petitioner before us. Resultantly, we direct that CDA should immediately proceed with the mechanism so provided and examine and deal with buildings constructed in these areas strictly in accordance with the principles laid down in Capital Development Authority v/s Abdul Qadeer Khan (1999 SCMR 2636) and the recommendations made by the learned High Court in the impugned judgment thereby to resolve the issue. Periodical progress reports be filed in this court after an interval of two months. In the meantime, properties already constructed shall not be demolished by CDA but **no person shall be entitled to raise new construction by an inch or lay a brick from this day onwards. All those properties which are sealed shall remain sealed and any person who violates or breaks such seal shall be held for contempt of court on account of disobedience of the Court's order.** These matters are accordingly disposed of."

**6. Islamabad High Court, Islamabad, in its Judgement inn ICAs 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, passed following Orders:**

20. In view of above background and latest position of law in general, we are of the view that judgment passed by the learned Single Judge in Chambers is within four corners of law and no illegality has been observed, therefore, the same is upheld. However, it is made clear that CDA authorities shall:

- i) Take action under the law against the delinquents (individuals) as well as societies (including **Bahria Town and MPCHS**) and its Officers/Officials/Directors, for Non-compliance of above referred SOPs/Guidelines, Rules, or Regulations, therefore, the CDA Authorities shall issue a publication in two daily newspapers, English and Urdu, with the direction to the **Housing Societies/Individuals to get the Approval of their Construction from CDA Authorities** as referred above, whereupon NOC shall be issued to all those individuals after fulfilling codal formalities subject to Rules and Regulations;
- v) **Start Taking Actions against Societies who have Violated the Approved Layout Plan or Changed the Public Utility Areas such as Mosque, Playgrounds, Post Office, School, Parks, Parking, etc.**
- vii) CDA authorities shall maintain overall supervisory control upon all Societies in every manner and **being Regulator and act in accordance with CDA Bye-laws.**

21. Besides the above referred directions, it is further made clear that:

- i) All Societies including Bahria Town, MPCHS or any other Society shall pay all charges, amounts, fee received against approval of construction plan from their allottees to CDA within three (03) months and shall submit each case before CDA for their approval.
- ii) **Any Society, who is not Complying the CDA By-laws, Directions issued from time to time or their NOC, the Layout Plan shall be Cancelled after giving due Warning in accordance with Law, where after CDA shall take over the such Society including their Assets and Bank Accounts Managements with the help of ICT Administration, Federal Government, Ministry of Interior, Chairman CDA, Mayor Metropolitan Corporation Islamabad, all CDA Officials.**
- iii) **Chief Commissioner, Deputy Commissioner, Inspector General of Police, SSP Islamabad, concerned SHO, and Magistrates are Directly Responsible for Compliance of CDA By-laws as well as Directions referred in this Judgment.**

21-A. In view of above, it is held that **every member of Housing Society or the Society itself shall get Approval of Construction from the CDA in accordance with Law**, after fulfilling all the Codal Formalities, where after CDA shall issue NOC accordingly.

**7. The Honorable Islamabad High Court Islamabad, in its Judgment in WP 1662/2018, titled "Toquir Ahmad, MD Des Pardes vs CDA", dated 11-5-2018, Ordered as under:**

"CDA Authorities are directed to visit all the Societies and Verify the Credential of All Utility Plots, Service Areas, Parking Lot, which belong to CDA under the Layout Plan (LOP) or under the NOC granted to the Society, and if it is found that any Illegal Structure has been raised on the Amenity Plots by the Society or any 3<sup>rd</sup> Party, they can proceed in accordance with Law without taking any exception and Director Building Control, CDA as well as Director Societies, CDA shall also issue Warning Notice to all the Societies and their Executive Bodies to comply with the CDA Bye-laws in Letter & Spirit."

8. It is further informed that the Honorable Islamabad High Court Islamabad vide order dated 20-5-2025, in **WP 2882/2024**, restrained the M/s J&K ECHS, not to sign any agreement to sell with any third party or inclusion of land of the society with any third party. The relevant portion of the order dated **20-5-2025** is reproduced as under:

4. In view of the above, the concerned, authorities of the respondent Society/ JKECHS are directed to appear before the Director (Housing Societies), CDA, on the 26th, 27th, and 28th of May, 2025, at 11:00 A.M., to discuss and comply with the instructions and requirements issued by the CDA regarding the revised layout plan, in order to resolve the issue.

5. In addition to above, **till approval of revised layout plan, the JKECHS is not allowed to enter in any agreement to sell with any third party for purchase of land and inclusion of the same in the society.** They are also not allowed to allot any plot of pending layout plan in any manner. The CDA authorities shall not allow any revised layout plan application in which the society does not own land in complete manner in future.

CDA has already filed a Contempt Petition in IHC, in this regard.

9. Its amazing to Read in the Reply of M/s IBECHS, as referred at Sr. No. ii, that **CDA is Not their Regulator**, especially when both the Societies had been getting their Layout Plans (LOPs) Approved, obtaining No Objection Certificates (NOCs) for Development, getting Building Plans Sanctioned, for their Multiple Schemes, from CDA, under the provisions of CDA Ordinance & Regulations, made thereunder.

10. In the light of Factual & Legal position detailed above, M/s J&KCHS and M/s IBECHS are again directed to refrain from entering any Merger/Agreement, without prior Approval/Consent of CDA, failing which CDA shall be constrained to proceed against both the Societies, under CDA Ordinance & Regulations made thereunder.

(IJAZ AHMAD SHEIKH)  
Director Housing Societies

Copy to:-

1. Member (P&D), CDA
2. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad
3. DG (Urban Planning), CDA
4. DG (Law), CDA
5. Legal Advisor, CDA
6. Dy. DG (Enforcement), CDA
7. Director Building Control (South), CDA
8. Mrs. Kiran Saeed, Director Housing (Monitoring & Evaluation), CDA
9. Director (EM-III), CDA
- 10. Director (I.T), CDA  
[It is requested to Upload this Show Cause Notice on CDA Website for Awareness of the General Public & All Stakeholders].
11. DC, CDA/Sr. Special Magistrate, CDA
12. Director Staff to the Chairman, CD.
13. Additional Deputy Commissioner (ADCR), ICT, F-8 Markaz, Islamabad
14. Mirza Saeed Ahmad, Tehsildar, HS Dte. Planning Wing, CDA
15. PS to Member (Estate), CDA
16. Master File

(MUHAMMAD MANSHA)  
Dy. Director (HS)

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