



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



No. CDA/PLW/HS(862)/2021/ 398

Islamabad, 12th September, 2025

1. **The Secretary,**
M/s FECHS, Main Commercial, Street No. 9,
Society Plaza, Near Post Office, Korang Town, Islamabad
2. **The Secretary,**
M/s NAECHS, 64-E Masco Plaza, Jinnah Avenue,
Blue Area, Islamabad

Subject:- SHOW CAUSE NOTICE FOR NON-FULFILMENT OF TERMS & CONDITIONS OF LAYOUT PLAN APPROVAL OF "JINNAH GARDEN (PHASE-I EXTENSION), ZONE-5, ISLAMABAD, SPONSORED BY M/S FECHS & M/S NAECHS

Ref:- This office Letters/Notices, dated **21-10-2023, 03-3-2024, 20-4-2024, 12-11-2024, 23-01-2025, 18-6-2025 & 10-9-2025**, regarding the subject matter.

It is informed that the Layout Plan of Jinnah Garden (Phase-I Extension), over an area measuring **1,826 Kanals**, Zone-5, Islamabad, was approved by the Authority, vide letter dated **10-9-2021**, subject to certain Terms & Conditions.

2. As per the "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", and Letter of Approval of LOP, dated 10-9-2021, the Submission Status of the Documents, Plans & Fee, etc. by the Sponsors of the Scheme, is as under

Sr. No.	Documents/Plans/ Fee	Reference	Submission Status	Miscs/ Remarks
1.	Layout Plan shall also be published, at the cost of Sponsor, in Two leading National Newspapers [one Urdu and one English], within 7 days of its issuance, for general public's awareness.	Clause-12 (viii) of the Regulations, <i>ibid.</i>	Not Published	-
2.	Execute in the form attached as Annex-A , an undertaking regarding acceptance of the conditions relating to planning, designing and implementation of the Scheme/Project.	13(i)	Not Submitted	-
3.	Mortgage 20% of the saleable area in the Layout Plan with the Authority as a Guarantee for completing development works/services within the period specified. The mortgage deed shall be executed by the Sponsor in the form attached as Annex-B and be got registered with the Registrar, ICT, Islamabad, within 45 days after clearance of detailed layout plan of the Scheme/Project.	13(iii)	Not Submitted	Penalty 2.667 Million
4.	Transfer to the Authority in the form annexed as Annex-C and free of charge, the land reserved for Parks/Open Spaces, Playgrounds, Graveyard, land under Right-of-Way (R.o.W) of roads/streets and 50% of land earmarked for Public Buildings, etc. in the Scheme/Project, within 45 days of the approval of the Layout Plan of the Scheme/Project	13(v)	Not Submitted	Penalty 13.959 Million

5	The Tehsildar of Planning Wing CDA will ensure that the certified copies of Sanctioned Mutations and Fard Jamabandi of Mortgaged & Transferred Land, in favor of CDA, within 15 days of the execution of Mortgaged & Transfer Deeds by Sponsor	13(vi)	Not Submitted	-
6	A Public Notice , as per specimen as Annex-H, shall be published in at the expense of Sponsor, and with the approval of Director General/Dy DG (Planning), regarding the mortgage of plots under saleable area with the Authority, in Two leading National Newspapers [one Urdu and one English], and uploaded on CDA Website, for awareness of the general public, within 7 days after Mortgage Deed has been executed between CDA and the Sponsor	14	Not Published	-
7	The Sponsor shall prepare, within a period of three months, the Engineering Design and Specification of the services and utilities and make a presentation to a Panel of Engineering Experts of CDA (as given Annex-I), for approval of Engineering Designs and detailed specifications of services/utilities in the Scheme/Project. OR get a Third-Party Validation of Engineering Designs & Specifications prepared by the consultants registered with PCATP/PEC and enlisted with CDA, as per specimen of Certificates at Annex-K , to be provided on Stamp Paper of Rs.100/-. The third party vetted Engineering Designs & Specifications and Hydrological Studies/Flood Study Report, will be presented to the Panel of Engineering Experts and forwarded to Design Wing, CDA, for vetting	15(i)	Not Submitted	-
8	Traffic Impact Assessment, Emergency & Disaster Management Plan, Solid Waste Management Plan, Sewage Disposal Plan	15(vi)	Not Submitted	-
9	The sponsor shall be required to deposit a Fee for the processing and approval of engineering designs by the Panel of Experts at the rate of Rs.1000/- per Kanal or as revised from time to time by the CDA, and provided in Annex-F.	15(iv)	Not Deposited	Scrutiny Fee Rs. 1.826 Million Penalty 20.542 Million
10	The sponsors of the Schemes/Projects shall provide to CDA the Environmental Clearance from the Environmental Protection Cell (EPC), CDA/Pakistan Environmental Protection Agency (Pak-EPA), before the submission of case to CDA Board for Approval of NOC.	18	Not Submitted	-
11	Submit design of Sewerage Treatment Plant (STP) to be provided in the scheme, in the Authority within 2 months from the date of issuance of this letter.	16(iii) of Regulations ibid & 6(r) of LOP Approval Letter	Not Submitted	-
12	The Sponsors shall provide a comprehensive Solid Waste Management Plan as per the approved Layout Plan of the scheme. The plan should identify the final disposal site for solid waste along with its dumping process, before the submission of case to CDA Board for Approval of NOC.	16(vii) & 6(s)	Not Submitted	-
13	Start of Development of Scheme prior obtaining NOC without Approval of Engineering Designs @ Rs.10,000/- per Kanal. Penalty would be charged to the extent of developed area of the scheme	Annex-F	Not Deposited	Penalty 18.260 Million
14	Hydrological Study of Water Courses will be prepared and presented in CDA within 30 days from the date of the issuance of approval letter.	6(b)	Not Submitted	-
15	The Graveyard Area for Jinnah Garden/NASECHS will be properly earmarked in Mouza Pahag and sponsors will submit Public Notice to verify the land	6(f)	Not Submitted	-

	proposed by sponsors (M/s FECHS) as Combined/Joint Graveyard in Mouza Pahag (within 15 days from the date of issuance of approval letter). The site of Graveyard being out-side of Scheme Area, will be surveyed to confirm on-site possession and development of the same through DD L/S, CDA prior to NOC.			
16.	Topographical Plan will be submitted by Consultants of the Project within 15 days' time period.	6(g)	Not Submitted	-
17.	Plots adjacent to Nullahs (in Scheme Area e.g. Plot No. 2 & 1-A to 1-E, measuring 30' x 60' proposed in Scheme Area especially Mouza Bora Bangyal Mouza Bora Bangyal) will not be allotted unless cleared through presentation of Third Party Vetted Hydrological Report .	6(h)	Not Submitted	-
18.	The cluster of Landuses across Naval Anchorage Road will be properly Fenced and Developed through Road/Infrastructure for utilization by the residents of the Scheme and to avoid any Adverse Possession.	6(i)	Not Fenced	-

3. It is evident from the above detailed factual position that M/s FECHS & NASECHS have **Failed** to abide by the relevant provisions of "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 Regulations, 1992", Gazette Notified on 07-7-2023, and Terms & Conditions of the Letter of Approval of LOP, dated 10-9-2021, for obtaining NOC for Development of the Scheme. Instead, M/s FECHS is making Development in the Scheme, before obtaining NOC from CDA, and in addition to the Approved Layout Plan, which is Illegal and liable to be Demolished.

4. Site of Jamia Masjid at Alamdar Road, in Jinnah Garden (Phase-I Extension) has also been Converted into Residential Plots. It was further observed that "Bahria University of Health Sciences", has been developed/constructed by M/s Naval Anchorage, Islamabad, on land Earmarked for School, College Hospital and Multi-Purpose Play Ground, in the approved Layout Plan of Jinnah Garden (Phase-I Extension). Furthermore, during the site visit it was also observed that a Notice was installed at various location from NAB Rawalpindi/ Islamabad, regarding the Property of Bankers City Case under reference No. 47/2007.

5. Thus, the development of the Scheme at site, without NOC from CDA, is clear violation of CDA Ordinance – 1960, ICT (Zoning) Regulations – 1992, ICT Building Control Regulations – 2020 (as amended 2023, and the 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 Regulations, 1992".

6. The Honorable Islamabad High Court, Islamabad, at Para-8 of the Judgment in WPs. No. 2929, 2930, 2931, 2932, 2933, 2934 of 2013 & 4303 of 2012, ordered as under:

"Hence in view of above referred case laws, I am of the view that respondents have violated procedure provided in Modalities & Procedures framed under ICT (Zoning) Regulations, 1992 for Development of Private Housing Schemes in Zones Two & Five of Islamabad Capital Territory Zoning Plan as **respondents are bound by their Undertaking submitted before the CDA as they will never convert, relocate or modify the Layout Plan without prior proper approval, even in this**

case they started conversion and at the same time they have submitted the Revised Layout Plan, hence, they have adopted Illegal Procedure as there is no concept of Ex-Post Facto Approval rather they have to get the Revised Layout Plan at the first instance and then start Relocation or Modification only in the larger interest of public if allowed by the CDA .

Even otherwise the respondent Society has violated the terms of its Undertaking which was submitted before CDA, respondents have developed monetary interest against the public at large, and all actions under the so-called modification and relocation are made against the public interest, Public Amenity plots cannot be changed for any purpose. Hence, the actions of relocation, modification of commercial plots or residential plots in violation of Approved Layout Plan are hereby declared Illegal".

The above Orders have been upheld by the Honorable Islamabad High Court, Islamabad in ICA No. 263-269/2016 and Supreme Court of Pakistan in CP No. 3221-3227/2016 and thus have attained Finality.

7. The Honorable Islamabad High Court Islamabad, in its Judgment in Writ Petition No. 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 Third 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. Islamabad High Court, Islamabad, in its orders dated 26-5-2025, passed in WP No. 4043/2024, titled "Muhammad Anwar Ch. etc. vs CDA", has directed as under:

"15. In view of above, the instant Writ Petition No. 4043 of 2024 is Allowed. The impugned Revised Layout Plan dated 21-3-2023, passed by CDA is declared to be Illegal, without lawful authority and of No Legal Effect, and is hereby Set Aside. The respondents are directed to Restore the Layout Plan of CBR-ECHS Phase-1 to its Original Form as approved on 24-02-2007. The CDA is further directed to ensure that no amenity plots, green areas or public utility spaces are converted to residential commercial usage in violation of applicable laws and regulations, and that the rights of the residents are safeguarded in future with no order as to costs".

9. Islamabad High Court, Islamabad, in I.C.A. No. 289 of 2018, Muhammad Akbar Abbasi and others Versus Capital Development Authority through its Chairman and others:

6. The appellants are the allottees of plots / units allotted by the CECHS with respect to an area which does not form part of an approved layout plan. It is incumbent on a purchaser to satisfy himself that the plot / unit being purchased by him is within the limits of the layout plan duly approved by the CDA. It is also incumbent on a housing society not to sell plots or units which do not form part of an approved layout plan. In the event, the Regulator is to carry out the penal measure of demolition of structure made in violation of the approved layout plan, it is the housing society that would be liable to pay damages to the allottees.
7. We have gone through the impugned judgment dated 17.05.2018 passed by the learned Judge-in-Chambers with great interest and keenness and have been given no reason to interfere with the same. Consequently, the instant appeal is dismissed. There shall be no order as to costs.

10. The Honorable Islamabad High Court (IHC), Islamabad, in **Cr. Org. No. 73/2023**, titled **Muhammad Yameen vs Kamran Cheema**. Has passed following Orders on **15-4-2025**:

9. Therefore, in order to resolve this issue, it is hereby declared that the Secretary, Cooperative Societies Department, the Director (Housing Societies), CDA, and the Circle Registrar, Cooperative Societies Department, are obligated to verify that in future no plot shall be allotted beyond the approved LOP to any person in the society. Similarly, the Executive Committee of the society shall submit an undertaking before the CDA and the Cooperative Societies Department when applying for the approval of the LOP/NOC, affirming that **they will only allot plots within the approved LOP** and that subsequent conversion of any street or plot number is not permissible once it has been allotted, provisionally or otherwise as per map of the society. Furthermore, the society shall not incorporate any clause in the provisional or final allotment letter stating that "they are empowered to change the location or number of the plot," as the power for conversion of any plot or street number, or the shifting of the location of a plot, is not permissible once the LOP has been approved and the plots are earmarked.

11. M/s FECHS & M/s NAECHS, are directed to deposit **Rs. 57.254 Million**, on account of Fee & Penalties for the aforementioned Housing Schemes [calculated up to 30-6-2025], in the form of Pay Order in the name of **DDO (Housing Societies), CDA**, detailed as under:

Sr. No.	Fee & Penalties	Amount [Million]
1.	Penalty of Late Transfer of Land @ Rs. 1000 per Kanal per 3 months	13.959
2.	Penalty of Late Mortgage of Land @ Rs. 1000 per Kanal per 3 months	2.667
3.	Scrutiny Fee for Engineering Designs @ Rs. 1000 per Kanal	1.826
4.	Penalty for Late Submission of Engineering Designs @ Rs. 250 per Kanal per month	20.542
5.	Penalty for Development without obtaining NOC from the Authority.	18.260
Total		57.254

12. Further, **44 Kanals** land in the form of residential and commercial plots as 20% of the Saleable Area was **Mortgaged with CDA** through Registered Deed, dated **06-3-2013**, in the National Assembly Secretariate Employees Housing Scheme. Similarly, **179 Kanals** land under Roads/Streets, Parks/Open Spaces & Public Buildings, etc. in the Layout Plan of aforementioned Scheme was **Transferred to CDA**, through Registered Deed, dated **04-3-2013**. Therefore, the same Land, belonging to CDA, must be earmarked on the Approved Layout Plan and submitted to this Office, within **10 days**.

13. Directorate of Housing Societies, CDA, vide Letter Numbers 24, 59, 72, 84, 86, 103, 104, 115 & 118, dated 28-01-2025, 24-02-2025, 05-3-2025, 14-3-2025, 19-3-2025, 26-3-2025 & 23-4-2025 & 26-4-2025 respectively, requested to provide Data/ Information, under the provisions of **Clause-40** of the "Regulation for Planning and Development of Private Housing/Farm Housing, Apartments/ Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023", regarding:

Sr. No.	Date	Number	Subject of Requisite Data/Information
1.	28-01-2025	24	Allotments of Plots, Approval of Building Plans, Construction Position of Buildings & Total Covered Area
2.	24-02-2025	59	-do-

3.	10-02-2025	37	Approved Building Plans, Re-approved/Vetted Building Plans
4.	05-3-2025	72	-do-
5.	14-3-2025	84	Tree Plantation Plans, Campaign & Targets
6.	14-3-2025	86	Latest Infrastructure Development Works, Amenities, Services, Utilities, Solid Waste Management, Constructed Buildings, supported with Photos, Satellite Images & Drone Video
7.	19-3-2025	103	Establishment of Sewerage Treatment Plants
8.	19-3-2025	104	Annual Audit Reports of the Proceeding Years
9.	26-3-2025	115	Present Site Position of Land/Plots, earmarked for Parks, Playgrounds, Amenities & Public Buildings, Graveyards, etc. already Transferred Land to CDA
10.	26-3-2025	118	Present Site Position of Land/Plots, already Mortgaged with CDA, as Guarantee for Quality & Timely Development of the Schemes
11.	23-4-2025	156	Reminder for Provision of All above Data/Information
12.	26-4-2025	161	Provision of Certified Copies of Sanctioned Mutations of Land/Plots, Mortgaged with and Transferred to CDA, as aforementioned

It is regretted to inform that **You**, had not so far provided the requisite Data/Info, which is Regulatory Obligation under the aforementioned Regulations.

14. M/s FECHS and M/s NAECHS are **Finally** directed to **Show Cause** in writing within **7 Days** of the issue of this Notice, as to why legal action should not be taken against the Sheer Violations of provisions of the Regulations, under the provisions of **Section 49-C, 46 and 46-B** of the CDA Ordinance 1960, read with, **Clause-5**, Chapter-IV, of the ICT (Zoning) Regulation, 1992 and **Clause-40 & 42** of the 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".

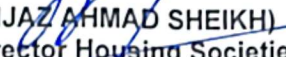
15. In addition to above, following punitive actions may also be initiated against you being **Defaulting Sponsor**:

- a. The Case may be referred to the Investigating Agencies like **NAB, FIA**.
- b. The Direct Access to the Scheme may be **blocked**.
- c. Your Case may be referred to Senior Special Magistrate, CDA, for **Recovery of Arrears**, as above, under Land Revenue Act, 1967.
- d. **Suspension** of Approval of Building Plans of your Scheme by CDA.
- e. **Sealing** of your Scheme Offices & Site Offices

16. It is made clear that, if this **Show Cause Notice** is not complied within **7 days**, the Illegal Work/Structures will be Removed, Demolished and Use of Land will be stopped by using Force (including Police Force), by CDA. The cost will be recovered by CDA, from the person responsible for the construction of work/ structures and use of land in contravention of the provisions, as aforesaid. It is informed that in the event of Non-compliance of this Show Cause Notice, ex-parte proceeding will be initiated and no excuse whatsoever in this regard will be entertained.


17. You are also provided an Opportunity of **Personal Hearing**, in your Defense (if any), in the Office of the undersigned, during Working Hours, within **7 days**.

18. This is issued without prejudice.


(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. Dy. DG (Enforcement), CDA
5. Director Building Control (South), CDA
6. Director Housing (Monitoring & Evaluation), CDA
7. Director (EM-III), CDA
8. Director Staff to the Chairman, CDA
9. DC, CDA/Sr. Special Magistrate, CDA
10. Director Anchorages (North),
Naval Anchorage, PNWA Plaza, Block – C (Ext.),
Naval Anchorage, Housing Scheme, Off. Islamabad Expressway,
Islamabad
[w.r.t Para-3 of the Notice, as above]
11. PS to Member (Estate), CDA
12. Master File


(MUHAMMAD MANSHA)
Dy. Director (HS)