

Subject:

**MINUTES OF (22+)3RD MEETING OF OVERSEE COMMITTEE  
ON K.B.C.A. HELD ON 12.05.1999 AT 2.00 P.M. AT CONFERENCE  
ROOM, K.D.A. CIVIC CENTRE, KARACHI.**

**PRESENT**

MR. SYED FAISAL SAUD  
Secretary, HTP.

Chairman

**MEMBERS**

1. Mr. Allah Rakha Asi, DG,KDA
2. Mr. Rauf Akhtar Farooqi, DG,MDA
3. Mr. Munawwar Opal, DG, L.D.A
4. Syed Muhammad Hussain, Chief COB
5. Mr. Justice (Retd) Haziqul Khairi.
6. Mr. Nooruddin Ahmed, Nominee of PEC
7. Mr. Syed Kalimuddin, Chairman, PCATP
8. Mr. M.M.I. Hussain, Nominee of ABAD
9. Mr. Roland deSouza, Shehri-CBE
10. Mr. Saleem Thariani, Indus Valley
11. Mr. Iqbal Memon, Legal Advisor, KBCA.

Secretary

**INVITEES**

1. Mr. Aftab Mohammad, (PIRCP)
2. Mr. S.M.R. Zaidul Wasti, Co-ordinator, Oversee Committee
3. Mr. Mumtaz Ahmed Hashmi, DCB
4. Mr. Mirza Yousuf Ali, PRO.

1. The meeting started with the recitation of Holy Quran by Mr. S.M.R. Zaidul Wasti, COB. Secretary, HTP chaired the meeting. The Chairman /Secretary, HTP who left the meeting due to an urgent work at about 4.00 P.M. and remaining session was chaired by the DG, KDA
2. The request of Dr. Samad Khan of NED University for not attending the meeting due to his pre-occupation in the meeting of academic council of NED was granted.
3. The minutes of the last meeting dated 07.4.99 were confirmed except the following amendments discussed in the meeting dated 12.05.99.
  - a) Due to typing mistake, Serial Nos. of the minutes are re-numbered and S.No. 7 should be read as Para No.4 and so on.
  - b) In item No.3 (J) line 1 words "being" deleted.
  - c) Para-10 last sub para line 1, word "dissented" changed with word 'dis-agreed'
  - d) In item No.17 the following sentence is deleted:-  
" However, membership fee/renewal fee would be arranged by KBCA as per NESPAK practice."
  - e) Item No.18, shall be read as follow:-  
Mr. Nooruddin of PEC, Mr. Syed Kalimuddin of PCATP and Dr. Samad Khan of NED University of Engg. & Technology along with Mr. S.M.R. Zaidul Wasti Co-ordinator Oversee Committee shall organise a meeting with the Engineers/Architect/Town Planners of KBCA, to discuss the duties and professional conduct in the light of code of conduct of PEC/PCATP.
4. The following new para is added in the minutes :-  
" that " Mr. Ardeshir Cowasjee use language which ABAD member found unparliamentary. The ABAD member took serious view and asked to record his resentment."
5. The members showed their concern for delay in issuing the minutes and therefore it was decided

Action: Co-ordinator/Oversee  
Committee.



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that now onward the draft of the minutes shall be sent to Chairman /Secretary, HTP for approval and after the approval of Chairman the minutes shall be issued within 10 days.

Action: CCOB  
Co-ordinator,Oversee

5. ACTION ARISES FROM THE PERVIOUS MINUTES.

- a) Chief COB supplied copies of report on action arises from the minutes of last three meetings alongwith documents. Mr. deSouza pointed out that the reports on action on the minutes of meeting dated 26.1.99 and 24.3.99 were required to be supplied on 21.4.99 which are supplied late. Chief COB informed that the delay is due to the delay in finalization of the minutes. Chairman desired that all the decision taken in the meeting should be implemented promptly without any delay or waiting the finalization of the minutes except in the cases where the decision related with the policy matters. However ABAD showed their disagreement with it and said that action should be taken only after the finalization of the minutes.

Action: Chief COB

- b) Mr. deSouza pointed out that the para-6 of the minutes of meeting dated 26.1.99 has not been complied. Chief COB informed that it is due to non approval of the said minutes . It was therefore decided that the field books of the plots mentioned in the said para shall be checked by M/s. PCATP within a period of one week. Co-ordinator will arrange the said checking.

Action: PCATP

Co-ordinator,Oversee Committee

- c) Chief COB informed that the list of building under litigation has been displayed at Public Information Counter and the same has already been published today in Sindhi newspaper while in Urdu/English newspaper it will be published in a couple of day.

Action: Chief COB.

- d) It was decided that the matter related to the checking of Plinth Verification Certificate of two plots as specified in para-9 of the minutes of the meeting dated 26.1.99 shall be take up by Mr. Nooruddin and Mr.Rauf Akhtar Farooqi,DG,MDA.

Action: Mr.Nooruddin

Mr.Rauf Akhtar Farooqi

Co-ordinator,Oversee Committee

- e) Mr.Roland desouza informed the Chairman that report supplied by the Chief COB about the two officers Mr.Nadeem Anwar DCB and Mr. Amir Kamal Jafri,ACB stated that these two Officers were reinstated on the directives of Secretary, HTP, the Chairman, informed to the Committee that they have taken the action on the report of the Deptt. Chairman ordered that these two officers to be suspended and enquiry to be conducted against them.

ACTION:CCOB

- f) PEC/PCATP stressed that the professionals whose licences were suspended about two years ago may be restored so that they can earn their livelihood. They further pointed out that KBCA has no jurisdictions to grant licence to the professionals and that the professionals are entitled to practice having registered with their statuary bodies. D.G. (KDA) informed that the professionals are licensed by KBCA under licensing Regulation of SBCO and the Authority is competent to take disciplinary action against them violating the terms & conditions of the licence. However it was decided that in future all such cases to be sent to PCATP and PEC to



take action in the light of their act.

Action: PEC/PCATP  
Chief COB  
All COBs

- g) Report submitted in respect of compliance of para-8 of minutes of the meeting dated 07.04.99 by the COB (B) of Plot No.10, SR-2 (Serai Qrts) Karachi, Mr. Roland desouza said that the publication regarding the above project have not been done. The Committee was informed by the PRO that the concerned COB has stopped for publication with the plea that there is a stay order. Legal opinion from Mr. Iqbal Memon, LA/KBCA was sought who said that if in the stay order the KBCA has been restrained from publication, then it can not be published otherwise there is no harm to publish the same. However it was decided that the same may be published immediately.

Action: Chief COB  
Mr. Roland desouza  
PRO, KBCA

- h) Chief COB informed that action on the para 14 of the minutes of meeting dated 07-04-99, has been complied with i.e NOC/Approval of plan has been withdrawn.

Action: CHIEF COB

6. On the matter of 262 sealed buildings, Mr. M.M.I. Hussain said that they had already stated in the meeting with Chief Secretary, Sindh to regularize these buildings as a case of fate-a-compile. , Mr. M.M.I. Hussain stressed again that the said buildings may be regularized after charging penalty. In this regard he also distributed a copy of "Fatwah" according to which every violence/crime can be compounded except 'Zina' and 'Shirk'. Therefore he stressed for the regularization of these buildings in accordance with the 'Fatwah'. DG,KDA and other members said that they have due respect of Islamic Law and desired for its implementation but the matter shall be scrutinized in accordance with the existing Rules and Regulations.

Shehri also supplied copies of his letter dated 8.5.99 addressed to Chief Secretary, Sindh on the subject matter.

Action: All members.

7. PEC/PCATP enquired about the seniority of the officers to whom officiating charges have been assigned and said that the issue of assigning the officiating charges to the junior is the major cause of heart burning and in-efficiency in performance of KBCA.

Chairman said that the issue related to the administrative measures and not in the preview of the committee and therefore the advice from the Law Deptt. Govt. of Sindh shall be obtained.

Action: Members of Oversee Committee.

8. Regarding up dating of Building and town planning regulation. Mr.Saleem Thariani said that he already informed CCOB, factual position vide his letter dated 01-05-99.as follow:

"that subsequent to the decision taken in the KBCA Oversee Committee meeting of the 29th August, 1998, this issue was taken up by a Sub Committee which has, since then, met about forty times to resolve the needful.



I have therefore suggested to Mr. Jafri, that the substantially vetted document be forwarded alongwith the members views so that this matter may then be concluded in a manner that the Oversee Committee deems fit".

Mr. Aftab Mohammad Khan, explained his view about buildings & Town Planning Regulations and said that the documents should be in two volumes. i.e (1) Building Regulations (2) Town Planning Regulations instead of combined it into one and that in this regard he has written letter to all concerned. DG,KDA assured that his view shall be heard at the appropriate form at the time of discussion on the issue.

Action: Convenor of Sub-Committee of  
updating of B&TP Regulations.

9. Mr. Roland deSouza distributed the papers where he draw attention towards the wrong calculation of with-holding tax of Project 'Four Square' in 1997, which have been recovered less by KBCA. The DG,KDA said that report be submitted after enquiry in the next meeting :-

Action: Chief COB.

10. Mr. deSouza pointed out that illegality is being done on the buildings Kawish Crown and on Plot No. No.567 Gazdarabad, Soldier Bazar, Karachi and it seems that no positive measures being taken to stop illegal construction on these buildings. Chief COB is directed to take all necessary action, stop such illegal constructions and compliance report to be supplied to the Members of the Committee.

Action : Chief COB

11. The committee approved the proposal for the computerization of KBCA, prepared under the directives of Sub-Committee formed by GB,KDA. However the matter involving financial implication shall be taken up at appropriate form.

Action : Chief COB  
All concerned.

12. Mr. Roland deSouza expressed his displeasure's for enclosing the report prepared by Mr. Agha Maqsood Abbas on the charges framed against him by M/s. Shehri. Chief COB informed that he has obtained preliminary comments from the concerned Officers and after examining the report he will appoint an officer to conduct an enquiry. It was therefore decided that an enquiry be conducted in respect of the said allegations and action against the concerned to be initiated. The compliance report in this regard to be submitted within 40 days.

Action: Chief COB

13. A meeting of PEC/PCATP & NED University with the Architects/Engineers/Town Planners employed in KBCA will be held to discuss issues relating to their duties and professional conduct on Wednesday dt:19.05.99 at 2.00 P.M.Seminar Hall,Civic Centre,Karachi Mr. S.M.R.Zaidiul Wasti will arrange the said meeting.

Action: Co-ordinator,Oversee

Committee.

14. The next meeting of Oversee Committee shall be held on 09.06.99 at 2.00 P.M.in the Conference Room, Civic Centre, KDA.Karachi.

(ENGR.S.M.R.ZAIDIUL WASTI)  
CO-ORDINATOR  
OVERSEE COMMITTEE ON KBCA

No.KBCA/Oversee/99/62  
dt: 22.05.1999

Distribution:



**BRIEF REPORT REGARDING THE IMPLEMENTATION OF  
OVERSEE COMMITTEE DECISION DATED 12.05.1999.**

<u>S.NO</u>	<u>DECISION</u>	<u>ACTION TAKEN</u>
1	The meeting started with the recitation of Holy Quran by Mr.S.M.R.Zaidiul Wasti, COB. Secretary, HTP chaired the meeting. The Chairman /Secretary,HTP who left the meeting due to an urgent work at about 4.00 P.M. and remaining session was chaired by the DG,KDA	No action require.
2	The request of Dr.Samad Khan of NED University for not attending the meeting due to his pre-occupation in the meeting of academic council of NED was granted.	No action require.
3	<p>The minutes of the last meeting dated 07.4.99 were confirmed except the following amendments discussed in the meeting dated 12.05.99.</p> <p>a) Due to typing mistake, Serial Nos. of the minutes are re-numbered and S.No. 7 should be read as Para No.4 and so on.</p> <p>b) In item No.3 (J) line 1 words " being" deleted.</p> <p>c) Para-10 last sub para line 1, word " dissented" Changed with word 'dis-agreed'</p> <p>d) In item No.17 the following sentence is deleted:- " However, membership fee/renewal fee would be arranged by KBCA as per NESPAK practice."</p> <p>e) Item No.18, shall be read as follow:- Mr. Nooruddin of PEC, Mr. Syed Kalimuddin of PCATP and Dr.Samad Khan of NED University of Engg. &amp; Technology alongwith M r.S.M.R.Zaidiul Wasti Co-ordinator Oversee Committee shall organise a meeting with the Engineers/Architect/Town Planners of KBCA, to discuss the duties and professional conduct in the light of code of conduct of PEC/PCATP.</p> <p>f) The following new para is added in the minutes :-  " that " Mr. Ardeshir Cowasjee use language which ABAD member found unparliamentary. The ABAD member took serious view and asked to record his resentment."</p>	No action require
4.	The members showed their concern for delay in issuing the minutes and therefore it was decided that now onward the draft of the minutes shall be sent to Chairman /Secretary, HTP for approval and after the approval of Chairman the minutes shall be issued within 10 days.	Noted for compliance.
5.	<p><u>ACTION ARISES FROM THE PERVIOUS MINUTES.</u></p> <p>a) Chief COB supplied copies of report on action arises from the minutes of last three meetings alongwith documents. Mr. deSouza pointed out that the reports on action on the minutes of meeting dated 26.1.99 and 24.3.99 were required to be supplied on 21.4.99 which are supplied late.</p>	Procedure is being followed



	<p>Chief COB informed that the delay is due to the delay in finalization of the minutes. Chairman desired that all the decision taken in the meeting should be implemented promptly without any delay or waiting the finalization of the minutes except in the cases where the decision related with the policy matters. However ABAD showed their disagreement with it and said that action should be taken only after the finalization of the minutes.</p>	
b)	<p>Mr. deSouza pointed out that the para-6 of the minutes of meeting dated 26.1.99 has not been complied. Chief COB informed that it is due to non approval of the said minutes. It was therefore decided that the field books of the plots mentioned in the said para shall be checked by M/s. PCATP within a period of one week. Co-ordinator will arrange the said checking.</p>	Complied
c)	<p>Chief COB informed that the list of building under litigation has been displayed at Public Information Counter and the same has already been published today in Sindhi newspaper while in Urdu/English newspaper it will be published in a couple of day.</p>	List is being published
d)	<p>It was decided that the matter related to the checking of Plinth Verification Certificate of two plots as specified in para-9 of the minutes of the meeting dated 26.1.99 shall be take up by Mr. Nooruddin and Mr.Rauf Akhtar Farooqi, DG ,MDA.</p>	Plinth Verification certificate has been taken up by Mr.Nooruddin & Mr.Rafu A.Farooqi,and they visited the site.
e)	<p>Mr.Roland desouza informed the Chairman that report supplied by the Chief COB about the two officers Mr.Nadeem Anwar DCB and Mr. Amir Kamal Jafri,ACB stated that these two Officers were reinstated on the directives of Secretary, HTP, the Chairman, informed to the Committee that they have taken the action on the report of the Deptt. Chairman ordered that these two officers to be suspended and enquiry to be conducted against them.</p>	These two officers have already been suspended and enquiry is being conducted.
f)	<p>PEC/PCATP stressed that the professionals whose licences were suspended about two years ago may be restored so that they can earn their livelihood. They further pointed out that KBCA has no jurisdictions to grant licence to the professionals and that the professionals are entitled to practice having registered with their statutory bodies. D.G. (KDA) informed that the professionals are licensed by KBCA under licensing Regulation of SBCO and the Authority is competent to take disciplinary action against them violating the terms &amp; conditions of the licence. However it was decided that in future all such cases to be sent to PCATP and PEC to take action in the light of their act.</p>	Noted for future compliance



	<p>g) Report submitted in respect of compliance of para-8 of minutes of the meeting dated 07.04.99 by the COB (B) of Plot No.10, SR-2 (Serai Qrts) Karachi, Mr. Roland desouza said that the publication regarding the above project have not been done. The Committee was informed by the PRO that the concerned COB has stopped for publication with the plea that there is a stay order. Legal opinion from Mr.Iqbal Memon, LA/KBCA was sought who said that if in the stay order the KBCA has been restrained from publication, then it can not be published otherwise there is no harm to publish the same. However it was decided that the same may be published immediately.</p> <p>h) Chief COB informed that action on the para 14 of the minutes of meeting dated 07-04-99, has been complied with i.e NOC/Approval of plan has been withdrawn.</p>	<p>Stay order is enclosed and action against the P.R.O. is recommended for delaying .</p> <p>No action required</p>
6.	<p>On the matter of 262 sealed buildings, Mr. M.M.I. Hussain said that they had already stated in the meeting with Chief Secretary, Sindh to regularize these buildings as a case of fate-a-compile. Mr. M.M.I. Hussain stressed again that the said buildings may be regularized after charging penalty. In this regard he also distributed a copy of "Fatwah" according to which every violence/crime can be compounded except 'Zina and 'Shirk'. Therefore he stressed for the regularization of these buildings in accordance with the 'Fatwah'. DG,KDA and other members said that they have due respect of Islamic Law and desired for its implementation but the matter shall be scrutinized in accordance with the existing Rules and Regulations.</p> <p>Shehri also supplied copies of his letter dated 8.5.99 addressed to Chief Secretary, Sindh on the subject matter.</p>	No action required
7.	<p>PEC/PCATP enquired about the seniority of the officers to whom officiating charges have been assigned and said that the issue of assigning the officiating charges to the junior is the major cause of heart burning and in-efficiency in performance of KBCA.</p> <p>Chairman said that the issue related to the administrative measures and not in the preview of the committee and therefore the advice from the Law Deptt. Govt. of Sindh shall be obtained.</p>	Letter has been sent to Secretary (Law).
8.	<p>Regarding up dating of Building and town planning regulation. Mr.Saleem Thariani said that he already informed CCOB, factual position vide his letter dated 01-05-99.as follow:</p> <p>"that subsequent to the decision taken in the KBCA Oversee Committee meeting of the 29th August, 1998, this issue was taken up by a Sub Committee which has, since then, met about forty times to resolve the needful. I have therefore suggested to Mr. Jafri, that the substantially vetted document be forwarded alongwith the members views so that this matter may then be</p>	Honourable Governor of Sindh has formed a committee of seven members to the review the Building & Town Planning Regulation.



	concluded in a manner that the Oversee Committee deems fit".	
	Mr. Aftab Mohammad Khan, explained his view about buildings & Town Planning Regulations and said that the documents should be in two volumes. i.e (1) Building Regulations (2) Town Planning Regulations instead of combined it into one and that in this regard he has written letter to all concerned. DG,KDA assured that his view shall be heard at the appropriate form at the time of discussion on the issue.	
9.	Mr. Roland deSouza distributed the papers where he draw attention towards the wrong calculation of with-holding tax of Project 'Four Square' in 1997, which have been recovered less by KBCA. The DG,KDA said that report be submitted after enquiry in the next meeting :-	Report to be put up in the meeting to be held on 09.06.99.
10.	Mr. deSouza pointed out that illegality is being done on the buildings Kawish Crown and on Plot No. No.567 Gazdarabad, Soldier Bazar, Karachi and it seems that no positive measures being taken to stop illegal construction on these buildings. Chief COB is directed to take all necessary action, stop such illegal constructions and compliance report to be supplied to the Members of the Committee.	Report to be submitted in the meeting to be held on 9.6.99.
11.	The committee approved the proposal for the computerization of KBCA, prepared under the directives of Sub-Committee formed by GB,KDA. However the matter involving financial implication shall be taken up at appropriate form.	Case is under process
12.	Mr. Roland deSouza expressed his displeasure's for enclosing the report prepared by Mr. Agha Maqsood Abbas on the charges framed against him by M/s. Shehri. Chief COB informed that he has obtained preliminary comments from the concerned Officers and after examining the report he will appoint an officer to conduct an enquiry. It was therefore decided that an enquiry be conducted in respect of the said allegations and action against the concerned to be initiated. The compliance report in this regard to be submitted within 40 days.	Enquiry is under process.
13.	A meeting of PEC/PCATP & NED University with the architects/Engineers/Town Planners employed in KBCA will be held to discuss issues relating to their duties and professional conduct on Wednesday dt:19.05.99 at 2.00 P.M. Seminar Hall, Civic Centre, Karachi Mr. S.M.R.Zaidiul Wasti will arrange the said meeting.	Minutes of the meeting are enclosed.
14.	The next meeting of Oversee Committee shall be held on 09.06.99 at 2.00 P.M. in the Conference Room, Civic Centre, KDA, Karachi.	