

**AGENDA FOR THE MEETING OF (22+)7TH MEETING
OF THE OVERSEE COMMITTEE TO BE HELD ON
08.09.1999 AT 2.00 P.M. AT CIVIC CENTRE, KDA.**

1. Recitation from Holy Quran
2. Confirmation of the minutes of the meeting dated 11.08.1999.
3. Action arises from the previous meeting.
4. Left over item of the Agenda of previous meeting.
5. Any other item with the permission of the Chair.

**(ENGR.S.M.R.ZAIDIUL WASTI)
COORDINATOR
OVERSEE COMMITTEE ON KBCA**

Distribution

1. All Members of Overseer Committee on KBCA
2. All COBs
3. PRO

Subject;

MINUTES OF THE (22+)7th MEETING OF OVERSEE COMMITTEE
ON K.B.C.A. HELD ON 08.09.1999 AT 2.00 P.M. AT CONFERENCE
ROOM K.D.A. CIVIC CENTRE, KARACHI.

PRESENT (MEMBERS OR THEIR SUBSTITUTES)

1. Mr. Syed Muhammad Hussain, CCOB
2. Mr. Ardeshir Cowasjee
3. Mr. Syed Kalimuddin, Chairman, PCATP
4. Mr. M.M.I. Hussain, Nominee of ABAD
5. Dr. S. Raza Ali Gardezi, Shehri
6. Mr. Nooruddin Ahmed, Nominee of PEC
7. Mr. Saleem Thariani, Indus Valley
8. Dr. Abdul Samad Khan, Nominee of NED
9. Prof. M. Amin Shaikh, Nominee of Dawood College.
10. Mr. Amanullah Chachar, PD, MDA.
11. Mr. Iqbal Memon, LA, KBCA

(PRESENT (BY INVITATION))

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

1. Meeting started with the recitation of Holy Quran by Mr. S.M.R. Zaidul Wasti. Mr. Ardeshir Cowasjee chaired the meeting on the proposal by Dr. Raza Gardezi seconded by Mr. M. Amin Shaikh.
2. Nomination of Dr. Gardezi as the nominee of Shehri instead of Mr. Roland deSouza was accorded by the Committee. Regret of Mr. Faez Isa conveyed by Dr. Gardezi was granted.
3. Minutes of the meeting dated 11.08.99 were confirmed with the following addition:-

In para-6 the Charter of Governing Body, KDA shall be provided to all the Members.

Action: CCOB

4. Dr. Raza Gardezi pointed out that the reply of the KBCA in respect of Plot No.4 RC-6, Karachi is wrong and said that actually the plan was reinstated in 1:6 ratio. In this connection ABAD supplied documentary proof to the Members. It was decided that the action shall be initiated against the concerned officer for allowing plot ratio 1:6 instead of allowable plot ratio 1:4 and the said report to be submitted within a week time. The Chief COB shall supply the complete report including the action taken against the unauthorised construction on the said plot also within a week time. Further decided the report on Plot No.83-F, Block-2, PECHS, shall be supplied before the next meeting to all the Members.

Action: CCOB

5. Regarding wrong calculation of 2% Security deposit in respect of project "Four Square" the reply of KBCA was discussed. Shehri said that KBCA has now accepted that they had wrongly calculated 2% security deposit. Mr. M.M.I. Hussain said that no undertaking or guarantee was issued by the ABAD for the said project. It was therefore decided that show cause notice to concerned officer may be issued for the wrong calculation of security deposit amount and issuance of NOC for sale without ABAD undertaking or 2% security deposit. Action against the concerned officers as well as his senior who was supposed to check the figures, also against all those people who tried to suppress it over a period of 4-5 months. Furthermore, 2% security deposit of approx. 10 different project would be rechecked and report submitted. ABAD to supply a list of projects on which they have given an undertaking.

Action: CCOB

Resolution No.1/99

6. Shehri supplied copy of the rejoinder on the reply of the KBCA dated 16.8.99 in respect of project "Nice Trade Orbit" and said that KBCA had admitted that they are following the long standing practices/policies, instead of Rule and Regulations. Therefore it was resolved that only Rule and Regulations shall be followed in letter and spirit and no old standing practices/policies shall be followed. No resolution of GB, KDA can override the statutory Rule and Regulations. Reply of Shehri rejoinder shall be supplied within 10 days. Further it was decided that action against the concerned officers for not following Rule and Regulations, committing irregularities in the issuance of Plinth verification certificate and delaying the action on the said project for 6 months shall be initiated.

Action: CCOB

7. Mr. M.M.I. Hussain said that the Governing Body, KDA has no authority on the KBCA affairs and read out the PLD-980 of High Court of Sindh and said that in the above Judgement, High Court has declared that KDA and KBCA are two separate Authorities. Mr. Iqbal Memon, Legal Advisor also endorsed the same and said that GB, KDA can not exercise his power on KBCA. Mr. Kalimuddin Chairman, PCATP also supported these views and it was therefore decided that the opinion/views shall be supplied by the concerned members in writing alongwith supporting documents so that the legal opinion on the issue to be obtained. It was further decided that sub-committee formed for finalization of seniority/posting and transfer etc of KBCA officers shall continue to work. Shehri pointed out that the non-technical/ lower staff has also some grievances in respect of seniority/posting etc. requested to the sub-committee to look into this matter also.

Action: All members of oversee committee/sub-committee

8. ABAD questioned regarding the legalities of demanding of 2% Security deposit amount for public sale projects from the Builders. Shehri said that the ABAD guarantee should not be accepted, only Security deposit amount should be collected which will be confiscated on violation of approved plan. Shehri questioned the role of ABAD for taking action against their members involved in unauthorised construction. Mr. M.M.I. Hussain said that ABAD has a committee to take action against the members who are involved in unauthorised construction. ABAD strongly resented the view of Shehri and said the issue of unauthorised construction can not be resolved till the outdated Buildings and Town planning Regulations are updated and that ABAD has contributed a lot in resolving grievances of the allottees and quoted the example of 'Faiza Heights' where they have contributed about 15% of the amount of the project for the compensation. It was therefore decided that a report on the legal status of charging 2% security deposit amount shall be supplied to the members within 15 days

Mr. Nooruddin said that in PWD there is a procedure of obtaining CAR insurance policy to cover the risk. ABAD said that they are already submitting the CAR insurance policy. It was observed that CAR Insurance policy cover the risk of earthquake and design defect only but not to safeguard the interest of allottees. Shehri said that CAR insurance policy become infectious when approved design is violated in the construction. It was therefore decided that Mr. Nooruddin shall work out the procedure in this regard to safeguard the interest of allottees and to ensure the implementation of approved design during construction. The CCOB stated that the issue of deposit had cropped up twice before in the Oversee Committee meetings. He was asked to provide the minutes of those meetings.

Action : CCOB/Mr. Nooruddin

Resolution No.2/99

9. On the proposal of Mr. Kalimuddin Chairman PCATP and Mr. Roland, it was resolved that only the Karachi Building & Town Planning Regulations Part-I & II shall be followed in letter and spirit and nothing else including previous notifications/orders/long standing practices etc. if any.

Action: CCOB

10. Mr. M.M.I. Hussain expressed serious concerned over the delay of updating of Building & Town Planning Regulations and said that the draft prepared by the sub-committee formed by Oversee Committee for this purpose has been forwarded by the Governor of Sindh to another Committee for vetting. Mr. Saleem Thariani Chairman of the sub-committee for updating of Building & Town Planning Regulations said that he has already expressed his views in the committee on the issue. Mr. Kalimuddin Chairman of PCATP and convenor of the Committee for updating of Building Regulations formed by Governor of Sindh said that all the Members of Committee are well known professionals who are working with hardly and great zeal for bringing comprehensive, positive and professional approach in the Building and Town planning Regulations and about 75 % of work has been completed.

Action: Mr.Kalimuddin

11. Regarding preparing the synopsis by Qazi Faez Isa in respect of judgement of Supreme Court in the case of project " Glass Tower", Shehri informed that they are organizing a Seminar on 09.10.1999 for KBCA officers and lawyers. Members were also requested to attend the same. Chief COB shall make sure the attendance of officers and lawyers in the seminar.

Action:CCOB /All members of the oversee committee

Resolution No.3/99

12. On the proposal of Shehri, it was resolved that in the cases where deviation from the approved plan have been committed in such a way that if the violation are within rule and regulations in such cases regularization shall be allowed.

Examples of such cases are as under:-

- Where ground +4 was allowed as per Regulation but the approval for Ground+2 was obtained but constructed G+4, provided that no other Regulations are violated.
- Where C.O.S. of 15' ft. was applicable as per the Regulation and the approval was obtained leaving the COS 20 ft. but construction was carried out leaving COS 15' provided that no other Regulations is violated.
- If a plot ratio of 1:2 was allowed as per Regulations and the approval was obtained for the plot ratio 1:175 but the construction was carried out on the plot ratio 1:2, provided that no other Regulations are violated.

ABAD resented the above and said that as per SBCO-1979, Section-19/A, Karachi Building and Town Planning Regulations Part-I, Section-16, the regularization shall to be carried out.

Action: CCOB

13. It was resolved by the Committee that the Prime Minister Housing Authority shall be asked to get approval of Building plan in respect of Scheme " Maira Gahr" launched in Karachi division in accordance with the law and the same shall be done upto 15.09.1999.

Action: CCOB

Resolution No.5/99

14. It was resolved that on all unauthorised construction , within 1 week of action becoming due and observing violations the DCB and ACB shall take the following steps:

- Serve notice u/s 7/A of SBCO-79(in approved format) on owner/builder and architect/engineer (with a copy to PEC/PCATP/DC/High Court)
- Demolish the unauthorised construction after notice period and withdraw the approved plan. Photographs will be taken of the building from all four sides, including from inside, as evidence that proper rather than cosmetic demolition has been carried out.

- iii) Seal the unauthorised premises and inform DC, SMD, SHO.
 - iv) File criminal prosecution under SBCO-79 of owner/builder and architect Engineer.
 - v) Lodge FIR against seal violators (Owner/builder, any occupier/tenant)
 - vi) Write to lessor (with reminder) to forfeit/resume plot.
- On weekly basis
- vii) If owner/allottee files suit/petition submit counter affidavit (with copy of notice u/s 7-A all details of violations, photos of unauthorised construction, list of other cases/orders on the same plot etc.) & W.S. within 1 week.
 - viii) Publish warning (within two weeks) in newspapers if necessary. (Dawn/Jang/Millat) so that public does not invest).
 - ix) Suspend licence of Architect/Engineer, if satisfactory response not received within 1 week.
 - x) File contempt of court application against builders/allottees suit/CP, where builder has violated courts order within 1 week.

Failure to comply or delay in complying with the above procedures will result in immediate suspension and disciplinary action of the concerned officers under Efficiency and Discipline Rules.

Resolution No.6/99

Action: CCOB

15. Resolved that action against DCB Mehmood shall be taken in light of Shehri's complaint on 73 Muslimabad for this following deliberate acts of commission and omission.

- i) Approval of basement for parking without providing a ramp for access
- ii) Lying & misrepresentation of facts by stating initially that the only violation by builder was the non provision of ramp in the basement.
- iii) On site inspection several violations come to light: excess covered area, misuse of basement parking, and clear indication of additional floor.
- iv) In spite of the fact that almost two months have passed, the DCB has not taken any definitive action against the illegal structure, owner/builder, architect, engineer.

This sustained and continuous inaction of the DCB leads to one and only one conclusion that the said DCB is in collusion with the builder. Moreover, when Shehri as a Member of Oversee Committee requested for a copy of the approved plan, the DCB passed on the request to the Builder. Does KBCA requires builders pre-approval before releasing the approved plan.

For the above reasons, severe action (immediate suspension and investigation leading to major penalties) shall be taken against DCB Mr. Mehmood. CCOB promised to personally take action on the resolution and submit a compliance report within a week.

Action: CCOB

16. The Oversee Committee approved the recommendations of the sub-committee on high rise Buildings formed by Oversee Committee in respect of Plot No.11, SR-5. Further resolved that in future only such cases would be placed before the Oversee Committee, where there is difference of opinion among the members for final decision.

Action: members of sub-committee/CCOB

17. Shehri pointed out in efficiency of Mr. Iqbal Memon, LA, KBCA dealing with the case in respect of Plot No.322 Garden West. It was therefore decided that the action shall be initiated against the concerned LA.

Action: CCOB

Resolution No.7/99

18. It was resolved that a special meeting of Oversee Committee shall be held on 22.09.1999 specifically to discuss/finalize the issues raised in the minutes of the sub-committee meeting held with the professionals of KBCA on 19.05.99.

Action: All members of oversee committee

Resolution No.8/99

19. Shehri expressed apprehension at the quality of construction particularly of highrise buildings when viewed in light of Earthquake resistance. The tragic aftermath of Turkey earthquake was also cited. Mr. Saleem Thariani endorsed Shehri's view and conveyed to Committee the necessity of ensuring as far as possible both the accuracy of good seismic designing as well as implementation of the design in the construction. It was therefore resolved that Mr. Saleem Thariani be requested to present the methodology of such step to safe-guard the construction that could be implemented during the construction.

Action: Mr. Saleem Thariani

20. CCOB to submit a report on the findings of his inquiry report regarding the delay caused in the publication of the public notice of International Trade Centre. This report is to be submitted within a week for discussion in the next Overseer Committee meeting.

Action: CCOB

21. The next meeting of Overseer Committee will be held on 13.10.1999 at 2.00 P.M. in the conference room of KDA Civic Centre.

(PRESENT (BY INVITATION))

Action: All members of overseer committee

1. Mr.S.M.R.Zaidiul Wasti, Co-ordinator, Overseer Committee

2. Mr. Mumtaz Ahmed Hashmi, DCB

3. Mr. Mirza Yousuf Ali, PRO,

Sd/- dt:18.09.99

(ENGR.S.M.R.ZAIDIUL WASTI)

CO-ORDINATOR

OVERSEE COMMITTEE ON KBCA

No.KBCA/Oversee/99/183

dated: 18/09/99.

Distribution:

All concerned.

4. Dr. Raza Gardezi pointed out that the reply of the KBCA in respect of Plot No 4 RC-6, Karachi is wrong and said that actually the plan was reinstated in 1:6 ratio. In this connection ABAD supplied documentary proof to the Members. It was decided that the action shall be initiated against the concerned officer for allowing plot ratio 1:6 instead of allowable plot ratio 1:4 and the said report to be submitted within a week time. The Chief COB shall supply the complete report including the action taken against the unauthorised construction on the said plot also within a week time. Further decided the report on Plot No.83-F, Block-2, PECHS, shall be supplied before the next meeting to all the Members.

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