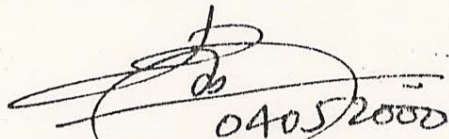


**AGENDA FOR THE MEETING OF (22+)18TH MEETING  
OF THE OVERSEE COMMITTEE TO BE HELD ON  
10.05.2000 AT 2.30 P.M. AT CIVIC CENTRE, K.D.A.**

1. Recitation from Holy Quran.
2. Confirmation of the minutes of the (22+)17th meeting held on 05.04.2000.
3. Action arises from the (22+) 17th meeting held on 05.04.2000
4. Discussion on the letter of PEC dated 04.02.2000 (copy already circulated) and resolution (copy enclosed)
5. Discussion on Shehri letter dated 19.02.2000 (already circulated)
6. Discussion on letter of Association of Consulting Engineer dated 31.12.1999 (already circulated).
7. Discussion on the letter of Mr. Saleem Thariani dated 03.02.2000 (already circulated).
8. Discussion on ABAD letter dated 13.01.2000 (already circulated)
9. Discussion on working papers submitted by ABAD- on cause, impact and ultimate solution of buildings constructed in violation of Building & Town Planning Regulations (copy enclosed)

  
04052000  
(ENGR.S.M.R.ZAIDIUL WASTI)  
CO-ORDINATOR  
OVERSEE COMMITTEE ON KBCA

**DISTRIBUTION:**

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

Subject

**MINUTES OF THE (22+) 18<sup>TH</sup> MEETING OF OVERSEE COMMITTEE ON K.B.C.A. HELD ON 10.05.2000 AT 2.30 P.M. AT CONFERENCE ROOM K.D.A. CIVIC CENTRE, KARACHI.**

**PRESENT (MEMBERS OR THEIR SUBSTITUTES)**

1. Brig. Syed Zafteer Kadri, DG, KDA.
2. Mr. Akhter Iqbal Usmani, CCOB.
3. Mr. Ardesheer Cowasji.
4. Mr. M.M.I. Hussain, Rep of ABAD.
5. Mr. Syed Kalimuddin, Chairman, PCATP.
6. Mr. Nooruddin Ahmed, Nominee of PEC.
7. Mr. Saleem Tharlan.
8. Dr. S. Raza Ali Gardezi, Shehri-CBE.
9. Dr. Abdul Samad Khan, Nominee of NED.
10. Prof. M. Amin Shaikh, Nominee of Dawood College.
11. Mr. Abdul Qadir Memon, LA, KBCA.

**PRESENT (BY INVITATION)**

1. Engr. S.M.R. Zaidiul Wasti Co-ordinator, Oversee Committee
  2. Mr. Ali Zafar Qadri, COB (A).
  3. Mr. Badar Salam Baig, (Officiating) COB (D).
  4. Mr. Mohammad Sabir (Officiating) COB (E).
  5. Mr. Sultan Mohammad Zuberi, (Officiating) COB (F).
  6. Mr. Mumtaz Haider, (Officiating), COB (TP).
  7. Mr. Sultan Arfeen (Officiating) COB (H).
  8. Mr. Raees Ahmed Jafri, COB.
  9. Mr. Mumtaz Ahmed Hashmi, Dy. Co-ordinator.
  10. Mr. Mirza Yousuf Ali, PRO.
1. Meeting started with the recitation of Holy Quran by Mr. S.M.R. Zaidiul Wasti and meeting chaired by the Director General, KDA
  2. The minutes of 17<sup>th</sup> meeting dated 24.04.2000 confirmed with the following corrections:-
    - i) Para-3, line-3, Resolution No.29/99 instead of '9/99.'
    - ii) Para-3, last line 'indiscriminately' instead of indiscriminatory.
    - iii) Para-9 line 3 identify instead of 'identification'
  3. Letter of Mr. Saleem Thariani was discussed in which it was stressed that appropriate time be allocated to the policy matters and other important issues rather than on conducting of lengthy discussions on demolition actions and other actions pertaining to the certain illegal buildings. ABAD rep Mr. M.M.I. Hussain supported the view of Mr. Saleem Thariani. However Dr. Gardezi proposed that 15 to 20 minutes be allocated to each item of Agenda and in case the consensus is not evolved, voting be done. It was therefore decided that a Monitoring team comprising the following Members shall meet additionally to look after the issues of illegal buildings pointed out by any Member of the Committee :-



- i) Mr. Saleem Thariani, Convenor
- ii) Director General, KDA
- iii) Chief COB, KBCA
- iv) Dr. S. Raza Ali Gardezi, Shehri-CBE

The said Committee shall hold its meeting in between the meeting of the Oversee Committee.

4. Mr. Kalimuddin informed that he has come to know that postings are being made without considering the seniority. Chief COB replied that there was no such instantee during his tenure till date.
5. Mr. Ardeshir Cowasji referred the case of plot No.216, GRE, where the court has thrice ordered for demolition of the said illegal buildings but the same has not yet been complied by the KBCA. In this regard, Mr. Badar-us-Salam Baig, COB (D) clarified that the building has been occupied and the ejectment notice and publication of notice is under process. Dr. Gardezi pointed out that the notice of ejectment was issued about a year back. It was therefore resolved that a detailed report on the issue alongwith suggestions/ recommendation for taking disciplinary action against the concerned if found responsible be submitted.

Action: COB(D)/Chief COB.

6. Members showed their concern for not complying with the actions recommended in para-3 of the previous meetings. Chief COB informed that all the COBs/DCBs were present in the said meeting and he has further held the meeting with the COBs and directed them to comply the same but none of them responded. Member desired to take action against the concerned Officers for not implementing the decision of the Committee.

Action: Chief COB.

7. Mr. Kalimuddin pointed out the issue regarding illegal construction on Plot No 76-P, Block-2, PECHS, and said that during last six months the building remained under construction and thereafter occupied. But no action was taken due to in-efficiency of the concerned officers of KBCA. Mr. Sultan Mohd. Zuberi, COB (F) informed that ejectment notices, filing of prosecution cases and letter to District Administration has been issued and said that after vacation of building, the demolition action will be taken.

It was therefore decided that a detailed report containing the sequence of action adopted as specified in Resolution No.5/99, in this case alongwith recommendations for taking disciplinary action against those responsible, if any, be placed before the next Oversee Committee meeting.

Action:

COB(F)/Chief COB.



8. Dr. Gardezi of Shehri briefed with the help of sketch the detail of irregularities committed in the case of regularization of Plot No.220, Jamshed Quarters and said that the concerned COB had mis-lead the High Court in his statement. COB (D) Mr. Badar-us-Salam admitted that there was error in the calculation. Members asked the Chief COB to clarify the said error in the court. Chief COB said that the concerned Advocate has not advised to do so at this stage. ABAD supported the view. It was therefore resolved by the majority of the members that the true facts about the covered area regularized shall be brought to the notice of the High Court immediately through a Panel Advocate.

Action: COB(D)/  
Chief COB

9. Mr. Sultan Mohd Zuberi, Officiating COB submitted a report in respect of Plot No.42 and 42-A, Adamjee Nagar, Karachi and said that some portion of the building has been demolished and during the course of demolition contempt application has been moved by the owner against the KBCA officers and the Judge has ordered verbally not to demolish the said building as this is a bungalow with minor violations. Mr. Qadir Memon Legal Advisor, KBCA also informed that it was ordered verbally by the Judge in his presence in the court. But the Members showed concern for accepting the verbal orders of court inspite of the directives of Oversee Committee not to accept the verbal orders. It was therefore decided that the explanation of the concerned be called for, for not completing the demolition action and if the reply is unsatisfactory, to initiate disciplinary action. Further it was resolved to check the aspect as to whether the case was handled properly in the court. It was also decided that weekly details of such type of court orders in which KBCA finds difficult to take action should be brought to the notice of Mr. Gardezi, so that the matter may be processed with the Chief Justice of Sindh High Court.

Action: All COBs

10. Dr. S Raza Ali Gardezi pointed out the case of Plot No.73, JM in which the approval was granted on the basis of a height certificate by a private company instead of that from the Master Plan Dept. KDA. In this regard it was decided that written explanation of the concerned official may be called for accepting the said improper certificate and the facts about the case may be brought to the notice of the court immediately in respect of height restriction imposed by the Govt. around Mazar-e-Quaid.

Action: COB(TP)/Chief  
COB.

11. Regarding inquiry report of the suspended officers, Mr. S.M.R. Zaidiul Wasti COB (G) Inquiry Officer told that the inquiry is under process and shall be completed within 10 days time.

Action: COB (G)

12. Dr. Gardezi pointed out that public notice regarding cancellation of amalgamation and commercialization building plans and sale NOC has not been published in the newspaper. It was therefore decided that public notice must be published upto 13<sup>th</sup> May 2000 positively.

Action: PRO



13. Controller of Buildings Circle-I Mr. Raees Ahmed Jafri, supplied the list of suspended professionals and builders. Mr. Gardezi objected and said that the name contained therein are one and half years old. It was decided that licences of all the Professionals/Builders involved in unauthorised construction shall be suspended immediately and upto date list shall be supplied to the member.

Action: COB(I)

14. Mr. Nooruddin Rep of PEC presented the resolution regarding adoption of SRO 568(1)/ 87 and No.1293 (1)/ 99 and briefed about its implication. However Mr Kalimuddin and Mr. M.M.I. Hussain of KLABAD dis-agreed with it. On their request voting on the issue was deferred till the next meeting.

Action: All Members.

15. Resolution No.5/2000

Resolved that before approving any plan, Town Planning Department of KBCA and the zone will ensure that: -

- i) Sub-division/amalgamation of the plot is done strictly as per law, KDA order-5 and the stipulations of Schedule D part-I (page-48-49) of Vol.-II of regulations.
- ii) Change of land use strictly in accordance with the law, KDA order-5 (specifically Articles 40,51 & 52-A) and the stipulations of Schedule D part-II (Page 50-51) of vol. of regulations. Moreover MP&EC Deptt. Of KDA and not TP of KBCA is the Competent Authority to initiate and process the change of land use of a plot.
- iii) The explicit written unconditional permission of the Lessor will have to be verified. The mere fact that the plan was forwarded by the Society is not confirmation of lessor's permission.
- iv) \* No conditional NOCs will be given or taken.
- v) \* NOCs will not be "Subject to the approval of so and so....."

Failure to do so will result in suspension and action under Efficiency and Disciplinary Service Rules against the concerned officers.

Action : All members

16. While pointed out by Mr.Kalimuddin regarding the term "Hollow Plinth" CCOB told the participants that he has already taken cognizance of this issue and has already implemented that the Hollow Plinth shall not be allowed as such, as there was no such provision in the Building and Town Planning Regulations

Action : All COBs

17. RESOLUTION NO.6/2000

As per Serial 2 (ii) of the minutes of the meeting of the Sub-Committee on High Rise Buildings held on 19.10.1999.

"The area of the loft shall be included/taken in the covered area" if its height exceeds 5'.

Action : All COBs

18. RESOLUTION NO.8/2000

It was resolved that Resolution adopted by Oversee Committee vide No.2/99 shall be read as follows: -

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. shall be followed if in contravention to the KBTPR Part-I & II.

Action: All COBs

19. Resolution regarding application of original category rules and regulations on sub-division of plots was deferred in order to obtain the views of Master Plan Deptt./ Directorate of P&UD till next meeting of Oversee Committee.

Action: COB(TP)

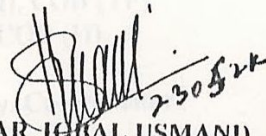
20. Resolution regarding acceptance of security deposit amount in cash in respect of public sale project from the builder will be discussed in the next meeting.

Action: All members

21. Mr. Kalimuddin showed his concerned on the enhancement of the scrutiny fee made by the Governing Body, KDA and said that the Oversee Committee is competent to take such decision as per SBCO under Section-4. In this regard Dr. Abdul Samad proposed to notify KBCA as a Authority under Section-4 of SBCO to legalize the matter. DG, KDA assured to look into the legal aspect in consultation with law Officer, KDA of the issue and to do the needful.

Action: Law Officer, KDA

22. The next meeting of the Oversee Committee on KBCA shall be held on 07.06.2000 at 2.30 P.M. in the conference room of KDA Civic Centre.

  
(AKHTAR IQBAL USMANI)  
CHIEF C.O.B/ SECRETARY  
OVERSEE COMMITTEE ON KBCA

No.KBCA/Oversee/2000 / 126  
Dated. 23.05.2000

Distribution:

1. All concerned
2. All COBs
3. PRO KBCA



**BRIEF REPORT REGARDING THE IMPLEMENTATION OF DECISION OF  
OVERSEE MEETING (22+)18<sup>TH</sup> HELD ON 10-05-2000.**

S.NO	ACTION	DECISION
1.	Meeting started with the recitation of Holy Quran by Mr.S.M.R. Zaidiul Wasti and meeting chaired by the Director General, KDA	
2.	<p>The minutes of 17<sup>th</sup> meeting dated 24.04.2000 confirmed with the following corrections:-</p> <p>i) Para-3, line-3, Resolution No.29/99 instead of '9/99.'</p> <p>ii) Para-3, last line 'indiscriminately' instead of indiscreminationary.</p> <p>iii) Para-9 line 3 identify instead of 'identification'</p>	
3.	<p>Letter of Mr. Saleem Thariani was discussed in which it was stressed that appropriate time be allocated to the policy matters and other important issues rather than on conducting of lengthy discussions on demolition actions and other actions pertaining to the certain illegal buildings. ABAD rep. Mr. M.M.I. Hussain supported the view of Mr. Saleem Thariani. However Dr. Gardezi proposed that 15 to 20 minutes be allocated to each item of Agenda and in case the consensus is not evolved, voting be done. It was therefore decided that a Monitoring team comprising the following Members shall meet additionally to look after the issues of illegal buildings pointed out by any Member of the Committee :-</p> <p>i) Mr. Saleem Thariani, Convenor</p> <p>ii) Director General, KDA</p> <p>iii) Chief COB, KBCA</p> <p>iv) Dr. S. Raza Ali Gardezi, Shehri-CBE</p> <p>The said Committee shall hold its meeting in between the meeting of the Oversee Committee.</p>	
4.	Mr. Kalimuddin informed that he has come to know that postings are being made without considering the seniority. Chief COB replied that there was no such instantee during his tenure till date.	
5.	Mr. Ardeshir Cowasji referred the case of plot No.216, GRE, where the court has thrice ordered for demolition of the said illegal buildings but the same has not yet been complied by the KBCA. In this regard ,Mr. Badar-us-Salam Baig, COB (D) clarified that the building has been occupied and the ejectment notice and publication of notice is under process. Dr. Gardezi pointed out that the notice of ejectment was issued about a year back. It	Report is attached.



	<p>was therefore resolved that a detailed report on the issue alongwith suggestions/ recommendation for taking disciplinary action against the concerned if found responsible be submitted.</p>	
6.	<p>Members showed their concern for not complying with the actions recommended in para-3 of the previous meetings. Chief COB informed that all the COBs/DCBs were present in the said meeting and he has further held the meeting with the COBs and directed them to comply the same but none of them responded. Member desired to take action against the concerned Officers for not implementing the decision of the Committee.</p>	Report of COBs is attached.
7.	<p>Mr. Kalimuddin pointed out the issue regarding illegal construction on Plot No.76-P, Block-2, PECHS, and said that during last six months the building remained under construction and thereafter occupied. But no action was taken due to inefficiency of the concerned officers of KBCA. Mr. Sultan Mohd. Zuberi, COB (F) informed that ejectment notices, filing of prosecution cases and letter to District Administration has been issued and said that after vacation of building, the demolition action will be taken.</p> <p>It was therefore decided that a detailed report containing the sequences of action adopted as specified in Resolution No.5/99, in this case alongwith recommendations for taking disciplinary action against those responsible, if any, be placed before the next Oversee Committee meeting.</p>	Report of COB(F) is attached.
8.	<p>Dr. Gardezi of Shehri briefed with the help of sketch the detail of irregularities committed in the case of regularization of Plot No.220, Jamshed Quarters and said that the concerned COB had mislead the High Court in his statement. COB (D) Mr. Badar-us-Salam admitted that there was error in the calculation. Members asked the Chief COB to clarify the said error in the court. Chief COB said that the concerned Advocate has not advised to do so at this stage. ABAD supported the view. It was therefore resolved by the majority of the members that the true facts about the covered area regularized shall be brought to the notice of the High Court immediately through a Panel Advocate.</p>	Panel Advocate has been conveyed through a letter dated 18.05.2000. Report of COB(F) is attached.
9.	<p>Mr. Sultan Mohd. Zuberi, Officiating COB submitted a report in respect of Plot No.42 and 42-A, Adamjee Nagar, Karachi and said that some portion of the building has been demolished and during the course of demolition contempt application has been moved by the owner against the KBCA officers and the Judge has ordered verbally not to demolish the said building as</p>	Demolition action is being taking on the plot and about 90% of excess area has been removed. Demolition action is in progress.



	<p>this is a bungalow with minor violations. Mr. Qadir Memon Legal Advisor, KBCA also informed that it was ordered verbally by the Judge in his presence in the court. But the Members showed concern for accepting the verbal orders of court inspite of the directives of Oversee Committee not to accept the verbal orders. It was therefore decided that the explanation of the concerned be called for, for not completing the demolition action and if the reply is un-satisfactory, to initiate disciplinary action. Further it was resolved to check the aspect as to whether the case was handled properly in the court. It was also decided that weekly details of such type of court orders in which KBCA finds difficult to take action should be brought to the notice of Mr. Gardezi , so that the matter may be processed with the Chief Justice of Sindh High Court.</p>	
10.	<p>Dr. S.Raza Ali Gardezi pointed out the case of Plot No.73, JM in which the approval was granted on the basis of a height certificate by a private company instead of that from the Master Plan Dept. KDA. In this regard it was decided that written explanation of the concerned official may be called for accepting the said improper certificate and the facts about the case may be brought to the notice of the court immediately in respect of height restriction imposed by the Govt. around Mazar-e-Quaid.</p>	<p>Plan has been withdrawn and press release has been issued. Legal Advisor has been asked to inform the court of law. Written explanation Concerned being called.</p>
11.	<p>Regarding inquiry report of the suspended officers, Mr. S.M.R.Zaidiul Wasti COB (G) Inquiry Officer told that the inquiry is under process and shall be completed within 10 days time.</p>	<p>On the lines of Inquiry report officers has been reinstated.</p>
12.	<p>Dr. Gardezi pointed out that public notice regarding cancellation of amalgamation and commercialization building plans and sale NOC has not been published in the newspaper. It was therefore decided that public notice must be published upto 13<sup>th</sup> May 2000 positively.</p>	<p>Press release issued</p>
13.	<p>Controller of Buildings Circle-'I' Mr. Raees Ahmed Jafri, supplied the list of suspended professionals and builders. Mr. Gardezi objected and said that the name contained therein are one and half years old. It was decided that licences of all the Professionals/Builders involved in unauthorised construction shall be suspended immediately and upto date list shall be supplied to the member.</p>	<p>Up-date list is attached.</p>
14.	<p>Mr. Nooruddin Rep of PEC presented the resolution regarding adoption of SRO 568(1)/ 87 and No.1293 (1)/ 99 and briefed about its implication. However Mr. Kalimuddin and Mr. M.M.I. Hussain of ABAD disagreed with it. On their request voting on the issue was deferred till the next meeting.</p>	
15.	<p><b><u>Resolution No.5/2000</u></b></p> <p>Resolved that before approving any plan, Town Planning Department of KBCA and the zone will ensure that: -</p>	<p>Being complied.</p>



	<p>i) Sub-division/amalgamation of the plot is done strictly as per law, KDA order-5 and the stipulations of Schedule D part-1 (page-48-49) of Vol.-II of regulations.</p> <p>ii) Change of land use strictly in accordance with the law, KDA order-5 (specifically Articles 40,51 &amp; 52-A) and the stipulations of Schedule D part-II (Page 50-51) of vol. of regulations. Moreover MP&amp;EC Deptt. Of KDA and not TP of KBCA is the Competent Authority to initiate and process the change of land use of a plot.</p> <p>iii) The explicit written unconditional permission of the Lessor will have to be verified. The mere fact that the plan was forwarded by the Society is not confirmation of lessor's permission.</p> <p>iv) * No conditional NOCs will be given or taken.</p> <p>v) * NOCs will not be 'Subject to the approval of so and so.....'</p> <p>Failure to do so will result in suspension and action under Efficiency and Disciplinary Service Rules against the concerned officers.</p>	
16.	While pointed out by Mr.Kalimuddin regarding the term "Hollow Plinth" CCOB told the participants that he has already taken cognizance of this issue and has already implemented that the Hollow Plinth shall not be allowed as such, as there was no such provision in the Building and Town Planning Regulations	
17.	<p><b><u>RESOLUTION NO.6/2000</u></b></p> <p>As per Serial 2 (ii) of the minutes of the meeting of the Sub-Committee on High Rise Buildings held on 19.10.1999.</p> <p>" The area of the loft shall be included/taken in the covered area" if its height exceeds 5'.</p>	Being complied.
18.	<p><b><u>RESOLUTION NO.8/2000</u></b></p> <p>It was resolved that Resolution adopted by Oversee Committee vide No.2/99 shall be read as follows: -</p> <p>That only the Karachi Building &amp; Town Planning Regulations Part-I &amp; II shall be followed in letter and spirit and nothing else including previous notifications/ orders/ long standing practices etc. shall be followed if in contravention to the KBTPr Part-I &amp;II.</p>	Noted
19.	Resolution regarding application of original category rules and regulations on sub-division of plots was deferred in order to obtain the views of Master Plan Deptt./ Directorate of P&UD till next meeting of Oversee Committee.	Matters has been resolved.
20.	Resolution regarding acceptance of security deposit amount in cash in respect of public sale project from the builder will be discussed in the next meeting.	Is still under discussion.



21.	Mr. Kalimuddin showed his concerned on the enhancement of the scrutiny fee made by the Governing Body, KDA and said that the Oversee Committee is competent to take such decision as per SBCO under Section-4. In this regard Dr.Abdul Samad proposed to notify KBCA as a Authority under Section-4 of SBCO to legalize the matter. DG, KDA assured to look into the legal aspect in consultation with law Officer, KDA of the issue and to do the needful.	Matter to be discussed in the meeting
22:	The next meeting of the Oversee Committee on KBCA shall be held on 07.06.2000 at 2.30 P.M. in the conference room of KDA Civic Centre,	

No.KBCA/Oversee/2000/  
Dated: 05.06.2000.