

Subject; **MINUTES OF THE (22+)6th MEETING OF OVERSEE COMMITTEE
ON K.B.C.A.HELD ON 11.08.1999 AT 2.00 P.M. AT CONFERENCE
ROOM K.D.A. CIVIC CENTRE, KARACHI.**

PRESENT (MEMBERS OR THEIR SUBSTITUTES)

1. Mr. Allah Rakha Asi, DG,KDA
2. Mr. Misbah Tunio Acting DG, MDA
3. Mr. Syed Muhammad Hussain, CCOB
4. Mr. Justice (Retd) Haziqul Khairi
5. Mr. Syed Kalimuddin, Chairman, PCATP
6. Mr. M.M.I.Hussain, Nominee of ABAD
7. Mr. Roland deSouza Shehri-CBE
8. Dr. S.Raza Ali Gardezi, Shehri
9. Mr. Qazi Faez Isa.

(PRESENT (BY INVITATION)

1. Mr.S.M.R.Zaidiul 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.Zaidiul Wasti. Secretary , HTP was not present due to some other occupation, therefore on the proposal of Mr. Qazi Faez Isa seconded by Mr. M.M.I. Hussain , DG,KDA took the chair.
2. Regrets from Mr. Cowasjee at his inability to attend the meeting were conveyed by Mr.Roland deSouza and leave of absence was granted.
3. The minutes of the meeting dated 1-1.07.1999 were confirmed with the following addition:-
 - a) **Point 4.** In the meantime Shehri pointed out two obvious illegalities in the said report. One regarding Plot No.4,RC-6 and the other 83-F,Block-2,PECHS
 - i) **Plot No.4 RC-6:** The report gave a plot ratio of 1:4 whereas the approved plan gives a plot ratio of 1:6
 - ii) **83-F/2,PECHS:** It was stated in the report that the file of the said plot is with the anti-corruption department. This does not absolve the KBCA from explaining as to how a commercial project came up on a plot which was never commercialized.

The Chief COB had stated that the answer to these queries would be provided in the next meeting.

- b) **Point 8:** Shehri observed that the KBCA's estimated cost of construction of Rs.300/- per sqft. It is too low and needs to be revised up, to which DG,KDA said since this is a separate issue it should be taken up later on separately.

Regarding the calculation of the Security deposit it reveals, that security deposit is never collected. Instead all the builders submit ABAD undertaking. Mr. M.M.I.Hussain on the other hand stated that ABAD gives undertaking only for ABAD members. It was therefore decided that a report would be prepared for the Oversee Committee.

Subsequently regarding the incorrect calculation of security deposit on Four Square Project". DG,KDA observed that irrespective of the fact that whether security deposit is collected or not, since it is calculated under set rules it can at least be verified by the calculation done was correct or not. Chief COB replied that report in this regard has already been submitted to Oversee Committee .

Action: All Members

4. It was decided that all the points raised by M/s. Shehri vide their letter dated 21.06.99 in respect of Project 'Nice Trade Orbit' Plot No.44-A, Block-6, PECHS, Karachi shall be replied by Chief COB within 15 days.

Action: Chief COB

5. Chief COB submitted detailed report on the action arising from the minutes of the meeting held on 1-1.07.1999.

6. Mr. Kalimuddin pointed out that the sub-committee formed to finalize the seniority/ posting and officiating charges is working on the said issue while the Chief COB informed that the Governing Body, KDA has also formed a committee to finalize the seniority of KBCA Officers. In this regard the Members showed their concern over the interference of GB, KDA in the jurisdiction of Oversee Committee of KBCA. However, DG, KDA explained that KDA is the Authority notified under Section-4 of SBCO and that GB KDA can exercise full authority in all the matters of KBCA. After detailed discussion on the issue it was decided that all the current, previous, prevailing repealed, notification issued by the Sindh Govt. under Section-4 shall be supplied to all the members within two weeks and the same shall be discussed in the next Oversee Committee meeting.

Action: Chief COB

Members of sub-Committee

7. Regarding wrong calculation of 2% security deposit amount in respect of Project "Four Square" pointed out by M/s. Shehri was discussed and it was decided that the following shall be supplied within 15 days to all the Members:-

- a) Formula for calculation of 2% security deposit.
- b) Example of application of the said formula including this case.
- c) Clarification regarding the calculation of the 2% security deposit of the said project.

Action: Chief COB

8. Mr. M.M.L. Hussain said that they have explained in their letter dated 20.07.1999 the consequences of charging of 2% cash security deposit in lieu of ABAD undertaking and quoted the example of Faiza Heights' on which ABAD contributed a lot of money to compensate the allottees and also to the injured and deceased families and said that 2% security deposit is sufficient to handle such type of cases. It was therefore decided that the sub-committee formed earlier to ascertain the possibilities of charging 2% security deposit in lieu of ABAD Guarantee shall decide the issue and letter of ABAD to be taken into consideration by the sub-committee.

Action: Members of Sub-Committee

9. Mr. Kalimuddin quoted the example of the case of Jamshed Qrts' where the KBCA is not applying the Karachi Building & Town Planning rule and instead insisting the KMC Resolution 1935 and said that the sub-committee has already decided that the only Karachi Building & Town Planning regulations shall prevail. It was therefore decided that the issue would be sorted out by Mr. Kalimuddin and Mr. Roland deSouza and put up in the next meeting.

Action: PCATP/ Shehri

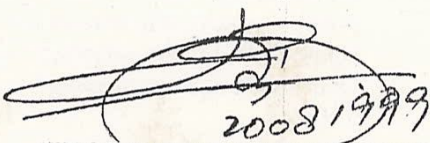
10. ABAD stressed the need of early updating the Karachi Building & Town Planning Regulations. DG, KDA and other members also showed their concern and stressed the early preparation and asked the concerned to expedite the matter.

Action: All Concerned.

11. DG, KDA proposed that in the cases where deviations from the approved plan have been committed in such a way that if the violations are within rules and regulations in such cases, regularization to be allowed. Mr. Roland and other members supported the proposal of DG, KDA. The matter was deferred on the observation of ABAD that the regularization should be carried out in accordance with the categorization already submitted by ABAD and it was decided that Mr. Qazi Faaz Isa shall prepare the synopses of the judgement of the Supreme Court in case of Glass Tower and to be supplied to all the Members and also to the Advocates of KBCA within 2 weeks for their guidance and following the cases in the courts.

Action: Qazi Faaz Isa

12. Shehri supplied copies of the some resolution, which will be discussed in the next meeting of Overseer Committee.
- Action: All Members
13. ABAD inquired about the issuance of any type of NOC to the Scheme of Prime Minister Housing in the name and style " MAIRA GAHAR ". Chief COB informed that no such NOC has been sought from KBCA.
14. The left over items of the Agenda will be discussed in the next meeting.
- Action: All Members
15. The next meeting of Overseer Committee shall be held on 08.09.1999 at 2.00 P.M. at Conference Room of KDA Civic Centre.


 2008/1999
 (ENGR.S.M.R.ZAIDIUL WASTI)
 CO-ORDINATOR
 OVERSEE COMMITTEE ON KBCA

No.KBCA/Oversee/99/159
 Dated: 21-8-99

Distribution:

1. All Members

Meeting started with the recitation of Holy Quran by Mr. S.M.R.Zaidiul Wasti, Secretary. Mr. M.M.I. Hussain, DG, KDA was not present due to some other occupation, therefore on the proposal of Mr. M.M.I. Hussain, DG, KDA took the chair.

2. Regrets from Mr. Cowasjee at his inability to attend the meeting were conveyed by Mr. Roland de Souza and leave of absence was granted.

The minutes of the meeting dated 11.07.1999 were confirmed with the following addition:-

a) Point 4. In the meantime Shehri pointed out two obvious illegalities in the said report. One regarding Plot No.4, RC-6 and the other 83-F, Block-2, PECHS

i) Plot No.4 RC-6: The report gave a plot ratio of 1:4 whereas the approved plan gives a plot ratio of 1:6

ii) 83-F/2, PECHS: It was stated in the report that the file of the said plot is with the anti-corruption department. This does not absolve the KBCA from explaining as to how a commercial project came up on a plot which was never commercialized.

The Chief COB had stated that the answer to these queries would be provided in the next meeting.

b) Point 8: Shehri observed that the KBCA's estimated cost of construction of Rs.300/- per sq.ft. is too low and needs to be revised up, to which DG, KDA said since this is separate issue it should be taken up later on separately.

**BRIEF REPORT REGARDING THE IMPLEMENTATION
OF OVERSEE COMMITTEE DECISION DATED 11.08.1999.**

.NO	DECISION	ACTION
1.	Meeting started with the recitation of Holy Quran by Mr. S.M.R.Zaidiul Wasti. Secretary, ITP was not present due to some other occupation, therefore on the proposal of Mr. Qazi Faez Isa seconded by Mr. M.M.I. Hussain, DG,KDA took the chair.	
2.	Regrets from Mr. Cowasjee at his inability to attend the meeting were conveyed by Mr.Roland deSouza and leave of absence was granted.	
3.	<p>The minutes of the meeting dated 14.07.1999 were confirmed with the following addition:-</p> <p>a)Point 4. In the meantime Shehri pointed out two obvious illegalities in the said report. One regarding Plot No.4,RC-6 and the other 83-F,Block-2,PECHS</p> <p>i) Plot No.4 RC-6: The report gave a plot ratio of 1:4 whereas the approved plan gives a plot ratio of 1:6</p> <p>ii) 83-F/2,PECHS: It was stated in the report that the file of the said plot is with the anti-corruption department. This does not absolve the KBCA from explaining as to how a commercial project came up on a plot which was never commercialized.</p> <p>The Chief COB had stated that the answer to these queries would be provided in the next meeting.</p> <p>b) Point 8: Shehri observed that the KBCA's estimated cost of construction of Rs.300/- per sqft. It is too low and needs to be revised up, to which DG,KDA said since this is separate issue it should be taken up later on separately.</p> <p>Regarding the calculation of the Security deposit it reveals, that security deposit is never collected. Instead all the builders submit ABAD undertaking. Mr. M.M.I.Hussain on the other hand stated that ABAD gives undertaking only for ABAD members. It was therefore decided that a report would be prepared for the Oversee Committee.</p> <p>Subsequently regarding the incorrect calculation of security deposit on Four Square Project" DG,KDA observed that irrespective of the fact that whether security deposit is collected or not, since it is calculated under set rules it can at least be verified by the calculation done was correct or not. Chief COB replied that report in this regard has already been submitted to Oversee Committee .</p>	<p>Report is attached</p> <p>Letter to ACE is attached</p> <p>Clarification from COB (Design) is attached</p> <p>Report will be submitted in the meeting dated 8.9.99</p>
4.	It was decided that all the points raised by M/s. Shehri vide their letter dated 21.06.99 in respect of Project ' Nice Trade Orbit' Plot No.44-A, Block-6, PECHS, Karachi shall be replied by Chief COB within 15 days.	Reply has already been given to Shehri.
5.	Chief COB submitted detailed report on the action arising from the minutes of the meeting held on 14.07.1999.	

6.	<p>Mr. Kalimuddin pointed out that the sub-committee formed to finalize the seniority/ posting and officiating charges is working on the said issue while the Chief COB informed that the Governing Body, KDA has also formed a committee to finalize the seniority of KBCA Officers. In this regard the Members showed their concern over the interference of GB, KDA in the jurisdiction of Overseer Committee of KBCA. However, DG, KDA explained that KDA is the Authority notified under Section-4 of SBCO and that GB KDA can exercise full authority in all the matters of KBCA. After detailed discussion on the issue it was decided that all the current, previous, prevailing repealed, notification issued by the Sindh Govt. under Section-4 shall be supplied to all the members within two weeks and the same shall be discussed in the next Overseer Committee meeting.</p>	<p>Letter from DG, KDA is attached.</p> <p>Copies of Notification already supplied.</p>
7.	<p>Regarding wrong calculation of 2% security deposit amount in respect of Project "Four Square" pointed out by M/s. Shehri was discussed and it was decided that the following shall be supplied within 15 days to all the Members:-</p> <ul style="list-style-type: none"> d) Formula for calculation of 2% security deposit. e) Example of application of the said formula including this case. f) Clarification regarding the calculation of the 2% security deposit of the said project. 	<p>Reply to be given by COB Circle-II</p>
8.	<p>Mr. M.M.I. Hussain said that they have explained in their letter dated 20.07.1999 the consequences of charging of 2% cash security deposit in lieu of ABAD undertaking and quoted the example of Faiza Heights' on which ABAD contributed a lot of money to compensate the allottees and also to the injured and deceased families and said that 2% security deposit is sufficient to handle such type of cases. It was therefore decided that the sub-committee formed earlier to ascertain the possibilities of charging 2% security deposit in lieu of ABAD Guarantee shall decide the issue and letter of ABAD to be taken into consideration by the sub-committee.</p>	
9.	<p>Mr. Kalimuddin quoted the example of the case of Jamshed Qrts' where the KBCA is not applying the Karachi Building & Town Planning rule and instead insisting the KMC Resolution 1935 and said that the sub-committee has already decided that the only Karachi Building & Town Planning regulations shall prevail. It was therefore decided that the issue would be sorted out by Mr. Kalimuddin and Mr. Roland deSouza and put up in the next meeting.</p>	<p>N/A</p>
10.	<p>ABAD stressed the need of early updating the Karachi Building & Town Planning Regulations. DG, KDA and other members also showed their concern and stressed the early preparation and asked the concerned to expedite the matter.</p>	<p>N/A</p>
11.	<p>DG, KDA proposed that in the cases where deviations from the approved plan have been committed in such a way that if the violations are within rules and regulations in such cases, regularization to be allowed. Mr. Roland and other members supported the proposal of DG, KDA. The matter was deferred on the observation of ABAD that the regularization should be carried out in accordance with the categorization already submitted by ABAD and it was decided that Mr. Qazi Faez Isa shall prepare the synopses of the judgement of the Supreme Court in case of Glass Tower and to be supplied to all the</p>	<p>N/A</p>

	Members and also to the Advocates of KBCA within 2 weeks for their guidance and following the cases in the courts.	
12.	Shehri supplied copies of the some resolution, which will be discussed in the next meeting of Oversee Committee.	
13.	ABAD inquired about the issuance of any type of NOC to the Scheme of Prime Minister Housing in the name and style "MAIRA GAHAR". Chief COB informed that no such NOC has been sought from KBCA.	N/A
14.	The left over items of the Agenda will be discussed in the next meeting.	N/A
15.	The next meeting of Oversee Committee shall be held on 08.09.1999 at 2.00 P.M. at Conference Room of KDA Civic Centre.	

NO. KBCA/OC./99/160

DF- 1-9-99.