

MINUTES OF (22+)2ND MEETING OF OVERSEE COMMITTEE
ON K.B.C.A. HELD ON 07.04.1999 AT 2.00 P.M AT
CONFERENCE ROOM CIVIC CENTRE, KARACHI.

PRESENT

MR. SYED FAISAL SAUD

Secretary, IITP

.... Chairman

MEMBERS

1. Mr. Allah Rakha Asi, DG,KDA
2. Mr. Rauf Akhtar Farooqi,DG,MDA
3. Mr. Syed Muhamad Hussain, Chief COB
4. Dr. Abdul Samad Khan, NED
5. Mr. Ardeshir Cowasjee
6. Mr. Roland deSouza Shehri-CBE
7. Mr. Syed Kalimuddin . Chairman. PCATP
8. Mr. Nooruddin Ahmed, Nominee of PEC
9. Mr. Qazi Faez Isa, Bar-at-law
10. Mr. M.M.I.Hussain, Nominee of ABAD
11. Mr. Iqbal Memon, Legal Advisor, KBCA

INVITEES

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

1. The meeting started with the recitation of Holy Quran by Mr. S.M.R.Zaidiul Wasti,COB. The request of Mr.Saleem Thariani for not attending the meeting due to his illness was granted by the Committee.

Action: S.M.R.Zaidiul Wasti,
Co-ordinator.

2. The minutes of the meeting dated 24.03.1999 were confirmed except on the request of Mr. Iqbal Memon, the following sentences were deleted from the para-2 page No.2 of the minutes of meeting dated 24.03.99

" Mr. Iqbal Memon informed that the legal Advisor is being misused by the Authority and he has protested on it. The Secretary, IITP asked him to file his written objection."

Action: S.M.R.Zaidiul Wasti.

3. The members noted with concern that the COB's written report on "Action taken on the Minutes" of the last meeting (26.01.99 and 24.03.99 had not been circulated. This to be done by 21.4.1999 and for future meetings, one week before the meeting.

Chief COB verbally informed in details the implementation of the decision of the sub-committee to improve the working of the KBCA.

- a) That the Overseas Committee secretariat has been established.
- b) Public information counter is re-organized on the basis of weekly duty of ACB and Building Inspector. Model Agreement between the Builder and allottees has been displayed at the counter and list of the buildings under litigation is being dis-played.

Action: D.C. (Admin).

- c) That the monthly publication of lists/NOC's in the newspapers as per procedure decided earlier has been started and in respect of non-publication of the list in 'Jang' by Information Dept. Sindh, the Committee passed the following resolution No.:-

"It was decided by the Overseas Committee that regular advertisements be published in Jang, Dawn and Millat Gujrati. However, it appeared that Information Department, Sindh is not forwarding any publication for publication in "Jang". In view of the fact that the 'Jang' has a largest circulation in the Karachi, therefore the earlier decision of Committee is re-iterated and concerned Department is requested not to hinder the working of statutory body insert the ads within one week."

Action: Chief COB/ P.R.O

- d) Punctuality in the attendance has been improved all KBCA offices are to be present at 9.05 am, tentative seniority list has been issued and objections are invited within 15 days. All the ACRs shall be completed within next 15 days. The leave account of all the officers/staff has been prepared. Promotion cases shall be decided after the finalization of seniority list.

Action: D.C. (Admin)

- e) That the charge sheets to three officers who were suspended has been issued. 15 officers cases is pending in the High Court and they were reinstated on the directive of the Govt. of Sindh. The committee desired that some positive action to be taken and case to be pursued in High Court vigorously.

Action: Chief COB/DC(Admin).

- f) Mr. deSouza said that in a fit case of illegal construction in Saddar Bazaar Mr. Nadeem Anwar DCB and Mr. Amir Kamal Jafri ACB were suspended on the directive of the Secretary, ITP, and asked about the present status of the officer's / case. Chief COB informed that the officers has been re-instated; It was therefore decided that the complete factual position of the case to be supplied to the Sec. ITP and other members within two days.

Action: Chief COB/DC(Admin)

Distribution:

- g) Regarding transfer/posting of officers for two year tenures (procedure already decided), It was decided that a proposal is prepared by the Chief COB and sent to Secretary, IITP within 2 weeks circulated to members within 2 weeks.

Action: Chief COB

- h) That the ACBs Field Books are being checked and monthly photographs of under construction buildings are being taken. Plinth verification certificate are being issued by virtue of passing the building plans in three stages.

- i) That the order has been issued to send copies of notices of u/a construction under Section-7/A to the concerned legal advisor and to monitor that the comments with photos are to be sent within 3 days by the DCBs. It was further decided that in the comments specific violations alongwith the number of clauses/section of rules and Regulations to be mentioned.

Action: Chief COB/ All COBs.

- j) That the work on the computerization of court cases are being under process and the procedure of daily progress report on the established Performa of the cases from the lawyers has been started. These daily progress of the case must be sent to COBs in order to update their action as decided earlier. This is not yet being done.

Action Chief COB/Co-ordinator O/C

- k) Regarding computerisation of all information of the project and its up dating on daily basis, it was stated by CCOB that the same should be possible after the computerisation of KBCA. The members disagreed, and directed that listing should be started immediately.

Action :Chief COB/Co-ordinate

- l) Further in order to establish the identity of the owner/builder, Mr.Qazi Faez informed that the Govt. has recently amended the stamp duty act and now the power of attorney to be in accordance with the said amendments: the requirements of stamp duty Act shall be followed by KBCA The draft of the said amendment and procedure shall be provided by Qazi Faez Isa.

Action:Chief COB/All COBs/L.A. KBCA.

- m) That the list of suspended professional has been published in the newspaper. PEC/PCATP showed their concerned that the said list alongwith the details of the cases have not been supplied to them. The same shall be done immediately, so that PEC/PCATP can also take action in accordance with their regulations and Act. Criminal prosecution cases under SBCO 79 are also to be filed against professionals.

Action:Chief COB/PEC/PCATP

7. Regarding computerisation of KBCA, a plan prepared by Mr. Fazal Alvi on a turn-key basis was supplied to the members and Mr. Fazal Alvi briefed his plan which cost about Rs.40 lacs. The plan shall be studied by the members and discussed in the next meeting.

Action: All members of Oversee Committee

8. Mr.deSouza supplied copies of additional information for the plot No.10,SR-2 International Trade Centre to the members of the Committee, highlighting the violations. The committee directed to Chief COB to take following action:

- i). Public Warning (DAWN, JANG, MILLAT) advising general public about pending litigation and directing them not to invest, or to enter without mandatory KBCA Occupancy Certificate.
- ii). Initiate action against concerned DCB/ACB for:
 - a) incorrect approval of building plans
 - arcade not provided around shops
 - encroachment on Nicol Road allowed
 - violation of leases conditions allowed
 - non-inclusion of basement in covered area calculations
 - b) collusive action to help builder.
 - Approval of incorrect plinth Verification Certificate (9.1.98)
 - non-action against violations (demolition/sealing etc).
 - c) Similar action as 8 (ii) above against Mr. S.M.Misbah, (Ex-CCOB/DG,KDA.
- iii) Write to BOR to forfeit /determine lease for violation of the lease conditions.
 - a) building plan not submitted to Lessor.
 - b) extent of construction in violation of leases conditions.
- iv) Institution of criminal prosecution proceedings (under SBCO 979 and Anticorruption) against Builder, owner,architect/engineer,DCB,ACB etc.
- v) Criminal prosecution of Owners & Attorney for avoidance of statutory stamp duty on sale/transfer of plot. Irrevocable power of Attorney being mis-used.
- vi) KBCA to apply to High Court for modification of undertaking/order dated 11.12.98. Builder can not be allowed to carryout "finishing work" on illegal construction, even if it is allegedly at his" risk and cost" . Additionally, the builder actually uses purchaser's money, not his own: thus the work is not at the builder's " risk & Cost".

Action: Chief COB

9. The committee decided to withdraw the circular issued by the then DG,KDA vide No.KBCA/PS-CCOB/98/341 dated 8.5.1998, and a clarification to be issued that no building plan (original or revised) is to be approved that has not been forwarded by the lessor. Further the explanation of the then DG,KDA shall be called.

Action:DG/KDA/Secretary,HTP

10. Regarding 'minor violations' and regularisation of sealed buildings' that can be compounded in accordance with the law/regulations, Mr. Qazi Faez Isa pointed out that clause (19) of SBCO and regulation No.16 of building & Town Planning Regulations is quite clear and the issue can only be discussed under the parameter of these law/regulations, until these are amended. Further the judgement of Supreme Court of Pakistan, in case of Mr. Abdul Razzak is clear, that KBCA has no discretionary powers to regularise any buildings constructed in violation of regulations.

Mr. deSouza, pointed out that in regulation 16 (c), (1) & (vi) reproduced as under:-

- i) the building works or part thereof violate any requirements of the provisions of any sanctioned site development scheme;
- vi) for any other violation of the Master Plan not falling in the above category, NOC from the Master Plan and Environmental control Dept(Authority under Sindh Building Control Ordinance, 1979) shall be obtained before compounding of the offence.

clarified that no violation can be compounded if it violates the requirement of provision of any sanctioned site development schemes, which are given in various terms of allowable plot- ratio, allowable covered area on each floor, number of floors, etc.

ABAD dissented from the above and said that law/regulations do not bar regularisation of certain violations. ABAD also emphasised that the housing industry of Karachi should not be discriminated from the rest of country's industry by faulty restrictions, contrary to the law and regulations. The Chairman held that law/regulations should prevail.

Action: Chief COB/ All COBs

11. The Chairman stated that the Governor desired the recommendations of the Overseer Committee on the issue of the 262 sealed buildings and the 35 illegal buildings should be submitted at the earliest. It was unanimously decided that in the case of buildings where the High Court has given a decision, this decision must be complied with immediately by the Government of Sindh. The issue of the rest of the buildings would be taken up when the Sub-Committee report would be received at the next meeting. Shehri also presented a 6-point list of recommendations on what procedures to be adapted under Law to deal with the already constructed illegal buildings, and the builders, officers, and other involved persons.
12. Copies of SBCO and building and Town Planning Regulations (Part-I & II) were supplied to the Members.
13. A detail discussion was held on the issue of use of commercialisation charges money. It was decided that the said amounts should be kept in a separate account by KBCA and that should not be transferred or utilized. The DG KDA is to prepare a detailed recommendation in the matter for the Overseer Committee including a report on how the Rs 1500 crores (as given by ABAD) collected for commercialization / additional floors charges during 1970 - 1995 have been utilized.

Action: DG, KDA
Chief COB / DC

14. ABAD presented the case of the approval granted in respect of the project " Clifton Regency" on Plot no.FL-12, Block-1, Scheme No.5, Karachi which apparently shows that approval was granted beyond the existing building regulations. The Committee directed to Chief COB, to immediately withdraw all NOCs/approval granted in respect of the said project and to call explanation of all the concerned.(DCB, ACB IN TP) by 21-4-99. Report on the matter to be supplied to the Committee members within two weeks

Action: Chief COB

15. Mr. MMI Hussain stated that if any ABAD member were to be found violating the Law as in the case mentioned above, ABAD would take strict action against the member.

Action: ABAD

16. The Oversee Committee set up a sub-committee comprising of the following to scrutinize the cases of High rise buildings submitted for approval:-

1. Nominee of PCATP
2. Nominee of PEC
3. Nominee of ABAD
4. Nominee of Shehri.
5. Chief Controller of Buildings.

The sub committee shall meet ones in a fortnight and Chief COB shall presents Sub-Committee recommendations for approval to the Oversee Committee. It was, however, held by the Chairman that the cases of highrise buildings would be brought before the Oversee Committee who after scrutiny will accord approval.

Action: Chief COB.

17. It was decided that all the professionals employed in KBCA i.e Architects, Engineers and Town Planner shall have the valid registration of their council and a copy of the renewal/life membership should be supplied to PEC and PCATP. However, membership fee/ renewal fee would be arranged by KBCA as per NESPAK practice.

Action: DC (Admin).

18. Mr. Nooruddin of PEC AND Mr. Kalimuddin of PCATP is to organise an informal meeting with engineers & architect of KBCA and KDA to discuss their duties and professional.

Action: PEC/PCATP

19. It was also decided that the sub committee appointed to up-date the building and town planning regulations shall complete the task within three week time keeping in view the urgency of the mater.

Action : Convener of Sub-Committee of
Up-dating of B&TP regulation

20. The next meeting of Oversee Committee shall be held on 12.05.1999 at 2.00 P.M. in the Conference room of Civic Centre, KDA as there is two presentation of Malir Development Authority & Lyari Development Authority to Governor, Sindh on 05.05.1999 at 12.30 Hrs. Chairman and Secretary Oversee Committee are invited there. a

(ENGR. S.M.R. ZAIDIUL WASTI) 24041999
CO-ORDINATOR
OVERSEE COMMITTEE ON KBCA

No. KBCA/Oversee C.S./99/19, ~~1999~~
Dated: 24-04-99

Distribution:

All concerned.