



Capital Development Authority
(Secretary CDA Board Office)

No. CDA-1353/BM-SCB/2019/

Islamabad Oct. 03, 2019

Subject: **MINUTES OF 10TH CDA BOARD MEETING FOR THE YEAR 2019.**

10th CDA Board meeting for the year 2019 was held on **October 3, 2019 (Thursday) at 10:00 A.M**, in the Conference Room of Executive Block, CDA Headquarter, Islamabad under the Chairmanship of Chairman, CDA.

2. Following attended the meeting:

1. Amer Ali Ahmed, (In Chair)
Chairman, CDA-
(Additional Charge),
Chief Commissioner ICT
2. Mr. Fazal-i- Mabood
FA/Member ,CDA.
(look after charge)
3. Mr. Khushal Khan,
Member (Estate), CDA/
Member (Admin),CDA.
(look after charge)
4. Mr. Humayun Akhtar,
Member (Engineering), CDA.
(look after charge)
5. Dr. Shahid Mehmood,
Member (P&D), CDA
(look after charge)
6. Syed Safdar Ali,
Secretary CDA Board.
(Temporary charge).

3. Commissioner Rawalpindi as ex-officio member of the Board could not attend the meeting, while Chief Commissioner, ICT in addition to the assignment of Chairman, CDA and Board Members, Director Land & Rehab., Director RP, attended the meeting.

4. Meeting commenced with the recitation of "Holy Quran" by Mr. Fazal-i- Mabood, FA/Member. Thereafter agenda items were taken up for discussion and made following decisions:-

10.1 11083/1353/BM/'19
03-10-'19/10TH **REQUEST FOR GRANT OF PERMISSION TO ESTABLISH D-CLASS STAND ON SOUTHERN SIDE OF I,J PRINCIPLE ROAD, FAIZABAD, ISLAMABAD.**

DECISION

The summary was presented by the Member (P&D) and further elaborated the Honorable Islamabad High Court order dated 16.01.2019. After due deliberation, the Board directed the Planning Wing to get a fresh views point /report of the Islamabad Transport Authority (ITA) ICT, Senior Superintendent of Police (Traffic) Islamabad and Directorate of Municipal Administration (DMA), MCI in the light of Islamabad High Court directions. On incorporating the fresh view points of all stake holders, a revised summary be put up for the consideration of CDA Board.

In furtherance of the Honorable Court order, Planning Wing is directed to make a transparent Policy / Regulation for conversion of land to establish D-Class Bus Stand / Coach Stand / Wagon Stand at IJP Road Islamabad and it should not be discretion of the Board and sweet will of the Planning Wing. The instant application and other applications would be examined and disposed of in the light of Policy / Regulation to be framed by Planning & Design Wing and would be ratified by the CDA Board accordingly.

Action By: Member (P&D)

10.2 11084/1353/BM/'19
03-10-'19/10TH **REQUEST FOR ISSUANCE OF NO OBJECTION CERTIFICATE (NOC), M/S BAHRIA ENCLAVE-II AGRO FARMING SCHEME, MOUZA BOBRI PETHA & SAKREELA, ZONE-IV-(D), ISLAMABAD.**

DECISION

The summary presented by the Director Regional Planning, CDA. After due deliberation, the Board approved the proposal made at Para 5 of the summary subject to the condition that NOC would be issued by the Planning Wing after the completion of due process, fulfillment of all codal formalities and submission that certificate of all requirement have been completed in all respect.

Action By: Member (P&D)

10.3 11085/1353/BM/'19
03-10-'19/10TH **APPROVAL OF TERMS AND CONDITIONS FOR THE INCUMBENT LEGAL ADVISOR (MR. SHAHID NASEEM GONDAL) AS TO PREVIOUS ONE.**

DECISION

After due deliberation, CDA Board approved the proposal made at Para 2 of the summary.

Action By: Member (Admin)

10.4 **WRIT PETITION NO.244/18 TITLED "NOMAN KHAN ETC VS CDA ETC" REGARDING E-12, ISLAMABAD.**

DECISION

The recommendations of commission in accordance with Law and provision of the CDA Ordinance will be taken up for implementation on merits and in-accordance. Regarding recommendations of the commission pertaining to future fate of land acquisition; without going to the merits of the recommendations, it is observed that this will require a change in CDA Ordinance. Therefore, this suggestion will have to be decided by the Government.

Action By: Member (Estate)

- 11086/1353/BM//19
03-10-'19/10TH
- 10.5 REQUEST FOR ISSUANCE OF NO OBJECTION CERTIFICATE (NOC), GULBERG GREEN FARM HOUSING SCHEME SPONSORED BY M/S INTELLIGENCE BUREAU EMPLOYEES CO-OPERATIVE HOUSING SOCIETY ZONE-IV ISLAMABAD.**

DECISION

The summary presented by the Director Regional Planning, CDA. After due deliberation, the Board approved the proposal made at Para 5 of the summary subject to the condition that NOC would be issued by the Planning Wing after the completion of due process, fulfillment of all codal formalities and submission that certificate of all requirement have been completed in all respect.

Action By: Member (P&D)

- 11087/1353/BM//19
03-10-'19/10TH
- 10.6 ACQUISITION OF BUILT UP PROPERTY AND LAND FOR SECTOR C-14.(IMPLEMENTATION OF HONORABLE ISLAMABAD HIGH COURT ORDERS-ALLOTMENT OF RESIDENTIAL PLOTS IN SECTOR C-14).**

DECISION

The summary was presented by Director Land & Rehabilitation, CDA. After due deliberation, the Board decided to proceed in the matter, in accordance with rule, policy and views expressed by Legal Advisor. However, no dispensation from procedure and rules would be sought in any case.

Action By: Member (Estate)

- 11088/1353/BM//19
03-10-'19/10TH
- 10.7 REVISION IN THE MODALITIES AND PRIVATE HOUSING REGULATIONS REGARDING AMENDMENT / REVISION OF LAYOUT PLAN/AMENDMENTS IN REGULATIONS FOR PRIVATE HOUSING SCHEMES AND PROJECTS IN THE DESIGNATED ZONES OF ICT, ISLAMABAD.**

DECISION

The summary was presented by Director Regional Planning, CDA. After due deliberation, the Board approved the proposal made at Para 2 of the summary. Head of the concerned Wing would ensure that the Notification must be vetted from Law Wing before issuance for publication in the extra ordinary Gazette of Pakistan. However Planning wing would also ensured that summary regarding revision of levy rate in accordance with the market be presented within fortnight.

Action By: Member (P&D)

- NA-I ACQUISITION OF LAND IN SECTORS F-14 AND F-15 BY FEDERAL GOVERNMENT EMPLOYEES HOUSING FOUNDATION.**

DECISION

The summary was presented by the Director Land to the CDA Board; while Director Law was also called for briefing to the Board about instant case. Member planning who had attended the hearing of the Supreme Court dated 2.10.2019 was present in the meeting apprised the Board for requisite to have the board's opinion in the matter.

Director law briefed the back ground of the matter and explained that earlier, in pursuance to the Honorable Supreme Court order dated 13.03.2019, it was directed to Ministry of Interior and Ministry of Housing to put forth their stance in the matter regarding simultaneous applicability

or otherwise of CDA Ordinance, 1960 and Land Acquisition Act 1984 for the acquisition of land within Islamabad Capital Territory. Accordingly, Ministry of Interior and Ministry of Housing and Works through Ministry of Law & Justice after examining the divergent views of CDA and FGEHF concluded that both laws are applicable in Islamabad and both have their own sphere to operate. The opinion is reproduced below:

- i). “The Capital Development Authority (CDA) Ordinance 1960 was enacted for making arrangements for planning and development of Islamabad. The jurisdiction to acquire the land in specified area was given to CDA, for the purpose of achieving of the object of the said Ordinance. The power of the CDA through various interpretations of law by the Apex Court is that CDA does not enjoy unlimited power of the acquisition; it can only acquire land after framing scheme under the said Ordinance. Further, the CDA Ordinance does not spell out acquisition for public purpose and company, the acquisition under the CDA Ordinance is only for the purpose of planning through schemes and is limited in nature.
- ii). The Federal Laws (Revision and Declaration) Ordinance, 1981 was promulgated, whereby, the Land Acquisition Act, 1894 was made applicable with certain amendments in Islamabad Capital Territory. As no ignorance can be imputed to legislation, therefore, the Land Acquisition Act is applicable. Acquisition under this Act is for public purpose or for company, therefore, the premises of CDA Ordinance viz-a-viz the Land Acquisition Act are different and distinct.
- iii). It is celebrated principle of interpretation of law that no law should be destroyed and if there appears to be some conflict it can be resolved by harmonious interpretation so that both the laws are co-existed. Accordingly, the concluded view is that both laws are applicable in Islamabad and both have their own sphere to operation.

The Board was also apprised that earlier comments submitted before the Honourable Supreme Court was not duly approved by the CDA Board. After due deliberations, the Board endorsed the advice of Ministry of Law, arrived at under the auspices of Ministry of Interior. Thereby recognizing the parallel existence of jurisdiction for acquisition of land in accordance with respective provision of law authorizing each organization to do so separately and independently without affecting the domain of each organization.

**Action By: Member (Estate)
Member (P&D)**

**NA-II SITE FOR CONSTRUCTION OF SOLID WASTE BIOGAS PLANT IN FRUIT
AND VEGETABLE MARKET, I-11/4, ISLAMABAD**

11089/1353/BM/'19
03-10-'19/10TH

DECISION

The summary was presented by the Director Urban Planning, CDA. After due deliberation, CDA Board approved the proposal made at Para 8 & 9 of the

summary subject to the condition that CDA only allocate the site for establishment of Solid Waste Biogas and no ownership would be transferred.

Action By: Member (P&D)

NA-III AMENDED LAYOUT PLAN OF SECTOR I-12, ISLAMABAD.

11090/1353/BM/19

03-10-19/10TH

DECISION

The summary was presented by the Director Urban Planning, CDA. After due deliberation, CDA Board approved the proposal made at Para 7, 8 & 9 of the summary.

Action by: Member (P&D)

The meeting concluded with a word of thanks to and from the Chair.

