

No. CDA/PLW/HS(90)/Ext. J&KCHS/2020/ 236

Islamabad, 5th June, 2025

Sardar Sabeel Mumtaz Khan,
Secretary, Jammu & Kashmir Co-operative Housing Society (J&KCHS)
Community Centre, Sector G-15 Markaz, Main G.T Road, Islamabad

Subject:- MINUTES OF MEETINGS REGARDING ISSUES OF KHAYBAN-E-KASHMIR-I HOUSING SCHEME, SECTORS G-15/F-15, ZONE-2, ISLAMABAD IN COMPLIANCE TO THE ISLAMABAD HIGH COURT'S ORDER, DATED 20-5-2025 IN WP NO. 2882/2024 TITLED "DR. KHALID SAEED KHAN VS CDA ETC."

Ref:- Please refer to Islamabad High Court's Order, dated 20-5-2025, regarding the subject matter.

The Honourable Islamabad High Court, Islamabad in **W.P No. 2882/2024** titled "**Dr. Khalid Saeed Khan vs CDA etc.**" has passed the following Order, on 20-5-2025 [Annex-I]:

4. In view of the above, the concerned authorities of the respondent Society/ J&KECHS are directed to appear before the Director (Housing Societies), CDA, on the 26th, 27th, and 28th of May, 2025, at 11:00 A.M, to discuss and comply with the instructions and requirements issued by the CDA regarding the Revised Layout Plan, in order to resolve the issue.

2. In compliance to the aforementioned Islamabad High Court's Order, **Three (3) Meetings**, to resolve the issues of Khayban-e-Kashmir-I Housing Scheme, Sectors G-15/F-15, Zone-2, Islamabad sponsored by M/s Jammu & Kashmir Co-operative Housing Society (J&KCHS) were convened in the office of Director Housing Societies, CDA on **26th, 27th, and 29th of May, 2025** (being 28th Public Holiday). The meetings were attended by the following [Attendance Sheets are at **Annex-II**]:

Name		Designation
CDA		
1.	Mr. Ijaz Ahmad Sheikh	Director Housing Societies Convener/ In-chair
2.	Mr. Khurram Shahzad	Town Planner-I (HS)
M/s J&KCHS		
1.	Mr. Sardar Sabeel Mumtaz Khan	Secretary, M/s J&KCHS
2.	Mr. Usaid Baloch	Finance Secretary
3.	Mr. Malik Aurangzeb	Executive Member
4.	Mr. Khawaja Abdul Haseeb	Consulting Town Planner
5.	Mr. Atif Shehzad	Assistant Engineer

3. The meetings were started with the name of Almighty Allah and Director Housing Societies, CDA welcomed all the participants and briefed the Members of J&KCHS that Islamabad High Court, vide Order, dated 20-5-2025, in WP No. 2882/2024,

has directed M/s J&KCHS to convene meetings with CDA Officials to resolve all the issues of Khayban-E-Kashmir-I Housing Scheme and submit compliance report accordingly. The chair further informed that Directorate of Housing Societies, CDA, vide Letter Number 24, 59, 72, 84, 86, 103, 104, 115 & 118, dated 28-01-2025, 24-02-2025, 05-3-2025, 14-3-2025, 19-3-2025, 26-3-2025 & 26-4-2025, respectively, requested M/s J&KCHS to provide following Data/ Information, under the provisions of **Clause-40** of the "Regulation for Planning and Development of Private Housing/Farm Housing, Apartments/Commercial Schemes/Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023" Gazette Notified on 07-7-2023, regarding:

1.	Allotments of Plots
2.	Amenities, Services, Utilities position at Site
3.	Approved Building Plans Details
4.	Certified Copies of Sanctioned Mutations of Land/Plots, Mortgaged with and Transferred to CDA
5.	Completion/Latest Infrastructure Development Works
6.	Constructed Buildings on Ground
7.	Establishment of Sewerage Treatment Plants
8.	Establishment of Solid Waste Management System
9.	KMZ File of the Approved Scheme and Un-approved Extensions
10.	Last Year Annual Audit Reports
11.	Latest Drone Videos
12.	Latest Satellite Images Approved Scheme and Un-approved Extensions
13.	Present Site Position of Mortgaged Plots with CDA
14.	Present Site Position of Transferred Land to CDA
15.	Tree Plantation Details

4. It was regretted to inform that M/s J&KCHS, had not so far provided the **Complete requisite Data/Info**, which is Regulatory Obligation under the aforementioned Regulations. The Chairman CDA/Chief Commissioner ICT, Islamabad, had Constituted the Joint Committee, comprising of the Officers of CDA, ICT, & MCI, along with TORs of the Committee. One of the relevant TORs is to "Ensure Collecting All the Data required for ensuring Recoveries [Fees, Charges, Taxes, etc.] from the Sponsors of the Private Schemes/Projects and Allottees/ Transferees/ Residents, therein, by any of the Formations of CDA, ICT & MCI". The aforementioned Committee had started making Surprise Visits of the Offices of the Sponsors, for Collection of Data, On Spot.

5. The Society Management was re-called that Layout Plan (LOP) of the Khyaban-e-Kashmir-I Housing Scheme in Sectors G-15/F-15 in Zone-2, Islamabad, on land measuring **3,482.62 Kanals**, sponsored by M/s Jammu & Kashmir Co-operative Housing Society (J&KCHS), was approved by CDA on **25-4-2002 [Annex-III]**, subject to conditions given in the approval letter No. CDA/PLW-UP-(90)/KCHS/93/1284, dated **25-4-2002**. No Objection Certificate (NOC) for Development of the Housing Scheme was issued by CDA, vide letter dated **13-5-2004**, subject to conditions mentioned in the letter.

6. M/s J&KCHS, being sponsors of the Scheme, were required to complete certain conditions & formalities within prescribed time-frame as per the provisions of Modalities and Procedures, framed under ICT (Zoning) Regulation 1992, for Development of Private Housing Schemes in ICT. The Completion Period of the Scheme was **6 years**, i.e. the Development of Infrastructure Works in the Scheme were to be completed by **13-5-2010**. One year extension was granted after Payment of Rs.500,000/- and its completion period was extended up to **13-5-2011**.

7. It had been noticed with serious concern that M/s J&KCHS, in sheer Violations of the Approved Layout Plan, dated 25-4-2002, have converted most of sites,

earmarked for Parks, Green/Open Spaces, Public Buildings Areas like Schools, Hospital, Community Centre, etc. and Graveyard into Residential and Commercial Plots. It transpires that this is a clear case of willful concealment of facts, criminal breach of trust and fraud with motive to achieve wrongful gains in violation of the commitments on the part of M/s J&KCHS to spare agreed amount of land specified in the approved Layout Plan for amenities such as Parks, Green/Open Spaces, Public Buildings like Schools, Hospital, Community Centre, etc. and Graveyard. The Society has brazenly violated express Terms and Conditions which formed the mainstay of the Approved Layout Plan for the Scheme, illegally converted the land meant for Amenities into Residential and Commercial plots and has sold the same to prospective buyers while concealing the fact that the land in question was essentially to be used for purposes evident from the approved plan.

8. Active concealment of facts having knowledge and belief of facts committed by anyone for wrongful gain attracts criminal liability punishable under the law. In such situations, where the land meant for amenities is sold out through concealment of facts, possession of such land can be retrieved by the CDA by all means and the loss and damage of any nature occurred to the wrongful purchasers shall be the sole responsibility of the Society to compensate. This is a matter of great public importance being an encroachment on the rights of the bonafide residents of the scheme within the territorial jurisdiction of CDA, particularly so wherein the Society has refused to rectify the irregularities and mend its ways. CDA also requested Director FIA vide letter dated 25-11-2013 for Registration of FIR against the Management of M/s J&KCHS on account of Grave Violations of the Approved LOP. Some of the Violations are described as under:

Sr. No.	Location/reference	Approved Land use	Changed Land use
1	Street No. 41, Block-15/1	Park/Green/STP	21 Residential Plots, Library and Commercial
2		Nullah	Alignment changed width reduced
3	Street 10, Block -15/1	Park & Playground (193'x 243')	Reduced in size
4	Street No. 12, Block-15/2	Park (Triangular Shape)	Partly utilized for Tel Exchange
5	Street 6, Block-15/2	Park (177'x245')	Reduced due to Underground and overhead water tank
6	Street No. 01, Block-15/3	3 Parks	Apartments
7	Street No. 1, Block-15/4	Graveyard and green area along nullah	Graveyard not functional, no boundary wall, thus possession of this land is doubtful
8	Street No. 13, Block-15/4	Primary School	Half site utilized for Septic tank
9	Street No. 22, Block-15/4	Park/STP	Not provided
10	Road No. 1, Block-15/4	2 Parks (92'x222' each)	Not developed
11	Street No. 1, Block-15/4	Mosque not yet constructed	Not Provided
12	Road No. 1 (Main Road), Block-15/4	Nullah Reduced	Commercial
13	Commercial Center	Secondary School (241'x380') Road No. 3	Partly utilized for creating 6 Commercial plots (40' x 60')
14		Amenities Plots like Health Center, Post office, T&T, Rest House 170' x 590'	24 Commercial plots of various sizes
15		Park & Parking	Commercial plots
16	Right-of-way of Kashmir Highway	An underground, open concrete tank constructed in the Right-of-way of Kashmir Highway	
17	Mauve Area along Kashmir Highway	Mauve Area Planned and Developed without approval of CDA	

Part of the Scheme falling in Sector F-15

Sr. No.	Location/reference	Approved Land use	Changed Land use
1	Street No. 1	2 Park	Not developed
2	Street No. 9 (60' feet wide) opposite plot no. 115 & 120 across road	Park	Jamia Masjid
3		Park	Residential Plots
4		Masjid	Commercial
5	Road No. 4 (150' feet wide)	Green Area along nullah	Nullah Reduced

9. The land under Parks, Graveyards & Roads stood transferred in the name of CDA by the Society, vide Transferred Deed executed on 31-3-2003 **[Annex-IV]**.

10. The request of M/s J&KCHS for approval of Layout Plan of Phase-II of Khayaban-e-Kashmir-I Housing Scheme in Sectors G-15/F-15, Zone-2, Islamabad, over an area of 991.86 Kanals, was examined in the CDA and approved in principle, subject to the following condition, in addition to the usual conditions provided under Modalities and Procedures, framed under ICT Zoning Regulations 1992, for Development of Private Housing Schemes in Zones-2&5 of ICT Zoning Plan, vide letter dated **09-3-2011 [Annex-V]**:

"The Non-Encumbrance Certificate (NEC) regarding land ownership duly issued by Tehsildar, ICT Islamabad will be provided within 30 days"

11. It was conveyed that the formal approval of Layout Plan may be issued by the CDA on submission of NEC. However, in spite of multiple Reminders, the Society failed to submit requisite Land Documents, hence formal approval of LOP could not be issued [Annex-V]. Thus, Extension of Scheme, around 1,078 Kanals beyond the Approved Area of the Scheme, and construction of buildings therein, are Illegal until Regularized by the CDA.

12. M/s J&KCHS were served with Notices, Final Notice & Show Cause Notices, to fulfill the Terms and Conditions of NOC at the earliest. It was conveyed that, otherwise, it would be assumed that M/s J&KCHS are not serious in the Development of the Scheme and in this case CDA would be constrained to initiate action for violating Terms and Conditions of NOC of the scheme under ICT (Zoning) Regulation, 1992. But, it has been observed with grave concern that the Sponsors of the Scheme have failed to completely develop the Scheme in accordance with the Approved LOP, Engineering Design & Specifications and fulfill the Terms & Conditions of the said NOC, even after lapse of more than 21 Years of issuance of NOC.

13. M/s J&KCHS were Finally Directed, on **07-01-2029**, to submit the Documents, Plans, Fee/Charges, within 15 Days from the date of issuance of aforementioned letters failing which CDA would be constrained to initiate legal proceedings under the provisions of CDA Ordinance 1960, ICT Zoning Regulation 1992 including Modalities & Procedures framed there under, as provided in the subject letters **[Annex-VI]**. **The Society didn't take any practical Steps to resolve the Issue.**

14. M/s J&KCHS were, therefore, directed on **21-12-2022**, to **Show Cause** as to why the NOC for development of the scheme issued by CDA should not be **Withdrawn/Cancelled** under the provisions of ICT (Zoning) Regulation, 1992. In the event of non-compliance of this Show Cause Notice, ex-party proceedings will be initiated and no excuse whatsoever in this regard shall be entertained. **The Society Management still remained In-active for resolution of the Long Outstanding Issues [Annex-VII].**

15. M/s J&KCHS were also directed to deposit **Rs. 90.480 Million**, on account of Extension Charges for the Aforementioned Housing Schemes. In case of Failure, legal proceedings will be initiated under the relevant Provisions of CDA Ordinance 1960, ICT Zoning Regulations, 1992, which is still Awaited. The Directorate General of Federal Audit, Government of Pakistan, has framed an Audit **Paras No. 3.5.12/2019-20 and 3.4.9/2023-24**, for Non-Recovery of Access & Extension Charges, including M/s J&KCHS Scheme and directed to re-cover the outstanding Amount, immediately. The Public Accounts Committee (PAC) of the Parliament will discuss this Audit Para, shortly.

16. The Member (P&D), CDA, convened a meeting on Thursday, **24-4-2025**, in his Office at CDA Headquarters, Sector G-7/4, Islamabad. The Director & Consulting Town Planner of Your Scheme/Society, were requested to attend the meeting, as Scheduled, to discuss the **Issues of Your Schemes**. The meeting was attended by Executive Member, Finance Secretary & Assistant Engineer of M/s J&KCHS wherein Member (P&D) directed the attendees to submit requisite Data along with all Outstanding Dues (Fee/ Penalties). **But, after lapse of considerable time, No Compliance of the Instructions has been made by the Society Management, till date.**

17. Following Fee/Charges/Penalty, are Payable by M/s J&KCHS in the form of Pay Orders drawn in the name of DDO (Housing Societies), CDA:

Sr. No.	Fee/Charges/Penalty	Area (Kanals)	Period	Rate (Rs.)	Amount Million (Rs.)
1.	Scrutiny Fee for Extended LOP	992	-	3,000/- per Kanal	2.977
2.	Scrutiny Fee the LOP of Extended Area	1,078	-	4,000/- per Kanal	4.312
3.	Scrutiny Fee for the Revised LOP	3,482	-	4,000/- per Kanal	13.928
4.	Penalty for Change in Approved Layout Plan, without Approval from CDA	3,482	-	10,000/- per Kanal	34.820
5.	Start of Development Works of the Extended Area of Scheme prior to obtaining NOC, without Approval of Engineering Designs	1,078	-	10,000/- per Kanal	10.780
6.	Extension Charges for the Development Period of the Scheme for 2 nd , 3 rd , 4 th , 5 th & 6 th Year i.e. up to 12-5-2017, as per CDA Board decision dated 24-6-2015.	3,482	For 2 nd , 3 rd , 4 th , 5 th and 6 th Year	2 nd Year, 3,000 per Kanal 3 rd Year, 4,000 per Kanal 4 th Year, 5,000 per Kanal 5 th Year, 6,000 per Kanal 6 th Year 8000 per Kanal	90.480
7.	Access/R.O.W. Charges as per CDA Board decision dated 24-12-2014, for First Five Years i.e. up to 24-12-2019.	More than 800	For 10 years	800,000/- per month	96x2 192.00
Total					3370.189

[Any error/omission in calculations of Fee/Charges/Penalties is liable to be adjusted/corrected, under Regulations, subject to the approval of the competent authority].

18. It was conveyed that the Honorable Islamabad High Court, Islamabad, at Para-8 of the Judgment in WPs. No. 2929, 2930, 2931, 2932, 2933, 2934 of 2013 & 4303 of 2012, ordered as under:

"Hence in view of above referred case laws, I am of the view that respondents have violated procedure provided in Modalities & Procedures framed under ICT (Zoning) Regulations, 1992 for Development of Private Housing Schemes in Zones Two & Five of Islamabad Capital Territory Zoning Plan as respondents are bound by their Undertaking submitted before the CDA as they will never convert, relocate or modify the Layout Plan without prior proper approval, even in this case they started conversion and at the same time they have submitted the Revised Layout Plan, hence, they have adopted Illegal Procedure as there is no concept of Ex-Post Facto Approval rather they have to get the Revised Layout Plan at the first instance and then start Relocation or Modification only in the larger interest of public if allowed by the CDA .

Even otherwise the respondent Society has violated the terms of its Undertaking which was submitted before CDA, respondents have developed monetary interest against the public at large, and all actions under the so-called modification, relocation are made against the public interest. Public Amenity plots cannot be changed for any purpose. Hence, the actions of relocation, modification of commercial plots or residential plots in violation of Approved Layout Plan are hereby declared Illegal".

The above Orders have been upheld by the Honorable Islamabad High Court, Islamabad in ICA No. 263-269/2016 and Supreme Court of Pakistan in CP No. 3221-3227/2016., and thus have attained Finality.

19. In addition to above, Director Housing Societies, CDA further informed that the **Revised & Extended Layout Plan** submitted by M/s J&KCHS were examined in detail and observed that proposed LOP does not fulfil the Planning Parameters given in the Regulations, *ibid*. It was further conveyed that there are Shortcomings in the submission of Documents. Therefore, M/s J&KCHS were advised to submit the following requisite Documents, Fee/Charges/Penalties, etc. within given time frame to proceed further in the matter. The following Timelines were mutually agreed by CDA & the Society Management:

Sr. No.	Documents, Fee/ Charges/ Penalties	Agreed Date of Submission
1.	Deposit Non-Refundable Scrutiny Fee @ Rs. 4,000/- per Kanal of the Extended Area of 1,078 Kanals, amounting to Rs.4.312 Million , in the form of Pay Order in the name of DDO (Housing Societies), CDA.	10-6-2025
2.	Scrutiny Fee @ Rs. 4,000/- per Kanal of the Revised LOP , amounting to Rs.13.928 Million	10-6-2025
3.	Provide Certified Original Land Documents (Fard, NEC & Aks Shajra) of the Extended Area as per Clause 8-B of the Regulations, <i>ibid</i> .	05-6-2025
4.	Submission of Proposed Layout Plan (LOP) of Khayban-e-Kashmir-1 Housing Scheme, as per Planning Parameters given in "Regulation for Planning and Development of Private Housing/Farm Housing, Apartments/ Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023". The proposed LOP should incorporate the following, but not limited to: i. The IPs of Sector G-15/F-15 are not marked on the Layout Plan of the Scheme, and same not been superimposed on the Master Plan of Islamabad. ii. The Layout Plan of the Scheme does not conform to the X-Section of Srinagar Highway as defined in the Master Plan of Islamabad. iii. The Class-III Shopping centers may be clearly defined along with	10-6-2025

	Road width and parking circulations. iv. Exclude the detail planning of Future Extension area from the proposed Layout Plan. v. The proposed location of Sewerage Treatment Plant (STP) be removed from the ROW of Srinagar Highway. vi. The Boundaries of the Approved Scheme and Extended area are not rightly marked on the Revised Plan. vii. Outer Dimensions of the scheme area are not given. viii. The detailed Dimensions of Non-residential uses are not given. ix. The residential development has been proposed in the Mauve Area (given in the approved plan). This area has been mortgaged with CDA as guarantee for timely development of the scheme. The Mortgaged Area has not yet been released by CDA.	
5.	The AutoCAD File of the Scheme as per the Actual Coordinates may be provided, so that the same may be verified as per IPs.	10-6-2025
6.	Penalty for Change in Approved Layout Plan, Rs. 34.820	13-6-2025
7.	Start of Development Works of the Extended Area of Scheme prior to obtaining NOC, without Approval of Engineering Designs, Rs.10.780 Million	13-6-2025
8.	Extension Charges for the Development Period of the Scheme for 2 nd , 3 rd , 4 th , 5 th & 6 th Year i.e. up to 13-5-2017, Rs. 90.480 Million	13-6-2025
9.	Access/R.O.W Charges as per CDA Board decision dated 24-12-2014, for Ten Years amounting to Rs. 192.000 Million	13-6-2025
10.	Provide Plan clearly showing the Status of Transferred Land/Area and Mortgaged Plots along with their Construction Position.	16-6-2025
11.	Provide Detail List of Plots along with Fee Detail whose Building Plans were approved by M/s J&KCHS, before 2018 and its Submission in CDA.	16-6-2025
12.	Plan showing the Status of Constructed and Vacant Plots	20-6-2025
13.	Plan showing the Status of Development Works completed and Un-developed Area.	20-6-2025
14.	As Built LOP superimposed on Satellite Image	20-6-2025

20. M/s J&KCHS were also advised to submit the replies to following Questions, as contained in the aforementioned Orders of the IHC [Annex-I]:

- (i) What is the total commercial area approved by the CDA in the Layout Plan of Jammu & Kashmir Cooperative Housing Society?
- (ii) What is the total residential area approved by the CDA in the Layout Plan of Jammu Kashmir Cooperative Housing Society?
- (iii) What are the total number of Amenity Plots approved and what violations have been made on the Amenity Plots?
- (iv) What is the total area of LOP approved and what is the actual ownership of the Jammu Kashmir Co-operative Housing Society?
- (v) What is the ownership claimed thorough Sale Agreements and its dispute, if any?
- (vi) What is the position of Mauve Area ownership and plots to different persons?

- (vit) What is the position of supplementary LOP and allotment of different categories of plots with defective title?
- (viii) How many Civil Suits are pending against the Jammu Kashmir Cooperative Housing Society where injunctions have been passed against it?

21. In response, Secretary, M/s J&CKHS apologized for not handing over the requisite data and informed the chair that Management Committee of the Society was not functional and control was taken by the Administrator. After the relief of the Islamabad High Court the MC was restored and now performing its duties. Furthermore, M/s J&CKHS is running out of funds and hardly meeting its expenses. He further informed that Scrutiny fee along with documents/Plans will be submitted to CDA with given timeframe. However, penalties/fines will be paid after approval of Proposed LOP and subsequent auction of Plots.

22. The Society was informed that in case of Non-Compliance, legal action will be taken against the Sheer Violations of provisions of the Regulations, under the provisions of **Section 49-C, 46 and 46-B** of the CDA Ordinance 1960, read with, **Clause-5**, Chapter-IV, of the ICT (Zoning) Regulation, 1992 and **Clause-40 & 42** of the Regulation for Planning and Development of Private Housing/Farm Housing, Apartments/ Commercial Schemes/ Projects in Zones-2, 4 & 5 of Islamabad Capital Territory, 2023, framed under ICT Zoning Regulation, 1992". the Illegal Work/Structures will be Removed, Demolished and Use of Land will be stopped by using Force (including Police Force), by CDA. The cost will be recovered by CDA, from the person responsible for the construction of work/ structures and use of land in contravention of the provisions, as aforesaid. It was informed that in the event of Non-compliance of this Show Cause Notice, ex-parte proceeding will be initiated and no excuse whatsoever in this regard will be entertained.

23. In addition to above, following punitive actions may also be initiated against M/s J&CKHS, being **Defaulting Sponsors**

- a. The Case may be referred to the Investigating Agencies like **NAB, FIA**.
- b. The Direct Access to the Scheme passing through CDA Land may be **blocked**.
- c. Your Case may be referred to Senior Special Magistrate, CDA, for **Recovery of Arrears**, as above, under Land Revenue Act, 1967.
- d. **Suspension** of Approval of Building Plans of your Scheme by CDA.
- e. **Taking Over** of your Defaulting Scheme by CDA.
- f. **Sale of Mortgaged Plots** with CDA (even along with superstructures, if illegally allotted & built), for Development of your Defaulting Scheme
- g. **Sealing** of your Scheme Offices & Site Offices

24. The Meetings ended with the Vote of Thanks to and from the Chair.

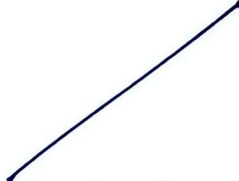
Encl: As above.

(IJAZ AHMAD SHEIKH)
Director Housing Societies

05/6/25

Copy to:-

1. Member (P&D), CDA
2. Deputy Commissioner/Registrar Co-operatives, ICT, Mauve Area, Sector G-11/4, Islamabad
3. DG (Law), CDA
4. DG (Urban Planning), CDA,
5. Legal Advisor, CDA
6. Director Building Control (North), CDA
7. Director Staff to the Chairman, CDA
8. Master File


(MUHAMMAD MANSHA)
Dy. Director (HS)