



**CAPITAL DEVELOPMENT AUTHORITY  
PLANNING WING  
Directorate of Housing Societies**



No. CDA/PLW/HS(428)/2022/ 559

Islamabad, 8<sup>th</sup> December, 2025

**The Director,**  
M/s Capital Enclave (Pvt) Limited,  
14-K, 1st Floor, Firdous Plaza, F-8 Markaz, Islamabad.

**Subject:- SHOW CAUSE NOTICE**  
**UNDER SECTION 49-C, 46 & 46-B OF THE CDA ORDINANCE 1960,**  
**READ WITH, CLAUSE-5 (1) & (III) OF THE ICT (ZONING) REGULATION,**  
**1992 AND CLAUSES 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.**  
**[TRANSFER OF LAND FOR GRAVEYARD, IN THE NAME OF CDA IN**  
**"CAPITAL TRADE CENTER" COMMERCIAL SCHEME, ZONE-5,**  
**ISLAMABAD**

**Ref:-** Please refer to this Office Notices, dated 26-3-2025, 23-04-2025, 18-7-2024, 27-12-2024 & 01-7-2025 regarding the subject matter.

It is informed that, as per **Clause-2(xxxvii)** 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", Gazette Notified vide No. S.R.O 886(I)/2023, dated 07-7-2023, **Public Building means a building designed for public use such as hospital/dispensary, post office, police station, town hall, library, recreational buildings and club, etc.**

2. As per Chapter-III, "Development Control of Zones", Clause-4 "Development Strategies of Zones", Sub Clause-2(b)(vi), of the ICT Zoning Regulations, 1992, "All land reservations made for roads and other services in such schemes shall belong to the Authority".

3. Clause-7(ii)(d) of the "Modalities & Procedures framed under I.C.T (Zoning) Regulation, 1992", states that:

**"also transfer to the Authority in the form annexed as Annexure "C" and free of charge, the land reserved for open spaces/parks, graveyard, and land under right-of-way of roads, etc. in the scheme, within 45 days of the clearance of the detailed layout plan of the scheme".**

4. As per the above-mentioned regulations, the Layout Plan of Housing Schemes are processed in the Authority, subject to Transfer to Public Buildings, in the name of CDA, as per the prevailing Regulations of the Authority. **Para-2 of the Specimen Transfer Deed,** reads a sunder:

That in consideration of Public Welfare, the transferor hereby transfers to the Transferee, free of charge, all its rights, interest, easements, pertinent to the Property and to hold the same by the transferee as an absolute and lawful owner.

5. CDA Board, in its meeting held on 14-10-2014, approved the proposal regarding transfer of Public Building sites in Private Housing Schemes to CDA. Cases where NOCs already issued without transfer of public sites, sponsors be directed to get the Public Building Sites transferred in favor of CDA. In case of failure to do the needful, NOCs previously issued be withdrawn after issuance of proper notice. However, withdrawal decision be taken at least at Member Planning level.

6. All the Sponsors of Private Housing Schemes/Projects were therefore directed, vide letters referred above to submit the following Documents/Plans, both in **Soft & Hard Formats**, regarding their respective Schemes/ Projects, duly Signed & Stamp through Covering Letters, within 10 Days:

- a. Compliance Report for Proper Earmarking/Fencing of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- b. Installation of Display Boards of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- c. Latest Satellite image @ Scale of 1:2000, showing the Public Building Areas and other Plots, Areas, Lands (with present use), Transferred to CDA, supported with latest Drone Video of the Approved Scheme
- d. Draft Transfer Deeds, as per respective Regulations as aforementioned, where Public Building Areas are Not Transferred to CDA. In case of Failure, Cases for Issuance of NOC shall Not be processed further and Cases for Cancellation/ Withdrawal of NOC, shall be initiated, where NOCs have already been issued. In addition, the cases of Vetting of Allotment/Transfer Letters shall also Not be processed.

7. However, it has been observed with serious concerns that M/s Capital Enclave (Pvt) Limited has not complied the directions of CDA, Further, noticed that M/s Capital Enclave (Pvt) Limited has NOT Transferred the **Land for Graveyard**, in the name of CDA, which is Mandatory Regulatory Obligation, as aforementioned.

8. Layout Plan of Commercial Scheme namely "**Capital Trade Center (CTC)**", over an area measuring 118.5 Kanal, Mouza Lohi Bher, Zone-5, Islamabad, sponsored by M/s Capital Enclave (Pvt.) Ltd. was approved by the authority on 18-04-2023.

9. M/s Capital Enclave (Pvt) Limited is, therefore, directed to Show Cause for Not Transferring to the Authority in the form annexed as Annexure "C" and free of charge, the land for **Graveyard**, in the Scheme, as per the **Clause-34(24)** of the Regulations, ibid.

10. The Honorable Islamabad High Court, Islamabad, in its Judgement in ICAs 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, passed following Orders:

20. In view of above background and latest position of law in general, we are of the view that judgment passed by the learned Single Judge in Chambers is within four corners of law and no illegality has been observed, therefore, the same is upheld. However, it is made clear that CDA authorities shall:

- i) Take action under the law against the delinquents (individuals) as well as societies (including Bahria Town and MPCHS) and its Officers/Officials/Directors, for Non-compliance of above referred SOPs/Guidelines, Rules, or Regulations, therefore, the CDA Authorities shall issue a publication in two daily newspapers, English and Urdu, with the direction to the **Housing Societies/Individuals to get the Approval of their Construction from CDA Authorities** as referred above, whereupon NOC shall be issued to all those individuals after fulfilling codal formalities subject to Rules and Regulations;
- v) **Start Taking Actions against Societies who have Violated the Approved Layout Plan or Changed the Public Utility Areas such as Mosque, Playgrounds, Post Office, School, Parks, Parking, etc.**
- vii) CDA authorities shall maintain overall supervisory control upon all Societies in every manner and being **Regulator and act in accordance with CDA Bye-laws.**

21. Besides the above referred directions, it is further made clear that:

- i) All Societies including Bahria Town, MPCHS or any other Society shall pay all charges, amounts, fee received against approval of construction plan from their allottees to CDA within three (03) months and shall submit each case before CDA for their approval.
- ii) Any Society, who is not complying the CDA By-laws, Directions issued from time to time or their NOC, the Layout Plan shall be Cancelled after giving due Warning in accordance with Law, where after CDA shall take over the such Society including their Assets and Bank Accounts Managements with the help of ICT Administration, Federal Government, Ministry of Interior, Chairman CDA, Mayor Metropolitan Corporation Islamabad, all CDA Officials.
- iii) Chief Commissioner, Deputy Commissioner, Inspector General of Police, SSP Islamabad, concerned SHO, and Magistrates are Directly Responsible for Compliance of CDA By-laws as well as Directions referred in this Judgment.

21-A. In view of above, it is held that every member of Housing Society or the Society itself shall get Approval of Construction from the CDA in accordance with Law, after fulfilling all the Codal Formalities, where after CDA shall issue NOC accordingly.

**11. The Islamabad High Court, Islamabad, in WP 1189/2016, titled Mustaneer ul Hasan vs CDA, Ordered on 31-12-2018 as under:**

25..... "Layout Plan" means a detailed Land Use Plan, once it has been given approval after due deliberations and considering the planning parameters of the Town Planning, No Revision is permissible under the law and if CDA allows any such permission, the same amounts to negate the original concept, which was used by the Sponsors to attract different individuals for their investment in the Scheme.

Respondents No. 2 & 3 argued their case on the strength of their proposed Rectified Layout Plan submitted before this Court in which they have created extra plots of Residential and Commercial Nature and Converted the Amenity Plots at their own end and surprisingly MVHS has created 3<sup>rd</sup> Party Interest on ground without any Approval of the CDA, which is Serious Violation and such illegality cannot be allowed to perpetuate, failing which the entire Scheme and Rights of Citizens, who are living in Sector D-17, shall be Infringed, therefore, the instant writ petition is ALLOWED in the following terms:

- i. All the Changes, which were made by respondents No. 2 & 3 in the Original Layout Plan are illegal and in Violation of ICT (Zoning) Regulations, 1992, therefore, if any right has been created in favor of 3<sup>rd</sup> party upon the Amenity Plot is also illegal.
- ii. CDA/respondent No. 1 shall ensure the Restoration of Amenity Plots as per Approved Layout Plan.
- iii. CDA is directed to implement the Chapter-IV Penalties for Violations with reference to Section-5 of the Regulations and shall take all other Appropriate Actions.

**12. The Honorable Islamabad High Court Islamabad, in its Judgment in WP 1662/2018, titled "Toquir Ahmad, MD Des Pardes vs CDA", dated 11-5-2018, Ordered as under:**

"CDA Authorities are directed to visit all the Societies and Verify the Credential of All Utility Plots, Service Areas, Parking Lot, which belong to CDA under the Layout Plan (LOP) or under the NOC granted to the Society, and if it is found that any Illegal Structure has been raised on the Amenity Plots by the Society or any 3<sup>rd</sup> Party, they can proceed in accordance with Law without taking any exception and Director Building Control, CDA as well as Director Societies, CDA shall also issue Warning Notice to all the Societies and their Executive Bodies to comply with the CDA Bye-laws in Letter & Spirit."

**13. Islamabad High Court, Islamabad, in its orders dated 04-8-2025, passed in WP 4043/2024, titled "Muhammad Anwar Ch. etc. vs CDA", has directed as under:**

15. In view of above, the instant Writ Petition No. 4043 of 2024 is Allowed. The impugned Revised Layout Plan dated 21-3-2023, passed by CDA is declared to be Illegal, without lawful authority and of No Legal Effect, and is hereby Set Aside. The respondents are directed to Restore the Layout Plan of CBR-ECHS Phase-1 to its Original Form as approved on 24-02-2007. The CDA is further directed to ensure that No Amenity Plots, Green Areas or Public Utility Spaces are Converted to

Residential Commercial Usage in Violation of Applicable Laws and Regulations, and that the Rights of the Residents are Safeguarded in future with no order as to costs.

14. Therefore, under the provisions of Section 49-C, 46 & 46-B of the CDA Ordinance 1950 (Demolition/Removal of Work/Structure Building and Stoppage of Use of Land in Contravention of the Approved Layout Plan, read with Clause-5 (1) & (ii) of the ICT (Zoning) Regulation, 1992 and Clauses 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 Regulations, 1992", M/s Capital Enclave (Pvt) Limited is directed to:

- a. Transfer to the Authority in the form annexed as Annexure "C" and free of charge, the land for Graveyard, in the Scheme, as per the Clause 34(24) of the Regulations, *ibid.*, within 10 days.
- b. Compliance Report for Proper Earmarking/Fencing of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- c. Installation of Display Boards of All Public Building Areas, and other Plots, Areas already Transferred to CDA, as per Approved Layout Plan of Respective Schemes/Projects
- d. Latest Satellite Image @ Scale of 1:2000, showing the Public Building Areas and other Plots, Areas, Lands (with present use), Transferred to CDA, supported with latest Drone Video of the Approved Scheme

15. In case of Non-Compliance of directions at Para-17 above, following Punitive Actions, in addition to Cancellation of LOP, may also be initiated against you being Defaulting Sponsor:

- a. The Case may be referred to the Investigating Agencies like NAB, FIA.
- b. The Access to the Scheme may be blocked.
- c. Suspension of Approval of Building Plans of your Scheme by CDA.
- d. Sale of Mortgaged Plots with CDA (even along with superstructures, if illegally allotted & built), for Development of your Defaulting Scheme
- e. Sealing of your Society Offices & Site Offices

16. It is made clear that, if this Show Cause Notice is not complied within 10 days, 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 is 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.

17. You are also provided an Opportunity of Personal Hearing, in your Defense (if any), in the Office of the undersigned, during Working Hours, within 10 days.

18. This is issued without prejudice.

(IJAZ AHMAD SHEIKH)  
Director Housing Societies

Distribution:-

1. Director Housing (Monitoring & Evaluation), CDA

[It is requested to proceed further in compliance of the Job Description Notified by Member (P&D), CDA, vide No. CDA/PS/M(P&D)/2023/9034, dated 10-8-2023, on the directions of CDA Board]

2. **Director (EM-III) , CDA**

[It is requested to proceed further in compliance of the CDA Board Decision, dated 08-4-2025]

**Copy to:-**

1. Member (P&D), CDA
2. Deputy Commissioner, ICT/Registrar Co-operative Societies, Islamabad
3. DG (Urban Planning), CDA
4. DG (Law), CDA
5. Director Awareness & Prevention Division,  
National Accountability Bureau (NAB), Islamabad/Rawalpindi Region,  
Opposite NESPAK Building, Sector G-5/1, Islamabad
6. Director Co-ordination, CDA
7. Director Building Control (South), CDA
8. Director (I.T), CDA

[It is requested to Upload this Show Cause Notice on CDA Website for Awareness of the General Public & All Stakeholders]

9. DC, CDA/Sr. Special Magistrate, CDA
10. Director Staff to the Chairman, CD
11. Joint Registrar of Companies,  
Securities & Exchange Commission of Pakistan, (Companies Registration Office), State life Building, 1<sup>st</sup> Floor Blue Area, Islamabad  
[w.r.t to Section-456 of SECP Act,2017]

12. Additional Deputy Commissioner (ADCR), ICT, F-8 Markaz, Islamabad
13. Mirza Saeed Ahmad, Tehsildar, HS Dte. Planning Wing, CDA

[He is directed to peruse the matter. He is further directed to ensure the instructions issue to him vide this Office letter , dated **26-4-2025**, under **Clause-13 (vi) of the Regulations**, ibid, which reads as under:

"The Tehsildar of Planning Wing CDA will ensure that the certified copies of Sanctioned Mutations and Fard Jamabandi of Mortgaged & Transferred Land, in favor of CDA, within 15 days of the execution of Mortgaged & Transfer Deeds by Sponsor"

14. PS to Member (Estate), CDA
15. Master File

  
(MUHAMMAD MANSHA)  
Dy. Director (HS)

Computer Dte. CDA  
Dy. No. 338/  
Dated: 10-12-25

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