

	<b>CAPITAL DEVELOPMENT AUTHORITY</b> <b>PLANNING WING</b> <b>Directorate of Housing Societies</b>	
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No.CDA/PLW-HS(90)/CDECHS/Rev. Plan/2010/13 Islamabad, 03<sup>rd</sup> January 2019

**The Secretary,**  
 Cabinet Division Employees Co-operative Housing Society (CDECHS),  
 Sector E-16/E-17, Near Tarnol, Main G.T Road, Islamabad

**Subject:-** REQUEST FOR APPROVAL OF AMENDED/REVISED/EXTENDED LAYOUT PLAN OF CABINET DIVISION EMPLOYEES CO-OPERATIVE HOUSING SCHEME, SECTORS E-16, E-17, ZONE-2, ISLAMABAD

**Ref: -** Please refer to your letter No. 2(i)/CDECHS/2002-2004 dated 29-4-2016, and this office following letters:-

- i) No. CDA/PLW-HS(90)/CDECHS/Revised Plan/2016/609, dated 10-11-2016
- ii) No. CDA/PLW-HS(90)/CDECHS/2017 dated 13-10-2017
- iii) No. CDA/PLW-HS(90)/CDECHS/Rev.Plan/2010/700, dated 17-12-2018
- iv) No. CDA/PLW-HS(90)/CDECHS/Rev. Plan/2010/715, dated 21-12-2018 and
- v) No. CDA/PLW-HS(90)/CDECHS/Rev. Plan/2010/01, dated 01-01-2019.

I am directed to inform that CDA approved the Layout Plan of Cabinet Division Employees Cooperative Housing Scheme (CDECHS) sponsored by M/s Cabinet Division Employees Cooperative Housing Society (CDECHS) on 28-6-2004 over an area measuring 4405-Kanals for 2749 residential plots. NOC for the scheme was issued by CDA on 13-10-2004. This NOC was issued subject to the fulfillment of formalities under provisions of Modalities and Procedures, framed under ICT Zoning Regulations 1992, for Development of Private Housing Schemes in Zone-2&5 of ICT. The Completion Period of this Scheme was Six Years and it was to be completed by 13-01-2010. However, One year extension was granted after payment of due charges and its completion period was 13-10-2011.

2. M/s CDECHS has failed to complete the development works of the Scheme within prescribed time period. Instead, various Amendments/Changes in the Approved Layout Plan were made without prior approval of the CDA. Thus, development of the Scheme at site in contradiction of the Approved Layout Plan and construction of buildings there in is clear violation of the CDA Ordinance 1960, ICT (Zoning) Regulation 1992, Modalities & Procedures made there under and Islamabad Building Regulations 2005.

3. It had been noticed with serious concern that M/s CDECHS, in sheer violations of the approved Layout Plan dated 28-6-2004, have converted most of



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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 CDECHS 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.

4. 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.

5. 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".



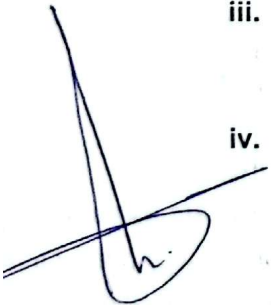
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The above Orders have been upheld by the Honorable Islamabad High Court, Islamabad in ICA No. 263-269/2016 and Supreme Court of Pakistan in CP No. 3221-3227/2016., and thus have attained Finality.

6. Further, the Honorable Islamabad High Court in its decision announced on 12-7-2018 in ICAs No. 83 & 84 of 2017 and ICAs No. 20 & 21 of 2018 directed CDA to decide the pending cases of Rectification of Layout Plans submitted by different Societies on priority basis, in accordance with Law. Moreover, as per recommendations of the Senate Standing Committee on Law & Justice regarding affairs of Societies, which are adopted by CDA in its Board meeting held on 12-3-2018, the Rectified/Revised Layout Plans of Housing Schemes are being processed in the light of subject recommendations and Three such LOPs of Gulberg Greens, Gulberg Residentia & River Garden Housing Schemes in Zones 4&5 have been approved by CDA. Revised Layout Plan submitted by M/s CDECHS for this Scheme is also being processed, accordingly.

7. The request regarding the subject Approval for Proposed Revised & Extended LOP on land measuring **4,571 Kanals** has been examined/ scrutinized. It is requested to take following measures and submit requisite Documents, Plans, Fee/Charges, **within 15 days** from the issuance of this letter, so that your request may be processed further for decision of the Competent Authority:

- i. Immediately Stop, Illegal Development Works/Construction of Buildings in Scheme, in violation and addition to already Approved LOP.
- ii. CDA has recently installed Boundary Pillars of Islamabad Capital Territory Limits with the help of Survey of Pakistan. Clearly mark the IPs of Sectors E-16 & E-17 on Ground & LOP.
- iii. Submit Layout Plan of the Scheme detailing Planning of Commercial and Parking Area with number of Floors/Storeys, Setbacks, F.A.R etc, accordingly.
- iv. Submit "As Built On Ground Layout Plan" (LOP) of the Scheme, showing Construction Position of the All Plots/Landuses of the Scheme, in the following manners:



Sr. No.	Landuses	Color			
		Construct ed	Under Construction	Boundary Wall/ Fenced	Vacant
1.	Residential	Brown	Brown with "U/C"	White with "Bold Brown Outline"	White
2.	Residential Apartment	Brown	Brown with "U/C" and number of storey	White with "Bold Outline"	White

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3.	<b>Commercial</b>	Dark Blue (with number of storey)	Dark Blue with "U/C" and number of storey	Dark Blue with "Bold Outline"	White
4.	<b>Public Buildings</b>	Red	Red with "U/C"	Red with "Bold Outline"	White
5.	<b>Educational Sites</b>	Yellow (with red boundary)	Yellow with "U/C"	Yellow with "Bold Outline"	White
6.	<b>Parks/ Playgrounds</b>	Green	Green with "U/D"	Green with "Bold Outline"	White
7.	<b>Graveyards</b>	Yellow (with green boundary)	Yellow with "U/D"	Yellow with "Bold Outline"	White
8.	<b>Roads/Streets</b>	Grey	Grey with "U/D"	-	White
9.	<b>Nullah</b>	Light Blue	-	-	-

v. Detailed Tabular Analysis of the above "As Built On Ground Layout Plan" w.r.t. All Landuses in the Scheme along with Comparative Tables of Approved & proposed Revised/Extended LOP.

vi. Submit Approved LOP superimposed on proposed Revised/Extended LOP and Highlight Amendments/Changes made therein.

vii. Fence the Un-developed Plots/Land earmark for Amenities & Public Building which stands transferred to CDA (pillars at distance of 100 feet minimum) and clearly install Hoardings on the Site for awareness of the Residents, Allottees and General Public.

viii. Mark on the LOP of the Scheme, the Mortgaged Plots/Land as Guarantee for Development. Further, clearly install Sign Boards on all the Plots Mortgaged with CDA in the said Scheme.

ix. In compliance with the Paras-20& 21 of the Judgment of Division Bench of Honorable Islamabad High Court, Islamabad, in ICA Nos. 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, Pay all Charges, Amounts, Fee received against approval of Construction Plan from the allottees of the Scheme to CDA and submit each case before Directorate of Building Control-2, CDA, for their approval.

x. Transfer Entire Public Building Areas earmarked in the Scheme in the name of CDA, as per CDA Board Decision dated 14-10-2014.

xi. Submit Progress of installation of STP for the Scheme.

xii. Submit Certified Copies of the Sanctioned Mutations of Land Transferred & Mortgaged to CDA.

xiii. Submit Complete Land Documents of the Additional Area of the Scheme and Install Boundary Pillars at Site, at 200 feet interval.



xiv. **Submit Indemnity Bond**, Irrevocably agreeing to Indemnify CDA that in case of Approval of Amended & Extended LOP of the Scheme, Legal Rights of the Allottees of Plots in the Scheme would be protected. M/s CDECHS will be Solely Responsible to address the Grievances/Objections & Claim (if any) of the Residents/ Allottees/ Transferees of the Scheme. M/s CDECHS further will undertake that their successors and executors will also be responsible to comply with this Indemnity Bond.

8. M/s CDECHS is requested to Deposit following Fee/Charges/Penalty in the form of Pay Orders drawn in the name of DDO (Planning), CDA.

Sr. No.	Fee/Charges/Penalty	Area (Kanals)	Period	Rate (Rs.)	Amount (Rs.)
1.	Scrutiny Fee (Arrears) for Amended/Revised LOP, as per CDA Board decisions dated 17-01-2012.	129 (fee for 4442-k is already deposited)	-	975/- per Kanal	125,775/-
2.	Scrutiny Fee for Extended LOP, as per CDA Board decision dated 24-6-2015	166	-	3,000/- per Kanal	498,000/-
3.	Penalty for Change in approved Layout Plan, as per CDA Board Decision dated 17-01-2012	4,405	-	3,897/- per Kanal	17,166,285/-
4.	Start of Development Works of the Extended Area of Scheme prior to obtaining NOC, without Approval of Engineering Designs, as per CDA Board decisions 24-6-2015	166		10,000/- per Kanal	1,660,000/-
5.	Extension Charges for the Development Period of the Scheme for 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> & 6 <sup>th</sup> Year i.e. up to 13-10-2017, as per CDA Board decision dated 24-6-2015.	4,405	For 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> and 6 <sup>th</sup> Year (up to 13-10-2017)	2 <sup>nd</sup> Year, 3,000 per Kanal 3 <sup>rd</sup> Year, 4,000 per Kanal 4 <sup>th</sup> Year, 5,000 per Kanal 5 <sup>th</sup> Year, 6,000 per Kanal 6 <sup>th</sup> Year, 8000 per Kanal	114,530,000/-
6.	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 Kanals	For 05 Years		48,000,000/-
<b>TOTAL</b>					<b>181,980,060/-</b>

9. Moreover, it is clarified that besides depositing the subject Penalty for Change in Approved LOP prior to Permission/Sanction of CDA, Planning Standards provided in the Modalities & Procedures framed under ICT (Zoning) Regulation, 1992 must be strictly complied in Amended/Revised/Extended Layout Plan and the Legal Rights of the Allottees/Transferees of plots in the Scheme would be protected.

10. It is further directed to absolutely keep clear the Right of Ways (R.O.Ws) of 18<sup>th</sup> Avenue and Khayaban between Sector E-16 & E-17 as per Approved LOP (measuring 600 Feet each), from all sort of Illegal Constructions/Encroachments, etc., on Immediate Basis, without Excuse & Fail.

11. It is requested to submit the above Documents/Plans in Hard & Soft formats, along with Logical & Convincing Justifications for Amendments/Changes in the Approved Layout Plan, without prior Approval of CDA. M/s CDECHS is also requested to deposit sum of Rs.181,980,060/- on account of above listed Fee/ Charges/Penalties in the form of Pay Order in the name of DDO Planning CDA, **within 15 days** of issuance of this letter, so that your subject request may be examined and processed for decision of the Competent Authority.

12. This has approval of the **Director Housing Societies, CDA.**

*d/c*

03/01/19  
(MUHAMMAD MANSHA)  
Town Planner (HS-I)

Copy to:-

1. **Director General,**

Awareness & Prevention Division,  
National Accountability Bureau (NAB) Headquarters, Islamabad

2. **Deputy Commissioner, ICT, Islamabad**

[It is requested to issue necessary directions to concerned **Magistrate** in compliance of Para-21 (iii) of the Islamabad High Court Judgment in ICAs Nos. 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, which reads as under:

"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".

3. **S.S. P. Islamabad**

[It is requested to issue necessary directions to concerned **SHO** in compliance of Para-21 (iii) of the Islamabad High Court Judgment in ICAs Nos. 83/2017, 84/2017, 20/2018 & 21/2018, dated 12-7-2018, which reads as under:

"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".



4. **Director FIA,**  
Corporate Crime Circle,  
Kaiser Waseem Plaza, Sector G-13/3, Islamabad
5. **Registrar Co-operative Societies, ICT, Islamabad.**  
[It is requested to initiate action against Sponsors of this and all such Violations of Approved Layout Plan, under the provisions of Co-operative Societies Act 1927 and Rules & Bye-laws framed there under. Further, it is requested to pass Standing Orders that Sponsors of All Private Housing Schemes can only Transfer Plots/ Buildings, which are strictly in accordance with the Approved Layout of the Schemes and Not Mortgaged with CDA, in larger Public Interest].
6. **Director Building Control-2, CDA**  
[is requested to initiate action against this and all such like Illegal Constructions/Projects, under Section 49-C of CDA Ordinance 1960, Clause 5(i) of ICT Zoning Regulations 1992 and relevant provisions of Islamabad Building Control Regulations, 2005. Further, it is requested to make sure that No Construction can take place in Violation of the Approved Layout Plan of this Scheme and all such Schemes and also on the Land/Plots, which are Mortgaged with CDA].
7. **Director Enforcement, CDA**  
[is requested to initiate action, in co-ordination with Directorate of Building Control-2, CDA, against this and all such like Illegal Schemes, under Clause-3(2) read with Schedule-II, Part-VI (2&3) of CDA Conduct of Business Regulation, 1985. Further, it is requested to make sure that No Development can take place in Expansion of the Approved Layout Plan of this Scheme and all such like Schemes].
8. **Chief Executive, Islamabad Electric Supply Company (IESCO), Islamabad,**  
[It is requested that Service Connections may be provided strictly in accordance with the Approved Layout Plan and Sanctioned Building Plans by CDA in this Scheme and all such like Schemes].
9. **General Manager, Sui Northern Gas Pipelines Limited (SNGPL), Islamabad**  
[It is requested that Service Connections may be provided strictly in accordance with the Approved Layout Plan and Sanctioned Building Plans by CDA in this Scheme and all such like Schemes].
10. **Dy. Dir (HS-II), CDA**  
[She is requested to process all such like pending cases of Revised LOPs and issue similar Comprehensive/Detailed Letters to Sponsors of the Private Housing Schemes].
11. Secretary, CDA  
12. P. S. to Chairman, CDA  
13. P. S. to FA/Member, CDA  
14. P. S. to Member (Estate), CDA.  
15. P. S. to Member (F&D), CDA.  
16. Master File.

03/01/19  
Town Planner (HS-I)