



No. RDA/Admn/F- 54<sup>th</sup> /236 / 2021  
**GOVERNMENT OF THE PUNJAB**  
**RAWALPINDI DEVELOPMENT AUTHORITY**  
Murree Road, Liaquat Bagh  
Dated the Rawalpindi, the 07 May, 2021

Tel: 051-9334903  
Fax: 051-5530423

Subject: **MINUTES OF THE 54<sup>TH</sup> AUTHORITY MEETING OF  
RAWALPINDI DEVELOPMENT AUTHORITY**

Please find enclosed herewith a copy of minutes of the 54<sup>th</sup> Authority Meeting of the Governing Body of Rawalpindi Development Authority held on 05.05.2021 for information and record.

**Director (Admn & Finance)**

**Copy to:-**

1. The Chairman, Government of the Punjab, P&D Board, Lahore
2. The Secretary, Government of the Punjab, HUD&PHE Department, Lhr.
3. The Secretary, Government of the Punjab, Finance Department, Lahore
4. The Secretary, Government of the Punjab, LG&CD Department, Lahore

**Director (Admn & Finance)**

**Copy to:-**

1. Mr. Tariq. M. Murtaza, (Chairman)
2. Mr. M. Haroon Kamal Hashmi (Vice Chairman)
3. Amjad Mehmood Chaudhry, MPA (PP-13) (Member)
4. Major (R) Muhammad Latasub Satti, MPA (PP-6) (Member)
5. Ms. Nasreen Tariq, MPA (W-301) (Member)
6. The Commissioner, Rawalpindi Division, Rawalpindi (Member)
7. Deputy Commissioner, Rawalpindi (Member)
8. Managing Director, WASA, RDA, Rawalpindi (Member)
9. The Administrator, Municipal Corporation, Rawalpindi (Member)
10. Mr. Muhammad Muqarab Ali (Technical Expert / Member)
11. Chaudhry Muhammad Asghar (Technical Expert / Member)
12. All concerned Directors of RDA for implementation of decision of the Authority
13. Sr. Accountant, Finance Wing, RDA
14. PS to DG, RDA
15. Master file

**Director (Admn & Finance)**

**RAWALPINDI DEVELOPMENT AUTHORITY**  
**(Director General Directorate)**

No.RDA/DG/191/RDA  
dated the 07-05-2021

**MINUTES OF THE 54<sup>th</sup> AUTHORITY MEETING OF THE  
GOVERNING BODY OF RDA HELD ON 05.05.2021**

The 54<sup>th</sup> Authority meeting of Governing Body of RDA was held on 05.05.2021 in the conference room of RDA under the chairmanship of Mr. Tariq M. Murtaza, Chairman RDA. The meeting started with recitation of Holy Quran. The Chair welcomed all the participants.

2. The agenda items were presented before the Governing Body, after detailed deliberation and discussion, following decisions were made.

**Agenda Item No. 1**      **CONFIRMATION OF MINUTES OF THE 53<sup>rd</sup>  
AUTHORITY MEETING OF RDA HELD ON 18.03.2021**

The Minutes of the 53<sup>rd</sup> Authority Meeting held on 18.03.2021 were presented before the Authority for confirmation.

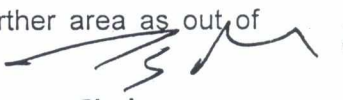
**Decision:**

The Minutes of 53<sup>rd</sup> Authority Meeting were confirmed.

**Agenda Item No. 2**      **IMPLEMENTATION OF PRIVATE HOUSING SCHEME &  
LAND SUB-DIVISION RULES-2010 IN THE RAWALPINDI  
CITY DISTRICT AREA**

It was briefed by Director (MP&TE), RDA that in the entire District implementation of Private Housing Scheme & Land Sub-Division Rules-2010 for approval of Private Housing Schemes was entrusted to RDA as this function was assigned to Development Authorities in City Districts. However, the record / files of Private Housing Schemes was transferred from defunct District Council / TMAs to RDA in the year 2019 after approval of DP&DC. These Rules are still intact / in field and will remain intact till such time, these are repealed or Rule-04 is amended / withdrawn. In a City District there was no Urban Rural divide and the entire Rawalpindi District was considered as City District that is why Private Housing Schemes were dealt / approved in the whole district. After promulgation of PLGA-2013 and establishment of MCs & District Councils, the implementation of Private Housing Scheme & Land Sub-Division Rules-2010 & approval of Private Housing Schemes were avoided beyond certain limits & assuming further area as out of

  
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Peri-Urban area. In a high level meeting this issue was cleared that till the Private Housing Scheme & Land Sub-Division Rules-2010 are intact, RDA will continue to entertain and decide the applications for approval of Private Housing Schemes in the entire district as per provisions of the Rule-4 considering it as City District without Urban Rural Divide.

Decision:-

The Authority approved the agenda as proposed.

Agenda Item No. 3

RENAMING OF HOUSING SCHEME FROM NAME AND STYLE "RABIA RESIDENCY TO STAR ENCLAVE" MOUZA CHAHAN, CHAKRI ROAD, APPROVED BY DEFUNCT TMA POTOHAR TOWN

It was briefed by Director (MP&TE), RDA that the subject case for change of name of Rabia Residency was placed before the Governing Body of RDA vide agenda item No. 02 in its 51st Authority Meeting held on 28.11.2020. The Authority decided that approval / NOC already granted to the Scheme by the TMA Potohar Town in the year 2009 be cancelled as already recommended by the defunct TMA Potohar Town in the year 2016 and due to non-development of scheme upto now despite lapse of 11 years. The decision of the Governing Body was conveyed to the sponsor of the society. In response, the application was received in which some reasons were mentioned due to which the required development work at site could not be carried and on clearance of issues / court matters now they are ready to fulfill obligation to develop the society, the applicant further requested to restore the approval (NOC) of the society so as to complete the development work as per requirement and standards within given time. The matter was again placed before the Authority vide Agenda Item No. 05 in its 52nd Authority Meeting held on 11.02.2021 in which a Committee comprising the following was constituted to take into considerations all the legal aspects and submit recommendations before the Governing Body of RDA in its next Authority Meeting for consideration:-

- |  |          |
|--|----------|
| (i) Mr. Muhammad Haroon Kamal Hashmi, Vice Chairman, RDA | Convener |
| (ii) Director General, RDA                               | Member   |
| (iii) Director (MP&TE), RDA                              | Member   |

The Committee held meetings, examined the case, asked the sponsor of scheme to submit further documents to check the ownership and to confirm Special Power of Attorney, asked to submit affidavits to confirm that the scheme

  
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is free from court cases and that the development will be started strictly in accordance with the rules and will be completed within the given time frame. The Director MP&TE confirmed the Special Power of Attorney from the owner / sponsor, the Vice Chairman RDA visited the site and the Committee finalized its report.


**Decision:-**

The Authority unanimously approved the restoration of approval of Rabia Residency Housing Scheme and rejected the request for change of its name. Further, it was decided that the developer be bound to initiate the development work within 6 month and complete the same within 3 years. In case of any deviation or non-compliance of decision, the approval will be cancelled and the owner will be bound to get fresh approval as per rules.

**Agenda Item No. 4      CRITERION FOR THE POST OF CHIEF PLANNER**

It was briefed by Director (Admn & Finance) that Rawalpindi Development Authority, Rawalpindi was established in 1989 under Sub Section (I) of Section 4 of the Punjab Development of Cities Act, 1976 (Punjab Act No. XIX of 1976) vide Notification No. SO(I&C)-HP&EP-4-1/88 dated 18.05.1989. Rawalpindi Development Authority adopted the Faisalabad Development Authority (Appointment & Conditions of Service) Regulations, 1990 with the approval of the Minister HP&EP being Chairman RDA for the time being till its own Regulations are ready and available. Rawalpindi Development Authority prepared its own service Regulations namely RDA (Appointment & Condition of Service) Regulations, 2012 but erroneously the criterion to fill up the post of Chief Planner / BS-20 could not be mentioned in the same. The posts in BS-20 are either to be filled through by deputation from Government or by Selection. Thus, following criterion to fill up the post of Chief Planner is placed before the Authority consideration and approval:

Name of the Department/ Functional Unit	Pay Scale	Name of the Post	Appointing Authority	Method of Recruitment
1	2	3	4	5
Directorate of Metropolitan Planning & Traffic Engineering	Grade – 20	Chief Planner	Government	By deputation from Government or by selection on merit amongst senior most Directors with at least 17 years service in Grade-17 and above including 5 years service as Director (MP&TE) / (LU&BC), BS-19.

  
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**Decision:-**

The agenda was unanimously approved as proposed.

**Agenda Item No. 5**      **PLOT NO.12 (COMMERCIAL), SHERPAO COLONY**  
**SCHEME RAWALPINDI**

It was briefed by Director Estate Management, RDA that plot No. 12, Sherpao Colony measuring 1k-6M-123sqft was auctioned by RIT to Mst. Nazir Fatima, who further sold it to Syed Sultan Shah. Syed Sultan Shah submitted a residential building plan which was returned unapproved with certain observations. The plot was then converted into commercial and conversion charges were deposited by the allottee. Syed Sultan Shah sold the plot to Abdul Razaq and Muhammad Ishaq who submitted a commercial building plan on 13.08.1983 which was turned down unapproved on 24.10.1983 as ten feet wide open space was not left around the building. The transferee then submitted a revised building plan for basement and ground floor. The same was again turned down as on site five storey building stands constructed. The transfer of the plot was cancelled by RIT vide Resolution No. 23 dated 01.07.1986 due to non-construction of building within stipulated period of time. The transferee filed a civil suit. The transfer was then restored by RIT vide Resolution No. 41 dated 29.01.1989 with the condition that the transferee will withdraw the court case and he will hand over land measuring 20x80 (1600 sqft) to RIT for flying coaches add in lieu of which two strips of land in Asghar Malla and Ghazni Colony will be given to him. Accordingly, 1600 sqft land was taken by RIT and a piece of land was offered to him which he refused to take. The revised possession slip of land 5800 sqft (7200-1600) was issued to the allottee and he submitted the completion plan of the same area on 19.03.1999. During this time, one Mr. Akbar Khan started filing applications at different forums levelling certain allegations against RDA. On one such application filed before the Chief Minister, Punjab in 2009 a probe was conducted by the office of Secretary HUD & PHED with the recommendation that:-

- (i) the conditions for restoration of land had not been fulfilled, hence, the allotment of the plot stands cancelled,
- (ii) (ii) that Muhammad Ishaq etc. had erected a 5 storey building without approval of building plan,
- (iii) (iii) that the plot was being used as commercial building without permission of change of land use and without restoration of plot,
- (iv) NOC was issued for obtaining loan from NDFC.

During this time RDA constructed boundary wall on 1600 sqft land. The transferee Muhammad Ishaq submitted an application before the Chief Secretary, Punjab, on 19.04.2008 whereupon DG, RDA was directed to resolve the issue. The DG, RDA decided to offer a plot of equal size to the transferees subject to the approval of Governing Body of RDA. The Governing Body of RDA decided in its meeting dated 22.12.2008 that "Approved, however, applicant may be called for interview alongwith documents before the Committee consisting of Zila Nazim/Chairman RDA, Tehsil Nazim Pothohar Town & Tehsil Nazim Rawal Town, further process may be completed after recommendations of the committee. However, the applicants were not called by the Committee. The applicants filed a Writ Petition No.

  
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355/2010 in the Lahore High Court, which was dismissed on 25.09.2014. They filed an ICA, which was dismissed as withdrawn in 2019, with the observation that the applicants may approach the authority for redressal of their grievance. On another application of Akbar Khan the Secretary HUD&PHED conducted a detailed inquiry and passed order on 27.11.2019 that the applications of Akbar Khan are devoid of merit and intended to blackmail the RDA for which RDA may initiate legal proceedings. The allottee was contending for restoration of his 20 ft wide strip as after shifting of bus stand on other location, the purpose of land has become infructuous for RDA. The Secretary HUD&PHED remanded the matter to DG, RDA with the following directions:

- (i) To place the matter before the governing body of RDA to settle the matter as per law, merits of the case, and the policy, after having evaluated their legal position viz-a-viz contention of the defendants (Abdul Razzaq and Muhammad Ishaq etc.), preferably within a period of 60 days.
- (ii) To evaluate all such cases where similar issues have been culminated into inconvenience to the bonafide purchasers.
- (iii) To assess the fees and other revenues in case of resolution of chronic disputes for efficient resource generation.
- (iv) To prepare a comprehensive and practicable policy for approval of submitted building plans and land use conversion cases for which a leaf from the book of LDA and PHATA may be taken.
- (v) To firm up proposal for creation of a commission for bonafide purchasers on the pattern of LDA and in the light of recent recommendations of the committee constituted by the chief Minister Punjab to further refine the said bonafide commission's productivity.

Accordingly, the matter was placed before the Governing Body of RDA in 46<sup>th</sup> Authority meeting held on 25.01.2020 wherein the Body constituted a Committee comprising Director (A&F), Director (LD&EM), Director (LU&BC) to put up legal frame work of the case. The Committee decided that land measuring 1600 sqft adjacent to the plot No. 12, Sherpao Colony, may be restored to the owners of the plot/ Muhammad Ishaq etc., which should be used by them for parking purpose only. The recommendations of the committee were placed before the Governing Body in 48<sup>th</sup> Authority meeting dated 10.07.2020 wherein the Authority rejected the report of the Committee that it does not cover all aspects of the case and decided that a high power committee be constituted to redress the issue in the light of prevailing rules and regulations. Accordingly, LDA was requested to furnish any precedence regarding creation of Commission for bona fide purchasers in the light of above quoted directions of the Secretary HUD&PHED. In response to the request, LDA has provided the copy of LDA Act 1975, according to which "After commencement of this Act, the Govt. shall constitute a Commission, as a one-time dispensation, for considering and deciding the matters and disputes pertaining to bonafide purchase for value owing to irregular or fraudulent transaction in respect of property, establishment of scheme in an illegal manner or illegally constructed structures." It is submitted that

  
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- (i) as such this regulation does not look relevant to the instant case as the request of the allottees is for restoration of 1600 sqft land to them in lieu of which equal piece of land had to be provided to them which has not been done.
- (ii) The matter regarding construction of building without approval/ approval of building plan may be dealt separately by the Directorate of LU & BC.
- (iii) Since, the last decision has been passed by the Governing Body, hence, it would be appropriate to place the matter before the Governing Body to consider the instant case as directed by Secretary HUD&PHED at pt no. (i) in segregation to the remaining directions regarding identification of other such cases and constitution of commission.

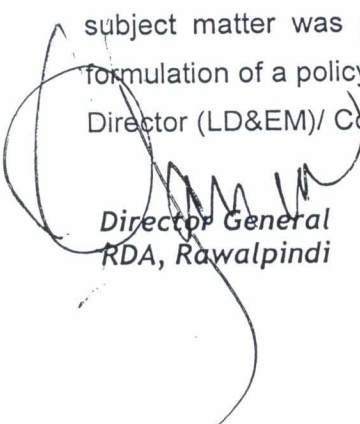
The owner of plot appeared before DG on 31.03.2021 and hearing was done. It has been desired by DG that the 1600 sq.ft strip may be allotted to the owner as it was purchased by him initially and no plot was given to him in lieu of this piece. Since, the use for which strip was taken doesn't exist, hence the plot / strip be given to him. However, final decision will be made by the Governing body. Put up self-contained note/ brief for agenda item of next meeting of Governing body.

**Decision:-**

The Authority unanimously approved the agenda

<b><u>ADDITIONAL</u></b>	<b><u>AGENDA</u></b>	<b><u>TRANSFER OF FLATS/ SHOPS/ APARTMENTS OR</u></b>
<b><u>ITEM NO. 1.</u></b>		<b><u>ANY OTHER INDIVIDUAL UNIT OF A PLAZA/</u></b>
		<b><u>MALL IN RDA'S OWN SCHEMES/ OLD RIT</u></b>
		<b><u>SCHEMES</u></b>

The subject matter is regarding transfer of flats/ shops/ apartments or any other individual unit of a plaza/ mall in RDA's own schemes/ old RIT schemes. Presently, the transfer of aforesaid individual units in mutli-story plazas/ malls/ towers is not being done in RDA. Such a transfer/ sale-purchase is a matter between the private parties only. In order to safe guard the interest of the potential buyer and minimize the chances of re-transfer through fraud, it would be appropriate that the transfer of individual units i.e. flats, shops, apartments etc. in such plazas, malls and residential/ commercial buildings may be done in RDA's own record through Directorate of Estate Management in the same was as presently being done in cases of plots and constructed units. The transfer fee levied on these transactions will also generate revenue which is required for sustenance of the Authority. The subject matter was placed before the 46th authority meeting on 25.01.2020 for formulation of a policy for such transfers. It was decided that a committee comprising Director (LD&EM)/ Convener, Director (Admn. & Finance), Director (LU&BC) and

  
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Director (MP&TE) to make a comprehensive policy/ TORs and put up before the Authority in the next meeting. The Committee held its meeting on 31.01.2020 and made the following policy proposals:

- i. That the apartments will be transferred to the proposed buyer on appearance of original owner of the apartment and application of the developer in this regard will not be entertained.
- ii. Site visit will be conducted by the scheme Incharge concerned before transfer proceedings.
- iii. Transfer fee will be charged as per prevailing rates of other properties.

The requirement of formulation of a policy on this issue is enhanced in context with the project of Urban Regeneration in a segment of Asghar Mall Scheme, which is proposed to be extended in other areas of the city in the long run. In a recent meeting with the owners of the properties in Asghar Mall Scheme this issue was highlighted by the owners and request was made for formulation of such policy. The meeting of the above referred committee was held in the office of Director EM on 04.05.2021 and the issue was discussed in detail. The committee members unanimously agreed to the proposition and recommended that the transfer of individual units may be done as routine transfer case by the Directorate of Estate Management. Accordingly, necessary amendments in the documents like Completion Building Plan, Approval letter of Completion Building Plan and affidavits for transfer/ sale-purchase may be made. The policy will be applicable in case of existing buildings also. and requested that the agenda may be principally approved and DG, RDA may be authorized to finalize the detailed legal/ financial/ procedural guidelines on the recommendations of the Committee.

**Decision:-**

The Authority approved the agenda as proposed. It was further decided by the Authority that a mechanism for safeguarding the rights of buyers may be devised whereby it will made compulsion upon the owner to constitute committee or hire firm to provide maintenance services.

The list of participants is attached at **Annex-A**.



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## LIST OF PARTICIPANTS

Annex - A

<u>Sr.</u>	<u>Name &amp; Designation</u>
1.	Mr. Tariq M. Murtaza, Chairman, RDA
2.	Capt. (Retd.) Abdul Sattar Isani DG RDA
3.	Mr. M. Haroon Kamal Hashmi / Vice Chairman, RDA
4.	Mr. Amjad Mahmood Ch. MPA, PP-13
5.	Mr. Muhammad Muqarrab Ali Technical Expert
6.	Saima Yunus Deputy Managing Director, WASA / Dir. EM
7.	Samreen Javed, DD (Tech) Rep. Commissioner, Rawalpindi Division
8.	Amna Rafiq, Director LG Rep. LG&CD Department
9.	Mr. M. Kashif, XEN PHED Rep. HUD&PHE Department
10.	Ms. Saima Ghafoor, Deputy Director (Dev.) Rep. of P&D Department & DC office, Rwp.
11.	Mr. Farooq Ahmed Dy. DAO, Rep. of Finance Department
12.	Mr. Ali Imran MO (P&A) MCR
13.	Mr. Amer Rashid Director Engineering, RDA
14.	Mr. Jamshaid Aftab Director (LU&BC), RDA
15.	Mr. Asif Mahmood Director (Admn & Finance)
16.	Mr. Shahzad Haider Director (MP&TE)
17.	Malik Ghazanfar Ali Director (Land)
18.	Shuja Ali Director (Arch.)

In-chair