FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY
10-MAUVE AREA, G-10/4, ISLAMABAD
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No.15 (7)/2019-HF (A)/5

23rd October, 2019

Subject: **MINUTES OF 5th MEETING OF THE EXECUTIVE BOARD OF FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY HELD ON 21-10-2019**

The 5th meeting of the Executive Board of Federal Government Employees Housing Authority was held on 21-10-2019 at 10:30 am under the Chairmanship of Secretary Housing & Works in the Committee Room of Federal Government Employees Housing Authority, Islamabad.

2. The minutes of said meeting are enclosed for kind information / record.

Encl:- As Above

(Syed Naveed Zafar)
Assistant Director (Coord-I)

Distribution:-

i. Dr. Imran Zeb Khan
Chairman EC / Secretary,
M/o Housing & Works, Islamabad.

ii. Mr. Afzal Latif
Additional Secretary (Cabinet)
Cabinet Division, Islamabad

iii. Mr. Abdul Aziz Uqaili
Additional Secretary-I,
Ministry of Interior, Islamabad.

iv. Dr. Arshad Mahmood
Additional Secretary (Expenditures)
Finance Division, Islamabad.

v. Mr. Zahoor Ahmad
Additional Secretary
M/o Housing & Works, Islamabad.

vi. Mr. Akhtar Jan Wazir
Additional Secretary
Establishment Division, Islamabad

vii. Mr. Khashih Ur Rehman,
Draftsman,
Law & Justice Division

viii. Mr. Tariq Rasheed
Managing Director,
PHA Foundation, Islamabad.

ix. Mr. Shahid Farzand
Director General,
Pak. PWD, Islamabad.

x. Chief Commissioner
ICT, Islamabad.

xi. Chairman
Capital Development Authority,
Islamabad.

xii. Mr. Waseem Hayat Bajwa,
Chief Executive Officer
FGE Housing Authority.

CC:

1. PS to Minister for Housing & Works, Islamabad.
2. S.P.S. to CEO, FGE Housing Authority, Islamabad.
3. All Directors, FGE Housing Authority, Islamabad
4. Office File.

FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY
10-MAUVE AREA SECTOR G-10/4, ISLAMABAD
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Subject **MINUTES OF 5th MEETING OF THE EXECUTIVE BOARD OF THE FEDERAL GOVERNMENT EMPLOYEES HOUSING AUTHORITY HELD ON 21-10-2019.**

The 5th meeting of Executive board of the Federal Government Employees Housing Authority was held on 21-10-2019 at 10:30 am under the Chairmanship of the Honorable Secretary, Ministry of Housing & Works in the Committee Room of FGE Housing Authority. (The List of participants is enclosed).

2. The proceedings of the meeting started with recitation of the Holy Quran.

3. The Chief Executive Officer, FGE Housing Authority welcomed the members of the Executive board. Following agenda items were discussed in detail by the board.

Agenda Item No. 1 CONFIRMATION OF THE MINUTES OF 4th MEETING OF THE EXECUTIVE BOARD OF FGE HOUSING AUTHORITY HELD ON 03-10-2019.

4. The Chief Executive Officer apprised that the 4th meeting of the Executive Board was held on 03-10-2019 and accordingly the Minutes were issued on 11-10-2019. Furthermore, on the minutes, none of the members have sent any observations to the FGEHA.

5. The Additional Secretary Cabinet, raised an observation that decisions are mentioned in the minutes without any detail of discussions thereof carried out before reaching to the said decision. Chairman endorsed the comments of Additional Secretary, Cabinet and directed that grounds on which decision were made shall also be recorded in the minutes. The Additional Secretary further observed that approvals were solicited for signing of JV agreements with the JV partners without giving the detail Terms of Reference of the JV agreement. The CEO explained that the salient features of all the JV agreements have always been reproduced in the working paper. The Chairman directed that complete draft of the JV agreement should be accompanied in future.

DECISION:-

6. ***With the above referred observations the Executive Board unanimously approved the minutes of 4th Executive Board meeting held on 03-10-2019.***

Agenda Item No. 2 ACQUISITION OF LAND– JV POLICY (LAND SHARING).

I. Sector F-14/15:-

7. The CEO briefed the board that Prime Minister of Pakistan accorded approval of Sector F-14/15 for launching of housing scheme for federal government employees on 1st May, 2015 with the direction to follow the "age wise seniority policy" for allotment of plot in sector F-14 and F-15.

8. The land of the said sector was acquired by the Housing Foundation under the Land Acquisition Act 1894 for allotment of plots to FGE employees and other specified groups. In consequence of the same, applications were invited, layout plans of the sector were approved from CDA and allotments were made on merit. The prospective allottees also deposited a hefty sum of money against their allotments in the Housing Authority which was given to Land Acquisition Collector to compensate the affectees / land owners of Sector F-14/F-15. The layout plan of sector F-14 has also been approved by the CDA and planning of F-15 is under process in the CDA.

9. The acquisition proceedings were challenged by locals in Islamabad High Court through a numbers of writ petitions titled Malik Bashir Ahmed Vs Federation of Pakistan etc. The honourable Islamabad High Court while accepting the said writ petition decided that in the presence of CDA Ordinance 1960 which is Special Law, the Land Acquisition Act 1894 is not applicable in Islamabad. An Intra Court Appeal was filed by the Housing Foundation in the Islamabad High Court which was also dismissed.

10. The Housing Foundation therefore was left with no other option but to file CPLAs in the Supreme Court of Pakistan on 6-12-2018. The honorable Supreme Court gave the order as under:

"Mian Saqib Nisar, CJ: - Leave is granted to consider, inter alia, whether:-

a. **Capital Development Authority (CDA) under the Capital Development Authority Ordinance, 1960 (the Ordinance) has exclusive jurisdiction to acquire land and it excludes acquisition under the Land Acquisition Act, 1894 (the Act);**
b. **The Provisions of the Ordinance exclude those of the Act with respect to acquisition of land for a public purpose;**
c. **Acquisition for a housing scheme for Federal Government Employees and allied group constitutes a valid public purpose;**
d. **Acquisition under the Act becomes State largesse under Article 173 of Constitution of the Islamic Republic of Pakistan, 1973 read with Section 16 of the Act' and**
e. **In view of the alternate and efficacious remedy available under Section 18 of Act, the constitutional petitions before the learned High Court were not maintainable.**

11. **In the meantime, the operation of the impugned judgment (s) is suspended, any acquisition would be subject to the final decision of the instant cases and any construction raised from today onwards shall be at the risk and cost of the person (s) doing so".**

12. A number of hearings in the honourable Supreme Court took placed. The honourable court on 13-03-2019 directed the Federal Government to look into the issue of applicability of Land Acquisition Act 1894 & CDA ordinance 1960 in ICT as well controversy between two Government Organization i.e. FGEHF and CDA and submit report within 10 days before the court before the court. Accordingly the Attorney General of Pakistan filed a report on behalf of Federal Government in SCP.

13. On 20-8-2019 Ministry of Housing and Works sent a reference to Law Division to sought legal opinion on the following:

i. Whether the FGEHA after promulgation of the Ordinance can go ahead with the Acquisition of Land on its own as F-14/F-15 area is a specified area of FGEHA. If so what would be the Modus Operandi?
ii. The matter of Acquisition of Land is currently pending before the Supreme Court of Pakistan, though the decisions of IHC stand suspended and no order to the contrary is in field. What would be the effect of this Ordinance on the Outcome of the case?
iii. Whether the previous notifications for land situated in sector F-14/ F-15 and Park Road under the LAA 1894 stands validated in light of the validation clause 23 of the Ordinance or otherwise?

14. In response to above reference M/o Law on 19-9-2019 has opined that FGEHA in terms of section 3,7 and 13 of the Ordinance is empowered to acquire land in specified areas of Islamabad as modus operandi give in the LAA 1894. Further there is no restraining orders on the acquisition of land and the impugned judgment dated 25-9-2018 of IHC stand suspended by the order of Supreme Court of Pakistan dated 06-12-2018, hence, FGEHA can proceed further for acquisition of land in Sector F-14/F-15. Furthermore, all the notification issued under LAA 1894 in respect of Sector F-14/F-15 are validated under Section 23 of the Ordinance.

15. "***The case was fixed on 02-10-2019 and the counsel of defendants apprised the court about the recently approved JV policy by the Cabinet and promulgation of FGEHA. The honourable Court passed the order for filing of Joint Venture summary dated 01-07-2019(Annex-2-C) and an Ordinance dated 15-7-2019 (Annex-2-D) promulgated for the establishment of Federal Government Employees Housing Authority along with proper statement to examine their implication, if any.***

16. ***Furthermore, Member Planning CDA, appeared and stated that the CDA has no objection if the Foundation acquires the land under the LAA such statement appears to be divergent to the position taken earlier by the CDA. He is, therefore, directed to file proper Board Resolution of the CDA in this regard***

before the next date of hearing (Annex-2-E). In compliance to the court order the FGEHA and CDA filed the said documents in the Supreme Court".

17. The case was again fixed on 07-10-2018. The counsel of the FGEHA explained that the Joint Venture policy through M/o Housing and Works was principally approved by the Cabinet in its meeting dated 08-09-2016. The recently approved policy is in continuation to the original policy which clearly speaks of the housing project to be developed by the private partner in Joint Venture.

18. The counsel of the defendants apprised the court about clause-II of JV policy that Land sharing formula being part of CDA policy and also successfully practiced by Defense Housing Authority (DHA), may be applied to Federal Government Employees Housing Schemes. The proportionate share of Housing Foundation and the land provider may fall within range of 70:30 or one developed kanal for four kanals of raw land to the land provider, as mutually agreed. The court directed that both parties may work on Land Sharing formula and come up on 10-10-2019.

19. On 09-10-2019 some representatives of the petitioners and representatives of the Housing Authority working on land sharing formula and prepare draft agreement along with financial implications in the office of the FGEHA. Case was again fixed on 10-10-2019, and the CEO of the FGEHA apprised the court an agreement regarding land sharing formula has been drafted in line with the directions by the Supreme Court but the final approval to be placed before the Executive Board for final decision.

RECOMMENDATION:

20. In light of the above detail a draft agreement with the following recommendations was submitted before the Executive Board for the approval:-

I. For all the affectees/ landowners the rate of compensation of land in sector F-14 will be Rs.3,300,000/- per kanal and the rate of compensation of land in Sector F-15 will be Rs.3,800,000/-per kanal.

II. In case of a landowner with a land holding of at-least 4 kanals or more on 20-05-2015, such land owner or his legal heirs as the case may be, opt for land sharing instead of cash compensation as mentioned above in the following manner

(i) The land sharing formula will be in terms that a residential plot of 1 kanal or a 5 marla commercial plot (Class-III) shall be allotted to such land owner / affectee for every four kanals of land acquired from him. There will be no upper limit on quantum of land sharing.

(ii) It is the obligation of such landowner to provide 4 kanals of land free from all encumbrances.

(iii) In both the cases (residential plot or commercial plot) the cost of development shall be borne by such landowner.

(iv) In case of landowners opt for residential/commercial plots more than the agreed quota i.e. 50% of each category then the allotment of such plots will be made through balloting.

(v) It has also been agreed that only the land within F-14 and F-15 area will be shared with such landowners.

III. A landless Affectee or Landless Dweller, whose Dwelling House has been acquired, will be allotted one residential plot of size 25ft X 50ft in Sector G-15/3 at the same rate as applicable to/charged from to the affectees of G-14/1,2,3 and G-15/3. Such allotment will be subject to the following conditions:

(i) Only one Dwelling House owned by a landless affectee will qualify for the above compensation, and no other built up property (BUP) will qualify for the above mentioned benefit. Other BUP will be compensated through cash payment as per policy.

(ii) Only one residential plot will be allotted to a family unit of Landless Affectee / Landless Dweller.

(iii) Landless Affectee or Landless Dweller means a person who is an old and genuine resident of Dhok Sawain & Dhok Bhudda having as electricity meter in his or his predecessor's name on or before 31st December 2010 and has a built up property in form of dwelling house on piece of land being acquired, and such land does not belong to him.

21. The compensation for built up property will be given to those who had built up structure on or before 31-12-2017 in sector F-14 and on or before 31-12-2018 in sector F-15 as per Google image of that date. The rate of compensation of BUP will be 25% increase as was in 2014. Detail is as under:-

Sr #	Category	Rate per square foot as in year 2016	Rate per square foot as in year 2019 (25% increase)
1.	A+ (marble, cement, tiles, roof)	Rs.1400/-	Rs.1750/-
2.	A (tiles, RCC, roof, slab, lintle, chips)	Rs.1300/-	Rs.1625/-
3.	B (T.Iron, cement floor)	Rs.1000/-	Rs.1250/-
4.	C (katcha House)	Rs.700/-	Rs.875/-

i. It was decided that a list of Built up Properties with detail of inhabitants/dwellers/owners will be provided by the representative committee for agreed upon rates. Also a list of landless owners (less than 100 as informed by the committee) will also be provided by the representative committee. It has also been agreed that, in case, if the number of landless affectes exceeds the number of plots allocated i.e 100 (One Hundred) plots as mentioned in paragraph 3 then the

allotment will be made through balloting only to the extent of 100 landless affectees.

ii. Land upon which any Religious shrine, Tomb, Graveyard or any Immovable property attached to any institution shall be excluded from the said land. Similarly, WAQF / Trust and evacuee property and state land shall also be excluded. The cut off date for this para will be on or before 31-12-2017 in sector F-14 and on or before 31-12-2018 in sector F-15 as per Google image of that date.

iii. It was further decided that after this agreement, none of the affectees will go into any litigation with respect to compensation / land sharing formula.

iv. This document will be submitted to the Honourable Supreme Court of Pakistan on next date of hearing and counsels of the parties will also make their respective statements in this regard for amicable solution of the pending litigation.

DISCUSSION:

22. The Chairman inquired whether the proposed agreement is covered under the JV policy of the FGEHA duly approved by the Federal Cabinet. The CEO informed that the land sharing with the affectees and enhancement in the compensation will be made in accordance with JV policy. The representative of Chief Commissioner informed the Board that in case agreement is going to be chalked out on land sharing basis then the award, which was issued under the Land Acquisition Act, 1894 shall be de-notified. Moreover, he added the issue of landless affectees is very tricky. However, definition of landless affectees may also be defined in future implication. Additional Secretary, Cabinet also mentioned that whether the proposed agreement / judgment in (TOR) of F-14/15 is only limited to this project or it will also serve the purpose in prospective schemes to be launched by FGEHA. He also asked from the CEO, FGEHA that the proposed agreement is having legal backing or not. The CEO replied that the terms and conditions of proposed agreement may also be utilized under prospective schemes of FGEHA. The CEO reiterated that it is in accordance with the JV policy approved by the Cabinet. The compensation has been ascertained accordingly as provided in the JV policy.

23. The CDA representative added to the discussion that the award of land under Land Acquisition Act 1894 is for compulsory acquisition and in case the award of land is de-notified the land owner will not be under compulsion to provide land to

FGEHA. The CEO replied that this agreement will become the part and parcel of the judgment of the Apex Court and shall be enforced through the Apex Court. The Additional Secretary, Cabinet advised that the legal cover of award may be kept intact and in addition of it, a package permissibly under the JV policy may be extended to the land owners. Secretary Housing & Works also directed that the Counsel of FGEHA will give the statement enshrining the principle of agreement, so that the Apex Court make sure its implementations.

DECISION:

24. ***After detailed discussion the board approved submission of draft agreement / settlement between the affectees of F-14/15 and FGEHA regarding land sharing and enhancement in compensation for requisition of land in sector F-14/15 before the Supreme Court of Pakistan***

II. **Park Road:-**

25. The CEO informed that the Park Road housing scheme was launched in November, 2017 on the directions of the honorable Supreme Court of Pakistan on parity basis between FG Employees and members of Supreme Court Bar Association. The Deputy Commissioner / Commissioner Revenue, ICT issued notifications U/s 4 of Land Acquisition Act 1894 as well as notification U/s 17 (4) & 6 on 28-10-2016. The Supreme Court of Pakistan directed the ICT administration to immediately start ground survey work at site. The LAC submitted reports on 19-09-2017 & 20-09-2017 respectively, citing the resistance being faced in conducting the land survey work.

26. During the proceedings on 10-08-2018 the Honorable Chief Justice directed the Director General FGEHF, Chief Commissioner ICT, and office bearer of SCBA to find the settlement of the issue. All the parties agreed upon the followings:-

i. It was unanimously agreed that the land Award be announced within 07 days by the Land Acquisition Collector, ICT.

ii. It was further agreed that Federal Government Employees Housing Foundation (FGEHF) shall within 14 days of announcement of Award shall issue Provisional Allotment Letters.

iii. Land Acquisition Collector ICT stated that he should take over the possession of the acquired land within 30 days of the Award.

iv. The price of land shall be assessed in accordance with the assessment already at the time of issuance of notification u/s 4 of Land Acquisition Act 1894.

27. On the basis of above the award of land was announced on 17-8-2018 as per following rates:-

Village	Acquired area K – M	Rate (per kanal)
Tamma	2024 – 03	Rs. 35,00,000/-
Mohrian	6170 – 12	Rs. 15,00,000/-
Total	8194 -- 15	

28. The Housing Authority has issued Consent letters / POL to its members of Drive-II and members of SCBA as per following details:-

Cat,	Consent letter issued to Members of Drive-II	Consent letter issued to Members of SCBA	POL issued to Members of Drive-II	POL issued to Members of SCBA
I	614	1353	444	1237
II	629	257	284	221
Total	**1243**	**1610**	**728**	**1458**

29. The Supreme Court Bar Association filed a contempt petition against the Chief Commissioner ICT, for non implementation of the court order regarding taking over possession of land within 30 days in Tamma & Morain. The civil petition regarding Sector F-14/F-15 was fixed in the Supreme Court and the case of Tamma and Morian was also clubbed. The case was last fixed on 10-10-2019. The counsel of FGEHA stated in the court that negotiation for settlement between the parties is under way and it is likely that an agreement will be inked shortly. The case was adjourned till 23-10-2019.

RECOMMENDATION:-

30. It was proposed that a settlement on the following grounds / pattern may be allowed to be made with the local land owners and genuine affectees.

a) For all the affectees/ landowners the rate of compensation of land in Morian will be Rs.2.5 to 03 million.
b) As the value of land in Tamma is high so land sharing on commercial and residential basis.
c) In case of a landowner with a land holding of at least 4 kanals or more on 28-10-2016, such land owner opt for land sharing instead of cash compensation as mentioned above in the following manner:-

   i. The land sharing formula will be in terms that a developed plot of 1 kanal shall be allotted to such land owner / affectee for every four kanals of land acquired from him. There will be no upper limit on quantum of land sharing.
   ii. It is the obligation of such landowner to provide 4 kanals of land free from all encumbrances.

d) The cost of development shall be borne by such landowner.
e) In case of landowners opt for residential plots more than the agreed quota i.e. 50% of each category then the allotment of such plots will be made through balloting.
f) It has also been agreed that only the land within Thamma and Morian will be shared with such landowners.
g) The rate of built up properties of Sector F-14 / F-15 shall be implemented on Tamma and Morian.

DISCUSSION:

31. The CEO briefed that in Tamma land owners are willing to enter in land sharing basis but in Morian all the land owners are not agreed to accept compensation (2.5 to 3 million). Resultantly, the quantum of land in these Mouzas may be reduced to 4000 to 5000 kanal. The Secretary, Housing & Works concluded that the agreement may be chalked out with willing land owners in Tamma and Morian and rest of the matter may be placed before the Apex Court so that the issue may be resolved. Additional Secretary, Interior pointed out that if all the land owners are not willing then whether the proposed land is compact piece or otherwise. The CEO replied that the proposed land is a compact piece. Secretary, Law & Justice was of the view that the same principle may be followed in both agreements and the stance of FGEHA must be uniform for both the schemes.

DECISION:-

32. ***The Board decided to enter into land sharing agreement / settlement with the land owners of Tamma. The compensation for the willing land owners of Morian as proposed in Para 30 has also been endorsed.***

III. Sector G-15/3

33. Land measuring 1313 kanals 16 Marlas in Sector G-15/3 was acquired U/s 4 of LAA1894 by the Federal Government Employees Housing Authority in 2009. Land measuring 131 kanals and 16 marlas was in the ownership of Mr. Asim Tiwana. He challenged the Award of his land in the Lahore High Court Rawalpindi Bench Rawalpindi vide Writ Petition No. 2781/2009. The said writ was decided on 10-02-2010 in favour of the Housing Authority and the honourable court passed the following order:-

"That no illegalities have been committed by the respondents in the acquisition proceedings, therefore this writ petition has no merit. Further this writ petition is also not maintainable as the petitioners have alternative remedies available to them under the law. Hence this writ petition is dismissed in limine".

34. Mr. Tiwana challenged the above said judgment vide ICA No. 28/2010. The said ICA is still pending in the Islamabad High Court for adjudication. Now Mr. Tiwana has approached FGEHA with the following proposals:-

i. If the Authority offer me Joint Venture in his land he will withdraw the aforementioned ICA.
ii. Mr. Tiwana (JV Partner) will accept compensation amount, however he will enter into JV agreement with FGEHA. The acceptance of compensation amount is contingent upon execution of JV agreement between FGEHA and JV partner.
iii. The above proposals is in line with the arrangement which is being agreed upon between FGEHA and allottees of F-14/F-15, if the Board approve it.
iv. Thereafter, a separate construction agreement will be executed between FGEHA and JV partner and the JV partner shall have the first right of refusal with respect to construction of apartments on the subject land.

RECOMMENDATIONS:

35. It was proposed that FGEHA may be allowed to enter into JV agreement with Land owner in the light of above mentioned proposals on the analogy of agreement of F-14/F-15.

DISCUSSION:

36. The Chairman observed that issue is not co-related to the issue of sector F-14 and Park Road, therefore, it must be segregated and be submitted exclusively with complete details. The CEO informed that Mr. Asim Tawana is an affectee of the area and FGEHA intends to resolve the issue on the same analogy as being done with the affectees of sector F-14/15 and Park Road. Additional Secretary, Cabinet inquired that land is already stand transferred in name of FGEHA and the petition filed by Mr. Tawana has once been decided in favour of FGEHA. He has filed an ICA, therefore, it would be appropriate to plead the case in court of law for early hearing of the case. Moreover, Additional Secretary, Cabinet, was of the view of that withdrawal of cases always looks suspicious. The CEO informed that the case is pending in court since 09 years and FGEHA intends to resolve this issue through out of court settlement. The Additional Secretary (Law) inquired that if the construction agreement is signed with Mr. Asim Tiwana for construction of apartment then what will be the modalities for quality assurance of the construction. The CEO informed that the provisions of JV policy will be observed for awarding of contract to Mr. Asim Tiwana. The Chairman concluded that Mr. Asim Tiwana be asked to apply through EOI of FGEHA and his request be processed in accordance with the JV policy of FGEHA.

DECISION:-

37. ***After detailed deliberation the Board allowed FGEHA to enter into settlement with Mr. Asim Tiwana, however to enter into JV agreement Mr. Asim Tiwana has to properly apply through EOI and his case be processed in accordance with the provisions of JV policy duly approved by the Federal Cabinet and brought before Executive Board separately for approval***

Agenda Item No. 3 MERGER OF OLD AND NEW RETIREE QUOTA IN THE SCHEMES OF FGEHA.

38. The CEO briefed the Board that a summary of Quota policy and eligibility criteria 2016 for provision of residential facilities to government servants and others was submitted to the Prime Minister of Pakistan for his approval wherein 10% quota was reserved for old retirees of Federal Ministries / Division / Attached departments & their subordinate offices who retired on or before 01-03-2014 and similarly 10% quota was reserved for those retired employees of Ministries/Division / Attached departments & their subordinate office who retired after 01-03-2014.

39. The Prime Minister observed that the above said policy does not require his approval and should be decided by the Federal Government Employees Hosing Foundation at its own level. He has, however, been pleased to direct that:

i. Any such policy should comply, in letter and spirit, with the provisions of Abolition of Discretionary Quotas in Housing scheme Act 2013 and,

ii. There should be no special quota for any Group / Service or Organization at all, as a matter of principles of equity and fairness.

40. In pursuance to the above directions of the Prime Minister, the said quota policy was placed before 142nd meeting of the Executive Committee and approved the same. Accordingly the Housing Authority issued consent letters to the old and new retires employees of the said ministries as per quota policy.

41. In this regard 08 writ petitions No. 2978/2016, 3219/2016, 3107/2016, 3260/2016, 3219/2016, 3371/2016, 3398/2016 were filed in the Islamabad High Court with the prayer that the Housing Foundation categorized the plots to be allotted to the retired employees into old and new retired employees which is unjustified and unreasonable.

42. The said petitions are still pending in the Islamabad High Court for adjudication. Initially consent letters were issued to new retiree quota in housing schemes under new retiree quota. The matter was subjudice and the process of issuance of consent letter under new retiree quota was stopped due to restraining order issued by the court.

RECOMMENDATIONS:

43. In order to resolve this long outstanding issue it was proposed that the decision of Executive Committee in its 142nd meeting to the extent of old and new retiree quota may be reviewed and flat 20% quota for retirees on age wise seniority for membership drive-II be approved to resolve the issue in the court of law.

DISCUSSION:

44. The Chairman observed that it was totally an irrational decision to bifurcate retired quota into old and new retiree. The CEO informed that the bifurcation of quota was approved by the Executive Committee in its 142nd meeting held on 28-09-2016 which led to court cases which are still pending for adjudication. Therefore, in order to end this litigation, the merger of these quotas i.e on age wise seniority basis, is proposed. The Additional Secretary Cabinet inquired whether the merger of these quotas would have retrospective effects or prospective effects? The CEO informed that there are cases in which the consent and POL's have been issued to new retirees in the existing schemes and they have also deposited huge sum of amount with FGEHA. But, as the request is to review the decision of 142nd meeting of the Executive Committee, whereby this distribution was made, so decision be made accordingly.

DECISION:-

45. ***The Board approved merger of old and new retiree quota into 20% flat retired quota on the basis of age-wise seniority for members of Membership Drive-II of FGEHA and accordingly rectified the decision of 142nd EC meeting. The decision will not have a retrospective effect on allottees who have been issued consent letters and 1st installment has been deposited.***

Agenda Item No.4 REGULATIONS TO COMPLEMENT THE JV POLICY.

46. The CEO informed that Board that in order to enhance the land bank, a Joint Venture (JV) Policy was duly approved by the Federal Cabinet on August 18th 2016, to devise a standard framework/ evaluation criteria to filter sound/ quality proposals to develop and launch housing schemes and/ or apartment projects in collaboration with private sector.

47. Salient features of this model are as under,

a. Initially the price of land will be assessed by engaging an independent land valuator, registered with SBP or by DPAC.
b. The payment of land shall be made to JV partner/ private partner on the rate/ price assessed above by the SBP registered valuator and the land shall be mutated in the title of FGE Housing Authority.

c. A separate construction agreement shall be executed with the JV partner/ private partner to decide the per kanal cost of construction in case of housing scheme and per sq. feet cost of construction in case of apartment project.
d. At least 75% share/ quota of the Residential Area shall belong to FGE Housing Authority.
e. The share of private/ JV partner in commercial and amenities plots shall be subject to financial feasibility/ implications.

48. The above mentioned JV Policy was rather complicated and time consuming as it incorporated purchase of land only and no land sharing model was addressed. To fast track the process of engagement of prospective JV Partner, certain improvements were made, with the approval of the Federal Cabinet on July 05, 2019, with the addition of land sharing formula/ model on the same footings as that practiced by CDA, DHA etc. which is elaborated as under,

a. The Housing Foundation may have contract with JV partner for end/ finished product i.e. Apartments/ Houses on turn-key basis against final cost including all expenses i.e. land price, infrastructural cost, utilities, construction cost etc. the quota/ share of both parties may be decided, mutually.
b. Land sharing formula being part of CDA policy and also successfully practiced by Defense Housing Authority (DHA), may be applied to Federal Government Employees Housing Schemes. The proportionate share of Housing Foundation and the land provider may fall within range of 70:30.
c. Land sharing can also be done on the model of one kanal developed plot for four kanals of raw land (1:4) to the land provider, as mutually agreed.

Issues:

49. There are certain issues in the aforementioned policies both from the perspective of FGE Housing Authority and prospective private partner. Major issues are addressed as under,

a. Valuation of land.
b. Cost of Development of the share of private partner of 4:1
c. End/ Finished Product Model
d. Factors involved in calculation of cost of construction.

a. Valuation of Land:

The issue of valuation of raw land is of prime concern in case of former JV Policy wherein the price of land is involved. Since, there's a clash of objective as private partner is always interested for profit maximization and thus quote the price at the higher end whereas the FGE Housing Authority working with the aim of cost minimization to ultimately transfer low cost benefits to its members.

b. Cost of Development of the share of private partner of 4:1 or 70:30

The latest model of JV Policy-land sharing model- provides the option to private partner to have 01 kanal plot (File) in exchange of 04 kanals of raw land or on the proportionate share of 70:30, 70% developed plots shall be the share of FGE Housing Authority. However, the issue which party shall bear the development cost of the 01 kanal plot of the private partner has not been addressed in the said policy.

c. End/ Finished Product Model:

The revised JV Policy also addresses about the end/ finished product option. Under this model, FGEHA may engage with private partner for development of housing scheme under JV on this model by paying all the expenses i.e land price, infrastructure cost, utilities, construction cost etc. The quota/ share of both the parties may be mutually decided. In this model there is an issue of fixation of land price also.

d. Factors involved in calculation of cost of construction:

The reference price/ cost for assessment of the per sq. feet cost of construction of apartments/ end product, is of major concern as there are many price/ cost references available in the market like PWD Scheduled rates, MRS, C&W rates, MES rates. The JV Policy is also silent on this aspect.

RECOMMENDATIONS:

1. For **End/ Finished products** The land price/ cost shall be assessed by DPAC rates. 50% of the land price shall be released to the private party/ JV partner at the start of the project and rest of the amount shall be released on successful completion of the project/ scheme.
2. For **original model of JV (approved in August 2016),** the land price/ cost for housing schemes shall be assessed by engaging an independent Valuator, registered with SBP.
3. **FOR LAND SHARING MODEL (4:1):** FGE Housing Authority must adopt the model of engaging with private partner under 4:1 land sharing model with private partner subject to payment of respective share of cost of development by the latter as the major portion of land will be wasted (55:45).
4. **FOR LAND SHARING MODEL (70:30):** FGE Housing Authority shall bear the development cost including the portion / share of the private partner/ JV partner. For implementation of this option, the land chunk must be compact with minimum quantum of 1,000 Kanals.
5. **For END/ FINISHED Product:** 15 % mobilization advance of the total cost of development/ construction of scheme/ project shall be paid by the FGE Housing Authority to the private partner/ JV partner. Cost of construction shall be based on the prevailing C&W provincial rates shall be followed.
6. **FOR CALCULATION OF COST OF CONSTRUCTION (per sq. feet):** provincial Communication and Works rates (C&W) shall be adopted as these rates are revised quarterly and are customized to each district/ zone. For cost of construction, the prevailing C&W provincial rates shall be followed. For Islamabad, ICT, the C&W rates of Rawalpindi shall be adopted.

DISCUSSION:

50. The Chairman observed that the changes being proposed are of managerial level and should be dealt with management of FGEHA according to the FIDIC guide lines. The CEO clarified that in order to finalize JV agreement, there are few issues which are silent in the JV policy, require further elaboration and approval of the Board. The Additional Secretary Finance observed that there should be proper SOP's framed for project structure, value assessment and estate management for finalization of the JV agreement. The CEO replied that proper SOP's are framed and incorporated in the JV policy approved in 2016. However, the improvements made in the JV policy in 2019 requires further elaborations with regards to mobilization advance, price assessment through more than one valuator. The Additional Secretary Cabinet was of the view that SOPs subordinate to the JV policy should be brought about through amendment in the existing JV policy, which is approved by the Federal Cabinet and construction of apartment on the land acquired through JV policy is a separate transaction. He therefore suggested that sufficient time may be given to examine the proposal properly. The Additional Secretary Housing & Works endorsed the view of Additional Secretary Cabinet and decided that the issue may be placed again in the next meeting of Executive Board for decision.

DECISION:-

51. After detailed deliberation, the Executive Board decided to defer the agenda item in order to give members sufficient time to examine the proposal. It was decided that the agenda item will be placed in the next meeting of Executive Board for decision.

Agenda Item No. 5 UTILIZATION OF LEFT OVER LAND IN SECTOR G-13, ISLAMABAD TO RESLOVE COURT CASES.

52. The CEO informed the Board that Sector G-13 Islamabad was acquired under the LAA 1894 by the FGEHA in 1996. A railway line is running across the entire sector which resulted in dispute with Pakistan Railways regarding its right of way. In this regard a joint survey was conducted and land measuring 150 kanals was handed over to Pakistan railways which later on has confined the same on 21-06-2019. After the said demarcation a committee was formed by the CEO FGEHA to measure the left over land so that the same can be utilized.

53. The said committee has furnished its report on 26-09-2019 whereby it transpired that an area of 73 Feet in length located in Streets 126 and 127 Sector G-

13/4 beyond the railway land is free and available for future use of authority. In light of the said report 04 plots measuring 25x40 are viable to be carved out. The same will also be helpful in stopping the illegal encroachment of state land.

54. The Housing Authority is facing long standing litigation in the case of Mr. Baz Muhammad who is a Bona-Fide purchaser of a plot measuring 25 x 40 in Sector G-13 Islamabad. His plot has however been decreed up to the Supreme Court in the name of Ms Jamila Khatoon. Allotment of a plot in Sector G-13 to Jamila Khatoon would resolve this issue and safeguard the interest of Mr. Baz Muhammad (Bona-Fide purchaser).

RECOMMENDATION:-

55. Approval was solicited from the Executive Board for going ahead with the said utilization of land and settle the dispute of Mr. Baz Muhammad and other cases of similar nature.

DISCUSSION:

56. The Additional Secretary Housing & Works inquired about the fate of inquiry conducted in the case of Mr. Baz Muhammad and whether any action was taken against the delinquent officers / officials. The CEO informed that inquiry has been conducted and action will be taken against the accused accordingly, however, the issue in hand is about the utilization of left over land in Sector G-13 after the settlement of land issue with Pakistan Railways. The Additional Secretary, Cabinet inquired whether the land is included in the approved layout plan of the sector and if the land is for residential purposes then management of FGEHA can utilize this land as per approved layout plan. The CEO informed that the area is included in the layout plan for residential purposes, however, the plots being created on the land and not in the layout plan. The Additional Secretary Housing & Works further inquired about number of cases of such nature. The CEO informed that there are numerous cases which are including the liability cases.

DECISION:-

57. After detailed deliberation the Executive Board deferred the agenda item and directed to bring the agenda item in the next Executive Board meeting with the following details:-

- ***i. Detail of all liability cases of housing scheme phase-II.***
- ***ii. Detail of demarcation of land in the approved layout plan of the Sector.***

The meeting of the Executive Board concluded with a vote of thanks to the Chair.

LIST OF PARTICIPANTS OF 5th MEETING OF THE EXECUTIVE BOARD HELD ON 21-10-2019

S No.	Name & Designation
1	Dr. Imran Zeb Khan Chairman EC / Secretary, M/o Housing & Works, Islamabad.
2	Mr. Abdul Aziz Uqaili Additional Secretary-I, Ministry of Interior, Islamabad.
3	Mr. Zahoor Ahmad Additional Secretary M/o Housing & Works Islamabad.
4	Mr. Afzal Latif Additional Secretary (Cabinet) Cabinet Division
5	Dr. Arshad Mahmood Additional Secretary Finance Division, Islamabad.
6	Mr. Akhtar Jan Wazir Additional Secretary Establishment Division
7	Mr. Khashih Ur Rehman, Draftsman, Law & Justice Division
8	Chairman Capital Development Authority Islamabad.
9	Chief Commissioner ICT
10	Mr. Tariq Rasheed , Managing Director, PHA Foundation Islamabad.
11	Mr. Waseem Hayat Bajwa, Chief Executive Officer FGE Housing Authority.