



## **DECISION**

Complaint No. : POS/4953/2019/KC

Name and address of the complainant : Mst. Akhtar Jahan Abbasi,  
R/o. House No. R-59, A-One Cottage, Yaseenabad,  
F.B Area, Karachi.

Name of the Agency Complained against : Sehwan Development Authority (SDA)

Name & Designation of Investigating Officer : Mr. Nazir Ahmed Qidwai,  
Director, Regional Office, Karachi (Central)

Vetted by : Mr. Ghulam Abid Shaikh,  
Advisor-K

Subject :

**COMPLAINT AGAINST SEHWAN DEVELOPMENT AUTHORITY (SDA) FOR FAILURE TO HAND OVER POSSESSION OF HOUSE BOOKED IN "GULSHAN-E-SHAHBAZ", JAMSHORO TO THE COMPLAINANT.**

### **COMPLAINT**

Mst. Akhtar Jahan Abbasi, filed a complaint on 28.11.2019 stating that in the year 1988, she had booked a house in "Gulshan-e-Shahbaz", Jamshoro, a project of Sehwan Development Authority (SDA) but despite repeated approaches, possession of the said house had not been handed over to her. She, therefore, solicited our intervention for either handing over possession of the said house to her or allotment of an alternate plot in lieu thereof in Karachi.

### **PROCEEDINGS**

2. The complaint was admitted under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended upto date) by condoning the delay and then the matter was referred to the agency. After issuance of series of notices to the agency, the Assistant Director (LM/HWT), Sehwan Development Authority (SDA), Jamshoro vide his letter dated: 20.09.2023 stated that the complainant had only paid Rs.17,450/- whereas the Occupancy Value (OV) of the plot was Rs.70,000/- excluding utility, development & late payment charges. He added that the payment should have been made within 36 months but the complainant failed to pay the outstanding amount within due date. He further added that in order to facilitate those who booked the houses, the SDA has given them a last chance to pay the outstanding dues but even then the complainant failed to pay that after passing of 20 years. As per SDA's policy those who had paid less than 50% of the cost of the house, their bookings were cancelled, and according to terms and conditions of the SDA, the complainant is not eligible for any refund.



3. The complainant in her rejoinder dated: 13.11.2023 showed her dissatisfaction on the agency's report and reiterated that the possession of her house should be handed over to her.
4. To resolve the issue hearings were held on 21.08.2024 and 13.09.2024 which were attended by Deputy Director (Land), SDA. During these hearings he stated that the complainant booked a house in 1988 and complete payments were required to be made within 3 years but she failed to pay the dues. The Governing Body in its 8<sup>th</sup> meeting decided to grant two months' time to all those persons who had paid less than 50% of the cost but even then, the complainant failed to pay the dues. Subsequently, on the directive of the Sindh High Court, one month relaxation was granted to those who booked the house in the "Gulshan-e-Shahbaz" Jamshoro but no response was received from the complainant till the expiry of the due date. Thus the SDA is unable to restore the booked unit.

#### FINDINGS

5. According to SDA's report, the complainant failed to pay even 50% of the cost of house within the due date, therefore, its Governing Body decided to cancel the complainant's booking. However, the perusal of record shows that the Housing Scheme "Gulshan-e-Shahbaz", Jamshoro was never completed by SDA and they are at fault for not being able to complete the scheme in time. Hence, they are liable to refund the amount deposited by the complainant in the interest of wider justice.

#### DECISION

6. In view of the above, *the Director General, Sehwan Development Authority is hereby directed to refund the deposited amount to Mst. Akhtar Jahan Abbasi and report compliance inside 45 days, herein of.*

*Given under my hand and seal of office*

**- Sd \-**

(Muhammad Sohail Rajput)

Sitara-e-Imtiaz. PAS

Ombudsman Sindh

Karachi, dated;

09-12-2024

