



DECISION

Complaint No. : POS/1488/KE-196/25

Name and Address of the Complainant : Mr. Muhammad Ashfaq, R/o. House No. 47/2, Mohalla Military Diary Farm, Malir Cantt, Karachi.

Name of the Agency Complained against : Sindh Building Control Authority

Name & Designation of Investigation Officer : Syed Farrukh Habib
Director, Regional Office, Karachi (East)

Subject :- **INACTION BY AUTHORITIES AGAINST M/S. KARIM HOUSING SOCIETY ALLEGING UNJUST CHANGE OF LOCATION OF ITS SCHEME OF MUSLIM CITY FROM SURJANI TO SUPER HIGHWAY / LINK ROAD BYPASS AND UNJUST BLOCKING OF PLOT OF THE COMPLAINANT BOOKED IN THE YEAR 1996.**

THE COMPLAINT

Mr. Muhammad Ashfaq in his complaint dated 26.02.2025 stated that on 13.06.1996 he booked a plot No. R65, Block No. 111 in Muslim City project of M/S. Karim Housing Group of Companies. He stated that he had paid Rs. 27,000/- in installments as per schedule on time. In 1999 builder issued him provisional allotment letter. He stated being an employee of Military Dairy Farm under Pakistan Army he got transferred to Abbottabad in 2003 and remained posted there till 2019. Upon his return to Karachi in 2019, he contacted the builder who informed that as he has not paid development charges of his plot due to which his file has been blocked. However, no such letter was issued to him, but builder informed that they had published notice in the newspaper. He informed builder that he has not seen such notice published in the newspaper, then builder obtained application from him and since then he was continuously visiting builder's office without any success. He stated that when he visited builder's office on 03.03.2024 they informed him that company has decided that allottees who have not deposited development charges, their plots will be cancelled and deposited amount will be refunded and such letter will be issued by the builder. He further complained that at the time of booking in 1996, builder had launched scheme at a location in Surjani Town near KDA Flats. However, the builder has arbitrarily changed the location of project at a new place situated at Super Highway Link Road Bypass. The value of new location, complainant stated, is much less than of the previous location. He, therefore, solicited intervention of this office in the matter.

PROCEEDINGS

2. After admission of complaint under Section 10 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date), as well as after receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response the Deputy Director (PSA&C), SBCA vide letter dated 18.04.2025 stated that another similar complaint has already been received in his office from Mr. Muhammad Ashfaq, by hand on 12.02.2025. All such complaints, being similar in nature, SBCA stated, have been sent to M/s. Karim Housing Group of Companies, but no reply received so far. The final notice, SBCA stated, was sent to M/s. Karim Housing Group of Companies by post on 14.04.2025.

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FINDING

3. I have examined the case file and perused correspondence and reports etc. and observed that:

- i. The complainant on 13.06.1996 booked a Plot admeasuring 120 sq. yards in Mulsim City on an agreed cost of Rs. 27,000/-. The complainant has paid an amount of 27,000/- to builder. The builder, as per ToRs of booking was required to deliver the physical possession of the Plot to allottee in 2003. The Agency (SBCA), upon filing of complaint, has issued show cause notices to the builder M/s Karim Housing Group of Companies. SBCA has issued 'Final Notice' on 14.04.2025 warning the builder to resolve the issue of complainants in seven days failing which action of sealing of Project, cancelling of builder and developer license as enunciated under provision of SBCO 1979 will be taken.
- ii. The complainant too failed to remain prudent of his responsibilities, stay in touch with the builder, and be aware of schedule of further payments required to be made during the period w.e.f. 2003 to 2019.
- iii. The SBCO, 1979 and the Karachi Building Town Planning Regulations-2002 empowers the SBCA to take action as regulatory body and to act under relevant sections of SBCO 1979.
- iv. The Agency despite being so authorized under SBCO 1979 and KBTR 2002 has so far failed to assert and act as Principal regulatory body and take action against the builder for violations, thus guilty of gross maladministration.

DECISION

4. In view of above and in exercise of powers conferred upon me vide section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended up to date) I direct the Director General, Sindh Building Control Authority to ensure initiation of action as required under the law following the Final Notice issued to builder on 14.04.2025 and enforce as well as implement the provisions of SBCO 1979 and KBTR 2002, towards handing over peaceful physical possession of plot by the builder to the allottee as per actual terms and conditions and cost, as agreed at the time of booking, without further delay.

5. Compliance report of the same need be furnished in 120 days.

Given under my hand and seal of the office



Sd /-
(Muhammad Sohail Rajput)
Sitara-e-Imtiaz. PAS
Ombudsman Sindh

Karachi, dated

03-07-2025