



## **DECISION**

**Complaint No.** :  
**Name and address of the complainant** : POS/590/KC/ KM/KW  
**Name of the Agency Complained against** : Mr. Muhammad Amin Moosa, attorney of Arif Dewan, R/o House No.B-53/1, SITE Karachi,  
**Name & Designation of Investigating Officer** : Managing Director, Sindh Industrial Trading Estate (SITE), Karachi.  
**Vetted by** : Mr. Aftab Ahmed Khatri,  
Regional Director, Regional Office, Keamari (West).  
**Subject** : **COMPLAINT AGAINST SITE NOORIABAD ALLEGING NON-APPROVAL OF BUILDING PLAN FOR PLOT NO.H-24 SITE, NOORIABAD, SINDH.**

### **COMPLAINT**

Mr. Muhammad Amin Moosa, attorney of Mr. Muhammad Arif Dewan filed a complaint dated 20.02.2017 against Sindh Industrial Trading Estate Limited, alleging that he is the owner of plot No.H-24 SITE Nooriabad. He received a bill from SITE Ltd Nooriabad for payment of ground rent and development charges via bill No.RH.110700019 dated 29.07.2016. As owner / lessee of the plot, he had cleared all dues of SITE Ltd. At the time of handover of the plot, SITE Ltd had not carried out any development work and there were no metal roads, water, sewerage, gas or electricity connections. Basic infrastructure was still undeveloped, so he levelled the plot at his own cost and applied for approval of building plan. Despite sending several reminders to SITE Ltd since 2008, he was informed by letter dated 28.02.2009 that the plot along-with other land of SITE Ltd was subject to litigation between SITE Ltd and Gulshan-e-Nooriabad in the Honorable High Court of Sindh (Suit No.1416/2007) and that approval of building plan could not be given due to pending litigation. This situation has caused him financial losses and mental agony. Consequently, he approached the office of the Ombudsman Sindh for approval of the building plan and resolution of his issue with SITE Ltd.

### **PROCEEDINGS**

2. The complaint was admitted u/s.10 of the Establishment of the office of Ombudsman for the province of Sindh Act, 1991 (amended up to date), after receiving mandatory affidavit on Form "A" of attorney Mr. Muhammad Amin Moosa and by condoning delay.

3. The matter was taken up with the agency, followed with several reminders. In response, the Estate Engineer, SITE Ltd, Nooriabad informed vide letter dated 19.08.2024 that Muhammad Arif Dewan has been the owner of plot No.H-24, SITE Nooriabad since 2007. However, he received a bill for payment of rent and development charges dated 27.07.2016 but the matter was under litigation between SITE Ltd and Gulshan-e-Nooriabad in the Honorable High Court, vide Suit No.1416/2007 which was disposed of as resolved in 2018. The Estate Engineer, informed that the complainant did not approach the SITE Ltd after 2008. Furthermore, the Estate Engineer submitted that, since 28.02.2018 non-utilization fee applies against M/s Muhammad Arif Dewan for Plot No.H-24. He may be advised to verify the dues with the Accounts Officer of SITE Nooriabad and the Director Finance at SITE, Karachi and to resolve other ancillary matters with SITE Ltd after clearing any outstanding dues.

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4. The report of the agency was sent to the complainant / Attorney of Mr. Arif Dewan for rejoinder vide letter dated 21.08.2024 wherein he was advised to approach the Director Finance, SITE LTD , Karachi and apply for approval of the building plan for his plot at Nooriabad after completing the codal formalities. The complainant submitted rejoinder dated 19.09.2024 wherein he reiterated his version that the SITE Ltd never informed that the matter in the High Court was resolved in 2018. Hence, they are not liable for payment of non-utilization fee etc applicable since 2018

**FINDINGS:**

5. The investigation of the complaint established the fact that the subject land was under litigation before Sindh High Court between the SITE Ltd and Gulshan-e-Nooriabad from 2007 to 2018. The court case was decided on 28.02.2018 and non-utilization fee was applicable after court decision/ resolution of matter by the court.

**DECISION**

6. In view of the above and in exercise of powers vested in me under Section-11 of Establishment of the Office of Ombudsman for the province for Sindh Act 1991 (amended upto date) I, hereby direct the Managing Director, SITE Ltd to approve the building plan for plot No: H-24 at SITE Nooriabad belonging to the complainant subject to payment of applicable dues and fulfillment of codal formalities under relevant laws/ policy of SITE Ltd.

The compliance report should be submitted within 90 days from the date of issuance of the decision.

*Given under my hand and seal of the office*

**Sd/-**



(MUHAMMAD SOHAIL RAJPUT)

*Sitara-e-Imtiaz*, PAS  
Ombudsman, Sindh

Karachi, dated 20<sup>th</sup> December-2024